



Armed Forces Act 2001

2001 CHAPTER 19

PART 2

POWERS OF ENTRY, SEARCH AND SEIZURE

Powers to stop and search

2 Powers to stop and search persons, vehicles etc

- (1) A service policeman may exercise any power conferred by this section—
- (a) in any place to which at the time when he proposes to exercise the power the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission,
 - (b) in any other place to which people have ready access at the time when he proposes to exercise the power but which is not a dwelling or service living accommodation, and
 - (c) in any premises which at the time when he proposes to exercise the power are permanently or temporarily occupied or controlled by any of Her Majesty's forces but are not service living accommodation.
- (2) Subject to subsections (3) to (6), a service policeman—
- (a) may search—
 - (i) any person who is, or whom the service policeman has reasonable grounds for believing to be, subject to service law,
 - (ii) a service vehicle which is in the charge of any person,
 - (iii) any vehicle which is, or which the service policeman has reasonable grounds for believing to be, in the charge of a person subject to service law, or
 - (iv) anything which is in or on a service vehicle or a vehicle falling within sub-paragraph (iii),
for stolen or prohibited articles, controlled drugs or Her Majesty's stores, and
 - (b) may detain for the purpose of such a search—

Status: This is the original version (as it was originally enacted).

- (i) any person who is, or whom the service policeman has reasonable grounds for believing to be, subject to service law,
 - (ii) any person in charge of a service vehicle,
 - (iii) any service vehicle, and
 - (iv) any vehicle falling within paragraph (a)(iii).
- (3) This section does not give a service policeman power to search a person or vehicle or anything in or on a vehicle unless—
- (a) he has reasonable grounds for suspecting that he will find—
 - (i) stolen or prohibited articles, or
 - (ii) Her Majesty’s stores that have been unlawfully obtained, or
 - (b) he has reasonable grounds for suspecting—
 - (i) in the case of the search of a person, that the person is in possession of a controlled drug in circumstances in which he commits an offence against section 70 of either of the 1955 Acts or section 42 of the 1957 Act for which the corresponding civil offence is an offence under the Misuse of Drugs Act 1971 (c. 38), or
 - (ii) in the case of the search of a vehicle, that he will find a controlled drug that is in a person’s possession in such circumstances.
- (4) If a person is in a garden or yard occupied with and used for the purposes of a dwelling or of any service living accommodation falling within section 15(1)(a) or on other land so occupied and used, a service policeman may not by virtue of subsection (1) (a) or (b) search him in the exercise of the power conferred by this section unless the service policeman has reasonable grounds for believing—
- (a) that he does not reside in the dwelling or service living accommodation, and
 - (b) that he is not in the place in question with the express or implied permission of a person who resides in the dwelling or service living accommodation.
- (5) If a vehicle is in a garden or yard occupied with and used for the purposes of a dwelling or of any service living accommodation falling within section 15(1)(a) or on other land so occupied and used, a service policeman may not by virtue of subsection (1)(a) or (b) search the vehicle or anything in or on it in the exercise of the power conferred by this section unless the service policeman has reasonable grounds for believing—
- (a) that the person in charge of the vehicle does not reside in the dwelling or service living accommodation, and
 - (b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling or service living accommodation.
- (6) In subsections (4) and (5) “dwelling” does not include any dwelling which is permanently or temporarily occupied or controlled by any of Her Majesty’s forces.
- (7) If in the course of a search under this section a service policeman discovers an article which he has reasonable grounds for suspecting to be—
- (a) a stolen or prohibited article,
 - (b) evidence of an offence against section 70 of either of the 1955 Acts or section 42 of the 1957 Act for which the corresponding civil offence is an offence under the Misuse of Drugs Act 1971 (c. 38), or
 - (c) any of Her Majesty’s stores that have been unlawfully obtained,
- he may seize it.

- (8) An article is prohibited for the purposes of this section if it is—
- (a) an offensive weapon other than one in the possession of a person who is permitted to have it in his possession for the purposes of any of Her Majesty's forces, or
 - (b) an article—
 - (i) made or adapted for use in the course of or in connection with an offence specified in subsection (9) or an offence as respects which the corresponding civil offence is an offence specified in that subsection; or
 - (ii) intended by the person having it with him for such use by him or by some other person.
- (9) The offences referred to in subsection (8)(b)(i) are—
- (a) burglary,
 - (b) theft,
 - (c) offences under section 12 of the Theft Act 1968 (c. 60) (taking motor vehicle or other conveyance without authority), and
 - (d) offences under section 15 of that Act (obtaining property by deception).
- (10) In this section—
- “Her Majesty's stores” has the same meaning as in the Public Stores Act 1875 (c. 25);
 - “offensive weapon” means any article—
 - (a) made or adapted for use for causing injury to persons, or
 - (b) intended by the person having it with him for such use by him or by some other person;
 - “service vehicle” means a vehicle which—
 - (a) belongs to any of Her Majesty's forces, or
 - (b) is in use for the purposes of any of those forces.