
STATUTORY INSTRUMENTS

2006 No. 3243

The Armed Forces (Entry, Search and Seizure) Order 2006

Obligation to return items subject to legal privilege

7.—(1) If, at any time after a seizure of anything has been made in exercise of a power of seizure to which this article applies—

- (a) it appears to the person for the time being having possession of the seized property in consequence of the seizure that the property—
 - (i) is an item subject to legal privilege, or
 - (ii) has such an item comprised in it,and
- (b) in a case where the item is comprised in something else which has been lawfully seized, it is not comprised in property falling within paragraph (2),

it shall be the duty of that person to secure that the item is returned as soon as reasonably practicable after the seizure.

(2) Property in which an item subject to legal privilege is comprised falls within this paragraph if—

- (a) the whole or a part of the rest of the property is property falling within paragraph (3) or property the retention of which is authorised by article 9; and
- (b) in all the circumstances, it is not reasonably practicable for that item to be separated from the rest of that property (or, as the case may be, from that part of it) without prejudicing the use of the rest of that property, or that part of it, for purposes for which (disregarding that item) its use, if retained, would be lawful.

(3) Property falls within this paragraph to the extent that it is property for which the person seizing it had power to search when he made the seizure, but is not property which is required to be returned under this article or article 8.

(4) This article applies—

- (a) to the powers of seizure conferred by articles 3 and 4;
- (b) to each of the powers of seizure conferred by Part 2 of the 2001 Act and by the 2003 Order.