
Changes to legislation: There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Cross Heading: Application of defence under section 9(1): offences relating to conduct by visiting forces etc.. (See end of Document for details)

SCHEDULES

SCHEDULE 2

OFFENCES TO WHICH SECTION 9 APPLIES

Application of defence under section 9(1): offences relating to conduct by visiting forces etc.

- 8 (1) The defence under section 9(1) does not apply where a person is charged with an offence under section 2(1)(e) if it is proved that, at the time of the conduct constituting the offence, the person was a member of a visiting force of a State that was not a party to the Convention or was working with such a force.
- (2) The defence under section 9(1) does not apply where a person is charged with an offence under section 2(1)(g) if it is proved that—
- (a) at the time of the conduct constituting the offence, the person was a member of a visiting force of a State that was not a party to the Convention or was working with such a force, and
 - (b) the conduct consisted of the person making arrangements under which a member of such a visiting force moves a prohibited munition into or from the United Kingdom or enters into a contract to move a prohibited munition into or from the United Kingdom.
- (3) The defence under section 9(1) does not apply where a person is charged with an offence specified in paragraphs 2 to 6 if it is proved that—
- (a) at the time of the conduct constituting the offence, the person was a member of a visiting force of a State that was not a party to the Convention or was working with such a force, and
 - (b) the conduct was related to anything to which sub-paragraph (4) applies.
- (4) This sub-paragraph applies to—
- (a) the possession of a prohibited munition by a member of a visiting force of a State that was not a party to the Convention or a person working with such a force,
 - (b) the movement of a prohibited munition into or from the United Kingdom by a member of such a visiting force,
 - (c) the entering into a contract by a member of such a visiting force to move a prohibited munition into or from the United Kingdom,
 - (d) the making of arrangements by a member of such a visiting force or a person working with such a force under which a member of such a force—
 - (i) moves a prohibited munition into or from the United Kingdom, or
 - (ii) enters into a contract to move a prohibited munition into or from the United Kingdom.
- (5) In this paragraph “member of a visiting force” and “person working with such a force” are to be construed in accordance with section 8.

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