

2005 No. 237

SECURITY INDUSTRY, ENGLAND AND WALES

**The Private Security Industry (Licences) (Amendment)
Regulations 2005**

<i>Made</i> - - - -	<i>7th February 2005</i>
<i>Laid before Parliament</i>	<i>9th February 2005</i>
<i>Coming into force</i> - -	<i>28th February 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Security Industry (Licences) (Amendment) Regulations 2005 and shall come into force on 28th February 2005.

(2) In these Regulations, “the 2004 Regulations” means the Private Security Industry (Licences) Regulations 2004(b).

Amendment of the Private Security Industry (Licences) Regulations 2004

2. The 2004 Regulations shall be amended in accordance with the following regulations.

3.—(1) In regulation 3(a) of the 2004 Regulations (form of licence to engage in licensable conduct)—

- (a) after “to which” insert “paragraph 3(c) of Schedule 2 to the Act (immobilisation of vehicles), paragraph 3A(d) of Schedule 2 to the Act (restriction and removal of vehicles) or”;
- (b) after “applies” insert “or who falls within section 3(2)(j) of the Act (person carrying out licensable conduct)”.

(2) In regulation 3(b) of the 2004 Regulations (form of licence to engage in licensable conduct) after “to which” insert “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”.

(a) 2001 c. 12.

(b) S.I. 2004/255.

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

(d) 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).

4.—(1) In regulation 4(1) of the 2004 Regulations (licence conditions)—

- (a) after “to which paragraph” insert “3, 3A or”;
- (b) after “applies” insert “or who falls within section 3(2)(j)”;

(2) In regulation 4(2)(a) of the 2004 Regulations after “to which paragraph” insert “3, 3A or”.

(3) In regulation 4(4) of the 2004 Regulations after “to which paragraph” insert “3, 3A or”.

5. After regulation 4 of the 2004 Regulations insert—

“4A Additional conditions for certain licences

(1) The granting of a licence to a person who falls within section 3(2)(a), (b), (c), (h) or (j) of the Act (person carrying out licensable conduct) in relation to any of the activities to which paragraph 3 or 3A of Schedule 2 to the Act applies shall be subject to the conditions set out in paragraph (2).

(2) Those conditions are—

- (a) the licensee shall not immobilise, remove or restrict a vehicle in accordance with paragraph 3 or 3A of Schedule 2 to the Act if the vehicle is an invalid carriage or if a valid disability badge is displayed on the vehicle;
- (b) the licensee shall not immobilise, remove or restrict a vehicle in accordance with paragraph 3 or 3A of Schedule 2 to the Act if the vehicle is an emergency vehicle which is in use;
- (c) the licensee shall, on collecting any charge for the release of a vehicle that has been immobilised, removed or restricted in accordance with paragraph 3 or 3A of Schedule 2 to the Act, provide a receipt which contains the information specified in paragraph (3) below.

(2) The information to be specified for the purposes of paragraph 2(c) above is—

- (a) the location where the vehicle was immobilised, removed or restricted;
- (b) the date on which the vehicle was immobilised, removed or restricted;
- (c) the name and signature of the licensee; and
- (d) the licence number of the licensee.

(3) In this regulation—

- (a) “invalid carriage” has the same meaning as in section 253(5) of the Road Traffic Act 1960(e);
- (b) “disability badge” means a badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970(f);
- (c) “emergency vehicle” has the same meaning as in regulation 3(2) of the Road Vehicles Lighting Regulations 1989(g).”

Home Office
7th February 2005

Hazel Blears
Minister of State

(e) 1960 c. 16; section 253(5) was amended by S.I. 1981/1373.

(f) 1970 c. 44; section 21 was amended by the Local Government Act 1972, Transport Act 1982, Road Traffic Regulation Act 1984, Local Government Act 1985, Road Traffic Act 1991, Local Government (Wales) Act 1994, Local Government (Scotland) Act 1994, Traffic Management Act 2004.

(g) S.I. 1989/1796; regulation 3(2) was amended by S.I. 1994/2280 and S.I. 1994/2567.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Private Security Industry (Licences) Regulations 2004. Regulations 3 and 4 of the 2004 Regulations 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 where the licence relates to those licensable activities contained in paragraph 8 of Schedule 2 to the Act (door supervisors etc for public houses, clubs and comparable venues). Regulations 3 and 4 of these Regulations extend Regulations 3 and 4 of the 2004 Regulations to cover licences issued in respect of licensable activities contained in paragraph 3 (immobilisation of vehicles) or paragraph 3A (removal and restriction of vehicles) of Schedule 2 to the Act. Regulation 5 of these Regulations inserts a new regulation 4A into the 2004 Regulations which provides additional conditions which must be attached to licences issued to those conducting front line licensable activities falling within paragraphs 3 and 3A of Schedule 2 to the Act.

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