

2006 No. 3244

DEFENCE

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

<i>Made</i>	- - - -	<i>6th December 2006</i>
<i>Laid before Parliament</i>		<i>8th December 2006</i>
<i>Coming into force</i>	- -	<i>1st January 2007</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 5(10), 11(2) and 35(1) of the Armed Forces Act 2001(a):

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Armed Forces (Entry, Search and Seizure) (Amendment) Order 2006 and shall come into force on the 1st January 2007.

(2) In this Order—

- (a) “the Act” means the Armed Forces Act 2001;
- (b) “the 2003 Order” means the Armed Forces (Entry, Search and Seizure) Order 2003(b).

Amendment of the 2003 Order

2. The 2003 Order shall be amended as set out in the Schedule.

3. This Order shall have effect in relation to warrants applied for under section 5 of the Act on or after 1st January 2007.

6th December 2006

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

SCHEDULE

Article 2

Amendments to the 2003 Order

1. In article 8(2)(b) delete “search; and” and substitute “search;”.

(a) 2001 c.19.
(b) S.I. 2003/2273.

2. After article 8(2)(b) insert:
 - “(ba) if the application is for a warrant authorising entry and search on more than one occasion, to state the ground on which he applies for such a warrant, and whether he seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired; and”.
3. In article 8(5), after “only”, add “unless it specifies that it authorises multiple entries”.
4. After article 8(5) insert:
 - “(5A) If it specifies that it authorises multiple entries, it must also specify whether the number of entries authorised is unlimited, or limited to a specified maximum.”
5. In article 8(7), after “warrant”, add “which does not authorise multiple entries; and as many copies as are reasonably required may be made of any other kind of warrant”.
6. After article 9(2) insert:
 - “(2A) A person so authorised has the same powers as the service policeman whom he accompanies in respect of—
 - (a) the execution of the warrant, and
 - (b) the seizure of anything to which the warrant relates.
 - (2B) But he may exercise those powers only in the company, and under the supervision, of a service policeman.”
7. In article 9(3) for “one month” substitute “three months”.
8. After article 9(3) insert:
 - “(3A) No premises may be entered or searched for the second or any subsequent time under a warrant which authorises multiple entries unless a service policeman not below the rank of Lieutenant (Royal Navy), Captain (Army) or Flight Lieutenant (Royal Air Force) has in writing authorised that entry to those premises.”
9. In article 14(7), in the definition of “searchable premises”, after “Part 2” add “or of a power referred to in section 16(7) of the Act”.
10. In article 17(1), for “exercising any power of seizure conferred by or under Part 2, including anything” substitute “or”.

EXPLANATORY NOTE

(This note is not part of the Order)

The Armed Forces (Entry, Search and Seizure) Order 2003 supplements the entry, search and seizure powers conferred by the Armed Forces Act 2001 on service policemen and on those authorised by a commanding officer to search certain premises. The main changes made by this Order are to amend the 2003 Order to take account of certain changes in the equivalent powers of civilian policemen in the Police and Criminal Evidence Act 1984 made by the Criminal Justice Act 2003 and the Serious Organised Crime and Police Act 2005.

Paragraphs 1, 2 and 3 of the Schedule make provision to enable service policemen to apply on grounds to be stated in the warrant for search warrants allowing entry to and search of named premises on more than one occasion. Paragraph 4 requires the warrant to specify whether the maximum number of entries allowed is unlimited or limited to a specified maximum.

Paragraph 5 of the Schedule permits the making of as many copies of multiple entry warrants as may be required.

Paragraph 6 of the Schedule gives a person accompanying a service policeman on a search of premises the same powers of search and seizure as the service policeman. Paragraph 7 requires entry and search to be within 3 months of the issue of a warrant and paragraph 8 requires approval to be obtained from a senior policeman of a specified minimum rank for the execution of multiple entry warrants.

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