



Armed Forces Act 2011

2011 CHAPTER 18

Powers of entry, search and seizure

8 Power to make provision about access to excluded material etc

(1) Section 86 of AFA 2006 (power to make provision about access to excluded material etc) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) The Secretary of State may by order make provision that enables a service policeman, for the purposes of an investigation of a relevant offence and by making an application to a judge advocate in accordance with the order—

- (a) to obtain access to excluded material or special procedure material on relevant residential premises; or
- (b) to obtain access to material (other than items subject to legal privilege) on premises other than relevant residential premises.

(2) An order under this section (an “enabling order”) may in particular—

- (a) so far as it relates to obtaining access to material on relevant residential premises, make provision equivalent to any provision of Schedule 1 to PACE (special procedure for obtaining production orders and warrants);
- (b) so far as it relates to obtaining access to material on premises other than relevant residential premises, make provision equivalent to any provision of paragraphs 1 to 11 of that Schedule (special procedure for obtaining production orders);
- (c) make provision equivalent to section 311(2) and (3) of this Act (certification to civil court of offences akin to contempt) in relation to a failure by a person within section 309(6) to comply with an order made by a judge advocate under the enabling order;
- (d) authorise the use, in connection with any application made by virtue of the enabling order, of live television or telephone links or similar arrangements.

Status: This is the original version (as it was originally enacted).

- (2A) Any power under subsection (2) to make provision which is equivalent to another provision includes power to make provision which is equivalent subject to such modifications as the Secretary of State considers appropriate.”
- (3) For subsection (4) substitute—
- “(4) In this section the following expressions have the meanings given by section 84—
- “excluded material”;
 - “items subject to legal privilege”;
 - “relevant offence”;
 - “special procedure material”.”