



Cluster Munitions (Prohibitions) Act 2010

2010 CHAPTER 11

Defences

8 Visiting forces

- (1) It is a defence for a person (P) charged with an offence under section 2(1)(e) to show that—
 - (a) at the time when P had possession of the prohibited munition, P was a member of a visiting force of a State that was not a party to the Convention or was working with such a force, and
 - (b) P's possession of the prohibited munition was in accordance with the terms of an authorisation given to that State by the Secretary of State.
- (2) It is a defence for a person (P) charged with an offence under section 2(1)(f), which is alleged to have been committed by moving a prohibited munition into or from the United Kingdom or entering into a contract to move a prohibited munition into or from the United Kingdom, to show that—
 - (a) at the time when P moved the prohibited munition or entered into the contract to move it, P was a member of a visiting force of a State that was not a party to the Convention, and
 - (b) the movement was or (as the case may be) would be in accordance with the terms of an authorisation given to that State by the Secretary of State.
- (3) It is a defence for a person (P) charged with an offence under section 2(1)(g), which is alleged to have been committed by making arrangements under which a member of a visiting force of a State that was not a party to the Convention moves a prohibited munition into or from the United Kingdom or enters into a contract to move a prohibited munition into or from the United Kingdom, to show that at the time when P made the arrangements—
 - (a) P was a member of a visiting force of a State that was not a party to the Convention or was working with such a force, and
 - (b) P had reasonable cause to believe that the movement would be in accordance with the terms of an authorisation given to that State by the Secretary of State.

Changes to legislation: There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 8. (See end of Document for details)

- (4) It is a defence for a person (P) charged with an offence under section 2(2) of assisting, encouraging or inducing any other person to engage in any conduct to show that at the time of the assistance, encouragement or inducement—
- (a) P was a member of a visiting force of a State that was not a party to the Convention or was working with such a force, and
 - (b) P had reasonable cause to believe that the other person would have a defence in respect of the conduct by virtue of any of subsections (1) to (3).
- (5) For the purposes of this section, a person is working with a visiting force at any time when the person is providing a service to the force under a contract or helping it in any other way.
- (6) In this section—
- (a) “visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of Part 1 of the Visiting Forces Act 1952, and
 - (b) “member”, in relation to a visiting force, has the meaning given by section 12(1) of that Act.

Changes to legislation:

There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 8.