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## 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.
- [<sup>F1</sup>(4) Before appointing the chairman, the Secretary of State shall consult the Scottish Ministers.]

##### **Textual Amendments**

- F1** Sch. 1 para. 1(4) added (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 13\(a\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)

##### **Commencement Information**

- I1** Sch. 1 para. 1 in force at 6.7.2006 for S. by S.S.I. 2006/382, [art. 3\(a\)](#)
- I2** Sch. 1 para. 1 in force at 1.5.2009 for N.I. by S.I. 2009/1058, [art. 3](#)

##### *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.

##### **Commencement Information**

- I3** Sch. 1 para. 2 in force at 6.7.2006 for S. by S.S.I. 2006/382, [art. 3\(a\)](#)
- I4** Sch. 1 para. 2 in force at 1.5.2009 for N.I. by S.I. 2009/1058, [art. 3](#)

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- 3 <sup>[F2]</sup>(1) 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.
- <sup>[F3]</sup>(2) Before removing a person from office as chairman of the Authority, the Secretary of State shall consult the Scottish Ministers.]

#### Textual Amendments

- F2** Sch. 1 para. 3 renumbered as Sch. 1 para. 3(1) (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(6\)\(b\), Sch. 15 para. 13\(b\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F3** Sch. 1 para. 3(2) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(6\)\(b\), Sch. 15 para. 13\(b\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)

#### Commencement Information

- I5** Sch. 1 para. 3 in force at 6.7.2006 for S. by [S.S.I. 2006/382, art. 3\(a\)](#)
- I6** [Sch. 1 para. 3](#) in force at 1.5.2009 for N.I. by [S.I. 2009/1058, art. 3](#)

- 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.

#### Commencement Information

- I7** [Sch. 1 para. 4](#) in force at 6.7.2006 for S. by [S.S.I. 2006/382, art. 3\(a\)](#)
- I8** [Sch. 1 para. 4](#) in force at 1.5.2009 for N.I. by [S.I. 2009/1058, art. 3](#)

#### *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

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- (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.

#### Commencement Information

- I9** Sch. 1 para. 5 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)  
**I10** Sch. 1 para. 5 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

*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.
- [<sup>F4</sup>(2A) Before giving consent under sub-paragraph (2), the Secretary of State shall consult the Scottish Ministers.]
- (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).

#### Textual Amendments

- F4** Sch. 1 para. 6(2A) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(6)(b), Sch. 15 para. 13(c); S.S.I. 2006/381, art. 2(a)(i)(b)(i)

#### Commencement Information

- I11** Sch. 1 para. 6 wholly in force; Sch. 1 para. 6 not in force at Royal Assent, see s. 26(2); Sch. 1 para. 6(1)(a)(2) in force at 1.1.2003 by S.I. 2002/3125, art. 2(d); Sch. 1 para. 6 in force at 1.4.2003 in so far as not already in force by S.I. 2002/3125, art. 3(d)  
**I12** Sch. 1 para. 6 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)  
**I13** Sch. 1 para. 6 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

- 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.

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- (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
  - (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.

#### Commencement Information

**I14** Sch. 1 para. 7 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I15** Sch. 1 para. 7 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

#### 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.

#### Commencement Information

**I16** Sch. 1 para. 8 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I17** Sch. 1 para. 8 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

#### 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.

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#### Commencement Information

**I18** Sch. 1 para. 9 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I19** Sch. 1 para. 9 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

#### 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.

#### Commencement Information

**I20** Sch. 1 para. 10 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I21** Sch. 1 para. 10 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

- 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.

#### Commencement Information

**I22** Sch. 1 para. 11 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I23** Sch. 1 para. 11 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

#### 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.

#### Commencement Information

**I24** Sch. 1 para. 12 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I25** Sch. 1 para. 12 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

- 13 A document purporting to be—
- (a) duly executed by the Authority under its seal, or

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(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.

#### Commencement Information

- I26** Sch. 1 para. 13 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)  
**I27** Sch. 1 para. 13 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

#### Money

- 14 (1) The Secretary of State may make payments to the Authority out of money provided by Parliament.
- [<sup>F5</sup>(1A) The Scottish Ministers may make payments to the Authority out of the Scottish Consolidated Fund in relation to the exercise by the Authority of its functions in or as regards Scotland.]
- (2) The Authority shall not borrow money except with the consent of the Secretary of State.

#### Textual Amendments

- F5** Sch. 1 para. 14(1A) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(6)(b), Sch. 15 para. 13(d); S.S.I. 2006/381, art. 2(a)(i)(b)(i)

#### Commencement Information

- I28** Sch. 1 para. 14 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)  
**I29** Sch. 1 para. 14 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

- 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.

#### Commencement Information

- I30** Sch. 1 para. 15 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)  
**I31** Sch. 1 para. 15 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

- 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.

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- (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 [<sup>F6</sup>, to the Scottish Ministers] and to the Comptroller and Auditor General.
- [<sup>F7</sup>(3A) The Scottish Ministers shall present documents received by them under subparagraph (3) to the Scottish Parliament.]
- (4) The Comptroller and Auditor General shall—
- examine, certify and report on every statement of accounts sent to him by the Authority under this paragraph; and
  - lay copies of each such statement and of his report on it before each House of Parliament.

#### Textual Amendments

- F6** Words in [Sch. 1 para. 16\(3\)](#) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 13\(e\)\(i\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F7** [Sch. 1 para. 16\(3A\)](#) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 13\(e\)\(ii\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)

#### Commencement Information

- I32** [Sch. 1 para. 16](#) in force at 6.7.2006 for S. by S.S.I. 2006/382, [art. 3\(a\)](#)
- I33** [Sch. 1 para. 16](#) in force at 1.5.2009 for N.I. by S.I. 2009/1058, [art. 3](#)

#### Annual report

- 17 (1) As soon as practicable after the end of each financial year, the Authority shall send to the Secretary of State [<sup>F8</sup>and to the Scottish Ministers] a report on the carrying out of its functions during that year.
- (2) The Secretary of State shall lay a copy of each such report before each House of Parliament.
- [<sup>F9</sup>(3) The Scottish Ministers shall lay a copy of each such report before the Scottish Parliament.]

#### Textual Amendments

- F8** Words in [Sch. 1 para. 17\(1\)](#) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 13\(f\)\(i\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F9** [Sch. 1 para. 17\(3\)](#) added (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 13\(f\)\(ii\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)

#### Commencement Information

- I34** [Sch. 1 para. 17](#) in force at 6.7.2006 for S. by S.S.I. 2006/382, [art. 3\(a\)](#)
- I35** [Sch. 1 para. 17](#) in force at 1.5.2009 for N.I. by S.I. 2009/1058, [art. 3](#)



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*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”.

**Commencement Information**

**I36** Sch. 1 para. 18 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I37** Sch. 1 para. 18 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

*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”.

**Commencement Information**

**I38** Sch. 1 para. 19 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I39** Sch. 1 para. 19 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

*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”.

**Commencement Information**

**I40** Sch. 1 para. 20 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I41** Sch. 1 para. 20 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

*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”.

**Commencement Information**

**I42** Sch. 1 para. 21 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I43** Sch. 1 para. 21 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3



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*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”.

**Commencement Information**

**I44** Sch. 1 para. 22 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I45** Sch. 1 para. 22 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

*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”.

**Commencement Information**

**I46** Sch. 1 para. 23 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I47** Sch. 1 para. 23 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

*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

(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.

**Commencement Information**

**I48** Sch. 1 para. 24 in force at 6.7.2006 for S. by S.S.I. 2006/382, art. 3(a)

**I49** Sch. 1 para. 24 in force at 1.5.2009 for N.I. by S.I. 2009/1058, art. 3

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