

**BIOLOGICAL AND TOXIN WEAPONS (PROHIBITION)
(AMENDMENT) ACT, 2022**

No. 10



of 2022

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 24:06
3. Amendment of section 5 of the Act

An Act to amend the Biological and Toxins Weapon (Prohibition) Act.

Date of assent: 25.02.2022

Date of commencement: 25.02.2022

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Biological and Toxins Weapon (Prohibition) (Amendment) Act, 2022.

Short title

2. Section 2 of the Biological and Toxins Weapon (Prohibition) Act (herein after referred to as “the Act”) is amended by deleting the definition of “proliferation financing”.

Amendment of section 2 of Cap. 24:06

3. The Act is amended by substituting for section 5, the following section —

Amendment of section 5 of the Act

Prohibition of use of biological or toxin weapons

5. (1) A person who —
- (a) intentionally releases biological agents or toxins;
 - (b) develops, produces, manufactures, otherwise acquires, stockpiles, stores, possesses, transports, imports, exports, transships, acts as a broker for, or retains any biological or toxin weapon, or transfers, directly or indirectly, to anyone, any biological or toxin weapon;
 - (c) uses any biological or toxin weapon;
 - (d) engages in preparations to use any biological or toxin weapon;
 - (e) constructs, acquires or retains any facility intended for the production of biological or toxin weapons;
 - (f) diverts any biological agent or toxin from peaceful uses to biological or toxin weapons;
 - (g) tampers with any facility, package or container containing any biological or toxin weapon in order to cause their release; or

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- (h) diverts or steals any biological or toxin weapon in order to cause their release,
commits an act of terrorism and is liable to a penalty specified in section 3 (2) of the Counter Terrorism Act.
- (2) A person who finances any of the activities listed in subsection (1) commits an act of financing of terrorism and is liable to a penalty specified in section 5 (1) of the Counter Terrorism Act.
- (3) For the purposes of this section, "act of terrorism" has the same meaning assigned to it under the Counter Terrorism Act."

PASSED by the National Assembly this 1st day of February, 2022.

BARBARA N. DITHAPO,
Clerk of the National Assembly.