EXPLANATORY MEMORANDUM TO

THE PRIVATE SECURITY INDUSTRY ACT 2001 (EXEMPTION) (AVIATION SECURITY) (AMENDMENT) REGULATIONS 2025

2025 No. 664

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Dan Jarvis MP, Minister for Security at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Frances King, Deputy Director for Protect and Prepare at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Samiullah Halepota at the Home Office, email: samiullah.halepota@homeoffice.gov.uk can be contacted with any queries regarding the Instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The purpose of this Instrument is to ensure that certain aviation security staff can continue performing their roles without needing a licence from the Security Industry Authority (SIA), even after the current assimilated laws (formerly Retained EU laws) that allow these roles to be exempt from licensing, are revoked. The Instrument will let the Department for Transport (DfT) consolidate UK regulatory standards.

Where does the legislation extend to, and apply?

4.2 The extent of this Instrument (that is, the jurisdiction(s) which the Instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.3 The territorial application of this Instrument (that is, where the Instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 The Private Security Industry Act 2001 ("the Act") was introduced to regulate the private security industry in the UK. Its objectives are to protect the public by preventing unsuitable people from working in the industry, and to improve standards.

5.2 The Act requires persons engaged in licensable conduct to be licensed by the SIA. This includes:

5.2.1 Operatives working under a contract for service in Close Protection, Security Guarding, Cash and Valuables in Transit, Key Holding, Public Space Surveillance (CCTV) and Vehicle Immobilisation (Northern Ireland only).

5.2.2 Those working as Door Supervisors regardless of their type of employment.

5.2.3 Directors of a company, partners of a firm, and managers or supervisors of businesses supplying SIA licence holders as part of a contract for services must also hold the appropriate SIA licence.

5.3 Section 4 of the Act allows the Secretary of State to make regulations to exempt certain people from the licensing requirement under the Act. This is only if the Secretary of State is satisfied that there are suitable alternative arrangements (training, vetting and oversight) in place and that as a result it is unnecessary for these persons to be licensed under the Act. Any alternative arrangements need to be equivalent, for all practical purposes as far as the protection of the public is concerned, to those applying to persons applying for and granted licences

5.4 An exemption already exists for certain aviation security personnel in the Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2010 ("the 2010 Regulations"), as amended by the Private Security Industry Act 2001 (Exemption) (Aviation Security) (Amendment) Regulations 2012 ("the 2012 Regulations").

5.5 The 2010 Regulations set out the circumstances in which aviation security personnel are allowed to engage in licensable conduct without an SIA licence. These circumstances are: a person implementing, (or being responsible for implementing) screening, access control or other security controls in a security restricted area at aviation sites (e.g. airports) and they are recruited and trained in accordance with the standards currently in assimilated law under the Commission Implementing Regulation (EU) 2015/1998[1]. As a result of this assimilated law being scheduled to be revoked, this instrument amends the 2010 Regulations so that it instead refers to provisions under the Aviation Security Act 1982 and retains the existing exemption, so that aviation security personnel are not required to be regulated under the Act. The Instrument further revokes the 2012 Regulations.

5.6 This Instrument adds definitions of key aviation security terms to the 2010 Regulations. It explains that "access control" refers to preventing the "entry of unauthorised persons or unauthorised vehicles" and this is used to define a person's function. Those persons performing access control duties have been specifically recruited and trained for such a role. Whether a person or vehicle is "unauthorised" is well understood within the aviation security industry and the term has a natural meaning within such context.

5.7 The definition of "prohibited articles" refers to "an act of unlawful interference that jeopardises the security of civil aviation". Both these terms are widely understood in the aviation industry. They also reflect terminology used in section 10(4) of the Aviation Security Act 1982 and in international aviation law (namely, Annex 17 to the Convention on International Civil Aviation), which defines "acts of unlawful interference" as "acts or attempted acts such as to jeopardize the safety of civil aviation" and, thereafter sets out a non-exhaustive list of the acts it includes.

[1] The 2010 Regulations cross-refer to Commission Regulation (EU) No 185/2010 which was revoked by Article 2 of Commission Implementing Regulation (EU) 2015/1998. Article 2 of Commission Implementing Regulation (EU) 2015/1998 confirms that references to Regulation (EU) No 185/2010 shall be construed as a reference to Commission Implementing Regulation (EU) 2015/1998.

What was the previous policy, how is this different?

5.8 The 2010 Regulations exempt certain aviation security personnel from requiring an SIA licence in order to engage in licensable conduct on the basis that the requirements for background checks, training and monitoring of these individuals as required under Commission Implementing Regulation (EU) 2015/1998 is equal to, if not more rigorous than, those required by the SIA licensing regime. The requirements in Commission Implementing Regulation (EU) 2015/1998 will be revoked later this year and alternative provision will be made under Part 2 of the Aviation Security Act 1982. Thus 'suitable alternative arrangements' will continue to exist for aviation security personnel who engage in licensable conduct.

5.9 The Government is undertaking a programme of revoking assimilated law relating to aviation security that will bring requirements directly into UK regulation which will allow regulatory standards to be strengthened where appropriate.

5.10 The exemption from SIA licensing which already exists will remain.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2010 Regulations are being amended to ensure that they continue to have effect, once the relevant assimilated law is revoked. The law permits aviation security personnel engaged in licensable conduct to be exempt from SIA licensing, and this position will remain unchanged.

Why was this approach taken to change the law?

6.2 The 2010 Regulations are being changed to ensure that the existing exemption from SIA licensing remains for certain aviation security personnel. This Instrument will retain the exemption which already applies.

7. Consultation

Summary of consultation outcome and methodology

7.1 No formal 12-week consultation has been undertaken as this Instrument only makes a technical change and there is therefore no change in policy. In addition, as required by section 24 of the Act, the Secretary of State has consulted Scottish Ministers, the Department of Justice Northern Ireland, and the SIA.

8. Applicable Guidance

8.1 The Department for Transport will communicate with all relevant aviation industry stakeholders to clarify the aviation security functions to which this exemption still applies.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this Instrument because this is a technical measure to maintain the status quo in terms of the SIA's regulation.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the regulatory regime is unchanged.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the underlying policy is unchanged. The exemption shall be maintained.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 Monitoring or reviewing this Instrument is not appropriate given the technical and clarificatory nature of the change which maintains the status quo.

10.2 The Instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Dan Jarvis MP, Minister for Security at the Home Office has made the following statement:

"In my view, in line with the requirement of the Small Business, Enterprise and Employment Act 2015, the provisions of the Private Security Industry Act 2001 (Exemption) (Aviation Security) (Amendment) Regulations 2025 are such that a statutory review clause would be inappropriate, for proportionality reasons, given the costs associated with such review and the limited scope for change".

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This Instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").