

SCHEDULES

SCHEDULE 2

ACTIVITIES LIABLE TO CONTROL UNDER THE ACT

PART 1

ACTIVITIES OF SECURITY OPERATIVES

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—
- (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.
- (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 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) 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;
 - (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.

Status: This is the original version (as it was originally enacted).

- (7) This paragraph does not apply to activities carried out exclusively by means of references to one or more of the following—
- (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;
 - (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
 - (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.
- (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
 - (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).