



# Landmines Act 1998

## 1998 CHAPTER 33

### *Fact-finding missions under the Ottawa Convention*

#### **13 Rights of entry etc. for fact-finding missions.**

- (1) If it is proposed that any of the functions of a fact-finding mission should be carried out in the United Kingdom, the Secretary of State may issue an authorisation under this section in respect of that mission.
- (2) An authorisation under this section shall—
  - (a) contain a description of the area of the United Kingdom (the “specified area”) in which the fact-finding mission is to carry out functions; and
  - (b) state the names of the members of the mission.
- (3) Such an authorisation shall have the effect of authorising the members of the fact-finding mission—
  - (a) to exercise within the specified area such rights of access, entry and unobstructed inspection as are required for the purposes of the carrying out of the mission’s functions under the Ottawa Convention; and
  - (b) to do such other things within that area in connection with the carrying out of the mission’s functions as they are entitled to do by virtue of that Convention.
- (4) Such an authorisation shall, in addition, have the effect of authorising any constable to give such assistance as any member of the fact-finding mission may request for the purpose of facilitating the carrying out of the functions of the mission in accordance with the Ottawa Convention.
- (5) Any constable giving assistance in accordance with subsection (4) may use such reasonable force as he considers necessary for the purpose mentioned in that subsection.
- (6) The occupier of—
  - (a) any premises in relation to which it is proposed to exercise a right of entry in reliance on an authorisation under this section, or

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*Changes to legislation: There are currently no known outstanding effects for the Landmines Act 1998, Cross Heading: Fact-finding missions under the Ottawa Convention. (See end of Document for details)*

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- (b) any premises on which an inspection is being carried out in reliance on such an authorisation,  
or a person acting on behalf of the occupier of any such premises, shall be entitled to require a copy of the authorisation to be shown to him by a member of the fact-finding mission.
- (7) The validity of any authorisation purporting to be issued under this section in respect of any fact-finding mission shall not be called in question in any court of law at any time before the conclusion of the carrying out of the mission's functions in the United Kingdom.
- (8) Accordingly, where an authorisation purports to be issued under this section in respect of any fact-finding mission, no proceedings (of whatever nature) shall be brought at any time before the conclusion of the carrying out of the mission's functions in the United Kingdom if those proceedings would, if successful, have the effect of preventing, delaying or otherwise affecting the carrying out of the mission's functions.
- (9) If in any proceedings any question arises whether a person at any time was, or was not, a member of any fact-finding mission, a certificate issued by or under the authority of the Secretary of State stating any fact relating to that question shall be conclusive evidence of that fact.
- (10) If an authorisation is issued under this section, the Secretary of State may issue an amendment varying the specified area, and—
- (a) from the time when the amendment is expressed to take effect this section shall apply as if the specified area were the area as varied;
  - (b) subsections (7) and (8) shall apply to the amendment as they apply to the authorisation;
  - (c) the Secretary of State may issue further amendments varying the specified area and in such a case paragraphs (a) and (b) shall apply.

#### **14 Offences in connection with fact-finding missions.**

- (1) A person is guilty of an offence if—
- (a) he refuses without reasonable excuse to comply with any request made by a member of an authorised fact-finding mission or by a constable assisting such a mission; and
  - (b) that request is one made for the purpose of facilitating the carrying out by that mission of its functions under the Ottawa Convention.
- (2) A person is guilty of an offence if he wilfully obstructs any member of an authorised fact-finding mission in the carrying out of the mission's functions under the Ottawa Convention.
- (3) A person guilty of an offence under this section 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.
- (4) In this section "authorised fact-finding mission" means a fact-finding mission in respect of which an authorisation has been issued under section 13.

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## **15 Privileges and immunities for fact-finding missions.**

- (1) Members of a fact-finding mission shall enjoy—
  - (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the carrying out of their functions under the Ottawa Convention;
  - (b) the like immunity from personal arrest or detention and the like inviolability for all papers and documents as, in accordance with the 1961 Articles, are accorded to a diplomatic agent; and
  - (c) the like exemptions and privileges in respect of their personal baggage as, in accordance with Article 36 of the 1961 Articles, are accorded to a diplomatic agent.
- (2) The immunities, privileges and exemptions accorded to members of fact-finding missions by virtue of subsection (1)(b) and (c) shall be enjoyed by them at any time when they are in the United Kingdom either—
  - (a) for the purpose of carrying out in the United Kingdom any of the functions of the mission; or
  - (b) while in transit to or from a country or territory in connection with the carrying out, in that country or territory, of any of the functions of the mission.
- (3) If any of the immunities, privileges or exemptions accorded to a member of a fact-finding mission under this section is waived in any particular case by the Secretary General of the United Nations, this section shall have effect in that case as if it did not confer that immunity, privilege or exemption on that member of the mission.
- (4) If in any proceedings a question arises whether a person is or is not entitled to any immunity, privilege or exemption by virtue of this section, a certificate issued by or under the authority of the Secretary of State stating any fact relating to that question shall be conclusive evidence of that fact.
- (5) In this section “the 1961 Articles” means the Articles which are set out in Schedule 1 to the <sup>M1</sup>Diplomatic Privileges Act 1964 (Articles of Vienna Convention on Diplomatic Relations of 1961 having force of law in the United Kingdom).

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### **Marginal Citations**

**M1** 1964 c. 81.

## **16 Reimbursement of expenditure.**

The Secretary of State may reimburse any person in respect of expenditure incurred in connection with the carrying out of the functions of a fact-finding mission.

**Changes to legislation:**

There are currently no known outstanding effects for the Landmines Act 1998, Cross Heading: Fact-finding missions under the Ottawa Convention.