

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.
- (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.

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.
- (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
 - (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;
 - (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;
 - (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
 - (f) he is otherwise unable or unfit to carry out his functions as a member or (as the case may be) as chairman.

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- 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.
- (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.
- (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,
- 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—
- (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.
- (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.
- (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.
- (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.
- (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.
- (4) If any person—
- (a) on ceasing to be employed by the Authority becomes or continues to be one of its members, and

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(b) was, by reference to his employment, a participant in a pension scheme maintained by the Authority,

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.

Committees

- 8 (1) The Authority may establish committees.
- (2) Any committee established under sub-paragraph (1) may establish one or more sub-committees.
- (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.

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.
- (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.

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.
- (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.
- 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.
- 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.

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.
- 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.
- 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
 - (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.

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- (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 2 of the Table at the end of paragraph 3 there shall be inserted, at the appropriate place—

“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—

“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—

“The Security Industry Authority”.

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

- 21 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted, at the appropriate place—

“The Security Industry Authority”.

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

- 22 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted (at the appropriate place)—

“The Security Industry Authority”.

The Freedom of Information Act 2000 (c. 36)

- 23 In Part 6 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)—

“The Security Industry Authority”.

Interpretation

- 24 In this Schedule—
“delegate” includes further delegate;
“financial year” means—

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- (a) the period beginning with the day appointed for the coming into force of section 1 and ending with the next 31st March; and
 - (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.

SCHEDULE 2

Section 3

ACTIVITIES LIABLE TO CONTROL UNDER THE ACT

PART 1

ACTIVITIES OF SECURITY OPERATIVES

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.
- (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.

Manned guarding

- 2 (1) This paragraph applies (subject to the following provisions of this paragraph) to any of the following activities—
- (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.
- (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.
- (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.

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- (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.
- (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),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.

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.
- (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).

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;

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- (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.
- (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).

Security consultants

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

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- (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).
- (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—
 - (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.

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.
- (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.
- (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.
- (4) In this paragraph “lock” means a lock or similar device (whether operated mechanically, electronically or otherwise) that is designed or adapted—
 - (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.
- (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.

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- (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.

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—
- (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))—
- (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;
 - (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;
 - (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.
- (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 2 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;
 - (b) any occasion on which a Part 4 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;
 - (c) any occasion on which a licence is in force in respect of the premises under the Theatres Act 1968 (c. 54);
 - (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;
 - (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 2 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.

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- (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.
- (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.

Immobilisation of vehicles

- 9 This paragraph applies to any activities which are activities of a security operative by virtue of paragraph 3 of this Schedule.