
STATUTORY INSTRUMENTS

2014 No. 934

DEFENCE

The Armed Forces (Powers of Stop and Search, Search, Seizure and Retention) (Amendment) Order 2014

<i>Made</i>	- - - -	<i>6th April 2014</i>
<i>Laid before Parliament</i>		<i>9th April 2014</i>
<i>Coming into force</i>	- -	<i>13th May 2014</i>

The Secretary of State, in exercise of the powers conferred by sections 74 and 92 of the Armed Forces Act 2006⁽¹⁾, makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Armed Forces (Powers of Stop and Search, Search, Seizure and Retention) (Amendment) Order 2014 and comes into force on 13th May 2014.

(2) In this Order “the 2009 Order” means the Armed Forces (Powers of Stop and Search, Search, Seizure and Retention) Order 2009⁽²⁾.

Amendment to the 2009 Order

2.—(1) The 2009 Order is amended as follows.

(2) In article 2 (interpretation), after the words “an indictable offence” in paragraph (a) of the definition of “serious service offence”, insert “within the meaning of PACE”⁽³⁾.

6th April 2014

Anna Soubry
Parliamentary Under Secretary of State
Ministry of Defence

(1) 2006 c. 52.

(2) S.I. 2009/2056, to which there are amendments not relevant to this Order.

(3) Section 176(6) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) provides that any reference in PACE to an “indictable offence” has effect as if it included a reference to low-value shoplifting (as defined in section 22A(3) of the Magistrates’ Courts Act 1980 (c. 43)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 176(3) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) inserts in the Magistrates' Courts Act 1980 (c. 43) a new section 22A, which provides that low-value shoplifting is a summary offence. Section 176(6) of the 2014 Act provides so that certain powers, including powers of entry and search, conferred by the Police and Criminal Evidence Act 1984 (c. 60) on the civilian police in respect of indictable offences remain available in respect of low-value shoplifting, notwithstanding that it is reclassified as summary. Section 176(6) does so by providing that in the 1984 Act all references to an "indictable offence" include a reference to low-value shoplifting.

This Order makes equivalent provision, subject to modifications, in respect of certain powers of entry and search used for the investigation of service offences under the Armed Forces Act 2006 (c. 52). It does so by amending the Armed Forces (Powers of Stop and Search, Search, Seizure and Retention) Order 2009.