
STATUTORY INSTRUMENTS

2009 No. 2056

**The Armed Forces (Powers of Stop and Search,
Search, Seizure and Retention) Order 2009**

PART 3

Seizure, copying and retention

Retention

17.—(1) Subject to paragraph (4), anything which has been seized by a person exercising a power of seizure conferred by or under Part 3 of the Act or taken away by a person following a requirement made by virtue of article 14 or 15 may be retained so long as is necessary in all the circumstances.

(2) Without prejudice to the generality of paragraph (1)—

(a) anything seized for the purposes of an investigation of an offence may be retained, except as provided by paragraph (4)—

(i) for use as evidence in service proceedings or at a trial for an offence; or

(ii) for forensic examination or for investigation in connection with an offence; and

(b) anything may be retained in order to establish its lawful owner, where there are reasonable grounds for believing that it has been obtained in consequence of the commission of a service offence.

(3) This paragraph relates to the powers of seizure under—

(a) provision equivalent, subject to modifications, section 54(4)(a) of PACE as applied to persons under arrest or in custody under the Act by virtue of an Order made under section 113(1) of PACE; or

(b) section 73 of the Act.

(4) Nothing seized under a power of seizure to which paragraph (3) relates on the grounds that the person searched may use it—

(a) to cause physical injury to himself or to any other person, or

(b) to assist him to escape from service custody,

may be retained when the person from whom it was seized is no longer in service custody.

(5) Nothing may be retained for either of the purposes mentioned in paragraph (2)(a) if a photograph or copy would be sufficient for that purpose.

(6) The reference in paragraph (1) to anything seized by a person includes anything seized by a person authorised under article 9(2) to accompany a service policeman executing a warrant.