

## **ARMED FORCES ACT 2006**

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### **EXPLANATORY NOTES**

#### **COMMENTARY**

#### *First Group of Parts – Discipline*

#### **Part 3 – Powers of Arrest, Search and Entry**

#### *Chapter 4 – Supplementary*

#### *Section 94: Property in possession of service police or CO*

204. This section enables the Secretary of State to make provision by regulations as to the disposal of property which has come into the possession of a service policeman or a CO in connection with an investigation into a service offence. It is anticipated that the regulations will reflect provisions in the Police Property Act 1897 (as amended) which gives magistrates a wide power to make orders for the disposal of property.
205. Regulations made under this section may enable a service court or judge advocate either to order the return of property to the person appearing to be the owner or, if the owner cannot be found, to order its disposal as they see fit. The regulations may also allow the CO to determine to whom the property is delivered.
206. Regulations may also establish time limits after which a decision on disposal by a service court or judge advocate could not be challenged in civil proceedings. Such limits may not be imposed where a decision on a disposal is made by a CO.

#### *Section 95: Saving provision*

207. This section provides that the power of a CO or service policemen to enter and search service premises (other than service living accommodation) and service vehicles not in anybody's charge at the time are unaffected by the provisions in this Part of the Act.

#### *Section 97: Power to use reasonable force*

208. This section permits the use of reasonable force, if necessary in the exercise of powers authorised in Part 3 which relate to entry, search and seizure.