EXPLANATORY MEMORANDUM TO

THE PRIVATE SECURITY ACT 2001 (REPEAL AND REVOCATION) ORDER 2004

2004 No. 3145

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

This Order repeals Part 3 of the City of Newcastle upon Tyne Act 2000. Part 3 of that Act set up a scheme for the registration of door supervisors by the local authority. The scheme is to be repealed as the provisions of the Private Security Industry Act 2001 regulating the conduct of door supervisors are to be commenced in the Newcastle area.

3. Matters of special interest to the Joint Committee on Statutory Instruments

The Order breaches the 21 day rule. The department apologises for this breach. The Order could not be made until the commencement order bringing section 3(1) and (2)(a) to (i) in force in the Northumbria police area (which includes Newcastle upon Tyne) had been made. There has been extensive local publicity in the areas in which section 3(1) and (2)(a) to (i) are to be brought into force of the commencement date such that it is not considered practical to put back the date. Due to an oversight caused by pressures of work in other areas the drafting of this order was overlooked.

4. Legislative Background

The Order is made under section 13(5) of the Private Security Industry Act 2001 which enables the Secretary of State to modify or repeal local enactments in consequence of the coming into force of any of the provisions of the Act.

5. Extent

This instrument applies to England and Wales.

6. European Convention on Human Rights

The Minister of State for the Home Department has made the following statement regarding Human Rights:

In my view the provisions of the Private Security Industry Act 2001 (Repeal and Revocation) Order 2004 are compatible with the Convention rights.

7. Policy background

Existing local authority licensing schemes are patchy and apply widely differing criteria for the award of a licence. The introduction of a consistent, national licensing scheme by the Security Industry Authority (SIA) will help remove criminal elements from the industry and raise professional standards. The SIA have had extensive discussions with local authority licensing staff, police forces and the industry in preparation for the introduction of national door supervisor licensing.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as its impact on business is neutral.

9. Contact

Nick Smith at the Home Office, Tel: 020 7035 5118 or e-mail: nick.smith@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.