



Landmines Act 1998

1998 CHAPTER 33

Information and records

18 Power to search and obtain evidence.

- (1) If—
- (a) a justice of the peace is satisfied, on information on oath, that there are grounds for issuing a warrant under this subsection 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 search them.
- (2) There are grounds for issuing a warrant under subsection (1) in relation to any premises if there are reasonable grounds for suspecting—
- (a) that an offence under this Act is being, has been or is about to be committed on the premises; or
 - (b) that evidence of the commission of such an offence is to be found on the premises.
- (3) A person who enters any premises under the authority of a warrant under this section may—
- (a) take with him such other persons and such equipment as appear to him to be necessary;
 - (b) inspect any document found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act;
 - (c) take copies of, or seize and remove, any such document;
 - (d) inspect, seize and remove any device or equipment found on the premises which he has reasonable cause to believe may be required as such evidence;
 - (e) inspect, sample, seize and remove any substance found on the premises which he has reasonable cause to believe may be required as such evidence.

Changes to legislation: There are currently no known outstanding effects for the Landmines Act 1998, Section 18. (See end of Document for details)

- (4) A constable who enters the premises—
- (a) under the authority of the warrant, or
 - (b) by virtue of subsection (3)(a),
- may search any person found on the premises whom he has reasonable cause to believe to be in possession of any document, device, equipment or substance which may be required as evidence for the purposes of proceedings in respect of an offence under this Act.
- (5) No constable shall, by virtue of subsection (4), search a person of the opposite sex.
- (6) If a warrant under this section so provides, a person (other than a constable) who exercises the powers conferred by the warrant shall do so only in the presence of a constable.
- (7) A person is guilty of an offence if he wilfully obstructs another in the exercise of any power conferred by a warrant under this section.
- (8) A person guilty of an offence under subsection (7) is liable—
- (a) on summary conviction, to a fine of an amount not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.

Modifications etc. (not altering text)

- C1** S. 18(3)(c)(d)(e): powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001](#) (c. 16), ss. 50, 138(2), **Sch. 1 paras. 66** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a); S.I. 2003/708, art. 2(a); S.I. 2003/708, art. 2(a)

Marginal Citations

- M1** 1995 c. 46.

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