



Landmines Act 1998

1998 CHAPTER 33

Information and records

17 Information and records for Ottawa Convention purposes. U.K.

- (1) The Secretary of State may, by notice served on any person, require him to give, in such form and within such reasonable period as is specified in the notice, such information as—
 - (a) the Secretary of State has reasonable cause to believe is or will be needed in connection with anything to be done for the purposes of the Ottawa Convention, and
 - (b) is described in the notice;and the information required by a notice may relate to a state of affairs subsisting before the coming into force of this Act or of the Ottawa Convention.
- (2) The Secretary of State may, by notice served on any person, require him to keep such records as—
 - (a) the Secretary of State has reasonable cause to believe will facilitate the giving of information which that person may at any time be required to give under subsection (1); and
 - (b) are specified in the notice.
- (3) A person who without reasonable excuse fails to comply with a notice served on him under subsection (1) or (2) is guilty of an offence and 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) A person on whom a notice is served under subsection (1) and who knowingly makes a false or misleading statement in response to it is guilty of an offence and liable—
 - (a) on summary conviction, to a fine of an amount not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Changes to legislation: There are currently no known outstanding effects for the Landmines Act 1998, Cross Heading: Information and records. (See end of Document for details)

18 Power to search and obtain evidence. **U.K.**

- (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.
- (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.

Changes to legislation: There are currently no known outstanding effects for the Landmines Act 1998, Cross Heading: Information and records. (See end of Document for details)

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.

19 Disclosure of information. [U.K.](#)

- (1) This section applies to information if—
- (a) it was obtained under, or in connection with anything done under, this Act or the Ottawa Convention; and
 - (b) it relates to a particular business or other activity carried on by any person.
- (2) So long as the business or activity continues to be carried on the information shall not be disclosed except—
- (a) with the consent of the person for the time being carrying on the business or activity;
 - (b) in connection with anything done for the purposes of the Ottawa Convention;
 - (c) in connection with anything done for the purposes of this Act;
 - (d) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
 - (e) in connection with the enforcement of any restriction on imports or exports; or
 - (f) with a view to ensuring the security of the United Kingdom.
- (3) A person who discloses information in contravention of this section is guilty of an offence and liable—
- (a) on summary conviction, to a fine of an amount not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (4) A disclosure of any information to which this section applies may be made in circumstances in which any of paragraphs (b) to (f) of subsection (2) prevents there from being a contravention of this section notwithstanding any obligation not to disclose it that would otherwise apply.

Modifications etc. (not altering text)

- C2** S. 19(2): disclosure powers extended (14.12.2001) by [2001 c. 24](#), ss. 17, 127(1), [Sch. 4 Pt. 1 para. 44](#)

Changes to legislation:

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