

---

**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 use or transfer. (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 use or transfer*

- 7 (1) This paragraph applies where a person is charged with—
- (a) an offence under section 2(1)(g) (making arrangements under which another person transfers a prohibited munition),
  - (b) an offence specified in any of paragraphs 2 to 5 where the conduct constituting the offence relates to the use or transfer of a prohibited munition, or
  - (c) an offence specified in paragraph 6 where the conduct constituting the offence consists of attempting or conspiring to commit an offence mentioned in paragraph (a) or (b).
- (2) The defence under section 9(1) applies in relation to the offence only if the person also shows that—
- (a) the use or transfer was (or was to be) only by members of the armed forces of a State that was not a party to the Convention or by other persons acting under the authority of such a State, or
  - (b) the person had reasonable cause to believe that the use or transfer was (or was to be) only as mentioned in paragraph (a).

**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 use or transfer.