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STATUTORY INSTRUMENTS

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**2009 No. 2056**

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

**PART 2**

**Searches**

**Execution of warrants**

**9.—**(1) A warrant to enter and search premises may be executed by any service policeman.

(2) Such a warrant may authorise persons to accompany any service policeman who is executing it.

(3) 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,

but he may exercise those powers only in the company, and under the supervision, of a service policeman.

(4) Entry and search under a warrant must be within three months from the date of its issue.

(5) No premises may be entered or searched for the second or any subsequent time under a warrant which provides for multiple entries unless an authorising service policeman has in writing authorised that entry to those premises.

(6) Entry and search under a warrant must be at a reasonable hour unless it appears to the service policeman executing it that the purpose of a search may be frustrated on an entry at a reasonable hour.

(7) Where the occupier of premises which are to be entered and searched is present at the time when a service policeman seeks to execute a warrant to enter and search them, the service policeman—

- (a) shall identify himself to the occupier and, if not in uniform, shall produce to him documentary evidence that he is a service policeman;
- (b) shall produce the warrant to him; and
- (c) shall supply him with a copy of it.

(8) Where—

- (a) the occupier of such premises is not present at the time when a service policeman seeks to execute such a warrant, but
- (b) some other person who appears to the service policeman to be in charge of the premises is present,

paragraph (7) shall have effect as if any reference to the occupier were a reference to that other person.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(9) If there is no person present who appears to the service policeman to be in charge of the premises, he shall leave a copy of the warrant in a prominent place on the premises.

(10) A search under a warrant may only be a search to the extent required for the purpose for which the warrant was issued.

(11) A service policeman executing a warrant shall make an endorsement on it stating—

- (a) whether the articles sought were found; and
- (b) whether any articles were seized, other than articles which were sought.

(12) A warrant shall be returned to the Judge Advocate General—

- (a) when, within the period prescribed in paragraph (4), it has been executed; or
- (b) when the period prescribed in paragraph (4) has expired, if the warrant is not executed within that period.

(13) A warrant which is returned under paragraph (12) shall be retained by the Judge Advocate General for at least 2 years from its return.

(14) If during the period for which a warrant is to be retained the occupier of premises to which it relates asks to inspect it, he shall be allowed to do so.