
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

Additional powers of seizure from premises

19.—(1) This paragraph applies where—

- (a) a person is lawfully on any premises other than by virtue of an authorisation under section 87 or 88 of the Act and finds anything on those premises that he has reasonable grounds for believing may be or may contain something for which he is authorised to search on those premises;
- (b) a power of seizure to which this article applies or the power conferred by paragraph (3) would entitle him, if he found it, to seize whatever it is that he has grounds for believing that thing to be or to contain; and
- (c) in all the circumstances, it is not reasonably practicable for it to be determined, on those premises—
 - (i) whether what he has found is something that he is entitled to seize; or
 - (ii) the extent to which what he has found contains something that he is entitled to seize.

(2) Where paragraph (1) applies, the person's powers of seizure shall include power under this article to seize so much of what he has found as it is necessary to remove from the premises to enable it to be determined—

- (a) whether what he has found is something that he is entitled to seize; or
- (b) the extent to which what he has found contains something that he is entitled to seize.

(3) Where—

- (a) a person who is lawfully on any premises other than by virtue of an authorisation under section 87 or 88 of the Act finds anything on those premises ("the seizable property") which he would be entitled to seize but for its being comprised in something else that he has (apart from this paragraph) no power to seize,
- (b) the power under which that person would have power to seize the seizable property is a power to which this article applies, and
- (c) in all the circumstances it is not reasonably practicable for the seizable property to be separated, on those premises, from that in which it is comprised,

that person's powers of seizure shall include power under this article to seize both the seizable property and that from which it is not reasonably practicable to separate it.

(4) The factors to be taken into account in considering, for the purposes of this article, whether or not it is reasonably practicable on particular premises for something to be determined, or for something to be separated from something else, shall be confined to the following—

- (a) how long it would take to carry out the determination or separation on those premises;
- (b) the number of persons that would be required to carry out that determination or separation on those premises within a reasonable period;
- (c) whether the determination or separation would (or would if carried out on those premises) involve damage to property;
- (d) the apparatus or equipment that it would be necessary or appropriate to use for the carrying out of the determination or separation; and
- (e) in the case of separation, whether the separation—
 - (i) would be likely, or
 - (ii) if carried out by the only means that are reasonably practicable on those premises, would be likely,

to prejudice the use of some or all of the separated seizable property for a purpose for which something seized under the power in question is capable of being used.

(5) Article 14(6) shall not apply to the power of seizure conferred by paragraph (3).

(6) This article applies to each of the powers of seizure conferred by or under Chapter 1 or 3 of Part 3 of the Act, except sections 87 and 88 of the Act.