
STATUTORY INSTRUMENTS

2009 No. 2056

DEFENCE

**The Armed Forces (Powers of Stop and Search,
Search, Seizure and Retention) Order 2009**

Made - - - - - *20th July 2009*

Coming into force *31st October 2009*

**THE ARMED FORCES (POWERS OF STOP AND SEARCH,
SEARCH, SEIZURE AND RETENTION) ORDER 2009**

PART 1

1. Citation and commencement
2. Interpretation

PART 2

3. Stop and search by a service policeman
4. Record of search by service policeman
5. Searches under section 76 of the Act
6. Access to excluded and special procedure material
7. Application for warrants or orders by live links
8. Search warrants – safeguards
9. Execution of warrants
10. Safeguards and execution of warrants – further provisions
11. Oaths and affirmations
12. Search of premises where person arrested
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PART 3

14. General power of seizure
15. Extension of powers of seizure to computerised information
16. Access and copying
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Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 4

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25. Authorised retention of property
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PART 5

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36. Reference to the Court of Judicature of Northern Ireland
Signature

SCHEDULE 1 — EXCLUDED AND SPECIAL PROCEDURE MATERIAL

Making of orders by judge advocates

1. If on an application made by a service policeman a...
2. The first set of access conditions is fulfilled if—
3. The second set of access conditions is fulfilled if—
4. The enactments referred to in paragraph 3(b) are—
5. An order under this paragraph is an order that the...
6. Where the material consists of information stored in any electronic...
7. For the purposes of articles 16 and 17 material produced...

Notices of applications for orders

8. An application for an order under paragraph 5 shall be...
9. (1) Notice of an application for such an order may...
10. (1) Subject to sub-paragraph (2), the proper address of a...
11. Where notice of an application for an order under paragraph...

Issue of warrants by judge advocate

12. If on an application made by a service policeman a...

13. A service policeman may seize and retain anything for which...
14. The further conditions mentioned in paragraph 12(a)(ii) are—

SCHEDULE 2 — OATHS AND AFFIRMATIONS

1. The service policeman taking the oath shall hold the New...
2. If the service policeman to whom an oath is administered...
3. If neither of the forms of oath provided in this...
4. A service policeman making a solemn affirmation instead of taking...
5. The oath shall be sworn in the following form: I...
6. The form of Scottish oath shall be the same as...
7. The form of affirmation shall be the same as the...

SCHEDULE 3 — LIST OF SERVICE OFFENCES THAT ARE RELEVANT OFFENCES

SCHEDULE 4 — TRANSITIONAL PROVISIONS

1. Interpretation
2. Stop and search by a service policeman
3. Record of search by service policeman
4. Searches under section 76 of the Act
5. Search warrants – safeguards
6. Execution of warrants
7. Safeguards and execution of warrants – further provisions
8. Search of premises after arrest
9. Seizure, copying and retention
10. (1) Article 16 is modified as follows.
11. (1) Article 17 is modified as follows.
12. Additional powers of seizure
13. Notice of exercise of power under article 19 or 20
14. Examination and return of property seized under article 19 or 20
15. Obligation to return items subject to legal privilege
16. Obligation to return excluded and special procedure material
17. Authorised retention of property
18. Application of article 17 to property seized under Part 3
19. Person to whom seized property is to be returned
20. Application to a judge advocate
21. Cases where duty to secure arises
22. The duty to secure
23. Use of inextricably linked property
24. Relevant offences
25. Review by a judge advocate of searches and seizure

Explanatory Note