



Nuclear Explosions (Prohibition and Inspections) Act 1998

1998 CHAPTER 7

PROSPECTIVE

Offences: miscellaneous

10 Power to search and obtain evidence.

(1) If—

- (a) a justice of the peace is satisfied on information on oath, or in Northern Ireland on complaint on oath, that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises or that evidence of the commission of such an offence is to be found there, or
- (b) in Scotland a justice, within the meaning of section 307 of the ^{M1}Criminal Procedure (Scotland) Act 1995, is satisfied by evidence on oath as mentioned in paragraph (a) above,

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) A person who enters the premises under the authority of the warrant 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.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Nuclear Explosions (Prohibition and Inspections) Act 1998, Cross Heading: Offences: miscellaneous. (See end of Document for details)

- (3) A constable who enters the premises—
- (a) under the authority of the warrant, or
 - (b) by virtue of subsection (2)(a),
- may search any person found on the premises whom he has reasonable cause to believe to be in possession of any document, device or substance which may be required as evidence for the purposes of proceedings in respect of an offence under this Act.
- (4) No constable shall, by virtue of subsection (3), search a person of the opposite sex.
- (5) A person (other than a constable) who exercises powers conferred by a warrant under this section shall, if the warrant so provides, do so only in the presence of a constable.

Modifications etc. (not altering text)

- C1** Powers of seizure in s. 10(2)(c)(d)(e) extended (*prosp.*) by 2001 c. 16, ss. 50, 51, 55, 138(2)-(4), **Sch. 1 Pt. 1 para. 64**
- C2** S. 10(2)(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 para. 64** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

Marginal Citations

- M1** 1995 c. 46.

11 Offences by bodies corporate and Scottish partnerships.

- (1) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,
- he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) Where an offence under this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Nuclear Explosions (Prohibition and Inspections) Act 1998, Cross Heading: Offences: miscellaneous.