

Executive Note

The Serious Organised Crime and Police Act 2005 (Commencement No 7) Order 2006 SSI/2006/381 (C.31)

The above order is made by Scottish Ministers in exercise of the powers conferred on them by Section 178(6) of the Serious Organised Crime and Police Act 2005, (the “2005 Act”). The order is not subject to parliamentary procedure.

Policy Objectives

The 2005 Act gives the Scottish Ministers powers to commence the provisions of section 171 and schedule 15 for both Scotland, and England and Wales. The commencement of the relevant provisions of the 2005 Act contained in this order will have the effect of amending the Private Security Industry Act 2001, (the “2001 Act”). Commencement of the amendments to the 2001 Act in England and Wales will have the effect of bringing those amendments into force in that jurisdiction as the 2001 Act has already been commenced to a large extent there. The 2001 Act does not currently extend to Scotland, therefore the commencement of the amendments to the 2001 Act will only have the effect of putting those amendments into that Act (including extending the extent of the Act to Scotland). The Scottish Ministers shall then require to bring the 2001 Act into force in Scotland.

The policy intention is to commence certain provisions within the 2001 Act to enable the Security Industry Authority (SIA) to be able to act in respect of its remit in Scotland. This will include actions related to the functions of its board and members and its employment of staff. In order to do this consistently in both England and Wales and in Scotland, the amendments to the 2001 Act will come into force on the same day in each respective jurisdiction.

To ensure this; the date given in the foregoing order as the commencement date for these provisions in Scotland, allows from that date, the Scottish Ministers to commence the 2001 Act in Scotland through a Commencement Order to be made under that act; Accordingly the Private Security Industry Act 2001 (Commencement No. 1) (Scotland) Order 2006 will bring the 2001 Act into force in Scotland on the same date as the date given in this order as the commencement date for England and Wales.

Consultation

The Scottish Executive published a consultation paper “*Regulating the Private Security Industry in Scotland*” in 2001. This put forward four options for regulation including, self regulation by the industry, a mandatory local authority scheme, a specifically Scottish Authority, or extending the remit of the SIA to Scotland. The clear message from this exercise was that all stakeholders wanted regulation and that the majority wanted it to be run by the SIA because of issue of cross border compatibility. In November 2004, a Regulatory Impact Assessment was published along with the Serious Organised Crime

and Police Bill and this set out the impact of regulation. Additionally, the provisions were the subject to scrutiny in the Justice 2 Committee and a legislative consent motion debate in the Parliament on 2 February 2005.

In accordance with the requirements of section 178(6) of the 2005 Act the Home Secretary has been consulted.

Financial Effects

Commencement of these provisions will have no immediate financial implications.

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Police Division 2
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