



# Landmines Act 1998

## 1998 CHAPTER 33

### *Criminal proceedings*

#### **21** [<sup>F1</sup>Revenue and Customs prosecutions.]

- (1) Subject to section 20, proceedings for a section 2 offence may be instituted [<sup>F2</sup>by [<sup>F3</sup>the Director of Public Prosecutions] or by order of the Commissioners for Her Majesty's Revenue and Customs] if it appears [<sup>F4</sup>to the Director or to the Commissioners] that the offence has involved either—
  - (a) the movement of a prohibited object into or out of any country or territory; or
  - (b) any proposal or attempt to move a prohibited object into or out of any country or territory.
- (2) Any proceedings for an offence which are instituted [<sup>F5</sup>by order of the Commissioners] under subsection (1) shall be commenced in the name of an officer [<sup>F6</sup>of Revenue and Customs].
- <sup>F7</sup>(3) .....
- (4) Where the Commissioners <sup>F8</sup>... investigate, or propose to investigate, any matter with a view to determining—
  - (a) whether there are grounds for believing that a section 2 offence has been committed, or
  - (b) whether a person should be prosecuted for such an offence,that matter shall be treated as an assigned matter within the meaning of the <sup>M1</sup>Customs and Excise Management Act 1979.
- (5) Nothing in this section shall be taken—
  - (a) to prevent any person (including any officer) who has power to arrest, detain or prosecute any person for a section 2 offence from doing so; or
  - (b) to prevent a court from proceeding to deal with a person brought before it following his arrest by an officer for a section 2 offence, even though the proceedings have not been instituted [<sup>F9</sup>in accordance with this section].
- <sup>F10</sup>(6) .....

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*Changes to legislation: There are currently no known outstanding effects for the Landmines Act 1998, Section 21. (See end of Document for details)*

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(7) This section does not apply to proceedings in Scotland.

#### Textual Amendments

- F1** S. 21 heading substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 66(g)**; S.I. 2005/1126, art. 2(2)(h)
- F2** Words in s. 21(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 66(a)(i)**; S.I. 2005/1126, art. 2(2)(h)
- F3** Words in s. 21(1) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 13**
- F4** Words in s. 21(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 66(a)(ii)**; S.I. 2005/1126, art. 2(2)(h)
- F5** Words in s. 21(2) inserted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 66(b)(i)**; S.I. 2005/1126, art. 2(2)(h)
- F6** Words in s. 21(2) inserted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 66(b)(ii)**; S.I. 2005/1126, art. 2(2)(h)
- F7** S. 21(3) repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 66(c), **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)
- F8** Words in s. 21(4) omitted (18.4.2005) by virtue of Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 66(d)**; S.I. 2005/1126, art. 2(2)(h)
- F9** Words in s. 21(5)(b) substituted (18.4.2005) by virtue of Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 66(e)**; S.I. 2005/1126, art. 2(2)(h)
- F10** S. 21(6) repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 66(f), **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)

#### Marginal Citations

- M1** 1979 c. 2.

**Changes to legislation:**

There are currently no known outstanding effects for the Landmines Act 1998, Section 21.