



Cluster Munitions (Prohibitions) Act 2010

2010 CHAPTER 11

Offences

2 Offences

- (1) It is an offence for a person to—
 - (a) use a prohibited munition,
 - (b) develop or produce a prohibited munition,
 - (c) acquire a prohibited munition,
 - (d) make arrangements under which another person acquires a prohibited munition,
 - (e) have a prohibited munition in the person's possession,
 - (f) transfer a prohibited munition, or
 - (g) make arrangements under which another person transfers a prohibited munition.
- (2) It is an offence for a person to assist, encourage or induce any other person to engage in any conduct mentioned in paragraphs (a) to (g) of subsection (1).
- (3) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years or to a fine, or to both.

3 Meaning of acquisition and transfer

- (1) This section applies for the purposes of this Act.
- (2) A person acquires a prohibited munition if the person acquires it or enters into a contract to acquire it.
- (3) A person transfers a prohibited munition if the person—
 - (a) disposes of it,
 - (b) moves it into or from the United Kingdom, or
 - (c) enters into a contract to do anything mentioned in paragraph (a) or (b).

- (4) “Acquire” means buy, hire, borrow or accept as a gift, and “dispose” means sell, let on hire, lend or give.
- (5) A person is not to be taken to acquire or dispose of a prohibited munition by reason only of the person’s acquisition or disposal of an interest in or right over land containing cluster munition remnants.
- (6) “Cluster munition remnants” has the same meaning as in the Convention.
- (7) Schedule 1 sets out the definition of “cluster munition remnants” given by Article 2 of the Convention (together with definitions of related terms).

4 Application of section 2

- (1) Section 2(1) applies to conduct in the United Kingdom or elsewhere.
- (2) Section 2(2) applies to assistance, encouragement and inducements in the United Kingdom or elsewhere.
- (3) But in their application to conduct, and to assistance, encouragement and inducements, outside the United Kingdom, subsections (1) and (2) of section 2 apply only to—
 - (a) United Kingdom nationals,
 - (b) Scottish partnerships, and
 - (c) bodies incorporated under the law of any part of the United Kingdom.
- (4) Section 2(2) applies whether or not the conduct assisted, encouraged or induced takes place, or (if it takes place) will take place, in the United Kingdom or elsewhere.
- (5) Her Majesty may by Order in Council provide that this section is to have effect as if the list of persons in subsection (3) included bodies incorporated under the law of any of the Channel Islands, the Isle of Man or any British overseas territory.
- (6) For the purposes of this section a United Kingdom national is an individual who is—
 - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (b) a person who under the British Nationality Act 1981 is a British subject, or
 - (c) a British protected person within the meaning of that Act.
- (7) Proceedings for an offence under section 2 committed outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (8) In the application of subsection (7) to Scotland, any such proceedings against a person may be taken—
 - (a) in any sheriff court district in which the person is apprehended or is in custody, or
 - (b) in such sheriff court district as the Lord Advocate may determine.
- (9) In subsection (8) “sheriff court district” is to be construed in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act).