

SCHEDULES

SCHEDULE 16

Amendments relating to the Private Security Industry

Private Security Industry Act 2001

1. Amend the Private Security Industry Act 2001(1) as follows.
- 2.—(1) Amend section 2 (directions etc. by the Secretary of State) as follows.
 - (2) After subsection (2) insert—

“(2A) Before giving a direction under subsection (1) the Secretary of State must obtain the consent of the Department of Justice so far as the direction relates to the Authority’s activities in or as regards Northern Ireland.”
 - (3) In subsection (3)—
 - (a) at the end of paragraph (b) insert “and”; and
 - (b) after paragraph (b) insert—

“(c) the Department of Justice with such information about the Authority’s activities in or as regards Northern Ireland as the Department of Justice may request.”
3. In section 3 (conduct prohibited without a licence), after subsection (3A) insert—

“(3B) In the application of this Act to Northern Ireland—

 - (a) the reference in subsection (3) to the Secretary of State must be construed as a reference to the Department of Justice;
 - (b) before making any order under subsection (3) the Department of Justice must consult the Secretary of State.”
4. In section 7(5A) (licensing criteria) after “Scottish Ministers” insert “and the Department of Justice”.
- 5.—(1) Amend section 24 (orders and regulations) as follows.
 - (2) In subsection (1A) after “Scottish Ministers” insert “; and in Northern Ireland “prescribed” in that paragraph includes prescribed by regulations made by the Department of Justice”.
 - (3) After subsection (3A) insert—

“(3B) Any power of the Department of Justice to make orders or regulations under this Act shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(2).

(1) 2001 c. 12; as amended by the Serious Organised Crime and Police Act 2005 (c. 15), Schedule 15; sections 48-49 of the Justice and Security (Northern Ireland) Act 2007 (c. 6); and S.I. 2007/2201.

(2) S.I. 1979/1573 (N.I. 12).

Status: This is the original version (as it was originally made).

- (3C) Orders and regulations made by the Department of Justice under this Act are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(3)).”
- (4) In subsection (4) before “and the Authority” insert “, the Department of Justice”.
- (5) After subsection (4) insert—
- “(4A) Before making any order or regulations under any provision of this Act, the Department of Justice shall consult the Authority.”
- (6) In subsection (5)(b), in the parentheses, after “Scottish Ministers think fit” insert “, or where the order is, or the regulations are, made by the Department of Justice, as the Department of Justice thinks fit”.
6. In section 25(1) (interpretation) after the definition of “contravention” insert—
- ““the Department of Justice” means the Department of Justice in Northern Ireland;”.
- 7.—(1) Amend Schedule 1 (the Security Industry Authority) as follows.
- (2) In paragraph 1(4) after “Scottish Ministers” insert “and the Department of Justice”.
- (3) In paragraph 3(2) after “Scottish Ministers” insert “and the Department of Justice”.
- (4) In paragraph 6(2A) after “Scottish Ministers” insert “and the Department of Justice”.
- (5) In paragraph 14 after sub-paragraph (1A) insert—
- “(1B) The Department of Justice may make payments to the Authority in relation to the exercise by the Authority of its functions in or as regards Northern Ireland.”
- (6) In paragraph 16—
- (a) in sub-paragraph (3) after “Scottish Ministers” insert “, to the Department of Justice”; and
- (b) after sub-paragraph (3A) insert—
- “(3B) The Department of Justice shall lay documents received by it under sub-paragraph (3) before the Northern Ireland Assembly.
- (3C) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(4) applies for the purposes of sub-paragraph (3B) in relation to the laying of documents received under sub-paragraph (3) as it applies in relation to the laying of a statutory document under an enactment.”
- (7) In paragraph 17—
- (a) in sub-paragraph (1) for “and to the Scottish Ministers” substitute “, the Scottish Ministers and the Department of Justice”; and
- (b) after sub-paragraph (3) insert—
- “(4) The Department of Justice shall lay a copy of each such report before the Northern Ireland Assembly.
- (5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(5) applies for the purposes of sub-paragraph (4) in relation to the laying of a copy of a report as it applies in relation to the laying of a statutory document under an enactment.”

(3) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

(4) Section 41(3) was substituted by S.I. 1999/663.

(5) 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.