



Cluster Munitions (Prohibitions) Act 2010

2010 CHAPTER 11

Securing destruction of prohibited munitions

14 Power to destroy removed prohibited munitions

- (1) This section applies if a prohibited munition is removed from premises under section 13(4)(a).
- (2) Before the end of the first six-month period, the Secretary of State must serve a notice on—
 - (a) any person who appears to the Secretary of State to have had possession of the prohibited munition immediately before its removal, and
 - (b) any other person who appears to the Secretary of State to have an interest which the Secretary of State believes would be materially affected by the destruction of the prohibited munition.
- (3) The notice must—
 - (a) describe the prohibited munition and state its location,
 - (b) state that the Secretary of State proposes to secure its destruction and give the reasons for this proposal,
 - (c) refer to the right of objection conferred by subsection (4), and
 - (d) refer to the conditions to which the exercise of that right is subject by virtue of subsection (5) and specify a date for the purposes of that subsection.
- (4) A person on whom a notice is served under subsection (2) may object to the Secretary of State's proposal to secure the destruction of the prohibited munition.
- (5) Any objection made under subsection (4) must—
 - (a) be made in writing to the Secretary of State before such date as is specified in the notice, and
 - (b) state why the prohibited munition should not be destroyed.
- (6) The Secretary of State may, at any time during the second six-month period, decide that the prohibited munition should be destroyed, and if the Secretary of State so decides the Secretary of State may authorise a person to destroy it.

Changes to legislation: There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 14. (See end of Document for details)

- (7) Before reaching a decision under subsection (6) the Secretary of State must—
- (a) allow any person on whom a notice has been served under subsection (2) time to respond, and
 - (b) take into account any objections to the proposed destruction of the prohibited munition (whether made in response to a notice or otherwise).
- (8) If a prohibited munition is destroyed under this section the Secretary of State may recover from any person who had possession of the prohibited munition immediately before its removal any costs reasonably incurred by the Secretary of State in connection with the removal and destruction.
- (9) Subsection (10) applies where—
- (a) the Secretary of State has not, by the end of the second six-month period, authorised the destruction of the prohibited munition, and
 - (b) a person had possession of the prohibited munition immediately before its removal.
- (10) The Secretary of State must return the prohibited munition to the person mentioned in subsection (9)(b) or, if there is more than one such person, to such of them as the Secretary of State thinks appropriate.
- (11) For the purposes of this section—
- (a) the “first six-month period” is the period of six months beginning with the day after the removal of the prohibited munition, and
 - (b) the “second six-month period” is the period of six months beginning with the day after the first six-month period ends.

Changes to legislation:

There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 14.