



# Armed Forces Act 2001

## 2001 CHAPTER 19

### PART 2

#### POWERS OF ENTRY, SEARCH AND SEIZURE

##### *Supplementary*

#### **16 Part 2: supplementary provisions**

(1) In this Part—

“the 1984 Act” means the Police and Criminal Evidence Act 1984 (c. 60);

“Commonwealth force” has the same meaning as in the 1955 Acts and the 1957 Act;

“controlled drug” has the meaning given by section 2 of the Misuse of Drugs Act 1971 (c. 38);

“the corresponding civil offence”, in relation to an offence against section 70 of either of the 1955 Acts or section 42 of the 1957 Act, means the civil offence (within the meaning of the Army Act 1955 (c. 18), the Air Force Act 1955 (c. 19) or the 1957 Act) the commission of which constitutes an offence under that section;

“excluded material” has the same meaning as in the 1984 Act;

“Her Majesty’s forces” does not include any Commonwealth force;

“items subject to legal privilege” has the same meaning as in the 1984 Act;

“judicial officer” means a judicial officer appointed under section 75L of either of the 1955 Acts or under section 47M of the 1957 Act;

“premises” includes any place and, in particular, includes—

(a) any vehicle, vessel, aircraft or hovercraft, and

(b) any tent or movable structure;

“the services Acts” means the 1955 Acts and the 1957 Act;

“service living accommodation” has the meaning given by section 15;

---

*Status: This is the original version (as it was originally enacted).*

---

“service policeman” means a member of the Royal Navy Regulating Branch, the Royal Marines Police, the Royal Military Police or the Royal Air Force Police;

“special procedure material” has the same meaning as in the 1984 Act;

“stolen”, in relation to an article, has the same meaning as it has by virtue of section 24 of the Theft Act 1968 (c. 60) in the provisions of that Act relating to goods which have been stolen;

“United Kingdom police force” means any of the following—

- (a) the Ministry of Defence Police,
- (b) any police force maintained under section 2 of the Police Act 1996 (c. 16) (police forces in England and Wales outside London),
- (c) the metropolitan police force,
- (d) the City of London police force,
- (e) any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77), or
- (f) the Police Service of Northern Ireland.

- (2) In this Part any reference to a person subject to service law is a reference to—
  - (a) a person subject to military law, air-force law or the 1957 Act, or
  - (b) any other person to whom any provisions of Part 2 of the Army Act 1955 (c. 18), Part 2 of the Air Force Act 1955 (c. 19) or Parts 1 and 2 of the 1957 Act apply because he is a person falling within—
    - (i) section 209(1) or (2) of either of the 1955 Acts (application of Act to civilians), or
    - (ii) section 118(1) or (2) of the 1957 Act (application of Act to civilians).
- (3) This Part shall, to such extent and subject to such modifications as may be prescribed by regulations made by the Defence Council, apply to persons embarked as passengers on board Her Majesty’s ships or Her Majesty’s aircraft (not being persons who are subject to service law) as it applies to persons subject to service law.
- (4) In subsection (3), “Her Majesty’s ships” has the same meaning as in the Army Act 1955 and “Her Majesty’s aircraft” has the same meaning as in the Air Force Act 1955.
- (5) For the purposes of this Part “commanding officer”—
  - (a) in relation to a person subject to military law, means the officer who would be that person’s commanding officer for the purposes of section 82 of the Army Act 1955 (c. 18) if he were charged with an offence;
  - (b) in relation to a person subject to air-force law, means the officer who would be that person’s commanding officer for the purposes of section 82 of the Air Force Act 1955 (c. 19) if he were charged with an offence;
  - (c) in relation to a person subject to the 1957 Act or a person falling within subsection (2)(b)(ii), means—
    - (i) the officer in command of the ship or naval establishment to which he belongs, or
    - (ii) any other person who by virtue of regulations under section 52E of that Act would be able to exercise the powers conferred by that Act on a commanding officer in relation to that person if he were charged with an offence;
  - (d) in relation to a person falling within subsection (2)(b)(i), means the person who is by virtue of regulations of the Defence Council made for the purposes

---

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

---

- of section 209(3)(f) of either of the 1955 Acts the commanding officer for the purposes of Part 2 of the Act in question in relation to him;
- (e) in relation to a person falling within subsection (3), means such officer as may be determined by or under regulations of the Defence Council made for the purposes of that subsection.
- (6) For the purposes of this Part, the Provost Marshal of the Royal Air Force and any officer appointed to exercise the functions conferred by the Air Force Act 1955 on provost officers are to be taken to be members of the Royal Air Force Police.
- (7) Nothing in this Part limits—
- (a) any power of a service policeman or commanding officer to enter and search, or order the entry and search of, premises which are occupied for the purposes of any of Her Majesty's forces, to the extent that the premises do not constitute service living accommodation,
  - (b) any power of a commanding officer, otherwise than in connection with the investigation of an offence or the exercise of any power of arrest, to enter and search, or order the entry and search of, service living accommodation,
  - (c) any power of a commanding officer, otherwise than in connection with the investigation of an offence or the exercise of any power of arrest, to search a person or to stop and search a service vehicle, or
  - (d) any power of a service policeman or commanding officer to search a service vehicle which is not in the charge of any person.
- (8) In subsection (7) "service vehicle" means a vehicle, vessel, aircraft or hovercraft which—
- (a) belongs to any of Her Majesty's forces, or
  - (b) is in use for the purposes of any of those forces.