

2009 No. 3048

SECURITY INDUSTRY, NORTHERN IRELAND

**The Private Security Industry Act 2001 (Designated Activities)
(Northern Ireland) Order 2009**

<i>Made</i> - - - -	<i>18th November 2009</i>
<i>Laid before Parliament</i>	<i>19th November 2009</i>
<i>Coming into force</i> - -	<i>1st December 2009</i>

The Secretary of State, in exercise of the powers conferred by section 3(3) of the Private Security Industry Act 2001(a) and by section 48(4) of the Justice and Security (Northern Ireland) Act 2007(b), makes the following Order.

In accordance with section 48(4) of the Justice and Security (Northern Ireland) Act 2007 this Order repeals Schedule 6 to that Act with respect to activities designated by this Order(c).

The Secretary of State has, in accordance with section 24(4)(d) of the Private Security Industry Act 2001, consulted the Security Industry Authority and the Scottish Ministers.

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Private Security Industry Act 2001 (Designated Activities) (Northern Ireland) Order 2009.

(2) This Order shall come into force on 1st December 2009.

(3) In this Order “the 2001 Act” means the Private Security Industry Act 2001.

(4) This Order extends to Northern Ireland only.

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- (a) 2001 c.12. This Act was extended to Northern Ireland by section 48(3) of the Justice and Security (Northern Ireland) Act 2007 (c.6).
- (b) 2007 c.6.
- (c) Section 48(4) of the Justice and Security (Northern Ireland) Act 2007 (the “2007” Act) requires any order designating an activity as licensable conduct for the purposes of the Private Security Industry Act 2001 to repeal Schedule 6 to the 2007 Act insofar as that Schedule applies to the activity being designated (Schedule 6 provides interim arrangements for licensing the private security industry in Northern Ireland). Schedule 6 applies to those providing services as security guards; this Order will designate all forms of manned guarding as licensable conduct from 1st December 2009 so it repeals Schedule 6 in its entirety from that date.
- (d) 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).

Designated Activities

2. The activities set out in paragraph 2 of Schedule 2(a) to the 2001 Act (manned guarding) are designated—

- (a) for the purposes of paragraphs (a) to (f) of section 3(2) of the 2001 Act with immediate effect; and
- (b) for the purposes of the remainder of section 3 of the 2001 Act with effect from the 1st April 2010.

3. The activities set out in—

- (a) paragraph 3 of Schedule 2 to the 2001 Act (immobilisation of vehicles);
 - (b) paragraph 3A of Schedule 2 to the 2001 Act (restriction and removal of vehicles)(b) ; and
 - (c) paragraph 6 of Schedule 2 to the 2001 Act (keyholders),
- (2) are designated for the purposes of section 3 of the 2001 Act with immediate effect.

Repeal of Schedule 6 to the Justice and Security (Northern Ireland) Act 2007

4. Schedule 6 to the Justice and Security (Northern Ireland) Act 2007 is repealed.

Northern Ireland Office
18th November 2009

Paul Goggins
Minister of State

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- a) Schedule 2 has been amended in relation to Northern Ireland by the Private Security Industry Act 2001 (Amendment)(Northern Ireland) Order 2009 (2009/3017 (N.I.2)), which came into force on 18th November 2009 and the Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2009 (2009/3043), which comes into force on 19th November 2009.
 - (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).

EXPLANATORY NOTE

(This note is not part of the Order)

It is an offence under section 3 of the Private Security Industry Act 2001 to engage in activities which are licensable under that Act, except under or in accordance with a licence issued by the Security Industry Authority. Conduct is only licensable under the 2001 Act if it has been designated as licensable conduct by an Order under section 3(3) of the 2001 Act. Previous Orders designating activities as licensable conduct have been made in respect of England and Wales and Scotland. This Order designates manned guarding, the immobilisation, restriction and removal of vehicles and keyholding as licensable conduct when they are carried out in Northern Ireland. The Order also repeals the existing regime in Northern Ireland under the Justice and Security (Northern Ireland) Act 2007 for licensing those providing security services, as these activities will be licensed under the 2001 Act.

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STATUTORY INSTRUMENTS

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