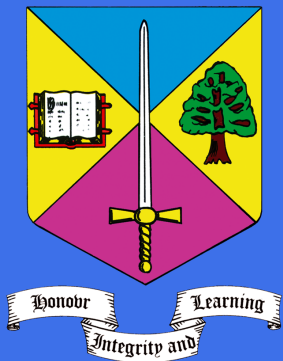




# Stakeholders Conference

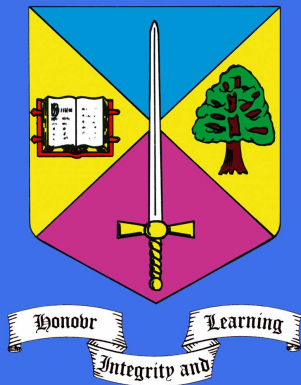


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## Contents

[From the Secretary General ▶](#)

[Seminar Project ▶](#)

[SIA Stakeholders Conference ▶](#)

[Training Update ▶](#)

[Investigative Journalism ▶](#)

[BSI Update ▶](#)

[Frank China ▶](#)

[Legal Updates ▶](#)



The Principal and Board would like to  
wish the members and their families a

*Merry Christmas and a  
Happy and Prosperous 2016*

Hopefully all you plan will come into  
being, you will all be healthy and remain  
so, and find contentment in what you do.

Bon chance!

# From the Desk of the Secretary General



The AGM was enjoyed by all who attended. The actual business of the Meeting remained short and reasonably sweet. The Institute is managing to “Pay its way”, not least with the recently revamped Course and Website. All

credit must go to our Deputy Principal, who remains indefatigable and the computer work of Duncan PLACE of itrap our Computer Company partner. As a result of this progress, coupled with savings in other areas, the Institute is currently healthy.

The Course has also led to an increase in people wanting to be Members. So again, good news.

The talks were very interesting. Byron DAVIES MP expressed his understanding of our desire for Licensing to be introduced sooner rather than later. He undertook to keep our concerns in the Home Secretary in mind. Paul CHAMPION brought the fraternal greetings of the ABI. Neil SMITH then gave a very interesting talk about how to acquire open source intelligence, and it was very enlightening to see the use of modern tools like the internet to develop a “profile” of Targets. It is also unbelievable, to those of us who have (of necessity) to eschew the limelight, to see the total lack of personal security

which Social Media encourages. We hope to run a three day Course in 2016 with Neil, to highlight how much information is “out there” waiting to be fed into the Intelligence cycle. Certainly, information that would have been, in the 1970s, the product of hours of work seems, now, to be readily available to anyone who acquires the skills to find it and can click the “mouse” of a Computer. We commend the Course to all.

The only sad news of the AGM was the lack of Members. Firstly, this is your Institute – support it! Secondly, those who weren’t there missed a good event. Especially when dealing with Politicians, at any level, it is good for us to be a thriving Organisation with, bluntly, “bums on seats”. We must take ourselves seriously if we expect others to do so. I am not being critical; facts, in any event, are neutral. I merely appeal, again, for Members to be more active.

On the same subject, I mention our hope that Neil SMITH will return to run a Course. Should his or any other Course be organised it will need to be attended by those who wish to expand their knowledge. These Courses can be run at a reasonable cost, providing that they are viably attended This Course, as a starter, is excellent and should be packed. Please consider this, YOUR INSTITUTE NEEDS YOU, (and you need a pro-active Institute).

**It is also unbelievable, to those of us who have, of necessity, to eschew the limelight, to see the total lack of personal security which social media encourages**

On a separate subject, Registration for Data Protection. Can Members make sure that you’re all registered at the ICO. A little bird has told me that the ICO is looking at Private Investigators.

Bearing in mind, also that we, ABI and WAPI are pushing for licensing, it would be supreme irony if any Member of any of our Organisations was found not to have the very basic, cheap (£35) easy to acquire Registration that does exist!

Should anyone have any queries, do e-Mail us at [admin@ipi.org.uk](mailto:admin@ipi.org.uk). We are happy to help.

Happy Christmas holidays, everyone, and here’s hoping for a prosperous New Year for you all.

**SIMON SMITH FIPI**  
**Secretary General**

# Seminar Project

*(As we had **no responses at all** to this article I make no apologies for republishing. We are a Professional Institute. Our members are expected to seek CPD. **Please** tell us what seminars you would like to attend, and where. Thank you.)*

It's been several years, at least a decade we would estimate, since the Institute presented an instructional seminar and the Board would like to redress this situation by holding a seminar towards the middle of 2016

In that regard we would like to ensure as far as is practicable that the subject matter was not just relevant to the sector, but of relevance and interest to you, the membership. We need to time to organise the event that you want, and ideally in the location you would prefer, and at a cost you consider reasonable.

We therefore request that you take a moment to email the Institute at [admin@ipi.org.uk](mailto:admin@ipi.org.uk) with suggestions as to subject matter that you would consider worth paying a small fee to learn, and where you would be willing to go. We do not feel overly committed to London! Remember that these events can also be a social and networking event and worth the investment.

With that in mind, perhaps you could also consider whether you would like to provide a training session of your own? Perhaps you have a specialist service that you can market through delivery of an introductory session on that specialism? Perhaps you have an experience worthy of publicity and could put it across in half an hour or so? Perhaps you've

**Perhaps you have a specialist service that you can market through delivery of an introductory session on that specialism?**

identified a piece of legislation or investigatory practice that could give rise to debate?

And please don't forget that we already provide a short seminar on the examination requirements of IQ in terms of Data Protection, Health and Safety and Conflicts of Interest (which could make up part of the seminar if that was wanted). That event is held in parallel with IQ Award examinations every two months, the next being planned for October the 2nd at The Civil Service Club, a short walk from Charing Cross. Remember – the Institute can exempt a member from the 39 Guided Learning Hours requirement of a licence-related qualification, but we encourage exam candidates to attend this pre-exam seminar to cover the knowledge that is so easily overlooked when you've been in the sector for so long!

# SIA Stakeholders Conference November 2015

On the 18th of November the Deputy Principal represented the Institute at the above event in London. It was attended by a large number of security industry parties from a number of disciplines, although PIs were pretty much represented by the Institute, the ABI President, and Richard Newman



. I suppose it would be fair to say that it was never going to be a day when spectacular news came into the public arena but while the event didn't provide any surprises there was an opportunity to liaise briefly – more on that later.

## Professor Martin Gill



There were a number of presentations, the first coming from Professor Martin Gill of Perpetuity Training. His presentation was essentially about how security is perceived by businesses as a 'necessity' that has no impact on the

bottom line, whereas Professor Gill made some very valid observations on how security can have a massive impact on the profit margin in terms of reputational integrity, front office public relations, and so on. His message was 'security should stand up and be counted!' One particular illustration was

a visit he had with a fraudster in prison (who, of course, hadn't done it...)

The con explained how in his former business (fraud prevention would you believe!) he would find that departments would never share information, would rarely share best practices and would always be on the defensive. In prison, on the other hand, best practice was shared freely amongst the guests.

## Alan Clamp: SIA CEO



enforcement. Persuasion where appropriate, big stick where necessary. The overarching theme

Next up was SIA Chief Executive Alan Clamp. He gave a presentation addressing the future strategy of the SIA, which appears to be aiming towards what he called a 'Right touch, not a light touch' approach to

**Departments would never share information, would rarely share best practices and would always be on the defensive. In prison, on the other hand, best practice was shared freely amongst the guests**

continued>>

is one of commitment to raising standards in the security industry as a whole in a 'from compliance to commitment' change of approach.

The relevant news, however, was that the SIA is about to enter a Triennial Review (note – possibly 4th, certainly the 3rd since 2007). A Review Questionnaire will be circulated via the Gov.Uk website – hopefully with more notice than most such consultations he said wearily – which will ask questions about a number of issues, including whether the SIA should remain 'as is', and what further sectors it should regulate IF ANY(!) The Review will be independent and is done in the name of the Home Secretary. The resulting report will go to HMG for decisions to be made, in due course. He may have indicated that the former consultations on PIs was 'too old' to apply now, but in the review we will be arguing to the contrary.

*The Review is intended for release in January 2016.*

#### **Elizabeth France: SIA Chair**



Next came the Chair of the SIA, Elizabeth France, who spoke on the SIA's Key Priorities for 2016 onwards – violence reduction, diversity, buyers and improving SIA Services. So nothing to expand on there, really. Is there eye on our ball? No, not really.

The only other important point was that HMG and

### **Thee SIA is about to enter a Triennial Review. A Review Questionnaire will be circulated via the Gov.Uk website**

therefore anyone subject to their authority, including the SIA, is being encouraged, nay impelled to make everything they do digital. Which is, of course, fraud-proof.

(One thing she said raised a question in the author's mind. It was said that local and national government authorities are now required to only, or at least initially accept quotes for contracts from ACS companies – which raised the question as to whether this sector wants to BE licensed IF that is a potential consequence. At least if we aren't licensed we could bid for such contracts outside the ACS system. But that's an aside.)

#### **Commander Simon Letchford: Met Police**



Next, Commander Simon Letchford of the Met Police spoke about how the security and policing sectors work effectively together, and while this was an interesting input it was very much a PR/persuasion speech and not worth covering in

detail in these pages.

There was some panel discussion pre-lunch during which it became clear that the SIA is NOT yet convincing HMG that business licensing is a valid approach to regulation. The SIA believes in it but are not making their case successfully to the government. So those of you considering BSI 10-2000-2013 as an add-on purely for registration compliance, think again. If you already have ISO9001 you may be better off stopping there – the additional expense isn't necessary. At the moment Business Registration remains an idea and is NOT set in stone.

#### **Tony Holyland: SIA**



After a very pleasant free lunch we were briefed on quality improvement efforts by old SIA friend Tony Holyland, whose main input from our perspective was on training malpractice and efforts to make things

better in that regard.

There followed a panel discussion on generic industry issues in which the term investigator never came up, and a briefing on enforcement and use of Proceeds of Crime Act powers (which the SIA doesn't have but would like.) So the Deputy Principal asked Tony for a job. He replied, "That's the first time you've been nice to me in 8 years."

**continued>>**

The final part was an open Q&A session. The Deputy Principal asked:

“Given that:

1. The statute to which the SIA is subject was enacted in 2001
2. The competencies identified in 2007 still apply and are being used to qualify investigators;
3. The content of the exams is influenced by the SIA; and
4. The other criteria for licensing aren't sector specific; and
5. The main professional bodies all want it;
6. The Home Secretary announced 2 years ago that we would be licensed one year ago and the Irish achieved it in 12 months; and
7. We have produced evidence that some training providers are selling unaccredited, useless, even fraudulent training courses to an unprotected public; “I could go on....”

Can the panel provide an indication of when our relatively small sector will be licensed?”

***(The question was legend by the following morning, apparently!)***

The answer from Alan Clamp was a little nebulous, but in a nutshell:

*“The review is imminent and will provide an opportunity to outline which sectors should be/ remain licensed, and the review will be evidence*

*based, and the focus of the questions will be subject to review by the SIA ‘challenge group’ whose role it is to make sure the right questions are being asked. It will include questions on business licensing. It is a single tool, usable by all, to advise the SIA on its view of the industry’s regulatory future and will be launched in January 2016. The process will be open\* and all evidence will be addressed in the final report to the Home Secretary and the Home Office team.”*

Since that reply, the Deputy Principal has contacted the SIA and asked, “will the evidence submitted be viewable or only the interpretation/summaries? The professional bodies’ concerns are that the larger interests remain opposed to licensing (possibly because reports suggest that they are the problem.....) but as they never attend ‘open’ consultations we don’t know what they say or what their objections actually might be. Which means in turn that we can’t easily consider and counter - or even agree with – their arguments.”

Any reply will be reported to the membership if and when received.

All in all an enjoyable day out but with concerns raised – again – about when, if ever, we will finally get what we, the PROFESSIONAL bodies with no corporate interests, have sought for so long.

## Training Update

Our 'training' arm now has 264 students which, as you can appreciate, has brought welcome income to the Institute. The distance learning course is advertised as exactly what it is – a fully accredited and cost-effective self-learning opportunity provided by professionals, not fly by night chancers

As Education Chair I recently emailed a prospective client, who had advised that one provider was halving their prices and arguing that accreditation wasn't needed because licensing hadn't yet come to be. I think you can see from the tone of my email what they were also offering!

**My first email:** "If this course has no qualification, and licensing comes in as expected – you'll have to pay twice because you will have to get a recognised qualification. So why not pay more, once, and get a qualified course from qualified people? I suspect that your alternative has never conducted an investigation in his life. The ABI is investigating a number of such courses and Action Fraud have been informed."

**A later email:** "To cover licensing – yes, it always seems to be disappearing into the distance. But the SIA (I'm not sure \*\*\*\*\* is accurately quoting them but can't prove otherwise) is constantly liaising with the qualification providers such as EDEXCEL/EDI, ASET and IQ, and have given no indication that the qualifications are not licence compliant. In fact, the SIA directs these organisations in what their

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significantly because they can't**

examination focus should be, so \*\*\*\*\*'s statement is suspect – perhaps more opinion than fact.

The SIA's criteria were set in 2007 after years of consultation with the industry (including the IPI) and while constantly monitored are unlikely to alter significantly because they can't. The laws may change but the learning to be a PI takes legal changes into account. The practices hardly alter at all, merely the legal framework within which they take place. And all legitimate courses alter their material as this happens – indeed, on line courses can do this very quickly.

continued>>



One thing they didn't mention – when licensing was last 'due', there was a stipulation that qualifications already held would be recognised as long as they were of the level expected. I do not envisage, from numerous meetings with the SIA, that the level will change (they want it taught in 39 hours), so if you get a Level 3 now it will still be recognised for 2-3 years after you get it, based on the SIA's previous statements.

As to the \*\*\*\*\* course, I can't comment because their website doesn't actually detail the content. Which I find interesting, don't you? We have a detailed list of module headings, they have generic overviews but no detail.

In fairness to \*\*\*\*\* their members do have genuine investigatory background. But to be frank I think you can join \*\*\*\*\* whatever qualification you get (or don't), so that network will still be open to you on qualification, as will ours. And since no network is closed, you can access any network of any organisation regardless of who you qualified with – or indeed whether you're qualified at all! You will be a potential profit centred client whether a member or not. Think about that – it's logical, it's business.

So I do think that spending the difference – whoever you spend it with, us or any other properly accredited trainer (and be mindful that with accredited courses the TRAINERS have to be qualified trainers, too!) - is valuable. You wouldn't go to a school where the

teachers aren't qualified would you? I don't know if \*\*\*\*\*'s course writers and trainers are qualified, mind – you might want to check that out. (I also noticed that their website doesn't cover that, either.) The point I'm stressing is – you don't have to buy off us, just buy off someone who gives you what you NEED. A qualification. (BTW, a client might well be more impressed with a REAL qualification than an e-club membership.)

\*\*\*\*\* makes a great argument for not getting accredited training. Which means they can't be bothered to get accredited, really, doesn't it? To making sure that the knowledge matches clearly stated key learning outcomes, for example. And maybe that applies to getting accredited trainers, too? I think that speaks volumes, given what they WERE charging.

Ask for a module list, number of pages in their training materials, and details of the trainers and their qualifications. If you are truly satisfied with their answer, do what feels right for you. AND an investigator's tip – don't tell them why you're asking or forward this email – that gives them time to format an answer. Just ask them straight with no obvious motive, you get a better answer that way. Even better on the phone. You get a better idea of the veracity of a reply when it has to be candid and on the spot. (Free lesson, there!)

As one writer of my experience says, you might consider 'spending twice as much but buying half

as many' when it comes to seeking the quality you need."

In the event – that client is now the Institute's.

# Investigative Journalism – Is the SIA in Fear?

It was reported in The Professional Investigator that in the ST15 conference in London, SIA CEO Alan Clamp made it fairly clear without plainly saying so that one of the issues challenging PI licensing is the definition of investigatory 'licensable activity', which we are given to understand trespasses slightly on that which may apply to investigative journalism. This article explores that potential conundrum.

We all know the PSIA Act definition of licensable activity when it comes to PIs – or you should do. Schedule 2, states:

*“Private investigations*

- 4(1) *This paragraph applies (subject to the following provisions of this paragraph) to any surveillance, inquiries or investigations that are carried out for the purpose of—*
- (a) obtaining information about a particular person or about the activities or whereabouts of a particular person; or*
  - (b) obtaining information about the circumstances in which or means by which property has been lost or damaged.”*

On the face of it, this means that the activities of an investigative journalist (IJ) would, by definition, be licensable conduct – they investigate the activities of people.

But the first of the caveats that applies regarding whether an IJ needs to be licensed is the nature of the relationship s/he has with the party to whom the

**A genuine IJ would not need to be licensed if all they are working for is themselves, for an employer, or for a genuine press organisation**

subsequent report is submitted. If they are freelance and submit a report to a client post-completion, the enquiry was not carried out subject to any contract – so no licence required. If the IJ was employed by the newspaper or magazine, again – no contract for provision of investigation services, this is an in-house appointment (I would argue) so no licence required unless and until in-house operatives require a licence.

The next question must therefore be – what if the journalist is engaged by contract to a journal – they are now subject to a requirement to be licenced, aren't they?

Okay, if for a moment we assume they would need a licence, then provided they got the qualification they could buy a licence and they'd be covered.

That would be one solution. That said, it might be an unreasonable imposition on someone who is not a PI in the accepted sense, merely a journalists with a proactive remit. So what else can they do?

They can look at the exemption under Section 6 of Schedule 2, part 4.

(6) This paragraph does not apply to activities carried out for the purpose of obtaining information exclusively with a view to its use, or the use of information to which it relates, for the purposes of or in connection with the publication to the public or to a section of the public of any journalistic, literary or artistic material or of any work of reference. In other words, provided it can be shown – and I'm guessing this would routinely be the case – that the 'contract' was with a genuine, accepted media body with a wholly visible public presence, the exemption would apply. Alternatively, provided the information was not submitted to any party whose use was NOT exclusively for publication, the exemption would

continued>>

apply. The ultimate test would be that if a 'client' used the information for any other legal purpose an investigation by the SIA could take place, and the availability of the exemption would be part of that enquiry.

In my view, genuine IJs therefore should have no concerns about whether or not they'd need to be licensed. A genuine IJ would not need to be licensed if all they are working for themselves, for an employer, or for a genuine press organisation. It's already in the Act.

For me, the real concern isn't whether an IJ would accidentally fall foul of this law. My concern is about someone wanting to claim to be an IJ when they were, in fact, carrying out what is PI work as we understand it. In the event this happened, any SIA investigation, the nature of the enquiry, the way the PI was remunerated and where the information went would all be taken into account. Surely?

In other words: at this moment the SIA seems to be more concerned with protecting IJs from being investigated, than it is with protecting our profession from being abused, and the public being endangered. Journalists are powerful people. They are to be feared. They have no compunction of attacking people, safe in the knowledge that the Press Commission is/was useless, and the Charter still hasn't been accepted, publicised or applied. The world runs scared of them, and for good reason. Big Brother was never the real problem; it is Big Press – answerable to none but the rich, and then only

rarely and after the damage has been done. And the SIA, being as much in fear of the press as the higher levels of Government, is being overly cautious about this issue.

I repeat – the defence is already in the Act, it's straightforward to anyone who speaks English, and when an allegation of wrongdoing is made an investigation should find the truth. We shouldn't run around scared that an investigation may, one day and in circumstances we cannot predict, have to be carried out. That's called 'cowardice' and you used to get shot for it.

It will be interesting to see how this all develops – and how quickly.

## BSI Update

As Deputy Principal I attended at the British Standards Institute, London, to assist with a committee that oversees Standards relating to the wider security industry. While a lot of the content was outside my scope and (occasionally) understanding, something came up which would be of interest, and possibly concern of the membership.

Consideration is being given as to whether a British Standard should be created specifically addressing the field of Open Source Intelligence, that amazing yet legitimate 'dark art' which our friend Neil Smith illustrated to us at the AGM. It was not clear at the meeting how much consideration has been given by the proposer of the project, so at the Committee meeting no decision was made. There was, however, quite a bit of discussion about the practicalities. Alistair O'Brian of the SIA was present, so the discussion included his input.

The first point I raised was that in terms of the industry (but not the wider BSI world) and the investigation sector specifically, BSI 10200-2013 already includes reference to the gathering of information that is pursuant to the provision of investigative services. As such, the use of OSINT as part of an investigation would automatically come under that section of the Standard, so whether there was any need at all for a separate Standard was the first point to address. The sponsor is going to be directed towards 102000 and asked his views. If it is accepted that any work is needed for a Standard, the

### **Consideration is being given to a British Standard which would be created specifically addressing the field of Open Source Intelligence**

next question will be – is there a need for a separate Standard, or would it be sufficient to add a Part 2 to BSI 102000. (Incidentally, for a minute there we may have added fire detection dogs to PSIACT PI licensing but that's another story.)

This is where the debate got a bit more heated. I raised the question – if a whole new Standard was agreed upon, we had to consider whether the SIA would link it to Business Licensing, as they have done with BSI 102000. Alistair made a point of arguing that we could not link the creation or the contents of any Standard to licensing for two reasons. Firstly because if the SIA concludes that the industry wholly accepts and implements the Standard then the need for regulation by the SIA may be superseded, and then licensing would not



take place. In my view this failed to take into account that the un-licensable would still be able to practice, having paid lip service and clients' money to get BSI accreditation only to crack on and commit ethically questionable, unprofessional and criminal acts that licensing is intended to stop.

Secondly, the SIA may not feel that any new Standard would be licence-related, so creating it with licensing in mind was not necessary.

My response was that when we created BSI 102000, I was not under any impression (naively) that it was to create an additional licensing requirement and an added cost to investigators – but in the event of licensing/registration it will be a consideration and for some it will be a cost.

**As such, unless and until the SIA decides that licensing and registration will not take place at all, any new British Standard that the SIA has the option of including in its deliberations about 'fitness to practice' MUST be created (or not created) with that consequence in mind.**

continued>>

We had already looked into the exemptions in the Act for PIs who access public records and registers and concluded that this exemption is not available to OSINT investigators who, one could argue, are incredibly intrusive by virtue of their skill levels, and social media users' lack of skill when it comes to privacy settings. The Act specifies that Schedule 2 "does not apply to activities carried out exclusively by means of references to one or more of the following

- (a) Registers or other records that are open (whether or not on the payment of a fee) to **public inspection**;
- (b) Registers or other records which are kept by the person by whom or on whose behalf the activities are carried out or to which that person has **right of access**;
- (c) Published works.

Therefore the use of OSINT investigation methods to access your Facebook account – which is not a Public Register, nor is it something to which anyone other than your friends have a 'right' of access (as opposed to a 'public ability' to access).

Putting the two issues together – the ability of the SIA to include compliance with a British Standard under its licensing remit, and the 'fact' that OSINT is not exempt – it would be naïve to believe that any British Standard for OSINT would NOT at least be considered as a licensing requirement. When you add the 'protection of the public' to the SIA's list of objectives it becomes almost inevitable. (And shhh,

don't tell the ICO, they'll come up with some daft idea.)

With that in mind, it would probably be cheaper if OSINT was added to 102000 as a Part 2, which is still only just over £100 a copy. But then you raise another question – if OSINT is a whole Part in itself, do we now expand surveillance and interviews into Parts in their own right? In which case we start to simply reproduce the National Occupational Standards for Investigations – which (BSI take note) I believe are FREE to obtain. (Although I wish you luck in finding them on the Skills for Security website.)

**The Institute would be interested in members' observations on the needs and consequences of a British Standard for OSINT – separate, included, at all, or any other observations.**

## Guest column - Frank China

Well, it will soon be coming up to 'Holiday Time', or more correctly deciding where to go, and yes, the last few months have rather made such decisions somewhat difficult.

We have had those religious fanatics causing mayhem in Paris, the German Gestapo not being as efficient as they used to be, missing reporting to the world, more importantly to the French their new friends, that they had apprehended a car full of AK47s and ammunition, en route to Paris. We have had Russian aeroplanes being blasted from the sky by both so called friends from Turkey, as well as the enemy in entrenched in Egypt, Belgium has become a terrorist training ground and flash point. Then to cap it all, the conglomerate we all know and 'love', which calls itself the EU, has decided to admit another 75 million 'people' into membership of the EU - and they are not even ... 'Europeans', nor hold similar European/Western values. Is the world going mad ... or just me! And by the time this goes to print there will no doubt be more mad decisions.

Back home, on top of which, the British opposition has begun quoting from Mao's 'Little Red Book', the British Government has decided to go to war and all the cruise companies and travel companies are promoting their travel brochures for 2016, including all the adventurous parts of our crazy world. So, it would seem as though South American will be this year's top of the list for holiday destinations, although there is still the potential conflict with Argentina for you Brits –so, unless you can travel to somewhere in your own armoured car, it is almost a matter of what's the point of going on holiday!

So where does all this leave us to talk about? Well, I suspect, as ever, it is to, 'in or out' of the EU. We have learnt the hard way that EU departments don't speak to EU departments, for that to change it might take years, if ever. We have heard that Cameron has gone to the EU with his set of changes he wants the EU to make, by any stretch of the imagination it would probably mean rewriting the Treaty of Rome, which the smaller Nations seem don't want to happen. But, nearly every country in the European Union wants change, but those who run the EU – not you and I, I hasten to add, not the electorate, those you and I have put there as our elected representatives – but those who don't want their

dream derailed, so they persist in saying 'maybe we could do something' ... But for the British people, something is simply not good enough.

So we then start asking, could we survive outside of the EU? But maybe that question should be, will we survive, we certainly maybe be better off than before we joined the EU, if we were to exit. The EU Mandarins want all border crossings to be erased, no checks, simply the free flow of EU Members, this being a fundamental for EU citizens, but surely that would only work in a Federal State, which even the EU cannot yet afford. And to have one EU member with its own currency – fortuitously as it now seems – a Federal state with two currencies, how on earth would that work? Well of course it cannot.

The big question is, quite simply, are we prepared to be part of a Federal Europe, give up our currency, make redundant our politicians and only elect members to the European Parliament who are simply 'puppets' of the various EU Directorates. I will let the reader answer that ... in other words, you and I would only have our say when items are debated in the EU Parliament, the chances of our representatives changing anything there would virtually be nil ... so what is the value of even electing EU MPs should we find ourselves within the EU in future years? Another readers question. We are told if we exit, we will not have a voice globally, but if we stay we probably wouldn't have anyway ... just think of the things which are to surface. Do we want a European Army? Who decides on space exploration, nuclear submarines, Embassy's around the world, would Denmark or any another country close all their Consulates in favour of a European Consulate and who mans these new Consulates? Will we have one person from each EU Member country in them? The whole suggestion of a Federal Europe is, quite frankly, utterly ridiculous ... lets revert to what the Brits thought they were joining, the COMMON MARKET.



# Legal Updates

For any of you who deal with any matters involving juveniles you may need to be aware that the PACE provisions in respect of juveniles has now extended to those aged 17.

While the legislation (Criminal Justice and Public Courts Act 2015) changes the definition specifically of 'arrested juvenile' in PACE 1984 and is applicable in criminal custody situations it may be prudent to consider 17 year old witnesses in the same vein and consider whether the presence of a person with an interest of the juvenile's welfare would be beneficial.

**Commentary:** I can only hypothesise that the original age of 17 was applied because people can drive cars from that age, a source of many arrests e.g. post-accident, drink and drug driving, and so on. Changing the law on the back of arguably justified minority interests aside, might it be a good time to raise the driving licence age because we've just decided 'kids' can drive cars now?

There has been an additional offence created in an amendment to the Computer Misuse Act 1990. The Serious Crime Act 2015 adds Section 3ZA, which states:

## **"3ZA Unauthorised acts causing, or creating risk of, serious damage**

(1) A person is guilty of an offence if—

- (a) the person does any unauthorised act in relation to a computer;
- (b) at the time of doing the act the person knows that it is unauthorised;
- (c) the act causes, or creates a significant risk of, serious damage of a material kind; and
- (d) the person intends by doing the act to cause serious damage of a material kind or is reckless as to whether such damage is caused.

(2) Damage is of a "material kind" for the purposes of this section if it is—

- (a) damage to human welfare in any place;
- (b) damage to the environment of any place;
- (c) damage to the economy of any country; or
- (d) damage to the national security of any country.

(3) For the purposes of subsection (2)(a) an act causes damage to human welfare only if it causes—

- (a) loss to human life;
- (b) human illness or injury;
- (c) disruption of a supply of money, food, water, energy or fuel;
- (d) disruption of a system of communication;
- (e) disruption of facilities for transport; or
- (f) disruption of services relating to health.

(4) It is immaterial for the purposes of subsection (2) whether or not an act causing damage—

- (a) does so directly;
- (b) is the only or main cause of the damage.

(5) In this section—

- (a) a reference to doing an act includes a reference to causing an act to be done;
- (b) "act" includes a series of acts;
- (c) a reference to a country includes a reference to a territory, and to any place in, or part or region of, a country or territory.

continued>>

(6) A person guilty of an offence under this section is (unless subsection (7) applies) liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years, or to a fine, or to both.

(7) Where an offence under this section is committed as a result of an act causing or creating a significant risk of—

(a) serious damage to human welfare of the kind mentioned in subsection (3)(a) or (3)(b), or

(b) serious damage to national security,

a person guilty of the offence is liable, on conviction on indictment, to imprisonment for life, or to a fine, or to both.”

(2) In section 3A (making, supplying or obtaining articles for use in offences under section 1 or 3), in subsections (1), (2) and (3), for “section 1 or 3” substitute “section 1, 3 or 3ZA”.

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