

2006 No. 427

SECURITY INDUSTRY, ENGLAND AND WALES

**The Private Security Industry Act 2001 (Duration of Licence)
Order 2006**

<i>Made</i> - - - -	<i>15th February 2006</i>
<i>Laid before Parliament</i>	<i>27th February 2006</i>
<i>Coming into force</i> - -	<i>20th March 2006</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 8(8)(b) of the Private Security Industry Act 2001(a).

In accordance with section 24(4)(b) of that Act he has consulted with the Security Industry Authority.

Citation, commencement and extent

1.—(1) This Order may be cited as the Private Security Industry Act 2001 (Duration of Licence) Order 2006 and shall come into force on 20th March 2006.

(2) This Order extends to England and Wales.

Interpretation

2.—(1) In this Order “the 2001 Act” means the Private Security Industry Act 2001.

(2) In this Order “category of licensable activity” means any one of the following—

- (a) licensable activity which falls under paragraphs 2 and 8(c) 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) Section 24(4) of the 2001 Act has been amended by paragraph 11(e) of Schedule 15 to the Serious Organised Crime and Police Act 2005 (c. 15) but the amendment is not yet in force.
(c) Paragraph 8 of Schedule 2 to the 2001 Act has been amended by paragraph 118 of Schedule 6 to the Licensing Act 2003 (c. 17). It has also been amended by paragraph 14(d) of Schedule 15 to the Serious Organised Crime and Police Act 2005 but the amendment is not yet in force.

- (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(a) or 3A(b) of Schedule 2 to the Act applies (“Vehicle Immobiliser”); or
 - (g) licensable activity to which paragraph 6 of Schedule 2 to the Act applies (“Keyholder”).
- (3) In this Order “category of licensable conduct” means either of the following—
- (a) licensable conduct under section 3(2)(a), (b), (c), (h) or (j) of the 2001 Act (“front-line conduct”); or
 - (b) licensable conduct under section 3(2)(d), (e), (f), (g) or (i) of the 2001 Act (“non-front-line conduct”).

Duration of front-line licences for the immobilisation, restriction or removal of vehicles

3.—(1) A licence issued by the Security Industry Authority under section 8 of the 2001 Act in respect of any person specified in paragraph (2) shall remain in force for a period of one year beginning with the day on which it is granted.

- (2) A person is specified for the purposes of paragraph (1) if—
- (a) he engages in licensable conduct falling within section 3(2)(a), (b), (c) or (h) of the 2001 Act in respect of those licensable activities set out in paragraph 3 (immobilisation of vehicles) or 3A (restriction and removal of vehicles) of Schedule 2 to the 2001 Act; or
 - (b) he engages in licensable conduct falling within section 3(2)(j) of the 2001 Act in respect of those licensable activities set out in paragraph 3 (immobilisation of vehicles) of Schedule 2 to the 2001 Act.

Duration of licences issued by way of renewal

4.—(1) A licence issued by the Security Industry Authority under section 8 of the 2001 Act by way of renewal of an existing licence previously issued by it under the same provision shall remain in force for the period specified in paragraph (2).

- (2) The period specified for the purposes of paragraph (1) is the sum of—
- (a) the period specified in section 8(8)(a) of the 2001 Act or Article 3 of this Order, as appropriate; and
 - (b) the maximum period of time for which the existing licence could have remained in force after the licence issued by way of renewal is issued, had that previous licence remained in force for the full period of time for which it was issued.

(3) For the purposes of paragraph (1), a licence may only be issued by way of renewal of an existing licence where—

- (a) the application is received at a time when the existing licence remains in force;
- (b) the licence is issued to the holder of the existing licence; and

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

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

- (c) the licence is in respect of the same category of licensable activity and the same category of licensable conduct as the existing licence.

Revocation

5. The Private Security Industry Act 2001 (Duration of Licence) Order 2005^(a) shall be revoked.

Home Office
15th February 2006

Paul Goggins
Parliamentary Under-Secretary of State

^(a) S.I. 2005/235.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in respect of the duration of licences issued by the Security Industry Authority under section 8 of the Private Security Industry Act 2001.

Article 3 of this Order provides that where such a licence is issued to persons engaged in front line licensable conduct in respect of those licensable activities contained in paragraph 3 (immobilisation of vehicles) or paragraph 3A (restriction and removal of vehicles) of Schedule 2 to the 2001 Act, it shall remain in force for a period of one year beginning on the day on which it is granted. This provision was previously made under the Private Security Industry Act 2001 (Duration of Licence) Order 2005.

Article 4 of this Order provides that where such a licence is issued to persons by way of renewal, it shall remain in force for the sum of the period of time for which the previous licence was issued and the maximum period for which the previous licence could have remained in force after the renewal was granted had that previous licence remained in force for the full period of time for which it was issued. For this purpose, a renewal can only be granted where the new licence covers the same category of licensable activity and the same category of licensable conduct as the previous licence.

Article 5 revokes the Private Security Industry Act 2001 (Duration of Licence) Order 2005.

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