
STATUTORY INSTRUMENTS

2006 No. 3243

The Armed Forces (Entry, Search and Seizure) Order 2006

Examination and return of property seized under article 3 or 4

6.—(1) This article applies where anything has been seized under a power conferred by article 3 or 4.

(2) It shall be the duty of the person for the time being in possession of the seized property in consequence of the exercise of that power to secure that there are arrangements in force which, subject to article 14, ensure—

- (a) that an initial examination of the property is carried out by a service policeman as soon as reasonably practicable after the seizure;
- (b) that that examination is confined to whatever is necessary for determining how much of the property falls within paragraph (3);
- (c) that anything which is found, on that examination, not to fall within paragraph (3) is separated from the rest of the seized property and is returned as soon as reasonably practicable after the examination of all the seized property has been completed; and
- (d) that, until the initial examination of all the seized property has been completed and anything which does not fall within paragraph (3) has been returned, the seized property is kept separate from anything seized under any other power.

(3) The seized property falls within this paragraph to the extent only—

- (a) that it is property for which the person seizing it had power to search when he made the seizure but is not property the return of which is required by article 7;
- (b) that it is property the retention of which is authorised by article 9; or
- (c) that it is something which, in all the circumstances, it will not be reasonably practicable, following the examination, to separate from property falling within subparagraph (a) or (b).

(4) In determining for the purposes of this article the earliest practicable time for the carrying out of an initial examination of the seized property, due regard shall be had to the desirability of allowing the person from whom it was seized, or a person with an interest in that property, an opportunity of being present or (if he chooses) of being represented at the examination.

(5) In this article, references to whether or not it is reasonably practicable to separate part of the seized property from the rest of it are references to whether or not it is reasonably practicable to do so without prejudicing the use of the rest of that property, or a part of it, for purposes for which (disregarding the part to be separated) the use of the whole or of a part of the rest of the property, if retained, would be lawful.