



Armed Forces Act 2001

2001 CHAPTER 19

PART 2

POWERS OF ENTRY, SEARCH AND SEIZURE

Seizure etc.

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,

Status: This is the original version (as it was originally enacted).

- 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.