

2006 No. 428

SECURITY INDUSTRY, ENGLAND AND WALES

The Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2006

<i>Made</i> - - - -	<i>18th 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 Regulations in exercise of the powers conferred by section 4 of the Private Security Industry Act 2001(a).

In accordance with section 4(1) of that Act, it appears to the Secretary of State that there are circumstances in which licensable conduct is engaged in only by persons to whom suitable alternative arrangements will apply and he is satisfied that, as a consequence, it is unnecessary for persons engaging in any such conduct in those circumstances to be required to be licensed under that Act.

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2006 and shall come into force on 20th March 2006.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these regulations—

“the 1982 Act” means the Aviation Security Act 1982(c);

“the 2001 Act” means the Private Security Industry Act 2001;

“Direction 11” means the Aviation Security (Aircraft Operators, Aerodrome Managers, Listed Security Approved Air Cargo Agents and Catering Undertakings) (selection of aviation security staff) Direction 2002(d); and

(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) 1982 c. 36.

(d) Direction 11 was made under sections 14, 15(4), 17(1) and 38(6) of the 1982 Act and was issued on 29th April 2002. It has been amended by Direction 11(i) in 2002 and Direction 11(ii) in 2003.

“Direction 12a” means the Aviation Security (Aircraft Operators, Aerodrome Managers) (training of aviation security staff) Direction 1993(a).

Exemption in respect of aviation security services

3. A person who engages in licensable conduct in the circumstances prescribed in regulation 4 shall not be guilty of an offence under section 3 of the 2001 Act (conduct prohibited without a licence) if he conducts that licensable conduct in those prescribed circumstances.

4.—(1) The circumstances prescribed for the purposes of this regulation are those where an operative, supervisor or security manager is provided—

- (a) in accordance with section 14(b) of the 1982 Act and the Single Direction to Aerodrome Managers 2002(c), by a manager of any aerodrome listed in Schedule 1 to Direction 11 to carry out, supervise or manage any activity listed in paragraphs (a) to (d) of Schedule 2 to Direction 11; or
- (b) in accordance with section 14 of the 1982 Act and the Single Direction to Aircraft Operators 2004(d), by a person who is an operator of any aircraft registered or operating in the United Kingdom to carry out, supervise or manage any activity listed in paragraphs (a) to (d) of Schedule 2 to Direction 11,

and satisfies the requirements in paragraph (2).

(2) The requirements specified for the purposes of this paragraph are—

- (a) the person is, in accordance with paragraph 4(a) of Direction 11, selected in accordance with Schedule 5 to that Direction; and
- (b) the person satisfies any training requirement specified in respect of him in paragraph (3).

(3) The training requirements specified for the purposes of this paragraph are—

- (a) in the case of an operative, training in accordance with paragraphs 3 to 6 of Direction 12a; and
- (b) in the case of a supervisor, training in accordance with paragraphs 7 to 10 of Direction 12a.

(4) For the purposes of this regulation—

- (a) “operative” means a person who is given the duty of carrying out any activity listed in paragraphs (a) to (d) of Schedule 2 to Direction 11 pursuant to any direction issued by the Secretary of State under section 14 of the 1982 Act;

“supervisor” means a person who is given the duty of supervising an operative in relation to an activity listed in paragraphs (a) to (d) of Schedule 2 to Direction 11 where the activity is carried out pursuant to any direction issued by the Secretary of State under section 14 of the 1982 Act;

“security manager” means a person who is given the duty of managing a supervisor or operative in relation to an activity listed in paragraphs (a) to (d) of Schedule 2 to Direction 11 where the activity is carried out pursuant to any direction issued by the Secretary of State under section 14 of the 1982 Act.

Home Office
18th February 2006

Paul Goggins
Parliamentary Under-Secretary of State

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- (a) Direction 12a was made under sections 14(1A)(a) and (b), 15(4) and 17(1) of the 1982 Act and was issued on 25th February 1993. It has been amended by Direction 12a(i) in 1996, Direction 12a(ii) in 1999, Direction 12a(iii) in 2003 and Direction 12a(iv) in 2003.
 - (b) Section 14 of the 1982 Act has been amended by the Aviation and Maritime Security Act 1990 (c. 31).
 - (c) The Single Direction to Aerodrome Managers 2002 is made under a number of provisions of the 1982 Act, including sections 14(1A), (2)(b) and (3) and 15(1) and (4) of that Act.
 - (d) The Single Direction to Aircraft Operators 2004 is made under a number of provisions of the 1982 Act, including sections 14, 15(1), (4) and (6) of that Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations exempt certain persons from the licensing requirement in section 3 of the Private Security Industry Act 2001 (“the 2001 Act”) on the basis that suitable alternative arrangements are in place which make it unnecessary for those persons to be so licensed. Regulation 4 specifies the circumstances in which a person will be exempt. The circumstances are those where an operative, supervisor or manager undertakes, supervises or manages certain activities relating to aviation security, which are undertaken by virtue of a Direction made under section 14 of the Aviation Security Act 1982, having been recruited in accordance with the Aviation Security (Aircraft Operators, Aerodrome Managers, Listed Security Approved Air Cargo Agents and Catering Undertakings) (selection of aviation security staff) Direction 2002 and, in the case of operators and supervisors, trained in accordance with the Aviation Security (Aircraft Operators, Aerodrome Managers) (training of aviation security staff) Direction 1993.

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**The Private Security Industry Act 2001 (Exemption) (Aviation
Security) Regulations 2006**

£3.00

ISBN 0-11-074094-7

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0220 2/2006 160220T 19585

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