

TERRORISM ACT 2000

EXPLANATORY NOTES

COMMENTARY

Schedule 13: Private Security Services

Paragraphs 1–5: Security services interpretation; unlicensed services: offences

144. These paragraphs define security services and create offences of providing or offering security services for reward without being a holder or the agent of a holder of a licence from the Secretary of State, and of advertising the provision of security services by a non-holder of a licence. It is also an offence under this schedule to pay money for security services to someone who is not the holder of a valid licence; however, paragraph 4 allows for a defence of reasonable belief if a person is charged with such an offence.

Paragraph 6: Application for licence

145. This paragraph deals with applications for licences to the Secretary of State and specifies the kind of information that may be required. Under the paragraph it is an offence knowingly or recklessly to give false or misleading information in connection with an application.

Paragraphs 7–9: Issue, duration, and revocation of licence

146. These paragraphs are based on section 39 of the EPA and have similar effect subject to one substantive modification. *Sub-paragraphs (2)–(6)* of paragraph 7 confer a power on the Secretary of State to impose a condition when granting a licence for the provision of security services. The inclusion of this new power will permit a much more flexible and proportionate response to applications.
147. More generally the paragraphs make provision for the issue, duration and revocation of licences by the Secretary of State and allow him to refuse or revoke a licence if he is satisfied that a proscribed organisation, or an organisation closely associated with a proscribed organisation, would benefit from the issue of a licence; or where the applicant has persistently failed to comply with the requirements of this Schedule or a condition imposed with his licence.

Paragraphs 10–11: Appeal

148. These paragraphs provide a new route of appeal to the High Court against refusal, revocation or conditions imposed on a licence which is designed to fulfil our ECHR obligations under Article 6. If the Secretary of State wishes to rely on a certificate under paragraph 11(1) in order to protect any sensitive information on which he may have based his decision, the applicant may appeal against the certificate to the Northern Ireland Tribunal who will scrutinise the basis for it. In either case the merits of the Secretary of State's decision will be examined by a judicial body.

*These notes refer to the Terrorism Act 2000 (c.11)
which received Royal Assent on 20th July 2000*

Paragraphs 12–15: Change of personnel

149. These paragraphs make it a requirement for applicants for and holders of licences to notify the Secretary of State of certain changes, or proposed changes, of personnel affecting their business. It also imposes time limits on when notifications must be made in advance of any changes being introduced.