



Ministry of Defence Police Act 1987

1987 CHAPTER 4

^{F1}2 **Jurisdiction.**

- (1) In any place in the United Kingdom to which subsection (2) below for the time being applies, members of the Ministry of Defence Police shall have the powers and privileges of constables.
- (2) The places to which this subsection applies are—
 - (a) land, vehicles, vessels, aircraft and hovercraft in the possession, under the control or used for the purposes of—
 - (i) the Secretary of State for Defence;
 - (ii) the Defence Council;
 - (iii) a headquarters or defence organisation; or
 - (iv) the service authorities of a visiting force;
 - (b) land, vehicles, vessels, aircraft and hovercraft which are—
 - (i) in the possession, under the control or used for the purposes of an ordnance company; and
 - (ii) used for the purpose of, or for purposes which include, the making or development of ordnance or otherwise for naval, military or air force purposes;
 - (c) land, vehicles, vessels, aircraft and hovercraft which are—
 - (i) in the possession, under the control or used for the purposes of a dockyard contractor; and
 - (ii) used for the purpose of, or for purposes which include, providing designated services or otherwise for naval, military or air force purposes;
 - ^{F2}(d)
 - (e) land where the Secretary of State has agreed to provide the services of the Ministry of Defence Police under an agreement notice of which has been published in the appropriate Gazette.
- (3) ^{F3}Members of the Ministry of Defence Police shall also have the powers and privileges of constables in any place in the United Kingdom to which subsection (2) above does not for the time being apply . . . —

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Changes to legislation: Ministry of Defence Police Act 1987, Section 2 is up to date with all changes known to be in force on or before 20 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) in relation to Crown property, international defence property, ordnance property and dockyard property;
 - (b) in relation to persons—
 - (i) subject to the control of the Defence Council;
 - (ii) employed under or for the purposes of the Ministry of Defence or the Defence Council; or
 - (iii) in respect of whom the service courts and service authorities of any country may exercise powers by virtue of section 2 of the Visiting Forces Act ^{M1} 1952;
 - ^{F4}(ba) in connection with offences against persons within paragraph (b) above, with the incitement of such persons to commit offences and with offences under the ^{F5}Bribery Act 2010] in relation to such persons;]
 - (c) in relation to matters connected with anything done under a contract entered into by the Secretary of State for Defence for the purposes of his Department or the Defence Council; and
 - (d) for the purpose of securing the unimpeded passage of any such property as is mentioned in paragraph (a) above.
- ^{F6}(3A) Where a member of the Ministry of Defence Police has been requested by a constable of—
- (a) the police force for any police area;
 - [the Police Service of Scotland;]
 - ^{F7}(aa) (b) the Police Service of Northern Ireland;
 - (c) the British Transport Police Force; or
 - ^{F8}(d) the Civil Nuclear Constabulary,]
- to assist him in the execution of his duties in relation to a particular incident, investigation or operation, members of the Ministry of Defence Police shall have the powers and privileges of constables for the purposes of that incident, investigation or operation but subject to subsection (3B) below.
- (3B) Members of the Ministry of Defence Police have the powers and privileges of constables for the purposes of an incident, investigation or operation by virtue of subsection (3A) above—
- (a) if the request was made under paragraph (a) of that subsection by a constable of the police force for a police area, only in that police area;
 - [if it was made under paragraph (aa) of that subsection, only in Scotland;]
 - ^{F9}(aa) (b) if it was made under paragraph (b) of that subsection, only in Northern Ireland;
 - (c) if it was made under paragraph (c) of that subsection, only to the extent that those powers and privileges would in the circumstances be exercisable for those purposes by a constable of the British Transport Police Force by virtue of subsection (1A) or, in Scotland, subsection (4) of section 53 of the British Transport Commission Act 1949 (c. xxix); or
 - (d) if it was made under paragraph (d) of that subsection, only to the extent that those powers and privileges would in the circumstances be exercisable for those purposes by a constable of the ^{F10}Civil Nuclear Constabulary].
- (3C) Members of the Ministry of Defence Police shall have in any police area the same powers and privileges as constables of the police force for that police area,^{F11}in Scotland the same powers and privileges as constables of the Police Service of

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Scotland,] and in Northern Ireland the same powers and privileges as constables of the Police Service of Northern Ireland,—

- (a) in relation to persons whom they suspect on reasonable grounds of having committed, being in the course of committing or being about to commit an offence; or
- (b) if they believe on reasonable grounds that they need those powers and privileges in order to save life or to prevent or minimise personal injury.

(3D) But members of the Ministry of Defence Police have powers and privileges by virtue of subsection (3C) above only if—

- (a) they are in uniform or have with them documentary evidence that they are members of the Ministry of Defence Police; and
- (b) they believe on reasonable grounds that a power of a constable which they would not have apart from that subsection ought to be exercised and that, if it cannot be exercised until they secure the attendance of or a request under subsection (3A) above by a constable who has it, the purpose for which they believe it ought to be exercised will be frustrated or seriously prejudiced.]

(4) Subsections (1) [^{F12}to (3D)] above shall have effect in the territorial waters adjacent to the United Kingdom ^{F13}. . . , but as if the references in [^{F14}those subsections] to the powers and privileges of constables were references to the powers and privileges of constables in the nearest part of the United Kingdom.

(5) In this section—

“appropriate Gazette” means—

- (i) in relation to land in England or Wales, the London Gazette;
- (ii) in relation to land in Scotland, the Edinburgh Gazette, and
- (iii) in relation to land in Northern Ireland, the Belfast Gazette;

[^{F15}[^{F16} “ British Transport Police Force ” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);]]

“Crown property” includes property in the possession or under the control of the Crown and property which has been unlawfully removed from its possession or control;

“designated services” means services designated under subsection (1) of section 1 of the Dockyard Services Act ^{M2} 1986;

“dockyard contractor” means a company which is a dockyard contractor as defined by subsection (13) of that section;

“dockyard property” means property which—

- (a) belongs to a dockyard contractor, is in its possession or under its control or has been unlawfully removed from its possession or control; and
- (b) is (or was immediately before its removal) used to any extent for the purpose of providing designated services or otherwise for naval, military or air force purposes;

“headquarters”, “defence organisation” and “visiting force” mean respectively a headquarters, defence organisation or visiting force to which the Visiting Forces and International Headquarters (Application of Law) Order ^{M3} 1965, or any order replacing that Order, applies;

“international defence property” means property which belongs to, is in the possession or under the control of or has been unlawfully removed from the possession or control of a headquarters, a defence organisation or the service authorities of a visiting force;

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“ordnance company” means a company in which there is for the time being vested any property, right or liability which has at some time been the subject of a transfer by virtue of a provision made under section 1(1) (a) of the Ordnance Factories and Military Services Act ^{M4} 1984;

“ordnance property” means property which—

- (a) belongs to an ordnance company, is in its possession or under its control or has been unlawfully removed from its possession or control; and
- (b) is (or was immediately before its removal) used to any extent for the purpose of, or for purposes including, the making or development of ordnance or otherwise for naval, military or air force purposes;

“service authorities” means naval, military or air force authorities;

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“vessel” includes any ship or boat or any other description of vessel used in navigation.

Textual Amendments

- F1 S. 2 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, [art. 3\(jjj\)](#)
- F2 S. 2(2)(d) repealed (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(2\)](#), [125](#), [127\(2\)\(i\)\(iii\)](#), [Sch. 8 Pt. 6](#); S.I. 2001/4104, [art. 2\(a\)\(e\)](#)
- F3 Words in s. 2(3) repealed (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 125](#), [127\(2\)\(i\)\(iii\)](#), [Sch. 8 Pt. 6](#); S.I. 2001/4104, [art. 2\(e\)](#)
- F4 S. 2(3)(ba) inserted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(3\)](#), [127\(2\)\(e\)](#); S.I. 2001/4104, [art. 2\(a\)](#)
- F5 Words in s. 2(3)(ba) substituted (1.7.2011) by [Bribery Act 2010 \(c. 23\)](#), [s. 19\(1\)](#), [Sch. 1 para. 1](#) (with [ss. 16](#), [19\(5\)](#)); S.I. 2011/1418, [art. 2](#)
- F6 S. 2(3A)-(3D) inserted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(4\)](#), [127\(2\)\(e\)](#); S.I. 2001/4104, [art. 2\(a\)](#)
- F7 S. 2(3A)(aa) inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 20\(3\)\(a\)](#)
- F8 S. 2(3A)(d) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), [s. 198\(2\)](#), [Sch. 14 para. 5\(1\)\(a\)](#); S.I. 2005/877, [art. 2\(1\)](#), [Sch. 1](#)
- F9 S. 2(3B)(aa) inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 20\(3\)\(b\)](#)
- F10 Words in s. 2(3B)(d) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), [s. 198\(2\)](#), [Sch. 14 para. 5\(1\)\(b\)](#); S.I. 2005/877, [art. 2\(1\)](#), [Sch. 1](#)
- F11 Words in s. 2(3C) inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 20\(3\)\(c\)](#)
- F12 Words in s. 2(4) substituted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(5\)\(a\)](#), [127\(2\)\(e\)](#); S.I. 2001/4104, [art. 2\(a\)](#)
- F13 Words in s. 2(4) repealed (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 125](#), [127\(2\)\(i\)\(iii\)](#), [Sch. 8 Pt. 6](#); S.I. 2001/4104, [art. 2\(e\)](#)
- F14 Words in s. 2(4) substituted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(5\)\(b\)](#), [127\(2\)\(e\)](#); S.I. 2001/4104, [art. 2\(a\)](#)
- F15 Definition of “British Transport Police Force” in 2(5) (1.7.2004) ceases to have effect by virtue of [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, [art. 3\(jjj\)](#)
- F16 Definition of “British Transport Police Force” in s. 2(5) inserted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(6\)\(a\)](#), [127\(2\)\(e\)](#); S.I. 2001/4104, [art. 2\(a\)](#)

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F17 Definition of “United Kingdom Atomic Energy Authority Constabulary” in s. 2(5) repealed (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 23 Pt. 1](#); S.I. 2005/877, art. 2(1), Sch. 1

Modifications etc. (not altering text)

- C1** S. 2: s. 2(2) extended (25.9.1991) by [Atomic Weapons Establishment Act 1991 \(c. 46, SIF 8\)](#), [ss. 1, 4\(1\), 6\(2\)](#)
- C2** S. 2: s. 2(3) extended (25.9.1991) by [Atomic Weapons Establishment Act 1991 \(c. 46, SIF:8\)](#), [ss. 1, 4\(2\), 6\(2\)](#)
- C3** S. 2(3)(ba) modified (E.W.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 14](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, art. 2(a)

Marginal Citations

- M1** 1952 c. 67.
- M2** 1986 c. 52.
- M3** S.I. 1965/1536.
- M4** 1984 c. 59.

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