

Private Security Industry Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, are published separately as Bill 67 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Mr Secretary Straw has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Private Security Industry Bill [HL] are compatible with the Convention rights.

Private Security Industry Bill [HL]

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[NOTE: The words marked in bold type were inserted by the Lords to avoid questions of privilege.]

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TO

Make provision for the regulation of the private security industry.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The Security Industry Authority

1 The Security Industry Authority

- (1) There shall be a body corporate to be known as the Security Industry Authority (in this Act referred to as “the Authority”).
- (2) The functions of the Authority shall be—
- (a) to carry out the functions relating to licensing and approvals that are conferred on it by this Act; 5
 - (b) to keep under review generally the provision of security industry services and other services involving the activities of security operatives; 10
 - (c) for the purpose of protecting the public, to monitor the activities and effectiveness of persons carrying on businesses providing any such services as are mentioned in paragraph (b);
 - (d) to ensure the carrying out of such inspections as it considers necessary of the activities and businesses of— 15
 - (i) persons engaged in licensable conduct; and
 - (ii) persons registered under section 14 as approved providers of security industry services;
 - (e) to set or approve standards of conduct, training and levels of supervision for adoption by— 20
 - (i) those who carry on businesses providing security industry services or other services involving the activities of security operatives; and
 - (ii) those who are employed for the purposes of such businesses;
 - (f) to make recommendations and proposals for the maintenance and improvement of standards in the provision of security industry 25

- services and other services involving the activities of security operatives;
- (g) to keep under review the operation of this Act.
- (3) The Authority may do anything that it considers is calculated to facilitate, or is incidental or conducive to, the carrying out of any of its functions. 5
- (4) Without prejudice to subsection (3), the Authority may, for any purpose connected with the carrying out of its functions—
- (a) make proposals to the Secretary of State for the modification of any provision contained in or made under this Act; and
- (b) undertake, or arrange for or support (whether financially or otherwise), the carrying out of research relating to the provision of security industry services and of other services involving the activities of security operatives. 10
- (5) The Authority shall not be regarded—
- (a) as the servant or agent of the Crown; or 15
- (b) as enjoying any status, immunity or privilege of the Crown;
- and the property of the Authority shall not be regarded as property of, or property held on behalf of, the Crown.
- (6) Schedule 1 (which makes provision about the Authority) shall have effect.
- 2 Directions etc. by the Secretary of State 20**
- (1) In carrying out its functions the Authority shall comply with any general or specific directions given to it in writing by the Secretary of State.
- (2) Before giving directions under subsection (1), the Secretary of State shall consult the Authority.
- (3) The Authority shall provide the Secretary of State with such information about its activities as he may request. 25

Licence requirement

- 3 Conduct prohibited without a licence**
- (1) Subject to the following provisions of this Act, it shall be an offence for a person to engage in any licensable conduct except under and in accordance with a licence. 30
- (2) For the purposes of this Act a person engages in licensable conduct if—
- (a) he carries out any designated activities for the purposes of, or in connection with, any contract for the supply of services under which—
- (i) he, 35
- (ii) a body corporate of which he is a director, or
- (iii) a firm of which he is a partner,
- is or may be required to secure that any such activities are carried out;
- (b) in the course of any employment of his by any person he carries out any designated activities for the purposes of, or in connection with, any contract for the supply of services under which his employer is or may be so required; 40

- (c) he carries out any designated activities in accordance with directions given to him by or on behalf of a person to whom his services are supplied (whether or not for the carrying out of any such activities) by –
- (i) a body corporate of which he is a director, 5
 - (ii) a firm of which he is a partner,
 - (iii) a person by whom he is employed, or
 - (iv) a person to whom he supplies his services under a contract for the purposes of which, or in connection with which, he is or may be required to work in accordance with the directions of another; 10
- (d) he acts –
- (i) in the course of any employment of his by any person, or
 - (ii) in accordance with any directions given as mentioned in paragraph (c), 15
- as the manager or supervisor of one or more individuals required in the course of their employment to engage in licensable conduct falling within paragraph (b);
- (e) he acts –
- (i) in the course of any employment of his by any person, or 20
 - (ii) in accordance with any directions given as mentioned in paragraph (c),
- as the manager or supervisor of individuals who are required in accordance with any such directions to engage in conduct which would be licensable conduct falling within paragraph (b) if they were required to engage in that conduct as the employees of the person to whom their services are supplied; 25
- (f) he is the director of any body corporate or the partner of any firm at a time when another of the directors or partners of the body or firm, or any employee of the body or firm, engages in licensable conduct falling within any of paragraphs (a) to (e); 30
- (g) he is the employer of an individual who in the course of any employment of his with that employer carries out any designated activities subject to additional controls;
- (h) in the course of any employment of his, or for purposes connected with his being a director or partner of a body corporate or firm, he carries out designated activities subject to additional controls; 35
- (i) in the course of any employment of his by any person he acts as the manager or supervisor of one or more individuals the duties of whose employment involve the carrying out of any designated activities subject to additional controls; or 40
 - (j) in circumstances in which it is proposed to impose a charge for the release of immobilised vehicles, he carries out on his own behalf or on behalf of another person any designated activities consisting in activities to which paragraph 3 of Schedule 2 (immobilisation of vehicles) applies. 45
- (3) In this Act “designated activities” means such of the activities of a security operative as are for the time being designated for the purposes of this section by an order made by the Secretary of State; and an order under this subsection may designate different activities for the purposes of different paragraphs of subsection (2). 50

- (4) For the purposes of this section a person shall not be treated as acting as the manager or supervisor of an individual by reason only of his giving directions to that individual in a case in which—
- (a) the directions are given on behalf of a person to whom the individual's services are provided under a contract for services; and 5
 - (b) the person who under the contract provides the individual's services or another person acting on his behalf, acts as the manager or supervisor of that individual in relation to the activities carried out by him in accordance with those directions.
- (5) Schedule 2 (which defines the activities that are to be treated as the activities of a security operative for the purposes of this Act and those which, so far as they are designated, are subject to additional controls) shall have effect. 10
- (6) A person guilty of an offence under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both. 15

4 Exemptions from licensing requirement

- (1) If—
- (a) it appears to the Secretary of State that there are circumstances in which licensable conduct is engaged in only by persons to whom suitable alternative arrangements will apply, and 20
 - (b) the Secretary of State is satisfied that, as a consequence, it is unnecessary for persons engaging in any such conduct in those circumstances to be required to be licensed under this Act,
- then he may by regulations prescribing those circumstances provide that a person shall not be guilty of an offence under section 3 in respect of any conduct engaged in by him in those circumstances. 25
- (2) The provision that may be made by regulations under subsection (1) includes provision that a person is not to be guilty of an offence in respect of any conduct which is engaged in by him in the course of his employment by, or otherwise under the direction of, a person who is certified by the Authority in accordance with the regulations to be a person who the Authority is satisfied will secure that suitable alternative arrangements apply. 30
- (3) In subsections (1) and (2) references to suitable alternative arrangements are references to arrangements that the Secretary of State or, as the case may be, the Authority is satisfied are equivalent, for all practical purposes so far as the protection of the public is concerned, to those applying to persons applying for and granted licences. 35
- (4) A person shall not be guilty of an offence under section 3 in respect of any activities of his as a security operative if—
- (a) he carries out those activities in his capacity as the director of a body corporate, the partner of any firm or the employee of any person; 40
 - (b) he has applied to the Authority for the grant of a licence and that application is pending;
 - (c) the licence applied for would authorise him to carry out those activities and is not one he has previously been refused; 45
 - (d) the body, firm or, as the case may be, the employer is a person who is for the time being registered under section 14 as an approved provider of security industry services; and

- (e) the Authority has given notice to the body, firm or employer that it has authorised that body, firm or employer to use directors, partners or employees whose applications are pending to carry out activities that consist in or include those activities.
- (5) Subsection (4) shall apply in the case of a person who carries out activities under directions given by or on behalf of another person in pursuance of a contract for the supply of the services of the first person as if the first person were an employee of the other one. 5
- 5 Offence of using unlicensed security operative**
- (1) A person is guilty of an offence if – 10
- (a) he provides any security industry services to another;
 - (b) those services are provided wholly or partly by means of the activities of an individual as a security operative; and
 - (c) that individual's activities in connection with the provision of those services involve his engaging in licensable conduct in respect of which he is not the holder of a licence. 15
- (2) In proceedings against any person for an offence under this section it shall be a defence for that person to show either –
- (a) that he did not know, and had no reasonable grounds for suspecting, at the time when the activities were carried out, that the individual in question was not the holder of a licence in respect of those activities; or 20
 - (b) that he took all reasonable steps, in relation to the services in question, for securing that that individual would not engage in any licensable conduct in respect of which he was not the holder of a licence.
- (3) A person shall not be guilty of an offence under this section in respect of any services in so far as those services are provided by means of conduct in which a person who is not the holder of a licence is entitled to engage by virtue of section 4. 25
- (4) A person guilty of an offence under this section shall be liable –
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; 30
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- 6 Offence of using unlicensed wheel-clampers**
- (1) A person who is an occupier of any premises is guilty of an offence if – 35
- (a) any individual carries out, in relation to vehicles on those premises, any designated activities consisting in activities to which paragraph 3 of Schedule 2 (immobilisation of vehicles) applies;
 - (b) the carrying out of those activities involves that individual's engaging in licensable conduct in respect of which he is not the holder of a licence; and 40
 - (c) those activities are carried out with the permission of that occupier or for the purposes of, or in connection with, any contract for the supply of services to him.
- (2) In proceedings against any person for an offence under this section it shall be a defence for that person to show either – 45

- (a) that he did not know, and had no reasonable grounds for suspecting, at the time when the activities were carried out, that the individual in question was not the holder of a licence in respect of those activities; or
 - (b) that he took all reasonable steps, in relation to the carrying out of those activities, for securing that that individual would not engage in any licensable conduct in respect of which he was not the holder of a licence. 5
- (3) A person shall not be guilty of an offence under this section in respect of the carrying out of activities which are comprised in any conduct of an individual in which he is entitled to engage by virtue of section 4. 10
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both. 15

Licensing functions of the Authority

7 Licensing criteria

- (1) It shall be the duty of the Authority, before granting any licences, to prepare and publish a document setting out—
- (a) the criteria which it proposes to apply in determining whether or not to grant a licence; and 20
 - (b) the criteria which it proposes to apply in exercising its powers under this Act to revoke or modify a licence.
- (2) The Authority may from time to time revise the document for the time being setting out the criteria mentioned in subsection (1)(a) and (b); and, if it does so, it shall publish the revised document. 25
- (3) The criteria set out by the Authority under this section—
- (a) shall include such criteria as the Authority considers appropriate for securing that the persons who engage in licensable conduct are fit and proper persons to engage in such conduct; 30
 - (b) may include such criteria as the Authority considers appropriate for securing that those persons have the training and skills necessary to engage in the conduct for which they are licensed; and
 - (c) may also include criteria relating to such other matters as the Authority thinks fit. 35
- (4) In setting out any criteria or revised criteria under this section the Authority may provide for different criteria to apply—
- (a) in relation to licences for different descriptions of licensable conduct; and
 - (b) in relation to the initial grant of a licence and in relation to a further grant to the same licensee for the purpose of renewing an earlier licence. 40
- (5) Criteria or revised criteria set out under this section shall not have effect for the purposes of this Act unless the Secretary of State has approved them.

- (6) The publication in accordance with this section of any document setting out any criteria or revised criteria must be in such manner as the Authority considers appropriate for bringing it to the attention of the persons likely to be affected by it.
- 8 Licences to engage in licensable conduct** 5
- (1) The Authority may, on an application made to it, grant to the applicant a licence to engage in any such licensable conduct as may be described in the licence.
- (2) An application to the Authority for the grant of a licence – 10
- (a) must be in such form, and
- (b) must be accompanied by such information, as may be prescribed.
- (3) In determining whether or not to grant a licence the Authority shall apply the criteria for the time being applicable under section 7.
- (4) The Authority may refuse to grant a licence until – 15
- (a) it has been satisfied as to the identity of the applicant in such manner as may be prescribed;
- (b) the applicant has supplemented his application with such further information (if any) as the Authority may request after receiving the application; and 20
- (c) the Authority has been able to carry out such further inquiries (if any) in relation to the applicant as it considers appropriate.
- (5) A licence granted by the Authority to engage in any description of licensable conduct – 25
- (a) must be in such form,
- (b) must contain such information, and
- (c) must be granted on such conditions, as may be prescribed in relation to licences to engage in that description of licensable conduct.
- (6) Such a licence may be granted subject to such conditions, in addition to the prescribed conditions, as the Authority considers appropriate in relation to the licence in question. 30
- (7) On the making of an application for the grant of a licence, the applicant shall pay to the Authority such fee as may be prescribed.
- (8) Subject to section 10, a licence shall remain in force – 35
- (a) except in a case to which paragraph (b) applies, for a period of three years beginning with the day on which it is granted; and
- (b) in any case for which provision as to the duration of the licence is made by the Secretary of State by order, for such other period beginning with that day as may be specified in the order. 40
- 9 Licence conditions**
- (1) The power of the Secretary of State to prescribe the conditions on which a licence must be granted and the power of the Authority to impose additional conditions for such a licence shall include power to prescribe or impose –

- (a) conditions containing requirements as to the training, registration and insurances which the licensee is to undergo, or to maintain, while the licence remains in force;
- (b) conditions as to the manner in which the licensee is to carry out specified activities of a security operative that he is licensed to carry out; 5
- (c) conditions imposing obligations as to the production and display of the licence;
- (d) conditions imposing obligations as to the information to be provided from time to time by the licensee to the Authority; and 10
- (e) such other conditions (whether or not relating to the criteria that would be applied by the Authority in determining whether to grant the licence) as the Secretary of State or the Authority thinks fit.
- (2) The conditions that may be prescribed or imposed in relation to any description of licence may include conditions imposing obligations on a licensee by reference to requirements made or directions given by the Authority. 15
- (3) In relation to a licence authorising licensable conduct falling within subsection (2)(g) of section 3, the references in subsection (1) of this section to the licensee include references to any of his employees who carry out any designated activities subject to additional controls. 20
- (4) Any person who contravenes the conditions of any licence granted to him shall be guilty of an offence and liable, on summary conviction, to a term of imprisonment not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both. 25
- (5) In proceedings against any person for an offence under subsection (4) it shall be a defence for that person to show that he exercised all due diligence to avoid a contravention of the conditions of the licence.
- 10 Revocation and modification of licences**
- (1) The Authority may by notice in writing to the licensee modify or revoke any licence granted to him (including any of the conditions of that licence). 30
- (2) In determining whether or not to modify or revoke a licence, the Authority shall apply the criteria for the time being applicable under section 7.
- (3) The modifications that may be made under this section include one suspending the effect of the licence for such period as the Authority may determine. 35
- 11 Appeals in licensing matters**
- (1) Where—
- (a) an application for a licence is refused,
- (b) a licence is granted subject to conditions imposed under section 8(6), or 40
- (c) a licence is modified or revoked,
- the applicant or, as the case may be, the holder of the licence may appeal to the appropriate magistrates' court against the Authority's decision to refuse to grant the licence, to impose those conditions or, as the case may be, to modify or to revoke the licence. 45

- (2) An appeal under subsection (1) must be brought before the end of the period of twenty-one days beginning with the day on which the decision appealed against was first notified to the appellant by the Authority.
- (3) For the purposes of subsection (1) the appropriate magistrates' court is the magistrates' court for the petty sessions area in which is situated, as the case may be—
- (a) the address for the appellant that has been supplied for the purpose of being recorded (if a licence is granted) in the register maintained under section 12; or
 - (b) the address for the appellant that is for the time being recorded in that register.
- (4) Where a magistrates' court makes a decision on an appeal under subsection (1), an appeal to the Crown Court may be brought against that decision either by the Authority or by the person on whose appeal that decision was made.
- (5) A court to which an appeal is brought under this section shall determine the appeal in accordance with the criteria for the time being applicable under section 7.
- (6) Where an application for the grant of a licence by way of a renewal is refused or a licence is revoked, the licence to which the application or revocation relates shall be deemed to remain in force—
- (a) for the period during which an appeal may be brought under subsection (1);
 - (b) for the period from the bringing of any such appeal until it is determined or abandoned;
 - (c) for the period from any determination on appeal that a licence should be granted until effect is given to that determination, or it is overturned on a further appeal;
 - (d) during any such period as the appropriate magistrates' court or the Crown Court may direct, pending an appeal from a determination made on an appeal to that magistrates' court.

12 Register of licences

- (1) It shall be the duty of the Authority to establish and maintain a register of persons licensed under this Act.
- (2) The Authority shall secure that the register contains particulars of every person who for the time being holds a licence.
- (3) The particulars that must be recorded in every entry in the register relating to the holder of a licence are—
- (a) the name of the holder of the licence;
 - (b) an address for the holder of the licence which satisfies the prescribed requirements;
 - (c) the time when the licence will cease to have effect unless renewed; and
 - (d) the terms and other conditions of his licence.
- (4) It shall be the duty of the Authority to ensure that such arrangements are in force as it considers appropriate for—
- (a) allowing members of the public and such other persons as it thinks fit to inspect the contents of the register; and

- (b) securing that such publicity is given to any modification or revocation of a licence as will bring it to the attention of persons likely to be interested in it.
- (5) The Authority may impose such fee as it considers reasonable for allowing a person to inspect the register or to take a copy of any part of it. 5

13 Licensing at local authority level

- (1) The Secretary of State may by order make provision for local authorities to carry out some or all of the Authority's relevant licensing functions in relation to such cases and such areas, and for such purposes, as may be specified or described in the order. 10
- (2) References in this section to the Authority's relevant licensing functions are references to such of its functions under this Act (other than section 7) as relate to the grant, revocation or modification of licences to engage in any such licensable conduct as will or may involve, or relate to, the carrying out of activities to which paragraph 8 of Schedule 2 (door supervisors etc. for public houses and clubs and comparable venues) applies. 15
- (3) An order under this section may –
- (a) impose such conditions and requirements in respect of the carrying out of any of the Authority's relevant licensing functions by a local authority as the Secretary of State thinks fit; 20
 - (b) provide for any of those conditions or requirements to be framed by reference to directions given by the Secretary of State in accordance with the order;
 - (c) provide for any of the powers exercisable by a local authority by virtue of such an order to be exercisable concurrently in relation to the same case by the Authority and that local authority; and 25
 - (d) authorise a local authority to retain any fee paid to them by virtue of section 8(7).
- (4) Section 11 shall apply in relation to a decision made by a local authority in accordance with an order under subsection (1) as it applies in relation to a decision of the Authority; and where it so applies it shall have effect as if the references in subsections (2) and (4) of that section to the Authority were a reference to the local authority that made the decision in question. 30
- (5) The Secretary of State may by order make such provision repealing or modifying the provisions of any local enactment as he considers appropriate in consequence of the coming into force of any of the provisions of this Act or of an order under subsection (1). 35
- (6) The Secretary of State shall consult the Authority before making an order under this section.
- (7) In this section "local authority" means – 40
- (a) the council for any county or district in England other than a metropolitan county the districts comprised in which are districts for which there are councils;
 - (b) the council for any London borough;
 - (c) the Common Council of the City of London; 45
 - (d) the Council of the Isles of Scilly;
 - (e) the council for any county or county borough in Wales.

*Approved contractors***14 Register of approved contractors**

- (1) It shall be the duty of the Authority to establish and maintain a register of approved providers of security industry services.
- (2) The Authority shall secure that the register contains particulars of every person who is for the time being approved under any arrangements in force under section 15. 5
- (3) The particulars that must be recorded in every entry in the register relating to an approved person are—
- (a) the name of that person; 10
 - (b) an address for that person which satisfies the prescribed requirements;
 - (c) the services in respect of which that person is approved;
 - (d) the time when the approval will cease to have effect unless renewed; and
 - (e) the conditions of the approval. 15
- (4) It shall be the duty of the Authority to ensure that such arrangements are in force as it considers appropriate for—
- (a) allowing members of the public to inspect the contents of the register; and
 - (b) securing that such publicity is given to any modification or withdrawal of an approval as will bring it to the attention of persons likely to be interested in it. 20
- (5) The Authority may impose such fee as it considers reasonable for allowing a person to inspect the register or to take a copy of any part of it.

15 Arrangements for the grant of approvals

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- (1) It shall be the duty of the Authority to secure that there are arrangements in force for granting approvals to persons who—
- (a) are providing security industry services in England and Wales; and
 - (b) seek approval in respect of any such services that they are providing, or are proposing to provide. 30
- (2) The arrangements must—
- (a) allow for an approval to be granted either in respect of all the services in respect of which it is sought or in respect of only some of them;
 - (b) ensure that an approval is granted to a person in respect of any services only if the condition for the grant of an approval is satisfied in accordance with subsection (3); 35
 - (c) provide for an approval granted to any person to have effect subject to such conditions (whether or not connected with the provision of the services in respect of which the approval is granted) as may be contained in the approval; 40
 - (d) enable a person to whom the Authority is proposing to grant an approval to refuse it if the proposal is in different terms from the approval which was sought;
 - (e) make provision for the handling of complaints and disputes which—

- (i) are required by the conditions of an approved person's approval to be dealt with in accordance with a procedure maintained by him in pursuance of those conditions; but
- (ii) are not disposed of by the application of that procedure;
- (f) provide for an approval to cease to have effect (unless renewed) — 5
- (i) except in a case to which sub-paragraph (ii) applies, at the end of the period of three years beginning with the day on which it is granted; and
- (ii) in a case for which provision as to the duration of the approval is made by the Secretary of State by order, for such other period beginning with that day as may be specified in the order; 10
- (g) provide for the modification and withdrawal of approvals.
- (3) The condition that must be fulfilled before an approval is granted to any person is that the Authority is satisfied that he —
- (a) will comply, in providing the services in respect of which he is approved, with such technical and other requirements as may be prescribed; 15
- (b) is a person in relation to whom such other requirements as may be prescribed are, and will continue to be, satisfied;
- (c) is, and will continue to be, able and willing to comply with any requirements that the Authority is proposing to impose by means of conditions of the approval; and 20
- (d) is otherwise a fit and proper person to be approved in respect of those services.
- (4) Regulations made by virtue of paragraph (a) or (b) of subsection (3) may frame a requirement for the purposes of that subsection by reference to the opinion of a person specified in the regulations, or of a person chosen in a manner determined in accordance with the regulations. 25
- (5) The requirements which (subject to subsection (6)) may be imposed by conditions contained in an approval in accordance with the arrangements include — 30
- (a) requirements to provide information to such persons, in such form, at such times and in response to such requests as may be specified in or determined under the terms of the condition;
- (b) requirements framed by reference to the opinion or directions of a person specified in or chosen in accordance with provision contained in the conditions. 35
- (6) Nothing in the arrangements shall authorise the imposition, by conditions contained in an approval, of any requirements for —
- (a) the provision of information, or 40
- (b) the maintenance of a procedure for handling complaints or disputes, in relation to any matter other than one appearing to the Authority to be relevant to the matters mentioned in subsection (3)(a) to (d).
- (7) Any requirement to provide information that is imposed in accordance with the arrangements on any person by the conditions of his approval shall be enforceable at the suit or instance of the Authority. 45
- (8) Where any arrangements under this section so provide, a person who —
- (a) seeks an approval under the arrangements,

- (b) applies for a modification of such an approval,
 - (c) is for the time being approved under the arrangements, or
 - (d) has his approval under the arrangements modified wholly or partly in consequence of an application made by him,
- shall pay to the Authority, at such time or times as may be prescribed, such fee or fees as may be prescribed in relation to that time or those times. 5

16 Right to use approved status

- (1) The Authority may approve the terms in which a person who is for the time being registered under section 14 as an approved provider of security industry services may hold himself out as so registered. 10
- (2) A person is guilty of an offence if –
 - (a) he holds himself out as registered under section 14 as an approved provider of any security industry services when he is not so registered; or
 - (b) he is so registered but holds himself out as so registered in terms that have not been approved by the Authority in relation to his case. 15
- (3) A person guilty of an offence under this section shall be liable –
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine. 20
- (4) For the purposes of this section references in this section to a person's holding himself out as registered as an approved provider of any services include references to his holding himself out to be a person who is for the time being approved in respect of those services in accordance with arrangements under section 15. 25

17 Imposition of requirements for approval

- (1) The Secretary of State may by regulations provide that persons of prescribed descriptions are to be prohibited from providing prescribed security industry services unless they are for the time being approved in respect of those services in accordance with arrangements under section 15. 30
- (2) A person is guilty of an offence if he contravenes any prohibition imposed on him by regulations under subsection (1).
- (3) A person who –
 - (a) is approved in respect of any security industry services in accordance with arrangements under section 15, and
 - (b) would be prohibited by regulations under subsection (1) from providing those services except while for the time being so approved,
 is guilty of an offence if he contravenes any of the conditions of his approval in respect of those services. 35
- (4) A person guilty of an offence under this section is liable –
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine. 40

- (5) The Secretary of State may by regulations make provision in relation to cases in which a person is required by regulations under subsection (1) to be approved in respect of any services in accordance with arrangements under section 15—
- (a) for the conditions that are to be contained in his approval in relation to the handling of complaints made about the provision of those services; and
 - (b) generally in relation to the arrangements under that section that are to be made for such cases.
- 18 Appeals relating to approvals**
- (1) Where—
- (a) an application for an approval for the purposes of section 15 is refused,
 - (b) conditions are included as conditions of such an approval, or
 - (c) such an approval is modified or withdrawn,
- the applicant or, as the case may be, the approved person may appeal to the appropriate magistrates' court against the Authority's decision to refuse to grant the approval, to include those conditions or, as the case may be, to modify or to withdraw the approval.
- (2) An appeal under subsection (1) must be brought before the end of the period of twenty-one days beginning with the day on which the decision appealed against was first notified to the appellant by the Authority.
- (3) For the purposes of subsection (1) the appropriate magistrates' court is the magistrates' court for the petty sessions area in which is situated, as the case may be—
- (a) the address for the appellant that has been supplied for the purpose of being recorded (if an approval is granted) in the register maintained under section 14; or
 - (b) the address for the appellant that is for the time being recorded in that register.
- (4) Where a magistrates' court makes a decision on an appeal under subsection (1), an appeal to the Crown Court may be brought against that decision either by the Authority or by the person on whose appeal that decision was made.
- (5) Where an application for the grant of an approval by way of a renewal is refused or an approval is withdrawn, the approval to which the application or withdrawal relates, shall be deemed to remain in force—
- (a) for the period during which an appeal may be brought under subsection (1);
 - (b) for the period from the bringing of any such appeal until it is determined or abandoned;
 - (c) for the period from any determination on appeal that an approval should be granted until effect is given to that determination, or it is overturned on a further appeal;
 - (d) during any such period as the appropriate magistrates' court or the Crown Court may direct, pending an appeal from a determination made on an appeal to that magistrates' court.

*Entry, inspection and information***19 Powers of entry and inspection**

- (1) Subject to subsections (3) and (4), a person authorised in writing for the purpose by the Authority may enter any premises owned or occupied by any person appearing to him to be a regulated person other than premises occupied exclusively for residential purposes as a private dwelling. 5
- (2) A person authorised in writing for the purpose by the Authority may require any person appearing to him to be a regulated person to produce to him any documents or other information relating to any matter connected with—
- (a) any licensable conduct which has been or may be engaged in by the person so appearing; 10
 - (b) the provision by the person so appearing of any security industry services;
 - (c) any matters in respect of which conditions are imposed on the person so appearing by virtue of a licence or of an approval granted in accordance with arrangements under section 15. 15
- (3) A person exercising the power conferred by subsection (1) shall do so only at a reasonable hour.
- (4) A person exercising such a power shall—
- (a) comply with any reasonable request made (whether before or after entry is gained to the premises) by any person present on the premises to do any one or more of the following—
 - (i) state the purpose for which the power is being exercised;
 - (ii) show the authorisation by the Authority for his exercise of the power; 25
 - (iii) produce evidence of his identity;
 - (b) make a record of the date and time of his entry, the period for which he remained there and his conduct while there; and
 - (c) if requested to do so by any person present on the premises at the time of the entry, provide that person with a copy of that record. 30
- (5) A person is guilty of an offence if—
- (a) he intentionally obstructs any person in the exercise of any power conferred by subsection (1);
 - (b) he fails, without reasonable excuse, to comply with any requirement imposed by subsection (2); or 35
 - (c) he makes an unauthorised disclosure of any information obtained by him in the exercise of any power conferred by this section, or as a consequence of the exercise of any such power by another.
- (6) For the purposes of this section a disclosure of information obtained by any person as mentioned in subsection (5)(c) is authorised if, and only if, it is made—
- (a) for the purposes of the carrying out by the Authority of any of its functions under this Act; or
 - (b) for the purposes of any criminal proceedings. 40
- (7) A person guilty of an offence under this section shall be liable, on summary conviction, to a term of imprisonment not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both. 45

- (8) In this section “regulated person” means –
- (a) the holder of any licence granted under this Act;
 - (b) any person who engages in licensable conduct without being the holder of a licence under this Act;
 - (c) any person who is for the time being approved in accordance with arrangements under section 15 in respect of any services which regulations under section 17 prohibit him from providing unless so approved; or 5
 - (d) any person who is not so approved but provides security industry services which he is prohibited by any such regulations from providing. 10
- 20 Guidance as to exercise of power of entry**
- (1) It shall be the duty of the Authority to prepare and publish a document containing its guidance as to the manner in which persons authorised to enter premises under subsection (1) of section 19 should – 15
- (a) exercise the power conferred by that subsection; and
 - (b) conduct themselves after entering premises in exercise of that power.
- (2) The Authority may from time to time revise the guidance published under this section; and, if it does so, it shall publish the revised guidance.
- (3) A requirement under this section for the Authority to publish guidance or revised guidance shall be a requirement to publish it in such manner as appears to the Authority appropriate for bringing it to the attention of persons likely to be affected by it. 20
- 21 Access to enhanced criminal records certificates**
- In section 115(5) of the Police Act 1997 (c. 50) (matters in respect of which an enhanced criminal record certificate may be required), after paragraph (g) there shall be inserted – 25
- “(ga) a licence under the Private Security Industry Act 2001 to engage in any such licensable conduct (within the meaning of that Act) as will or may involve, or relate to, activities to which paragraph 8 of Schedule 2 to that Act applies (door supervisors etc. for public houses and clubs and comparable venues).” 30
- 22 False information**
- (1) A person is guilty of an offence if for any purposes connected with the carrying out by the Authority of any of its functions under this Act – 35
- (a) he makes any statement to the Authority which he knows to be false in a material particular; or
 - (b) he recklessly makes any statement to the Authority which is false in a material particular.
- (2) A person guilty of an offence under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both. 40

*Supplemental***23 Criminal liability of directors etc**

Where an offence under any provision of this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,
- he (as well as the body corporate) shall be guilty of that offence and liable to be proceeded against and punished accordingly.

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24 Orders and regulations

- (1) In this Act “prescribed” means prescribed by regulations made by the Secretary of State, or determined in any such manner and by such person as may be provided for in any such regulations; and “prescribe” shall be construed accordingly.

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- (2) Every power of the Secretary of State under this Act to make an order or regulations shall be exercisable by statutory instrument.

- (3) A statutory instrument containing any order or regulations made under any provision of this Act, other than one containing either—

- (a) an order under section 26(2); or
- (b) an order a draft of which has been approved for the purposes of paragraph 1(3) or 7(3) of Schedule 2,

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shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (4) Before—
- (a) making any regulations under any provision of this Act,
 - (b) making any order under any provision of this Act other than paragraph 1(2) or 7(2) of Schedule 2, or
 - (c) laying any draft order under paragraph 1(2) or 7(2) of Schedule 2 before Parliament,

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the Secretary of State shall consult the Authority.

- (5) Any order or regulations made under any of the preceding provisions of this Act or any provision contained in a Schedule to this Act may—

- (a) make different provisions for different cases;
- (b) contain such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.

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25 Interpretation

- (1) In this Act—
- “activities of a security operative” shall be construed in accordance with Part I of Schedule 2;
 - “activities subject to additional controls” shall be construed in accordance with Part II of that Schedule;
 - “the Authority” means the Security Industry Authority;

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- “contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;
- “designated activities” has the meaning given by section 3(3);
- “director” –
- (a) in relation to a company (within the meaning of the Companies Act 1985 (c. 6)), includes a shadow director; 5
 - (b) in relation to any such company that is a subsidiary of another, includes any director or shadow director of the other company; and
 - (c) in relation to a body corporate whose affairs are managed by its members, means a member of that body corporate; 10
- “information” includes reports, references and other documents, photographs and data of any description;
- “licence” means a licence from the Authority under this Act;
- “licensable conduct” shall be construed in accordance with section 3(2); 15
- “local statutory provision” means –
- (a) a provision of any local Act;
 - (b) a provision of any instrument in the nature of a local enactment;
 - (c) a provision of any instrument made under a local statutory provision; 20
- “modification” includes amendments, additions and omissions, and cognate expressions shall be construed accordingly;
- “motor vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle;
- “premises” includes any vehicle or moveable structure and any other place whatever, whether or not occupied as land; 25
- “relevant accountancy body” means any of the following –
- (a) the Institute of Chartered Accountants in England and Wales;
 - (b) the Institute of Chartered Accountants of Scotland;
 - (c) the Institute of Chartered Accountants in Ireland; 30
 - (d) the Association of Chartered Certified Accountants;
 - (e) the Chartered Institute of Management Accountants;
 - (f) the Chartered Institute of Public Finance and Accountancy;
- “security industry services” means services which are provided under a contract for services and in the course of which the person providing the services secures – 35
- (a) that the activities of a security operative are carried out; or
 - (b) that a person is made available to carry out, under directions given by or on behalf of another person, any activities which will or are likely to consist of or include the activities of a security operative; 40
- “surveillance” includes covertly listening to or recording conversations or other sounds and any method of covertly obtaining information;
- “shadow director” means a shadow director as defined in section 741(2) of the Companies Act 1985; 45
- “subsidiary” means a subsidiary as defined in section 736 of the Companies Act 1985;
- “vehicle” includes any vessel, aircraft or hovercraft.
- (2) In this Act references, in relation to a firm, to a member of the firm include references to any person who, in relation to that firm, is liable as a partner 50

under section 14 of the Partnership Act 1890 (c. 39) (persons liable by “holding out”).

26 Short title, commencement and extent

- (1) This Act may be cited as the Private Security Industry Act 2001.
- (2) The provisions of this Act, other than this section, shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different purposes. 5
- (3) This Act extends to the United Kingdom for the purposes only of—
 - (a) the amendment of the Police Act 1997 (c. 50) by section 21; and 10
 - (b) the amendments by Schedule 1 of the following enactments—
 - (i) the Public Records Act 1958 (c. 51);
 - (ii) the Parliamentary Commissioner Act 1967 (c. 13);
 - (iii) the Superannuation Act 1972 (c. 11);
 - (iv) the House of Commons Disqualification Act 1975 (c. 24); 15
 - (v) the Northern Ireland Assembly Disqualification Act 1975 (c. 25); and
 - (vi) the Freedom of Information Act 2000 (c. 36).
- (4) Subject to subsection (3), this Act extends to England and Wales only.
- (5) **Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.** 20

SCHEDULES

SCHEDULE 1

Section 1.

THE SECURITY INDUSTRY AUTHORITY

Membership and chairman

- | | | |
|---|--|----|
| 1 | (1) The Authority shall consist of such number of members as the Secretary of State may determine. | 5 |
| | (2) The appointment of a person to be a member shall be made by the Secretary of State. | |
| | (3) The Secretary of State shall appoint one of the members of the Authority to be its chairman. | 10 |

Tenure of office

- | | | |
|---|--|----|
| 2 | (1) Subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of his appointment. | |
| | (2) A person shall not be appointed as a member for more than five years. | |
| | (3) A person may at any time resign his office as a member by notice in writing to the Secretary of State. | 15 |
| | (4) A person appointed as chairman of the Authority – | |
| | (a) shall hold and vacate that office in accordance with the terms of his appointment; | |
| | (b) may resign that office by notice in writing to the Secretary of State; and | 20 |
| | (c) shall cease to hold that office if he ceases to be a member. | |
| 3 | The Secretary of State may remove a person from office as a member or as chairman of the Authority if satisfied that – | |
| | (a) he has without reasonable excuse failed, for a continuous period of three months, to carry out his functions as a member or (as the case may be) as chairman; | 25 |
| | (b) he has without reasonable excuse been absent from three consecutive meetings of the Authority; | |
| | (c) he has been convicted (whether before or after his appointment) of a criminal offence; | 30 |
| | (d) he is an undischarged bankrupt or his estate has been sequestrated and he has not been discharged, or he has made an arrangement with, or granted a trust deed for, his creditors; | |
| | (e) he has failed to comply with the terms of his appointment; or | 35 |
| | (f) he is otherwise unable or unfit to carry out his functions as a member or (as the case may be) as chairman. | |

- 4 A person who ceases (otherwise than by virtue of paragraph 3) to be a member or to be the chairman of the Authority shall be eligible for re-appointment.

Remuneration, pensions etc. of members

- 5 (1) The Authority shall pay to its members such remuneration and allowances as the Secretary of State may determine. 5
- (2) The Authority shall, as regards any of its members or former members in whose case the Secretary of State may so determine, pay or make payments in respect of such pension or gratuity as the Secretary of State may determine. 10
- (3) If—
- (a) a person ceases to be a member or ceases to be the chairman of the Authority, and
- (b) it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, 15
- the Secretary of State may direct the Authority to make a payment of such amount as he may determine.

Staff etc.

- 6 (1) The Authority shall have— 20
- (a) a chief executive, with responsibility to the Authority for the carrying out of its functions and the management of its employees; and
- (b) subject to the approval of the Secretary of State as to numbers and terms and conditions of service, such other employees as the Authority may appoint. 25
- (2) The first appointment of a chief executive shall be made by the Secretary of State; but, subject to obtaining the Secretary of State's consent to the appointment, every subsequent appointment of a chief executive shall be made by the Authority itself. 30
- (3) References in this Schedule to the employees of the Authority include references to its chief executive (whether appointed by the Secretary of State or by the Authority).
- 7 (1) The Authority shall pay to its employees such remuneration and allowances as it may, with the consent of the Secretary of State, determine. 35
- (2) The Authority shall—
- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of its employees or former employees as it may, with the consent of the Secretary of State, determine; and
- (b) provide and maintain such schemes (whether contributory or not) as it may determine, with the consent of the Secretary of State, for the payment of pensions or gratuities in respect of its employees or former employees. 40
- (3) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments. 45

- (4) If any person—
- (a) on ceasing to be employed by the Authority becomes or continues to be one of its members, and
 - (b) was, by reference to his employment, a participant in a pension scheme maintained by the Authority,
- 5
- the Authority may, with the consent of the Secretary of State, make provision for that person to continue to participate in that scheme, on such terms and conditions as it may with the consent of the Secretary of State determine, as if his service as a member were service as an employee.
- (5) Any provision made by virtue of sub-paragraph (4) is without prejudice to paragraph 5. 10

Committees

- 8 (1) The Authority may establish committees.
- (2) Any committee established under sub-paragraph (1) may establish one or more sub-committees. 15
- (3) A person who is not a member of the Authority may be appointed to a committee or sub-committee of the Authority.
- (4) The Authority may pay to members of its committees or sub-committees who are neither members nor employees of the Authority such remuneration and allowances as the Secretary of State may determine. 20

Delegation to committees and staff

- 9 (1) The Authority may, to such extent as it may determine, delegate any of its functions to any committee of the Authority or to any employee of the Authority.
- (2) Any such committee may, to such extent as it may determine, delegate any function conferred on it to any of its sub-committees or to any employee of the Authority. 25
- (3) Any sub-committee of the Authority may, to such extent as the sub-committee may determine, delegate any functions conferred on the sub-committee to any employee of the Authority. 30

Proceedings

- 10 (1) Subject to the following provisions of this paragraph, the Authority may regulate—
- (a) its own procedure (including quorum); and
 - (b) the procedure (including quorum) of its committees and sub-committees. 35
- (2) The quorum for meetings of the Authority shall in the first instance be determined by a meeting of the Authority that is attended by at least five of its members.
- (3) The Authority shall make provision for a quorum for meetings of its committees or sub-committees to include at least one member or employee of the Authority. 40

- 11 The validity of any proceedings of the Authority, or of any of its committees or sub-committees, shall not be affected by –
- (a) any vacancy among the members of the Authority or of members of the committee or sub-committee;
 - (b) any vacancy in the office of the chairman of the Authority; or
 - (c) any defect in the appointment of any one or more members or of the chairman of the Authority.
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Application of seal and evidence

- 12 The application of the seal of the Authority shall be authenticated by the signature –
- (a) of any member; or
 - (b) of any other person who has been authorised by the Authority (whether generally or specially) for that purpose.
- 10
- 13 A document purporting to be –
- (a) duly executed by the Authority under its seal, or
 - (b) signed on its behalf,
- shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.
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Money

- 14 (1) The Secretary of State may make payments to the Authority out of money provided by Parliament.
- (2) The Authority shall not borrow money except with the consent of the Secretary of State.
- 20
- 15 (1) The Authority may impose such charges as it considers appropriate in connection with the carrying out of any of its functions.
- (2) The Authority shall pay to the Secretary of State all sums received by it (otherwise than under paragraph 14) in the course of, or in connection with, the carrying out of its functions.
- (3) Sub-paragraph (2) shall not apply where the Secretary of State so directs.
- (4) Any sums received by the Secretary of State under sub-paragraph (2) shall be paid into the Consolidated Fund.
- 25
- 16 (1) The Authority shall –
- (a) keep proper accounts and proper records in relation to the accounts; and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall be in such form, and shall contain such information, as the Secretary of State may direct.
- (3) The Authority shall, within such period after the end of each financial year as the Secretary of State may direct, send copies of the statement of accounts relating to that year to the Secretary of State and to the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General shall –
- (a) examine, certify and report on every statement of accounts sent to him by the Authority under this paragraph; and
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- 40

- (b) lay copies of each such statement and of his report on it before each House of Parliament.

Annual report

- 17 (1) As soon as practicable after the end of each financial year, the Authority shall send to the Secretary of State a report on the carrying out of its functions during that year. 5
- (2) The Secretary of State shall lay a copy of each such report before each House of Parliament.

The Public Records Act 1958 (c. 51)

- 18 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 there shall be inserted, at the appropriate place— 10
- “Security Industry Authority”.

The Parliamentary Commissioner Act 1967 (c. 13)

- 19 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), there shall be inserted, at the appropriate place— 15
- “Security Industry Authority”.

The Superannuation Act 1972 (c. 11)

- 20 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which that Act applies), in the entries under the heading “Other bodies”, there shall be inserted, at the appropriate place— 20
- “The Security Industry Authority”.

The House of Commons Disqualification Act 1975 (c. 24)

- 21 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted, at the appropriate place— 25
- “The Security Industry Authority”.

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 22 In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted (at the appropriate place)— 30
- “The Security Industry Authority”.

The Freedom of Information Act 2000 (c. 36)

- 23 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (bodies etc. which are public authorities for the purposes of the Act) there shall be inserted (at the appropriate place)— 35
- “The Security Industry Authority”.

Interpretation

- 24 In this Schedule –
- “delegate” includes further delegate;
 - “financial year” means –
 - (a) the period beginning with the day appointed for the coming into force of section 1 and ending with the next 31st March; and 5
 - (b) any subsequent period of twelve months ending with 31st March; and
 - “member”, except in so far as the context otherwise requires, means a member of the Authority. 10

SCHEDULE 2

Section 3.

ACTIVITIES LIABLE TO CONTROL UNDER THE ACT

PART 1

ACTIVITIES OF SECURITY OPERATIVES

15

General

- 1 (1) Subject to sub-paragraph (2), the activities which are referred to in this Act as the activities of a security operative are those to which any one or more of the following paragraphs of this Part of this Schedule applies.
- (2) The Secretary of State may by order amend this Part of this Schedule for the purpose of adding or excluding any such activities as he thinks fit to or from those that fall to be regarded for the purposes of this Act as the activities of a security operative. 20
- (3) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by sub-paragraph (2) unless a draft of the order has been laid before Parliament and approved by a resolution of each House. 25

Manned guarding

- 2 (1) This paragraph applies (subject to the following provisions of this paragraph) to any of the following activities – 30
- (a) guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage;
 - (b) guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained;
 - (c) guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others. 35
- (2) In this paragraph references to guarding premises against unauthorised access include references to being wholly or partly responsible for determining the suitability for admission to the premises of persons applying for admission. 40

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- (3) In this paragraph references to guarding against something happening include references to so providing a physical presence, or carrying out any form of patrol or surveillance, as –
- (a) to deter or otherwise discourage it from happening; or
 - (b) to provide information, if it happens, about what has happened. 5
- (4) This paragraph does not apply to the activities of an individual who exercises control over the persons allowed access to any premises to the extent only of securing, or checking, that persons allowed access –
- (a) have paid for admission; or
 - (b) have invitations or passes allowing admission. 10
- (5) This paragraph does not apply to the activities of a person who, incidentally to the carrying out of any activities in relation to a group of individuals which (disregarding this sub-paragraph) are neither –
- (a) the activities of a security operative, nor
 - (b) activities comprising the exercise of any such control as is mentioned in sub-paragraph (4), 15
- maintains order or discipline amongst those individuals.
- (6) This paragraph does not apply to the activities of a person who, incidentally to the carrying out of activities which (disregarding this sub-paragraph) are not wholly or mainly the activities of a security operative, responds to a sudden or unexpected occurrence. 20

Immobilisation of vehicles

- 3 (1) This paragraph applies (subject to the following provisions of this paragraph) to the immobilisation of a motor vehicle by the attachment to the vehicle, or to a part of it, of an immobilising device. 25
- (2) This paragraph applies only to activities carried out for the purpose of preventing or inhibiting the removal of a vehicle by a person otherwise entitled to remove it.
- (3) This paragraph does not apply to any activities carried out in relation to a vehicle while it is on a road within the meaning of the Road Traffic Act 1988 (c. 52). 30

Private investigations

- 4 (1) This paragraph applies (subject to the following provisions of this paragraph) to any surveillance, inquiries or investigations that are carried out for the purpose of – 35
- (a) obtaining information about a particular person or about the activities or whereabouts of a particular person; or
 - (b) obtaining information about the circumstances in which or means by which property has been lost or damaged.
- (2) This paragraph does not apply to activities carried out exclusively for the purposes of market research. 40
- (3) This paragraph does not apply to activities carried out exclusively for the purpose of determining whether a particular person is credit-worthy.
- (4) This paragraph does not apply to any activities of a person with a general qualification within the meaning of section 71 of the Courts and Legal 45

- Services Act 1990 (c. 41) which are carried out by him for the purposes of any legal practice carried on –
- (a) by him;
 - (b) by any firm of which he is a partner or by which he is employed;
 - (c) by any body corporate of which he is a director or member or by which he is employed. 5
- (5) This paragraph does not apply to any activities of a member of a relevant accountancy body which are carried out by him as such and for the purposes of any accountancy practice carried on –
- (a) by him; 10
 - (b) by any firm of which he is a partner or by which he is employed;
 - (c) by any body corporate of which he is a director or member or by which he is employed.
- (6) This paragraph does not apply to activities carried out for the purpose of obtaining information exclusively with a view to its use, or the use of information to which it relates, for the purposes of or in connection with the publication to the public or to a section of the public of any journalistic, literary or artistic material or of any work of reference. 15
- (7) This paragraph does not apply to activities carried out exclusively by means of references to one or more of the following – 20
- (a) registers or other records that are open (whether or not on the payment of a fee) to public inspection;
 - (b) registers or other records which are kept by the person by whom or on whose behalf the activities are carried out or to which that person has a right of access; 25
 - (c) published works.
- (8) This paragraph does not apply to activities carried out with the knowledge or consent of –
- (a) the person about whom, or about whose activities or whereabouts, information is sought; or 30
 - (b) every person whose interest in any property has been affected by the loss or damage about which information is sought.
- (9) This paragraph does not apply to the activities of any person who carries out any inquiries or investigation merely incidentally to the carrying out of any activities which (disregarding this sub-paragraph) are not the activities of a security operative. 35
- (10) In this paragraph “market research” includes –
- (a) discovering whether a person is a potential customer for any goods or services or the extent of his satisfaction with goods or services supplied to him; and 40
 - (b) obtaining information from any person for the purpose of analysing public opinion on any matter (whether or not relating to the market for any goods or services).

Security consultants

- 5 (1) This paragraph applies (subject to the following provisions of this paragraph) to the giving of advice about – 45

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- (a) the taking of security precautions in relation to any risk to property or to the person; or
 - (b) the acquisition of any services involving the activities of a security operative.
- (2) This paragraph does not apply to the giving of legal or financial advice or to the giving of any advice about the conduct of any business involving the provision of any such services as are mentioned in sub-paragraph (1)(b). 5
 - (3) This paragraph does not apply to any activities of a member of a relevant accountancy body which are carried out by him as such and for the purposes of any accountancy practice carried on— 10
 - (a) by him;
 - (b) by any firm of which he is a partner or by which he is employed;
 - (c) by any body corporate of which he is a director or member or by which he is employed.
 - (4) This paragraph does not apply to the provision of training to persons for the purpose of giving them qualifications, knowledge or skill for use in the carrying out of the activities of a security operative for others. 15

Keyholders

- 6 (1) This paragraph applies (subject to the following provisions of this paragraph) to keeping custody of, or controlling access to, any key or similar device for operating (whether mechanically, electronically or otherwise) any lock. 20
- (2) This paragraph does not apply to activities carried out merely incidentally to the provision of any services in connection with a proposal for the sale of any premises or other property to which the key or similar device gives access. 25
- (3) This paragraph does not apply to the activities of a person who holds a key or other device for obtaining access to any premises for purposes incidental to the provision in relation to those premises, or in relation to an individual present on those premises, of any services that do not consist in or include the carrying out of any of the activities of a security operative. 30
- (4) In this paragraph “lock” means a lock or similar device (whether operated mechanically, electronically or otherwise) that is designed or adapted— 35
 - (a) for protecting any premises against unauthorised entry; or
 - (b) for securing any safe or other container specifically designed or adapted to hold valuables.

PART 2

ACTIVITIES SUBJECT TO ADDITIONAL CONTROLS

General

- 7 (1) Subject to sub-paragraph (2), the activities which are referred to in this Act as activities subject to additional controls are any activities which, so far as they are designated activities, are activities to which any one or more of the following paragraphs of this Part of this Schedule applies. 40

- (2) The Secretary of State may by order amend this Part of this Schedule for the purpose of adding or excluding any such activities as he thinks fit to or from those that fall to be regarded for the purposes of this Act as activities subject to additional controls.
- (3) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by sub-paragraph (2) unless a draft of the order has been laid before Parliament and approved by a resolution of each House. 5

Door supervisors etc for public houses, clubs and comparable venues

- 8 (1) This paragraph applies to any activities which are activities of a security operative by virtue of paragraph 2 of this Schedule and are carried out – 10
- (a) in relation to licensed premises; and
 - (b) at or in relation to times when those premises are open to the public.
- (2) In this paragraph “licensed premises” means (subject to sub-paragraph (3)) – 15
- (a) any premises in respect of which a justices’ on-licence (within the meaning of the Licensing Act 1964 (c. 26)) is for the time being in force;
 - (b) any premises comprised in a place to which an occasional licence (within the meaning of that Act) extends; 20
 - (c) any premises in respect of which a licence under the Private Places of Entertainment (Licensing) Act 1967 (c. 19) is for the time being in force;
 - (d) any premises in respect of which a licence under paragraph 1 or 4 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) or under Schedule 12 to the London Government Act 1963 (c. 33) (licensing of public entertainments) is for the time being in force; 25
 - (e) any premises in respect of which a licence of a prescribed description under any prescribed local statutory provision is for the time being in force. 30
- (3) For the purposes of this paragraph premises are not licensed premises in relation to any of the following occasions –
- (a) any occasion on which the premises are being used exclusively for the purposes of a club which is registered in respect of those premises under Part II of the Licensing Act 1964, other than an occasion on which a certificate under section 79 of that Act (music and dancing) is for the time being in force in respect of those premises; 35
 - (b) any occasion on which a Part IV licence (within the meaning of that Act of 1964) is in force in respect of the premises (restaurants and guest houses) and they are being used wholly or mainly for the purposes by reference to which they are premises for which such a licence may be granted; 40
 - (c) any occasion on which a licence is in force in respect of the premises under the Theatres Act 1968 (c. 54); 45
 - (d) any occasion on which letters patent of the Crown make it lawful for those premises to be used for the public performance of plays without a licence under that Act of 1968;

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- (e) any occasion on which a licence is in force in respect of the premises under the Gaming Act 1968 (c. 65) and the premises are being used wholly or mainly for the purposes of gaming to which Part II of that Act applies;
- (f) any occasion on which a licence is in force in respect of the premises under the Cinemas Act 1985 (c. 13) and they are being used wholly or mainly for the purposes for which such a licence is required; or
- (g) any such other occasion as may be prescribed for the purposes of this sub-paragraph. 5
- (4) For the purposes of this paragraph the times when premises are open to the public shall be taken to include any time when they are open to a section of the public comprising the individuals who qualify for admission to the premises as the members of a particular club, association or group or otherwise as being persons to whom a particular description applies or in relation to whom particular conditions are satisfied. 10
- (5) References in this paragraph to the occasion on which any premises are being used for a particular purpose include references to any time on that occasion when the premises are about to be used for that purpose, or have just been used for that purpose. 15
- Immobilisation of vehicles* 20
- 9 This paragraph applies to any activities which are activities of a security operative by virtue of paragraph 3 of this Schedule.