
STATUTORY INSTRUMENTS

2023 No. 1152

The Armed Forces (Disposal of Property) Regulations 2023

Disposal of property subject to deprivation order: by order of judge advocate

4.—(1) Where any property is in the possession of the service police or a person's commanding officer after a deprivation order has been made in relation to it by the Court Martial, the Service Civilian Court, or the Summary Appeal Court, this regulation applies.

(2) Where an application for an order under paragraph (3) has been made by a person claiming to be the owner of the property by sending it to the court administration officer, a judge advocate may make an order under paragraph (3).

(3) A judge advocate may make an order for the delivery of the property to the person appearing to the judge advocate to be the owner of the property, if the conditions in section 94A(3) of the Act are met.

(4) Where—

- (a) no application has been made under paragraph (2) within 6 months of the deprivation order having been made, or if such an application has been made within that period, it was not successful, and
- (b) an application for an order under paragraph (5) has been made by a service policeman or the offender's commanding officer in relation to the property by sending it to the court administration officer,

a judge advocate may make an order under paragraph (5).

(5) A judge advocate may make such order for the disposal of the property, including its destruction, retention or sale, as the judge advocate considers appropriate, subject to paragraph (7).

(6) Before making an order under paragraph (3) or (5), a judge advocate must invite representations concerning the disposal of the property from—

- (a) the service police, unless a service policeman is the applicant;
- (b) the commanding officer in possession of the property (if there is one), unless that person is the applicant.

(7) Property may not be transferred into the ownership of the Secretary of State where the Court Martial or Service Civilian Court that made the deprivation order also made an order under section 177F(2) of the Act in respect of that property.

(8) Where an order is made under paragraph (3) or (5), the court administration officer must send a copy of it to—

- (a) the person who applied for the order;
- (b) the service police or the commanding officer in possession of the property (unless a service policeman or that commanding officer, as the case may be, is the applicant).

(9) An order made under paragraph (3) or (5) cannot take effect until the time limit for an appeal under [regulation 10](#) has expired with no appeal being made, or where an appeal has been made under that regulation, until the appeal has been determined.

(10) Where the offender has, within 6 months of the deprivation order being made, appealed against—

- (a) the award of that deprivation order, or
- (b) the conviction for which that deprivation order was awarded,

the property may not be disposed of until the appeal has been determined.

(11) Where an order has been made under paragraph (3) or (5), it does not affect the right of any person to take proceedings for the recovery of that property, but on the expiration of 6 months from the date of the order, that right ceases.

Commencement Information

II Reg. 4 in force at 22.11.2023, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Disposal of Property) Regulations 2023, Section 4.