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STATUTORY INSTRUMENTS

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**2023 No. 1152**

**The Armed Forces (Disposal of Property) Regulations 2023**

**Disposal of property on determination of commanding officer of person charged with a service offence**

5.—(1) Where—

- (a) a person is charged with a service offence,
- (b) property has come into the possession of the service police or that person's commanding officer in connection with the investigation of that service offence, and
- (c) an application for a determination under [paragraph \(2\)](#) has been sent to that person's commanding officer,

that commanding officer may make a determination under [paragraph \(2\)](#).

(2) A commanding officer may—

- (a) make a determination for the delivery of the property to the person appearing to the commanding officer to be the owner of the property, or
- (b) if the owner cannot be ascertained or disclaims their rights in the property, make such determination for the disposal of the property, including delivering it to the service police for destruction, retention or sale, as the commanding officer considers appropriate.

(3) An application under paragraph (1)(c) may be made by—

- (a) a service policeman,
- (b) a person claiming to be the owner of the property, or
- (c) a person in whose possession the property was before it was seized.

(4) Before making—

- (a) any determination, if the property is in the possession of the service police, a commanding officer must invite the service police in possession of the property to make representations concerning delivery of the property to the owner or disposal of the property;
- (b) a determination for disposal of the property by destruction or sale, a commanding officer must invite any person or persons mentioned in paragraph (3)(b) or (c) to make representations concerning its retention.

(5) Where a determination is made under [paragraph \(2\)](#), a commanding officer must send a copy of it to—

- (a) the person who made the application,
- (b) the person appearing to the commanding officer to be the owner of the property (unless that person is the applicant), and
- (c) the service police, if they are in possession of the property (unless a service policeman is the applicant).

(6) A determination made under paragraph (2) cannot take effect until the time limit for an appeal under regulation 10 has expired with no appeal being made, or where an appeal has been made under that regulation, until the appeal has been determined.

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**Changes to legislation:** There are currently no known outstanding effects for the The Armed Forces (Disposal of Property) Regulations 2023, Section 5. (See end of Document for details)

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**Commencement Information**

**II** Reg. 5 in force at 22.11.2023, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Armed Forces (Disposal of Property) Regulations 2023, Section 5.