
STATUTORY INSTRUMENTS

2009 No. 2056

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

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the Armed Forces (Powers of Stop and Search, Search, Seizure and Retention) Order 2009 and shall come into force on the 31st October 2009.

Interpretation

2. In this Order—

“the Act” means the Armed Forces Act 2006;

“the appropriate person” means—

- (a) the person to be searched; or
- (b) the person in charge of a vehicle that it is proposed to search;

“authorising service policeman” means a service policeman of or above the rank of naval lieutenant, military or marine captain or flight lieutenant;

“documents” includes information recorded in any form;

“excluded material” has the meaning given in section 11 of PACE;

“items subject to legal privilege” has the meaning given in section 10 of PACE, and “legal privilege” shall be construed accordingly;

“premises” has the meaning given to it in section 96(3) of the Act;

“relevant offence” has the meaning given in section 84(2) of the Act read with article 33 and Schedule 3;

“relevant residential premises” has the meaning given to it in section 86(3) of the Act;

“seized property”, in relation to any exercise of a power of seizure, means anything seized in exercise of that power;

“serious service offence” means—

- (a) an offence under section 42 of the Act for which the corresponding offence under the law of England and Wales is an indictable offence;
- (b) any other service offence which may not be dealt with at a summary hearing by a commanding officer;
- (c) an offence under section 11(1) of the Act (using violence against a superior officer);

- (d) an offence under section 18(3) or (4) of the Act (offences in relation to official documents and records with intent to deceive);
- (e) an offence under section 24(1) of the Act (intentional or reckless damage to or loss of public or service property);
- (f) an offence under section 39 of the Act of attempting to commit an offence within paragraph (c), (d) or (e);
- (g) an offence under section 40 of the Act of encouraging or assisting the commission of an offence within paragraph (c), (d) or (e);

“service proceedings” means—

- (a) a summary hearing under the Act by a commanding officer; or
- (b) proceedings before the Summary Appeal Court, the Court Martial or the Service Civilian Court;

“special procedure material” has the meaning given in section 14 of PACE; and

“unit” includes a naval ship or establishment and an air force station.