



Cluster Munitions (Prohibitions) Act 2010

2010 CHAPTER 11

Securing destruction of prohibited munitions

12 Power to enter premises and search for prohibited munitions

- (1) The Secretary of State may authorise a person to enter and search premises if the Secretary of State has reasonable cause to believe that conditions A to C are satisfied.
- (2) A justice of the peace may issue a warrant authorising a person acting under the authority of the Secretary of State to enter and search premises if the justice of the peace is satisfied, on information on oath, that there is reasonable cause to believe that conditions A and B are satisfied.
- (3) Condition A is that there is an object on the premises that is a prohibited munition.
- (4) Condition B is that the case is not one where the only persons in possession of the object (assuming it is a prohibited munition) are persons who, if charged with an offence under section 2(1)(e), would have a defence under section 5 or 6.
- (5) Condition C is that—
 - (a) the public has access to the premises, or
 - (b) the premises are occupied by a person who consents to the premises being entered and searched.
- (6) Subsections (1) and (2) apply whether or not a notice has been served under section 11.
- (7) An application for a warrant under subsection (2)—
 - (a) may be made by any person acting under the authority of the Secretary of State, and
 - (b) must specify the premises in respect of which the application is made.
- (8) A warrant issued under subsection (2) may authorise entry on one occasion only.
- (9) A warrant issued under subsection (2)—
 - (a) continues in force for the period of one month beginning with the date on which it was issued, and

Changes to legislation: There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 12. (See end of Document for details)

- (b) may be executed by any person acting under the authority of the Secretary of State.
- (10) In the application of subsection (2) to Scotland—
- (a) the references to a justice of the peace are to be read as including references to the sheriff, and
 - (b) the reference to information on oath is to be read as a reference to evidence on oath.

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