PRACTICAL IMPLEMENTATION AND ENFORCEMENT: NATIONAL INFRASTRUCTURE

Prepared by the United Kingdom

Introduction

1. This paper deals with relevant UK bureaucratic structures, division of responsibilities and authority, and domestic inter-agency co-operation on BWC implementation and enforcement matters.

Lead Departments: policy and implementation

2. In the UK the Home Office is the lead department for the Biological Weapons Act 1974, supported as necessary by other government departments and police forces throughout the United Kingdom of Great Britain and Northern Ireland. Since 1974 there have been no prosecutions brought under the Act. The Chemical Weapons Act 1996 is the responsibility of the Department of Trade and Industry (DTI) and the Chemical Weapons Convention National Authority, located in the DTI, implements the CWC in the UK. This Act is mentioned here because the Convention itself and implementing legislation also apply to toxins. The DTI’s Export Control Organisation is responsible for implementing the UK’s strategic export controls, while HM Customs and Exercise enforces these controls.

3. The Home Office holds primary responsibility for counter-terrorism, including BW related, within the UK, while the Foreign and Commonwealth Office is responsible for countering the terrorist threat against UK interests overseas. The Home Office is responsible for two other pieces of supplementary legislation: the Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act 2001. Although going much wider than just BW terrorism, these Act’s provisions and their implementation are part of the UK’s overall enforcement of the prohibitions in the BWC.

4. Police on both the national and local level are responsible for investigating terrorism, as part of their role of investigating, detecting and preventing crime. They investigate criminal offences, and decide whether or not to make arrests. In consultation with the Crown Prosecution Service, they also decide whether or not to bring charges. The police work closely in
conjunction with the Home Office, other law enforcement agencies, and the security and intelligence agencies in these regards. The Commander of the Metropolitan Police Anti-Terrorist Branch is appointed by the Association of Chief Police Officers (ACPO) as the national co-ordinator for the investigation of acts of terrorism. The Home Office gives the police the powers and funding they need to do their job. But day to day policing - such as deciding to make arrests and how to allocate officers so as best to protect the public from a range of potential threats - is entirely the independent responsibility of each force's Chief Constable. This is part of the separation between operational and political (or executive) responsibility.