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SCHEDULES

PROSPECTIVE

SCHEDULE 1

Section 42(8)

EXTENSION OF PRIVATE SECURITY INDUSTRY LICENSING SCHEME: CONSEQUENTIAL AND MINOR AMENDMENTS

- 1 The Private Security Industry Act 2001 is amended as follows.
- 2 For the italic heading before section 3 (“Licence requirement”) there is substituted “Licensing of individuals”.
- 3 (1) Section 3 (conduct prohibited without a licence) is amended as follows.
 - (2) For the heading there is substituted “Individual licensing requirement”.
 - (3) In subsection (1)—
 - (a) for “a person” there is substituted “an individual”;
 - (b) for “licensable conduct” there is substituted “conduct licensable under this section”;
 - (c) at the end there is inserted “under this section”.
 - (4) In subsection (2)—
 - (a) for “a person”, where first occurring, there is substituted “an individual”;
 - (b) for “licensable conduct”, wherever occurring, there is substituted “conduct licensable under this section”.
 - (5) ^{F1}In that subsection, in paragraph (j)—
 - (a) the words from the beginning to “release of immobilised vehicles,” are repealed;
 - (b) after “paragraph 3” there is inserted “or 3A”;
 - (c) after “immobilisation of vehicles” there is inserted “and restriction and removal of vehicles”.]

Textual Amendments

- F1** Sch. 1 para. 3(5) repealed (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 3](#) (with s. 97); S.I. 2012/2075, art. 3(h)

- 4 (1) Section 4 (exemptions from licensing requirement) is amended as follows.
 - (2) In the heading, after “from” there is inserted “individual”.
 - (3) In subsection (1)(a), for “licensable conduct” there is substituted “conduct licensable under section 3”.
 - (4) In subsection (1)(b), for “this Act” there is substituted “section 3”.

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- (5) In subsection (3), at the end there is inserted “ under section 3 ”.
- (6) In subsection (4)(b), after “a licence” there is inserted “ under section 3 ”.
- (7) In subsections (6) and (7), for “licensable conduct” there is substituted “ conduct licensable under section 3 ”.
- 5 Before section 5 there is inserted— “ Offences relating to use of unlicensed persons ”.
- 6 (1) Section 5 (offence of using unlicensed security operative) is amended as follows.
- (2) In subsection (1)(c)—
- (a) for “licensable conduct” there is substituted “ conduct licensable under section 3 ”;
- (b) at the end there is inserted “ under that section ”.
- (3) In subsection (2)(a), after “a licence” there is inserted “ under section 3 ”.
- (4) In subsection (2)(b)—
- (a) for “licensable conduct” there is substituted “ conduct licensable under section 3 ”;
- (b) at the end there is inserted “ under that section ”.
- (5) In subsection (3), after “a licence” there is inserted “ under section 3 ”.
- 7 [F2(1) Section 6 (offence of using unlicensed wheel-clampers) is amended as follows.
- (2) In subsection (1)(a)—
- (a) after “paragraph 3” there is inserted “ or 3A ”;
- (b) after “immobilisation of vehicles” there is inserted “ and restriction and removal of vehicles ”.
- (3) In subsection (1)(b)—
- (a) for “licensable conduct” there is substituted “ conduct licensable under section 3 ”;
- (b) after “licence” there is inserted “ under that section ”.
- (4) In subsection (2)(a)—
- (a) for “individual in question” there is substituted “ person carrying out the activities ”;
- (b) after “licence” there is inserted “ under section 3 or 4A (as the case may be) ”.
- (5) In subsection (2)(b)—
- (a) for “individual” there is substituted “ person ”;
- (b) for “licensable conduct” there is substituted “ conduct licensable under section 3 or 4A (as the case may be) ”;
- (c) at the end there is inserted “ under that section ”.
- (6) In subsection (3)—
- (a) for “an individual” there is substituted “ a person ”;
- (b) for “section 4” there is substituted “ this Act ”.]

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Textual Amendments

F2 Sch. 1 para. 7 repealed (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 3](#) (with s. 97); [S.I. 2012/2075](#), art. 3(h)

- 8 In section 8 (licences), at the end there is inserted—
- “(9) Where a licence is granted to an unincorporated association, the licence continues to have effect notwithstanding a change of members of the association, so long as at least one of the persons who was a member before the change remains a member after it.”
- 9 In section 19 (powers of entry and inspection), in subsection (8), for paragraph (b) there is substituted—
- “(b) any individual who engages in conduct licensable under section 3 without being the holder of a licence under that section;
- (ba) any person who engages in conduct licensable under section 4A without being the holder of a licence under that section;”.
- 10 After section 23 there is inserted—
- “23A Offences committed by unincorporated associations**
- (1) Proceedings for an offence under this Act alleged to have been committed by an unincorporated association shall be brought against it in its own name.
- (2) For the purposes of such proceedings—
- (a) rules of court relating to the service of documents shall have effect as if the association were a body corporate;
- (b) the following provisions shall apply as they apply in relation to a body corporate—
- (i) section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980;
- (ii) sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995;
- (iii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (SI 1981/1675 (N.I. 26)).
- (3) Where a fine is imposed on an unincorporated association on its conviction for an offence under this Act, the fine shall be paid out of the funds of the association.”
- 11 (1) In section 25 (interpretation), subsection (1) is amended as follows.
- (2) In the definition of “licence”, after “means” there is inserted “ (unless otherwise specified) ”.
- (3) For the definition of “licensable conduct” there is substituted—
- “a person engages in “licensable conduct” if he engages in conduct which is licensable under section 3 or 4A;”.

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SCHEDULE 2

Section 48(4)

COMPENSATION OF VICTIMS OF OVERSEAS TERRORISM: CONSEQUENTIAL AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

1 After section 11B of the Parliamentary Commissioner Act 1967, there is inserted—

“11C The Victims of Overseas Terrorism Compensation Scheme

- (1) For the purposes of this Act, administrative functions exercisable by an administrator of the Victims of Overseas Terrorism Compensation Scheme (see section 48 of the Crime and Security Act 2010) (“Scheme functions”) shall be taken to be administrative functions of a government department to which this Act applies.
- (2) For the purposes of this section, a claims officer appointed under section 51(1) of the Crime and Security Act 2010 is an administrator of the Scheme.
- (3) The principal officer in relation to any complaint made in respect of any action taken in respect of Scheme functions by a claims officer is such person as may from time to time be designated by the Secretary of State for the purposes of this subsection.
- (4) The conduct of an investigation under this Act in respect of any action taken in respect of Scheme functions shall not affect—
 - (a) any action so taken; or
 - (b) any power or duty of any person to take further action with respect to any matters subject to investigation.”

Inheritance Tax Act 1984 (c. 51)

- 2 (1) The Inheritance Tax Act 1984 is amended as follows.
- (2) In section 71A (trusts for bereaved minors)—
- (a) in subsection (2), after paragraph (b) there is inserted

“or

 - (c) established under the Victims of Overseas Terrorism Compensation Scheme,”;
 - (b) in subsection (4), for “or (b)” there is substituted “, (b) or (c)”.
- (3) In section 71D (age 18-to-25 trusts), in subsection (2), after paragraph (b) there is inserted “or
- “(c) established under the Victims of Overseas Terrorism Compensation Scheme,”.

Income Tax (Trading and Other Income) Act 2005 (c. 5)

- 3 In section 732 of the Income Tax (Trading and Other Income) Act 2005 (compensation awards), in subsections (1) and (2), at the end there is inserted “ or the Victims of Overseas Terrorism Compensation Scheme ”.

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Finance Act 2005 (c. 7)

- 4 In section 35 of the Finance Act 2005 (trusts for relevant minors), in subsection (2), after paragraph (b) there is inserted

“ or

- (c) established under the Victims of Overseas Terrorism Compensation Scheme,”.

Tribunals, Courts and Enforcement Act 2007 (c. 15)

- 5 In section 11 of the Tribunals, Courts and Enforcement Act 2007 (right to appeal to Upper Tribunal), in subsection (5) (excluded decisions), after paragraph (a) there is inserted—

“(aa) any decision of the First-tier Tribunal on an appeal made in exercise of a right conferred by the Victims of Overseas Terrorism Compensation Scheme in compliance with section 52(3) of the Crime and Security Act 2010,”.

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