

Biological Safety Series

August 2019

Schedule 5 Anti-Terrorism Crime and Security Act

This leaflet indicates measures that need to be taken when someone is contemplating using or storing any pathogens (human or animal) or toxins listed in Schedule 5 of the Anti-Terrorism Crime and Security Act 2001

Occupational Health and
Safety Service
HSD165B (rev 2)



UNIVERSITY OF
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Before you start

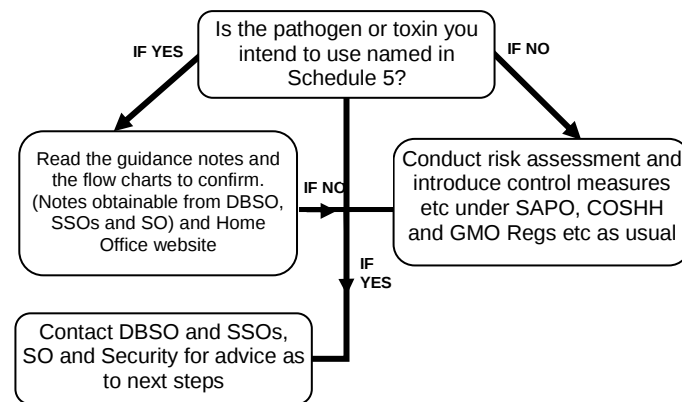
In addition to the usual risk assessments for Genetic Modification (GM), Control of Substances Hazardous to Health (COSHH), Specified Animal Pathogens Order (SAPO) etc, departments must consider if the toxin or pathogen is one listed in Schedule 5 **before** any work is carried out. If this is the case the department must be registered with the Home Office. The legislation also applies potentially to any sequence derived from a Schedule 5 agent. Speak to your Departmental Biological Safety Officer (DBSO) and the School Safety Officers (SSOs) or Safety Office (SO) for advice about this.

It is a criminal offence to hold or work on a Schedule 5 toxin or pathogen unless certain physical security measures are in place. In the case of new builds, refurbishments or new use, extensive safety and security measures will need to be built in. Therefore, if you intend to work with any Schedule 5 toxin/pathogen, it is essential to plan well ahead and consider funding for any refurbishment. It is likely that it will take considerable expense and time until the Counter Terrorism Security Adviser (CTSA) can pass your facilities.

Please note that these restrictions are security requirements, not Health & Safety regulations and that the Police, not the Health and Safety Executive (HSE), enforce the Act.

A Hazard Group 3 pathogen (or a GM project assessed as Class 3) clearly has to be used in a Containment Level (CL) 3 facility; but if the pathogen is listed in Schedule 5, stringent physical (and other) security measures over and above those required for CL3 will be required. Some projects operating at CL1 and CL2 that involve Schedule 5 toxins and pathogens may also need additional security provision.

It may be possible to hold or use certain Schedule 5 toxins without the full security panoply if held in sufficiently small quantities and the total toxin holdings fall beneath a certain threshold. Similar derogation may apply to some types of pathogen. (See Pathogens and Toxins Guidance in 'References' section)



It is a criminal offence if you hold and/or use a Schedule 5 pathogen or toxin without first registering with the Home Office (HO) and having certain stringent security measures in place.

Estate Management/Architects/Project Managers/Consultants/Contractors etc

For all new builds, refurbishments etc at the very earliest planning stage: ask formally and obtain a response as to if any work with Schedule 5 pathogens or toxins is envisaged now or in the future. This is very important due to the structural measures required and the consequent expense. Please consult the latest version of the 'Design and Standards Brief' published by Estate Management.

DBSOs (and DSOs) Responsibilities

- You should be aware and have a record of all projects in your department. Check to ensure nothing has slipped through the net. You may need to ask specific questions about toxins.

Examples of some pathogens and their status:

Pathogen	Type	ACDP Hazard Group	SAPO Group	Sch 5	Notes
Bacillus anthracis	Bacterium	3	3	Y	
Salmonella typhi	Bacterium	3	N/A	Y	
Vibrio cholera	Bacterium	2	N/A	Y	
Blue Tongue virus	Virus	2	3	Y	
HIV	Virus	3*	N/A	N	
Influenza (Human)	Virus	2 (non-pandemic)	N/A	N	
GM Influenza with pandemic (Sch 5) sequences	Virus	GMIM class 3 or 4	N/A	Y	Where risk assessment indicates an increase in containment for the GMM as a result of modification with 'Schedule 5'
Ricin	Toxin	N/A	N/A	Y	Pure protein AND clones (would be handled at CL1)
Tetrodotoxin	Toxin	N/A	N/A	N	No, if below 5 mg

DBSOs (and DSOs) Responsibilities *cont'd*

- Use your local knowledge and departmental systems such as CUFs.
- Be aware of materials being used for teaching as well as research.
- Be aware that purchase of an additional small amount of some toxins could put the department above the threshold limit.
- Be aware of the non-purchase/collaborator items in 'back packs' route.

Heads of Departments (HoDs) Responsibilities

- Include the possibility of Schedule 5 toxins and/or pathogens being used in any strategic plans for research direction or new buildings or refurbishments.
- If small amounts of toxins below the threshold limit are held by the department ensure that the limit is not breached.
- Register/Deregister your department with the HO as appropriate (formal delegation of this task to an appropriate member of staff may be acceptable). Don't forget to inform Security, SSOs and the Safety Office. Contact them for advice if necessary.
- Allocate sufficient resources.
- Support your safety staff.

School Safety Officers (SSOs) Responsibilities

- Raise awareness across departments.
- Give advice to departments.
- Seek advice from CTSA's; help departments to put together reasoned scientific argument for non-inclusion as Schedule 5 where guidance is unclear.

Safety Office (SO) Responsibilities

- Ensure DBSO appointment letter refers to security.
- Liaison with departments, SSOs, Security, CTSA's, NACTSO as necessary.
- Collect data from department/DBSOs.

Contingency Planning and Compliance Officer (University Security Office) Responsibilities

- Liaise between the CTSA's and department over site security plans and measures once it has been identified that Schedule 5 toxins and/or pathogens are to be used etc. Advise Estate Management and departments regarding physical measures needed and consult with Fire Safety Unit to avoid any conflict with 'means of escape'.
- Assist departments with their site security plans.

References

Pathogens and Toxins Guidance - ATCSA 2001
 Schedule 5 Order 2007 Notes (SI 2007/929):
<https://webarchive.nationalarchives.gov.uk/20121010121953/http://www.nactso.gov.uk/SiteCollectionDocuments/AreasOfRisk/Implementation%20Guidance%20for%20Labs.pdf>

Schedule 5 list (issued annually by CTSA/Home Office) (Restricted)

Personnel Security Measures for Laboratories (Home Office) (Restricted)

2012 Statutory Instrument (SI) 1466 Prevention and Suppression of Terrorism - The Schedule 5 to the Anti-Terrorism, Crime and Security Act 2001 (Modification) Order 2012

2007 SI No 926 - The Part 7 of the Anti-Terrorism, Crime and Security Act 2001 (Extension to Animal Pathogens) Order 2007

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