



Cluster Munitions (Prohibitions) Act 2010

2010 CHAPTER 11

Securing destruction of prohibited munitions

13 Removal or immobilisation of prohibited munitions

- (1) A person authorised by a warrant issued under section 12(2) to enter premises may, if necessary, use force to enter the premises.
- (2) A person who enters premises under an authorisation given under section 12(1) or a warrant issued under section 12(2) may take such other persons and such equipment on to the premises as appear to that person to be necessary.
- (3) If a person enters premises under such an authorisation or warrant and a prohibited munition is found on the premises, the person may make the prohibited munition safe.
- (4) Where subsection (3) applies, the person may also—
 - (a) if it is reasonably practicable to do so, seize and remove the prohibited munition, or
 - (b) in any other case, affix a warning to the prohibited munition, or in a conspicuous position to something near the prohibited munition, stating that the prohibited munition is not to be moved or interfered with before the date specified in the warning and that the warning is not to be interfered with before that date.
- (5) But a person may not exercise the powers under subsections (3) and (4) if satisfied that—
 - (a) the prohibited munition is in the possession of one or more persons, and
 - (b) that person, or each of those persons, is a person who, if charged with an offence under section 2(1)(e), would have a defence under section 5 or 6.
- (6) An authorisation given under section 12(1) or a warrant issued under section 12(2) may provide that the person who exercises the powers conferred by the authorisation or the warrant may, if that person is not a constable, do so only in the presence of a constable.

Status: Point in time view as at 25/03/2010.

Changes to legislation: There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 13. (See end of Document for details)

- (7) For the purposes of subsection (3) a prohibited munition is made safe if, without being destroyed, it is prevented from being an immediate danger.

Status:

Point in time view as at 25/03/2010.

Changes to legislation:

There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 13.