
STATUTORY INSTRUMENTS

2009 No. 2056

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

PART 4

Additional powers of seizure

Interpretation

18.—(1) In this Part—

- (a) in relation to a relevant time, references to something for which the person making the seizure had power to search shall be construed in accordance with paragraphs (2) to (5);
- (b) “relevant time” means a time when seized property is in any person’s possession in consequence of a seizure; and
- (c) “return”, in relation to seized property, shall be construed in accordance with article 27, and cognate expressions shall be construed accordingly.

(2) Where the seizure was made on the occasion of a search carried out on the authority of a warrant, a reference mentioned in paragraph (1)(a) shall be construed as including anything of the description of things the presence or suspected presence of which provided grounds for the issue of the warrant.

(3) Where the property was seized in the course of a search on the occasion of which it would have been lawful for the person carrying out the search to seize anything which on that occasion was believed by him to be, or appeared to him to be, of a particular description, a reference mentioned in paragraph (1)(a) shall be construed as including—

- (a) anything which at a relevant time is believed by the person in possession of the seized property, or, as the case may be, appears to him, to be of that description; and
- (b) anything which is in fact of that description.

(4) Where the property was seized in the course of a search on the occasion of which it would have been lawful for the person carrying out the search to seize anything which there were on that occasion reasonable grounds for believing was of a particular description, a reference mentioned in paragraph (1)(a) shall be construed as including—

- (a) anything which there are at a relevant time reasonable grounds for believing is of that description; and
- (b) anything which is in fact of that description.

(5) Where the property was seized in the course of a search to which neither paragraph (3) nor paragraph (4) applies, a reference mentioned in paragraph (1)(a) shall be construed as including anything which is of a description of things which, on the occasion of the search, it would have been lawful for the person carrying it out to seize otherwise than under articles 19 and 20.

(6) References in this Part to any item or material being comprised in other property include references to its being mixed with that other property.

(7) For the purposes of this Part and subject to article 27(5), the occupier of premises which are service living accommodation is—

- (a) if the premises are a building or part of a building within section 96(1)(a) of the Act, the person subject to service law for whose use (whether alone or with members of his family) as living accommodation or as a garage the building or part of a building is provided;
- (b) if the premises are a room, structure or area within section 96(1)(b) of the Act, any person subject to service law for whom the premises are used to provide sleeping accommodation; and
- (c) if the premises are a locker within section 96(1)(c) of the Act, the person subject to service law for whose personal use the locker is provided.