



# Crime and Security Act 2010

## 2010 CHAPTER 17

### *Private security industry*

PROSPECTIVE

#### **44 Charges for vehicle release: appeals**

[<sup>F1</sup>(1) The Private Security Industry Act 2001 is amended as follows.

[<sup>F2</sup>(2) Before section 23 there is inserted—

##### **“Charges for vehicle release: appeals in Northern Ireland**

- (1) The Department of Justice shall by regulations make provision for the purpose specified in subsection (2) in a case where, in Northern Ireland, a person carries out—
  - (a) an activity to which paragraph 3 of Schedule 2 applies by virtue of sub-paragraph (1)(c) of that paragraph (demanding or collecting a charge as a condition of the removal of an immobilisation device); or
  - (b) an activity to which paragraph 3A of Schedule 2 applies by virtue of sub-paragraph (1)(d) of that paragraph (demanding or collecting a charge as a condition of the release of a vehicle).
- (2) The purpose referred to in subsection (1) is to entitle a person otherwise entitled to remove the vehicle to appeal against the charge.
- (3) Regulations under this section shall specify the grounds on which an appeal may be made.
- (4) The grounds may include in particular—
  - (a) contravention of a code of practice issued by the Authority;
  - (b) contravention of any requirement imposed by or under this Act (including a condition contained in a licence granted under this Act).

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Crime and Security Act 2010, Section 44. (See end of Document for details)*

- (5) Regulations under this section shall make provision for and in connection with the person to whom an appeal may be made.
- (6) That person may in particular be—
- (a) a person exercising functions of adjudication or the hearing of appeals under another enactment;
  - (b) a body established by the Department of Justice under the regulations;
  - (c) an individual appointed under the regulations by the Department of Justice or by another person specified in the regulations.
- (7) Regulations under this section may also include provision—
- (a) as to the procedural conditions to be satisfied by a person before an appeal may be made;
  - (b) as to the payment of a fee by the appellant;
  - (c) as to the procedure (including time limits) for making an appeal;
  - (d) as to the procedure for deciding an appeal;
  - (e) as to the payment to the appellant by the respondent of—
    - (i) the charge against which the appeal is made;
    - (ii) other costs incurred by the appellant in consequence of the activity referred to in subsection (1);
  - (f) as to the payment by a party to an appeal of—
    - (i) costs of the other party in relation to the adjudication;
    - (ii) other costs in respect of the adjudication;
  - (g) as to the payment by the respondent to an appeal, in a case where the appeal is granted, of a charge in respect of the costs of adjudications under the regulations;
  - (h) as to the effect and enforcement of a decision of the person to whom an appeal is made;
  - (i) requiring or authorising the person to whom an appeal is made to provide information relating to the appeal to the Authority;
  - (j) to the effect that a person who makes a representation that is false in a material particular, and does so recklessly or knowing it to be false, commits an offence triable summarily and punishable with a fine not exceeding level 5 on the standard scale.
- (8) The provision specified in paragraphs (e), (f) and (g) of subsection (7) includes provision authorising the person to whom an appeal is made to require payment of the matters specified in those paragraphs.”]
- (3) In section 24 (orders and regulations), in subsection (4), after “section 3(2)(j)” there is inserted “ or 22A ” . ]

#### Textual Amendments

- F1** S. 44 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)
- F2** S. 44(2) substituted (N.I.) (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), [22\(4\)](#) (with arts. 24-28)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Security Act 2010, Section 44.