



Cluster Munitions (Prohibitions) Act 2010

2010 CHAPTER 11

Securing destruction of prohibited munitions

16 Power to enter premises and destroy immobilised prohibited munitions

- (1) Subsection (2) applies where—
 - (a) the Secretary of State decides under section 15(6) that a prohibited munition should be destroyed, and
 - (b) the prohibited munition is on premises to which the public has access or on premises which are occupied by a person who consents to action being taken under subsection (2).
- (2) The Secretary of State may authorise a person to enter the premises and destroy the prohibited munition if it is found there.
- (3) Subsection (4) applies where a justice of the peace is satisfied, on information on oath, that—
 - (a) the Secretary of State has decided under section 15(6) that a prohibited munition should be destroyed, and
 - (b) the prohibited munition is on premises where a warning relating to that prohibited munition was affixed under section 13(4)(b).
- (4) The justice of the peace may issue a warrant authorising a person acting under the authority of the Secretary of State to enter the premises and destroy the prohibited munition if it is found there.
- (5) An application for a warrant under subsection (4)—
 - (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.
- (6) A warrant issued under subsection (4) may authorise entry on one occasion only.
- (7) A warrant issued under subsection (4)—

Changes to legislation: There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 16. (See end of Document for details)

- (a) continues in force for the period of one month beginning with the date on which it was issued, and
 - (b) may be executed by any person acting under the authority of the Secretary of State.
- (8) A person authorised by a warrant issued under subsection (4) to enter premises may, if necessary, use force to enter the premises.
- (9) A person who enters premises under an authorisation given under subsection (2) or a warrant issued under subsection (4) may take such other persons and such equipment on to the premises as appear to that person to be necessary.
- (10) An authorisation given under subsection (2) or a warrant issued under subsection (4) 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.
- (11) In the application of subsections (3) and (4) 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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