
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations deal with the disposal of property which has come into the possession of the service police or a person's commanding officer during the investigation of an offence or after a deprivation order has been made. They allow judge advocates to make orders and commanding officers to make determinations in relation to such property.

Under regulation 3, a judge advocate can order the return of property to the person appearing to be the owner of it or, if the owner cannot be found, or disclaims the property, to order its disposal (including retention by the police, its sale or destruction). Under regulation 5, a commanding officer of a person charged with a service offence can make a similar determination in respect of such property.

Where a deprivation order has been made in relation to such property, under regulation 4 a judge advocate can order the return of the property to the person appearing to be the owner of it, subject to the conditions in section 94A(3) being met, or, if the owner cannot be found or disclaims the property, to order its disposal. A commanding officer can make a similar determination under regulation 6.

Under regulation 7, a commanding officer can determine that property is to be returned to the person appearing to be the owner or person from whom it was seized.

Under regulation 8, an order or determination for the disposal of property can provide that property that can be used for service police purposes may be retained by the service police, and the property vests in the Provost Marshall of the service police in possession of it in such a case.

Regulation 9 provides that where property is sold, the proceeds of sale are to be paid into a fund maintained for charitable purposes.

Regulation 10 allows appeals to be made against orders and determinations made under these Regulations.

Regulation 11 revokes the Armed Forces (Disposal of Property) Regulations 2009 (S.I. 2009/1923), although they continue to apply to applications made under them before these Regulations come into force. It also makes consequential amendments to the Service Police (Complaints etc.) Regulations 2023 (S.I. 2023/624).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Disposal of Property) Regulations 2023.