



Nuclear Explosions (Prohibition and Inspections) Act 1998

1998 CHAPTER 7

Other miscellaneous provisions

12 Amendment of Army, Air Force and Naval Discipline Acts

In each of the following provisions, namely—

- (a) section 70(4) of the Army Act 1955 (civil offences),
- (b) section 70(4) of the Air Force Act 1955 (civil offences), and
- (c) section 48(2) of the Naval Discipline Act 1957 (exclusion of jurisdiction of courts-martial),

after the words “Chemical Weapons Act 1996” there shall be inserted “or an offence under section 1 of the Nuclear Explosions (Prohibition and Inspections) Act 1998”.

13 Power to amend this Act

- (1) The Secretary of State may by order make such additions to, omissions from or other modifications to this Act as he considers necessary or desirable to give effect to any amendment of the Treaty made in pursuance of its provisions.
- (2) The power to make an order under this section shall be exercisable by statutory instrument.
- (3) Where an order under this section modifies this Act solely to give effect to an amendment or amendments made in accordance with Article VII(8) of the Treaty, the instrument containing the order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In any other case, the order shall not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (5) In this section “the Treaty” has the meaning given in section 4.

14 The Crown

- (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 unlawful any act or omission of the Crown which constitutes such a contravention.
- (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 Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Act.

15 Commencement, extent and citation

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