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TO

Prohibit the development, acquisition, possession, transfer and use of cluster munitions and their components; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Offences relating to cluster munitions**

- (1) No person shall—
- (a) use a cluster munition,
  - (b) develop or produce a cluster munition, either alone or in conjunction with other parties in the United Kingdom or elsewhere, 5
  - (c) participate in the production of a cluster munition or any of its component parts,
  - (d) participate in the acquisition or disposal of a prohibited object,
  - (e) possess a cluster munition, or
  - (f) participate in the transfer or trading of a prohibited object, 10  
in the United Kingdom or elsewhere.
- (2) Under subsection (1)(d) a person, party or company shall be deemed to have participated in the acquisition of a prohibited object by—
- (a) acquiring or entering into a contract to acquire it,
  - (b) otherwise attempting to acquire it, or 15
  - (c) making arrangements under which another person either acquires or enters into a contract to acquire it.
- (3) Under subsection (1)(f) a person, party or company shall be deemed to have participated in the transfer or trading of a prohibited object by—
- (a) transferring or entering into a contract to transfer it, or 20
  - (b) making arrangements under which another person either acquires or enters into a contract to acquire it.
- (4) For the purposes of this Act—

- (a) to develop a cluster munition is to produce or manufacture a prohibited object, or to engage in research or projects assisting the development of a prohibited object,
- (b) to acquire a prohibited object is to buy, hire, borrow, receive or accept it as a gift, and 5
- (c) to dispose of a prohibited object is to destroy, discard, sell, let on hire, lend or give it as a gift.
- (5) It is not an offence under subsection (1)(d), (e) or (f) for a person, party or company to dispose of, possess or transfer a prohibited object if this is done – 10
- (a) to secure its safe destruction,
- (b) to aid the development of techniques of explosive ordinance disposal, or
- (c) for the purposes of explosive ordinance disposal training.
- 2 Power to amend Act**
- (1) The Secretary of State may by order make such additions to, omissions from, or other modifications to this Act as he considers necessary to give effect to any amendment of relevant international humanitarian law. 15
- (2) The power to make an order under subsection (1) shall be exercisable by statutory instrument; and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament. 20
- 3 Interpretation**
- (1) In this Act –
- “cluster munition” means a container which disperses multiple explosive submunitions;
- “component of a cluster munition” means anything designed or adapted to form part of a cluster munition; 25
- “prohibited object” means a cluster munition or any component of a cluster munition.
- (2) A cluster munition is not to be taken as – 30
- (a) a container which disperses nuclear, biological, chemical, electronic, landmine, propaganda or pyrotechnic submunitions, or
- (b) a container which disperses sensor-fused submunitions which autonomously detect and engage military targets and which self-destruct, self-deactivate or self-neutralise.
- 4 Short title, commencement and extent** 35
- (1) This Act may be cited as the Cluster Munitions (Prohibition of Development and Acquisition) Act 2007.
- (2) This Act extends to Northern Ireland.
- (3) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed. 40

# Cluster Munitions (Prohibition of Development and Acquisition) Bill

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To prohibit the development, acquisition, possession, transfer and use of cluster munitions and their components; and for connected purposes.

*Presented by Nick Harvey  
supported by  
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*Ordered, by The House of Commons,  
to be Printed, 19th December 2006.*

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