

Cluster Munitions (Prohibition) [HL]

CONTENTS

- 1 Offences relating to cluster munitions
- 2 Securing the safe destruction of prohibited objects
- 3 Power to amend Act
- 4 Definitions
- 5 Short title and extent

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Make provision for the control of cluster munitions; for the destruction of such munitions; and for connected purposes.

BE 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,
 - (c) participate in the acquisition or disposal of a prohibited object, 5
 - (d) have a prohibited object in his possession, or
 - (e) participate in the transfer of a prohibited object,
in the United Kingdom or elsewhere.
- (2) Under subsection (1)(c) a person shall be deemed to have participated in the acquisition of a prohibited object by— 10
- (a) acquiring or entering into a contract to acquire it, or
 - (b) making arrangements under which another person either acquires or enters into a contract to acquire it.
- (3) Under subsection (1)(e) a person shall be deemed to have participated in the transfer of a prohibited object by— 15
- (a) transferring or entering into a contract to transfer it, or
 - (b) making arrangements under which another person either acquires or enters into a contract to acquire it.
- (4) For the purposes of this Act— 20
- (a) to acquire a prohibited object is to buy, hire, borrow or accept it as a gift, and
 - (b) to dispose of a prohibited object is to sell, let on hire, lend or give it as a gift.

- (5) It is not an offence under subsection (1)(c), (d) and (e) for a person to acquire, dispose of, possess or transfer a prohibited object if this is done –
- (a) to secure its safe destruction,
 - (b) to aid development of techniques of explosive ordnance disposal, or
 - (c) for the purposes of explosive ordnance disposal training.

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2 Securing the safe destruction of prohibited objects

The Secretary of State may serve a notice requiring the safe destruction of a prohibited object.

3 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.
- (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.

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4 Definitions

- (1) A cluster munition is a container which disperses multiple explosive submunitions.
- (2) A component of a cluster munition is anything designed or adapted to form part of a cluster munition.
- (3) A prohibited object is a cluster munition or any component of a cluster munition.
- (4) A cluster munition is not to be taken as –
- (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.

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5 Short title and extent

- (1) This Act may be cited as the Cluster Munitions (Prohibition) Act 2007.
- (2) This Act extends to Northern Ireland.

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To make provision for the control of cluster munitions; for the destruction of such munitions; and for connected purposes.

Brought from the Lords, 21st February 2007.

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to be Printed, 27th February 2007.*

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