



Landmines Act 1998

1998 CHAPTER 33

Securing the destruction of anti-personnel mines

8 Power to remove or immobilise objects.

- (1) If the Secretary of State has reasonable cause to believe—
- that an object is on premises to which the public has access or which are occupied by a person who consents to action being taken under this section,
 - that the object is a prohibited object, and
 - that the case is not one where the only persons in possession of that object are persons whose possession of the object is prevented from being a contravention of section 2 by the provisions of section 4,
- the Secretary of State may authorise a person to enter the premises and to search them.
- (2) If (whatever the nature of the premises concerned)—
- a justice of the peace is satisfied, on information on oath, that there is reasonable cause to believe that there are grounds for issuing a warrant under this subsection in relation to any premises, or
 - in Scotland, a justice (within the meaning of section 307 of the ^{M1}Criminal Procedure (Scotland) Act 1995) is so satisfied by evidence on oath,
- he may issue a warrant in writing authorising a person acting under the authority of the Secretary of State to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant and to search them.
- (3) There are grounds for issuing a warrant under subsection (2) in relation to any premises if—
- a prohibited object is on the premises; and
 - the case is not one where the only persons in possession of that object are persons whose possession of the object is prevented from being a contravention of section 2 by the provisions of section 4.
- (4) A person who acts under an authorisation or warrant under subsection (1) or (2) may take with him such other persons and such equipment as appear to him to be necessary.

Changes to legislation: There are currently no known outstanding effects for the Landmines Act 1998, Section 8. (See end of Document for details)

- (5) Subject to subsection (6), if a person enters premises under an authorisation or warrant under subsection (1) or (2) and a prohibited object is found there, he may make the object safe and—
- (a) he may seize and remove it if it is reasonably practicable to do so; or
 - (b) he may, in any other case, affix a warning to the object, or in a conspicuous position to something near the object, stating that the object is not to be moved or interfered with before the date specified in the warning.
- (6) A person shall not exercise the powers conferred by subsection (5) if he is satisfied—
- (a) that the object is in the possession of one or more persons; and
 - (b) that that person, or each of those persons, is a person whose possession of the object is prevented from being a contravention of section 2 by the provisions of section 4.
- (7) For the purposes of subsection (5) an object is made safe if, without being destroyed, it is prevented from being an immediate danger (by the disconnection of a detonator or otherwise).
- (8) If the authorisation or warrant so provides, the powers conferred on any person by an authorisation or warrant under subsection (1) or (2) shall be exercisable only in the presence of a constable.
- (9) This section applies whether or not any copy of a notice has been served under section 7.

Marginal Citations

M1 1995 c. 46.

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