

*These notes refer to the Cluster Munitions (Prohibitions) Act 2010 (c.11) which received Royal Assent on 25 March 2010*

# **CLUSTER MUNITIONS (PROHIBITIONS) ACT 2010**

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## **EXPLANATORY NOTES**

### **OVERVIEW OF STRUCTURE**

5. The Act consists of 34 sections.
6. [Section 1](#) defines the prohibited munitions to which this Act applies. Sections 2 to 4 create and define the criminal offences for breaches of the prohibitions in Article 1 of the Convention, and make provision for the offences to have some extra-territorial effect. For those offences, sections 5 to 9 provide defences for certain purposes permitted under the Convention. Section 10 ensures that only an evidential burden of proof with respect to the defences is required of the defendant.
7. [Sections 11 to 19](#) are provisions about identifying prohibited munitions, and securing the removal, immobilisation and destruction of them; and for creating offences relating to interfering with or obstructing destruction.
8. [Sections 20 to 23](#) make provision for the production of information and records for the purposes of the Convention, the investigation of alleged offences, and disclosure of information. Sections 24 to 26 make provision relating to proceedings for an offence under the Act.
9. [Sections 27 to 34](#) are general provisions which include safeguards on powers of entry, a power to modify the Act, how notices are served, the application of the Act to the Crown and the extent of the Act.
10. There are three Schedules to the Act. Schedule 1 sets out definitions from Article 2 of the Convention to assist interpretation. Schedule 2 sets out the offences to which section 9 (interoperability defence) applies. Schedule 3 contains minor and consequential amendments of other Acts.