

**EXPLANATORY MEMORANDUM TO**  
**THE ARMED FORCES (ENTRY, SEARCH AND SEIZURE) (AMENDMENT)**  
**ORDER 2006**

**2006 No. 3244**

1. This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 This Order amends the Armed Forces (Entry, Search and Seizure) Order 2003 to take account of certain changes in the equivalent powers available to civilian policemen. The Order enables a service policeman to apply for a warrant to enter premises on more than one occasion and requires him to state his grounds for seeking such a warrant. The Order also gives to a person accompanying a service policeman during a search similar powers of search and seizure to the service policeman. The Order provides that, before a second or subsequent search takes place on the authority of such a multiple entry warrant, the authority of a senior service policeman be obtained.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 The statutory power for service policemen and, exceptionally, other members of Her Majesty's Forces to carry out searches and seizures was introduced by the Armed Forces Act 2001, with additional provision in the Armed Forces (Entry, Search and Seizure) Order 2003. The Armed Forces (Entry, Search and Seizure)(Amendment) Order 2006 amends articles 8 and 9 of the 2003 Order which reflect, respectively, sections 15 and 16 of the Police and Criminal Evidence Act 1984. Amendments to these sections of the 1984 Act were made by the Serious Organised Crime and Police Act 2005 and by the Criminal Justice Act 2003. The purpose of this Order is to make equivalent amendments to the 2003 Order in respect of service police searches.

5. **Extent**

5.1 This instrument applies to service police investigations anywhere in the world.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 This Order ensures that, so far as compatible with armed forces requirements, service police powers and responsibilities in relation to seizure of property during searches reflect those applying in relation to searches by civilian policemen in England and Wales.

7.2 Consultation on the policy and content of the Order took place externally with the Office of the Judge Advocate General and internally with the three Service Legal Directorates, service police and policy staff, seeking comment. No substantive comment was received. As this Order is concerned exclusively with the powers of the service police, it was not considered necessary to consult more widely.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

**Mrs S J McIntosh** at the Ministry of Defence Tel: 0202 7218 0564 can answer any queries regarding the instrument.