



Cluster Munitions (Prohibitions) Act 2010

2010 CHAPTER 11

Defences

5 Enabling destruction

- (1) It is a defence for a person (P) charged with an offence under section 2(1)(e) to show that P had the prohibited munition in P's possession for the purpose of enabling it to be destroyed.
- (2) It is a defence for a person (P) charged with an offence under section 2(1)(f) to show that P transferred the prohibited munition for the purpose of enabling it to be destroyed.
- (3) It is a defence for a person (P) charged with an offence under section 2(1)(g) to show that P made the arrangements for the transfer of the prohibited munition for the purpose of enabling it to be destroyed.
- (4) It is a defence for a person (P) charged with an offence under section 2(1)(c) to show that—
 - (a) the acquisition of the prohibited munition was by means of a transfer made for the purpose of enabling it to be destroyed, and
 - (b) P acquired the prohibited munition for that purpose.
- (5) It is a defence for a person (P) charged with an offence under section 2(1)(d) to show that —
 - (a) at the time when P made the arrangements for the acquisition of the prohibited munition, P had reasonable cause to believe that the acquisition would be by means of a transfer made for the purpose of enabling it to be destroyed, and
 - (b) P made the arrangements for that purpose.
- (6) It is a defence for a person (P) charged with an offence under section 2(2) of assisting, encouraging or inducing any other person to engage in any conduct to show that, at the time of the assistance, encouragement or inducement, P had reasonable cause to believe that the other person would have a defence in respect of the conduct by virtue of any of subsections (1) to (5).

Changes to legislation:

There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 5.