Draft Order laid before Parliament under paragraphs 1(3) and 7(3) of Schedule 2 to the Private Security Industry Act 2001, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

SECURITY INDUSTRY

The Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2009

Made - - - -	*2009*
Coming into force - -	*2009*

The Secretary of State, in exercise of the powers conferred by paragraphs 1(2) and 7(2) of Schedule 2 to the Private Security Industry Act 2001(**a**), makes the following Order.

In accordance with paragraphs 1(3) and 7(3) of Schedule 2 to that Act a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 24(4)(**b**) of that Act the Secretary of State has consulted the Scottish Ministers and the Security Industry Authority before laying a draft of this Order before Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2009 and shall come into force on the day after the day on which it is made.

(2) In this Order "the 2001 Act" means the Private Security Industry Act 2001.

Amendments to Part 1 of Schedule 2 to the 2001 Act

2.—(1) Paragraph 2(7) of Schedule 2 to the 2001 Act (Manned guarding) is amended as follows.

(2) After paragraph (aa)(**c**), insert—

"(ab) activities that are carried out by virtue of an arrangement made under section 118 of the Criminal Justice and Public Order Act 1994(**d**) (arrangements for the provision of prisoner escorts: Northern Ireland);".

(3) After paragraph (ca)(**e**), insert—

(**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**) 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).
(**c**) Paragraph 2(7)(aa) of Schedule 2 to the 2001 Act was inserted by S.I. 2007/2201.
(**d**) 1994 c.33.
(**e**) Paragraph 2(7)(ca) of Schedule 2 to the 2001 Act was inserted by S.I. 2007/2201.

"(cb) activities that are carried out by virtue of an arrangement made under Article 50(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998(**a**)(attendance centres) or Article 51(2) of that Order (juvenile justice centres);".

(4) After paragraph (fa)(**b**), insert—

"(fb) activities of a person designated by the Chief Constable of the Police Service of Northern Ireland under section 30 of the Police (Northern Ireland) Act 2003(**c**) (police powers for designated police support staff) which are carried out in the course of that person's employment as a member of the police support staff;

(fc) activities of a person designated by the Chief Constable of the Police Service of Northern Ireland under section 30A of the Police (Northern Ireland) Act 2003(**d**) (community support officers) which are carried out in the course of that person's employment as a member of the police support staff;".

(5) After paragraph (g), insert—

"(ga) activities of a person designated by the Chief Constable of the Police Service of Northern Ireland under section 31(2) of the Police (Northern Ireland) Act 2003 (police powers for designated contracted-out staff) which are carried out for the purposes of the performance of a contract entered into under section 31(1) of that Act by that person's employer;".

(6) After paragraph (k), insert—

"(ka) activities of a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847(**e**) (harbour and dock police) which are carried out in the execution of that office;".

3.—(1) Paragraph 3 of Schedule 2 to the 2001 Act (Immobilisation of vehicles) is amended as follows.

(2) In sub-paragraph (3A)(**f**) after paragraph (a), insert—

"(aa) activities of a person carried out for the purposes of, or in connection with, arrangements made with that person's employer by the Northern Ireland Court Service under section 69 of the Judicature (Northern Ireland) Act 1978(**g**);".

(3) In sub-paragraph (3A) after paragraph (d), insert—

"(e) activities of a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847 (harbour and dock police) which are carried out in the execution of that office.".

(4) After sub-paragraph (4), insert—

"(5) In the application of this paragraph to Northern Ireland any reference to a road within the meaning of the Road Traffic Act 1988(**h**) shall be read as if it were a reference to a road within the meaning of the Road Traffic Regulation (Northern Ireland) Order 1997(**i**)".

4.—(1) Paragraph 3A(**j**) of Schedule 2 to the 2001 Act (Restriction and removal of vehicles) is amended as follows.

(**a**) S.I. 1998/1504 (N.I. 9), to which there are amendments not relevant to this Order.
(**b**) Paragraph 2(7)(fa) of Schedule 2 to the 2001 Act was inserted by S.I. 2007/2201.
(**c**) 2003 c.6.
(**d**) Section 30A of the Police (Northern Ireland) Act 2003 was inserted by Article 7 of the Policing (Miscellaneous Provisions) Order 2007 (S.I 2007/912 (N.I. 6).
(**e**) 1847 c.27.
(**f**) Paragraph 3(3A) of Schedule 2 to the 2001 Act was inserted by S.I. 2006/1831.
(**g**) 1978 c.23.
(**h**) 1988 c.52.
(**i**) S.I 1997/276 (N.I. 2), to which there are amendments not relevant to this Order.
(**j**) Paragraph 3A of Schedule 2 to the 2001 Act was inserted by S.I 2005/224.

(2) In sub-paragraph (6) after paragraph (a), insert—

"(aa) activities of a person carried out for the purposes of, or in connection with, arrangements made with that person's employer by the Northern Ireland Court Service under section 69 of the Judicature (Northern Ireland) Act 1978;".

(3) In sub-paragraph (6) after paragraph (b), insert—

"(ba) activities carried out by a person for the purposes of, or in connection with, a contract entered into by a district council in Northern Ireland with a view to removing a vehicle pursuant to Article 30 of the Pollution Control and Local Government (Northern Ireland) Order 1978(**a**) (removal of abandoned vehicles);

(bb) activities carried out by a person for the purposes of, or in connection with, a contract entered into by the Department for Regional Development with a view to removing a vehicle pursuant to Article 49 of the Road Traffic Regulation (Northern Ireland) Order 1997;".

(4) In sub-paragraph (6) after paragraph (c), insert—

"(ca) activities carried out by a person for the purposes of, or in connection with, a contract entered into by the Northern Ireland Policing Board with a view to removing a vehicle pursuant to Article 48 of the Road Traffic Regulation (Northern Ireland) Order 1997;".

(5) In sub-paragraph (6) after paragraph (f), insert—

"(g) activities of a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847 (harbour and dock police) which are carried out in the execution of that office.".

(6) After sub-paragraph (7), insert—

"(7A) For the purposes of sub-paragraph (6)(ba) "district council" has the meaning given by section 44 of the Interpretation Act (Northern Ireland) 1954(**b**).".

(7) After sub-paragraph (8), insert—

"(9) In the application of this paragraph to Northern Ireland any reference to a road within the meaning of the Road Traffic Act 1988 shall be read as if it were a reference to a road within the meaning of the Road Traffic Regulation (Northern Ireland) Order 1997.".

Amendments to Part 2 of Schedule 2 to the 2001 Act

5. After paragraph 8(1BC)(**c**) of Schedule 2 to the 2001 Act (Door supervisors etc for public houses, clubs and comparable venues), insert—

"(1BD) This paragraph applies to activities carried out in relation to licensed premises in Northern Ireland only if they are carried out at or in relation to times when—

(a) intoxicating liquor (within the meaning of the Licensing (Northern Ireland) Order 1996(**d**) is being sold or supplied for consumption on the premises; or

(b) an entertainment to which paragraph 1 or 2 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(**e**) applies is being provided on the premises.".

6. After paragraph 8(2)(n) of Schedule 2 to the 2001 Act (as inserted by the Private Security Industry Act 2001 (Amendment) (Northern Ireland) Order 2009), insert—

(**a**) S.I. 1978/1049 (N.I. 19), to which there are amendments not relevant to this Order.
(**b**) 1954 c.33.
(**c**) Paragraph 8(1BC) of Schedule 2 to the 2001 Act was inserted by S.I. 2007/2201.
(**d**) S.I. 1996/3158 (N.I. 22), to which there are amendments not relevant to this Order.
(**e**) S.I. 1985/1208 (N.I. 15), to which there are amendments not relevant to this Order.

"(o) any place in respect of which an entertainments licence within the meaning of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 is in force.".

7.—(1) Paragraph 8(3)(**a**) of Schedule 2 to the 2001 Act is amended as follows.

(2) After paragraph (b), insert—

"(ba) in relation to any occasion on which the premises are being used exclusively for the purposes of a registered club within the meaning of the Registration of Clubs (Northern Ireland) Order 1996(**b**);".

(3) At the end of paragraph (cc)(**c**) omit "or".

(4) After paragraph (cc), insert—

"(cd) in relation to any occasion on which a bingo club licence within the meaning of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(**d**) is in force in respect of the premises and the premises are being used wholly or mainly for the purposes for which the licence is required;

(ce) in relation to any occasion on which a licence permitting theatrical performances is in force in respect of the premises under the Local Government (Miscellanous Provisions) (Northern Ireland) Order 1985 and the premises are being used wholly or mainly for the purposes of a theatrical performance for which the licence is required;

(cf) in relation to any occasion on which a licence within the meaning of the Cinemas (Northern Ireland) Order 1991(**e**) is in force in respect of the premises and the premises are being used wholly or mainly for the purposes for which the licence is required; or".

Name
Minister of State

Northern Ireland Office
Date

(**a**) Paragraph 8(3) of Schedule 2 to the 2001 Act was inserted by section 198(1) of, and Schedule 6 to, the Licensing Act 2003 (c.17).
(**b**) S.I 1996/3159 (N.I 23).
(**c**) Paragraph 8(3)(cc) of Schedule 2 to the 2001 Act was inserted by S.S.I. 2009/248.
(**d**) S.I. 1985/1204 (N.I. 11), to which there are amendments not relevant to this Order.
(**e**) S.I. 1991/1462 (N.I. 12). to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

Schedule 2 to the Private Security Industry Act 2001 lists various activities of security operatives that are prohibited if they are carried out without a Security Industry Authority licence once the activity has been designated as licensable conduct by an order under section 3(3) of the Act. The Schedule also sets out a number of specific exceptions to this regime. This Order adds a number of new exceptions relating to Northern Ireland to the Schedule and also amends the definitions of some of the activities listed in the Schedule in order to take account of Northern Ireland legislation.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

Draft Order laid before Parliament under paragraphs 1(3) and 7(3) of Schedule 2 to the Private Security Industry Act 2001, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

SECURITY INDUSTRY

The Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2009

£4.00

E4946 10/2009 194946T 19585