



Armed Forces Act 2006

2006 CHAPTER 52

First Group of Parts Discipline

PART 3

POWERS OF ARREST, SEARCH AND ENTRY

CHAPTER 2

STOP AND SEARCH

79 Sections 75 and 76: limitation on searching persons or vehicles in certain gardens etc

- (1) Subsection (2) applies if a person (“A”) is in a garden or yard, or on other land, occupied with and used for the purposes of—
 - (a) a dwelling; or
 - (b) any service living accommodation within section 96(1)(a).
- (2) A person (“B”) may not by virtue of section 78(a) or (b) search A in the exercise of the power conferred by section 75 or 76 unless B has reasonable grounds for believing—
 - (a) that A does not reside in the dwelling or service living accommodation; and
 - (b) that A is not in the place in question with the express or implied permission of a person who resides in the dwelling or service living accommodation.
- (3) Subsection (4) applies if a vehicle is in a garden or yard, or on other land, occupied with and used for the purposes of—
 - (a) a dwelling; or
 - (b) any service living accommodation within section 96(1)(a).
- (4) A person may not by virtue of section 78(a) or (b) search the vehicle or anything in or on it in the exercise of the power conferred by section 75 or 76 unless he has reasonable grounds for believing—

Status: This is the original version (as it was originally enacted).

- (a) that the person in charge of the vehicle does not reside in the dwelling or service living accommodation; and
 - (b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling or service living accommodation.
- (5) In this section “dwelling” does not include any dwelling which is permanently or temporarily occupied or controlled for the purposes of any of Her Majesty’s forces.