



Armed Forces Act 2001

2001 CHAPTER 19

PART 2

POWERS OF ENTRY, SEARCH AND SEIZURE

Seizure etc.

11 Power to make provision equivalent to that made by ss. 18 to 22 of Police and Criminal Evidence Act 1984

- (1) The Secretary of State may by order make provision, in relation to premises occupied or controlled by a person who—
- (a) has been arrested under any of the services Acts, and
 - (b) is being held in military, air-force or naval custody without being charged,
- which is equivalent to that made by any provision of section 18 of the 1984 Act (entry and search after arrest), subject to such modifications as the Secretary of State thinks fit.
- (2) The Secretary of State may by order make provision, in relation to—
- (a) a service policeman who is on any premises in the exercise of any power conferred by or under this Part, or
 - (b) any power of seizure conferred by or under this Part,
- which is equivalent to that made by any provision of sections 19 to 21 of the 1984 Act (which relate to seizure) or section 22(1) to (4) of that Act (power to retain property seized), subject to such modifications as the Secretary of State thinks fit.
- (3) In subsection (1) “charged”—
- (a) in relation to a person held in military custody, is to be construed in accordance with section 75(4) of the Army Act 1955 (c. 18),
 - (b) in relation to a person held in air-force custody, is to be construed in accordance with section 75(4) of the Air Force Act 1955 (c. 19), and
 - (c) in relation to a person held in naval custody, is to be construed in accordance with section 47A(4) of the 1957 Act.

Status: This is the original version (as it was originally enacted).

(4) No provision made by virtue of this section affects the power conferred by section 12.

12 Property in possession of service police or commanding officer

- (1) The Secretary of State may by regulations make provision with respect to the disposal of property which has come into the possession of a service policeman or a person's commanding officer in connection with the investigation of an offence.
- (2) The regulations may, in particular—
 - (a) enable a court-martial, Standing Civilian Court or judicial officer to make an order for the delivery of the property to the person appearing to the court or judicial officer to be the owner of the property or, if the owner cannot be ascertained, to make such order with respect to the property as the court or judicial officer thinks fit,
 - (b) enable the commanding officer of a person charged with an offence against any of the services Acts—
 - (i) to determine that any property seized under this Part in connection with the investigation of an offence be delivered to the person appearing to the commanding officer to be the owner of the property, or
 - (ii) if the owner cannot be ascertained, to make such other determination with respect to the delivery of the property as the commanding officer considers appropriate,
 - (c) enable the commanding officer of a person—
 - (i) in whose possession the property was before it was seized under this Part, or
 - (ii) who claims to be the owner of the property,to determine that it should be delivered to that person,
 - (d) make provision as to appeals against orders made by virtue of paragraph (a) and determinations made by virtue of paragraph (b) or (c), and
 - (e) provide that, on the expiration of a specified period from the making of an order by virtue of paragraph (a), the right of any person to take proceedings for the recovery of the property is to cease.
- (3) A determination made by virtue of subsection (2)(b) or (c) does not bar the right of any person to recover any property delivered in pursuance of the determination from the person to whom it is delivered.