



Landmines Act 1998

1998 CHAPTER 33

Supplemental

24 Power to amend Act.

- (1) The Secretary of State may by order make such additions to, omissions from or other modifications of this Act as he considers necessary or desirable to give effect to any amendment of the Ottawa Convention made in pursuance of its provisions.
- (2) The power to make an order under this section shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

25 Financial provisions.

- (1) Any expenses of the Secretary of State incurred in consequence of this Act shall be paid out of money provided by Parliament.
- (2) Any sums received by the Secretary of State in consequence of this Act shall be paid into the Consolidated Fund.

26 Service of notices.

A notice under any provision of this Act, or a copy of a notice under any such provision, may be served on a person—

- (a) by delivering it to him in person;
- (b) by sending it by post to him at his usual or last-known residence or place of business in the United Kingdom; or
- (c) in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at its registered or principal office or sending it by post to the secretary or clerk of that body corporate at that office.

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

27 General interpretation.

(1) In this Act—

“acquisition”, “disposal”, “transfer” and “participate”, and cognate expressions, shall be construed in accordance with section 2;

“anti-personnel mine”, “component”, “landmine” and “prohibited object” shall be construed in accordance with section 1;

“fact-finding mission” means a fact-finding mission under Article 8 of the Ottawa Convention;

“the Ottawa Convention” means the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, which was signed by the United Kingdom at Ottawa on 3 December 1997;

“premises” includes land (including buildings), moveable structures, vehicles and aircraft;

“section 2 offence” means—

(a) an offence under section 2; or

(b) attempting or conspiring to commit an offence under that section, or incitement to commit such an offence;

and

“vehicle” includes a vessel or hovercraft.

(2) For the purposes of this Act—

(a) an anti-personnel mine shall be taken to be destroyed if it is permanently prevented (by dismantling or any other means) from being capable of incapacitating, killing or injuring any person; and

(b) a component of an anti-personnel mine shall be taken to be destroyed if it is permanently prevented from being used as part of an anti-personnel mine.

(3) The powers conferred by sections 7 to 10 are in addition to, and do not affect, any power exercisable in relation to an object otherwise than by virtue of those sections (such as a power to dispose of property in police possession in connection with the investigation of a suspected offence).

28 Crown application.

(1) Subject to the following provisions of this section, this Act binds the Crown.

(2) No contravention by the Crown of a provision made by or under this Act shall make the Crown criminally liable; but the High Court or, in Scotland, the Court of Session may, on the application of a person appearing to the Court to have an interest, declare any conduct of the Crown constituting such a contravention to be unlawful.

(3) Notwithstanding subsection (2), the provisions made by or under this Act apply to persons in the public service of the Crown as they apply to other persons.

(4) Nothing in this section affects Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the ^{M1}Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Act.

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

Marginal Citations

M1 [1947 c. 44.](#)

29 Short title, commencement and extent.

- (1) This Act may be cited as the Landmines Act 1998.
- (2) This Act (except this section) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to Northern Ireland.
- (4) Her Majesty may by Order in Council make provision for this Act to extend, with such exceptions, adaptations or modifications as may be provided for by means of the Order, to any of the Channel Islands, the Isle of Man or any colony.

Subordinate Legislation Made

P1 [S. 29\(2\)](#) power fully exercised (23.2.1999): 1.3.1999 appointed day by [S.I. 1999/448](#), [art. 2](#)

Changes to legislation:

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