



Landmines Act 1998

1998 CHAPTER 33

Securing the destruction of anti-personnel mines

10 Power to enter premises and destroy objects.

- (1) This section applies if a warning has been affixed under section 8, and for the purposes of this section—
- (a) the first six months of the warning is the period of six months beginning with the day after the warning was affixed; and
 - (b) the second six months of the warning is the period of six months beginning with the day after the first six months of the warning ends.
- (2) If at any time in the first six months of the warning—
- (a) any person appears to the Secretary of State to have had the object in his possession immediately before the warning was affixed, or
 - (b) any person not falling within paragraph (a) appears to the Secretary of State to have an interest which the Secretary of State believes would be materially affected by the object's destruction,
- the Secretary of State must serve on that person a copy of a notice falling within subsection (3).
- (3) A notice falling within this subsection is a notice which—
- (a) describes the object and states its location;
 - (b) states that the Secretary of State proposes to secure its destruction and gives the reasons for his proposal;
 - (c) states that the person on whom the copy of the notice is served may object to the Secretary of State's proposal; and
 - (d) states that an objection (if made)—
 - (i) must be made in writing to the Secretary of State before such date as is specified in the notice; and
 - (ii) must state why the object should not be destroyed.

Changes to legislation: There are currently no known outstanding effects for the Landmines Act 1998, Section 10. (See end of Document for details)

- (4) If at any time in the second six months of the warning the Secretary of State decides that the object should be destroyed, it may be destroyed as provided by subsections (6) to (10).
- (5) Before he reaches a decision under subsection (4) the Secretary of State must—
- (a) allow any person on whom a copy of a notice has been served under subsection (2) time to respond, and
 - (b) take into account any objections to the object's proposed destruction (whether made in response to a notice or otherwise).
- (6) If—
- (a) at any time in the second six months of the warning the Secretary of State decides that the object should be destroyed, and
 - (b) the 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 subsection,
- the Secretary of State may authorise a person to enter the premises and to destroy the object if it is found there.
- (7) If (whatever the nature of the premises concerned)—
- (a) a justice of the peace is satisfied, on information on oath, that a decision of the Secretary of State for the destruction of an object provides grounds for issuing a warrant in relation to any premises, or
 - (b) 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 destroy the object if it is found there.
- (8) For the purposes of subsection (7) a decision of the Secretary of State for the destruction of an object provides grounds for issuing a warrant in relation to any premises if—
- (a) the premises are premises where a warning has been affixed under section 8 as respects any object; and
 - (b) the Secretary of State has decided, at any time in the second six months of the warning, that the object should be destroyed.
- (9) A person who acts under an authorisation or warrant under subsection (6) or (7) may take with him such other persons and such equipment as appear to him to be necessary.
- (10) If the authorisation or the warrant so provides, the powers conferred on any person by an authorisation or warrant under subsection (6) or (7) shall be exercisable only in the presence of a constable.
- (11) Where an object is destroyed under this section the Secretary of State may recover, from any person who had possession of the object immediately before the warning was affixed under section 8, any costs reasonably incurred by the Secretary of State in connection with the destruction.

Marginal Citations

M1 1995 c. 46.

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