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Changes to legislation: There are currently no known outstanding effects for the Crime and Security Act 2010, SCHEDULE 1. (See end of Document for details)

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)—
- for “a person” there is substituted “an individual”;
 - for “licensable conduct” there is substituted “conduct licensable under this section”;
 - at the end there is inserted “under this section”.
- (4) In subsection (2)—
- for “a person”, where first occurring, there is substituted “an individual”;
 - for “licensable conduct”, wherever occurring, there is substituted “conduct licensable under this section”.
- (5) ^{F1}In that subsection, in paragraph (j)—
- the words from the beginning to “release of immobilised vehicles,” are repealed;
 - after “paragraph 3” there is inserted “or 3A”;
 - 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- F1** Sch. 1 para. 3(5) repealed (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 10 Pt. 3](#) (with s. 97); S.I. 2012/2075, art. 3(h)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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