

**2010 No. 3018**

**SECURITY INDUSTRY**

**The Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2010**

<i>Made</i>	- - - -	<i>20th December 2010</i>
<i>Laid before Parliament</i>		<i>22nd December 2010</i>
<i>Coming into force</i>	- -	<i>14th January 2011</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 she 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) of that Act(b), she has consulted the Scottish Ministers, the Department of Justice in Northern Ireland, and the Security Industry Authority.

**Citation and commencement**

1. These Regulations may be cited as the Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2010 and shall come into force on 14th January 2011.

**Interpretation**

2. In these Regulations—

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

“the 2010 Regulation” means Commission Regulation (EU) No 185/2010(c).

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(a) 2001 c.12; there are amendments to section 4 which are not relevant to these Regulations.

(b) Section 24(4) was amended by S.I.2010/976.

(c) Regulation No 185/2010 lays down detailed measures for the implementation of the common basic standards on aviation security. This Regulation gives effect to Regulation (EC) No 300/2008 on common rules in the field of civil aviation security.

### **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<sup>(a)</sup> (conduct prohibited without a licence) if he conducts that licensable conduct in those prescribed circumstances.

### **Prescribed circumstances**

4.—(1) The circumstances prescribed for the purposes of this regulation are those where a person is provided to implement or be responsible for the implementation of screening, access control or other security controls in a security restricted area in accordance with the 2010 Regulation, and satisfies the requirements in paragraph (2).

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

- (a) the person is selected in accordance with points 11.1.1 and 11.1.3 of the 2010 Regulation; 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 that the person is trained—

- (a) in accordance with points 11.2.2, 11.2.3.1 and 11.2.3.4-8 of the 2010 Regulation; or
- (b) where that person is a supervisor or security manager, in accordance with points 11.2.4 and 11.2.5 of the 2010 Regulation.

(4) For the purposes of this regulation—

“person” means a person who is provided to implement or be responsible for the implementation of screening, access controls or other security controls in a security restricted area in accordance with the 2010 Regulation;

“security manager” means a person having general responsibility at national or local level for ensuring that a security programme and its implementation meet all legal provisions;

“security restricted area” is to be construed in accordance with point 1.1.2 of the 2010 Regulation;

“supervisor” means a person directly supervising persons implementing access controls or other security controls.

### **Revocation of the Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2006 and other amending Regulations**

5. The following are revoked:

- (a) the Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2006<sup>(b)</sup>;
- (b) regulation 2 of the Private Security Industry Act 2001 Regulations (Amendment) Regulations 2007<sup>(c)</sup>; and
- (c) the Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2006 (Amendment) Regulations 2009<sup>(d)</sup>.

Home Office  
20th December 2010

*Lynne Featherstone*  
Parliamentary Under Secretary of State

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(a) There are amendments to section 4 which are not relevant to these Regulations.  
(b) S.I. 2006/428.  
(c) S.I. 2007/2504.  
(d) S.I. 2009/2964.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations exempt certain persons from the licensing requirement under section 3 of the Private Security Industry Act 2001 (“the 2001 Act”) on the basis that suitable alternative arrangements are in place which will 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 a person is provided to implement or be responsible for the implementation of screening, access control or other security controls in a security restricted area, having been recruited and trained in accordance with Commission Regulation (EU) No 185/2010.

Regulation 5 revokes the Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2006. These Regulations are being revoked because they refer to Directions made under section 14 of the Aviation Security Act 1982 (Directions 11 and 12a) which have now been revoked and replaced by the Single Consolidated Direction (Aviation) 2010 (SCD No. 1/2010). The Single Consolidated Direction sets out the more stringent measures to the common basic standard on civil aviation security applicable to the UK, as permitted by Article 6 of Regulation (EC) No 300/2008.

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STATUTORY INSTRUMENTS

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