

2005 No. 2118

SECURITY INDUSTRY, ENGLAND AND WALES

**The Private Security Industry (Licences) (Amendment) (No. 2)
Regulations 2005**

<i>Made</i> - - - -	<i>27th July 2005</i>
<i>Laid before Parliament</i>	<i>1st August 2005</i>
<i>Coming into force</i> - -	<i>19th August 2005</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 8, 9 and 24(5) of the Private Security Industry Act 2001(a), having regard to the definition of “prescribed” in section 24(1) of that Act, and having consulted the Security Industry Authority in accordance with section 24(4) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Private Security Industry (Licences) (Amendment) (No. 2) Regulations 2005 and shall come into force on 19th August 2005.

Amendment of the Private Security Industry (Licences) Regulations 2004

2. The Private Security Industry (Licences) Regulations 2004(b) shall be amended in accordance with the following regulations.

3. In regulation 1 (citation, commencement and interpretation) after paragraph (2) there shall be inserted the following paragraph—

“(3) In these Regulations, “category of licensable activity” means any one of the following—

- (a) licensable activity which falls under paragraphs 2 and 8 of Schedule 2 to the Act (“Door Supervisor”);
- (b) licensable activity which falls under paragraph 2(1)(c) of Schedule 2 to the Act and does not fall under paragraph 8 of that Schedule (“Close Protection”);
- (c) licensable activity which falls under paragraph 2(1)(b) of Schedule 2 to the Act and involves the secure transportation of property in vehicles specially manufactured or adapted so as to have secure transportation as their primary function (“Cash and Valuables in Transit”);
- (d) licensable activity which falls under paragraph 2 of Schedule 2 to the Act, does not fall under paragraph 8 of that Schedule, and involves the use of closed circuit television (“CCTV”) equipment to—

(a) 2001 c. 12.

(b) S.I. 2004/255. These Regulations have been amended by the Private Security Industry (Licences) (Amendment) Regulations 2005, S.I. 2005/237.

- (i) monitor the activities of a member of the public in a public or private place; or
 - (ii) identify a particular person,
- including the use of CCTV in these cases to record images that are viewed on non-CCTV equipment, for purposes other than identifying a trespasser and protecting property (“Public Space Surveillance (CCTV)”);
- (e) licensable activity which falls under paragraph 2 of Schedule 2 to the Act, does not fall under paragraph 8 of that Schedule and does not fall within paragraphs (a) to (d) of this paragraph (“security guard”);
 - (f) licensable activity to which paragraph 3 or 3A(a) of Schedule 2 to the Act applies (“vehicle immobiliser”);
 - (g) licensable activity to which paragraph 6 of Schedule 2 to the Act applies (“keyholder”).”

4.—(1) In regulation 3(a) (form of licence to engage in licensable conduct) for “paragraph 3 of Schedule 2 to the Act (immobilisation of vehicles), paragraph 3A of Schedule 2 to the Act (restriction and removal of vehicles) or paragraph 8 of Schedule 2 to the Act (door supervisors, etc for public houses etc)” substitute “paragraph 2 (manned guarding), 3 (immobilisation of vehicles), 3A (restriction and removal of vehicles) or 8 (door supervisors, etc for public houses etc) of Schedule 2 to the Act”.

(2) After regulation 3(a) insert—

“(aa) in the case of a person who falls within section 3(2)(a), (b), (c) or (h) of the Act (person carrying out licensable conduct) in relation to any of the activities to which paragraph 6 of Schedule 2 to the Act (keyholders) applies, the form set out in Schedule 3 to these Regulations, or a form to the like effect.”

(3) In regulation 3(b) of the 2004 Regulations (form of licence to engage in licensable conduct) for “paragraph 3 of Schedule 2 to the Act (immobilisation of vehicles), paragraph 3A of Schedule 2 to the Act (restriction and removal of vehicles) or paragraph 8 of Schedule 2 to the Act” substitute “paragraph 2 (manned guarding), 3 (immobilisation of vehicles), 3A (restriction and removal of vehicles), 6 (keyholders) or 8 (door supervisors, etc for public houses etc) of Schedule 2 to the Act”.

5.—(1) In regulation 4(1) (licence conditions) for “paragraph 3, 3A or 8 of Schedule 2” substitute “paragraph 2, 3, 3A, 6 or 8 of Schedule 2”.

(2) In regulation 4(2)(a) of the 2004 Regulations (licence conditions)—

- (a) after “to which paragraph” insert “2.”; and
- (b) after “sub-paragraph (b)” insert “or paragraph (2A) applies”.

(3) After regulation 4(2) (licence conditions) insert—

“(2A) This paragraph applies where the licensee undertakes licensable activities which are not activities to which paragraph 3 or 3A of Schedule 2 to the Act applies and can demonstrate that the nature of his licensable activities on any specific occasion requires that he not be immediately identifiable as someone carrying out such licensable activities and the licensee carries his licence on his person and is able to produce it on request.

(2B) The granting by the Authority of a licence to a person who falls within section 3(2)(a), (b), (c) or (h) of the Act (person carrying out licensable conduct) in relation to any of the activities to which paragraph 6 of Schedule 2 to the Act (keyholding) applies shall be subject to the conditions set out in sub-paragraphs (b) to (h) of paragraph (2) above.”

(4) In regulation 4(3) (licence conditions) after “licensable conduct” insert “in relation to any of the activities to which paragraph 2, 3, 3A, 6 or 8 of Schedule 2 to the Act applies”.

(a) Paragraph 3A of Schedule 2 to the Private Security Industry Act 2001 was inserted by the Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2005 (S.I. 2005/224).

(5) In regulation 4(4) (licence conditions) for “paragraph 3, 3A or 8 of Schedule 2” substitute “paragraph 2, 3, 3A, 6 or 8 of Schedule 2”.

6. After regulation 4A (additional conditions for certain licences) insert—

“Scope of licence

4B.—(1) A licensee who holds a licence in respect of conduct under section 3(2)(a), (b), (c), (h) or (j) of the Act (person carrying out licensable conduct) relating to any category of licensable activity may also under that same licence conduct himself under section 3(2) (d), (e), (f), (g) or (i) of the Act (person carrying out licensable conduct) in respect of the same category of licensable activity.

(2) A licensee who holds a licence in respect of conduct under section 3(2)(a), (b), (c) or (h) of the Act (person carrying out licensable conduct) relating to a category of licensable activity listed in column 1 of table 1 may also under that same licence conduct himself under any part of section 3(2) of the Act in respect of a category of licensable activity listed in the corresponding entry in column 2 of that table.

(3) A licensee who holds a licence in respect of conduct under section 3(2)(d), (e), (f), (g) or (i) of the Act (person carrying out licensable conduct) relating to a category of licensable activity listed in column 1 of table 1 may also under that same licence perform the category of licensable activity listed in the corresponding entry in column 2 of that table if he continues to fall within section 3(2)(d), (e), (f) (g) or (i) of the Act.

(4) A licensee who holds a licence relating to any licensable conduct in respect of any category of licensable activity may also under that same licence perform any licensable conduct involving any of the activities to which paragraph 6 of Schedule 2 to the Act (keyholding) applies.

Table 1

<i>Column 1</i>	<i>Column 2</i>
door supervisor	security guard
close protection	security guard or door supervisor”

7.—(1) Regulation 5 (licence fee) is amended as follows.

(2) The existing text of that regulation is to be paragraph (1).

(3) Before “The fee payable” insert “Subject to paragraph (2),”.

(4) After that paragraph insert—

“(2) Where a licensee is granted a licence (licence B) at any time when a previous licence granted to him remains valid for a period of at least 4 months (licence A), the licensee may apply for a refund of 50% of the licence fee payable in relation to licence B where the conditions in paragraph (3) are satisfied.

(3) The conditions applicable for the purposes of paragraph (2) are—

- (a) no refund under paragraph (2) has previously been granted to the licensee in respect of licence A;
- (b) licence B does not relate to any activities to which paragraph 3 or 3A of Schedule 2 to the Act apply; and
- (c) licence B does not relate to the same category of licensable activity as licence A.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Private Security Industry (Licences) Regulations 2004 (“the 2004 Regulations”). Regulation 3 of these Regulations amends regulation 1 of the 2004 Regulations by inserting a definition of ‘category of licensable activity’, a term which is inserted into the 2004 Regulations by regulation 6 of these regulations. Regulations 4 and 5 of these Regulations extend Regulations 3 and 4 of the 2004 Regulations (which prescribe the form which a licence issued by the Security Industry Authority under the Private Security Industry Act 2001 must take and the conditions that must be attached to such a licence) to cover licences issued in respect of licensable activities contained in paragraph 2 (manned guarding) and paragraph 6 (keyholding) of Schedule 2 to the Act. Regulation 5 of these Regulations also provides that a licensee is not required to display his licence on him where he undertakes licensable activities to which paragraph 3 or 3A of Schedule 2 to the Act does not apply and can demonstrate that the nature of his licensable activities on any specific occasion requires that he not be immediately identifiable as someone carrying out licensable activities and where he carries his licence on his person and is able to produce it on request.

Regulation 6 inserts a new regulation 4B into the 2004 Regulations which provides for licence integration, whereby a person holding a licence for certain types of licensable conduct and in respect of certain categories of licensable activity may also perform other specified types of licensable conduct and specified categories of licensable activity without holding a separate licence. Regulation 7 provides that licensees who are granted more than one licence can in certain circumstances seek a refund of 50% of their licence fee in respect of their additional licences.

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