

2004 No. 916

SECURITY INDUSTRY, ENGLAND AND WALES

**The Private Security Industry Act 2001 (Modification of Local
Enactments) Order 2004**

<i>Made</i> - - - -	<i>24th March 2004</i>
<i>Laid before Parliament</i>	<i>29th March 2004</i>
<i>Coming into force</i> - -	<i>19th April 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 13(5) of the Private Security Industry Act 2001(a), having consulted the Security Industry Authority in accordance with sections 13(6) and 24(4) of that Act, hereby makes the following Order:

1.—This Order may be cited as the Private Security Industry Act 2001 (Modification of Local Enactments) Order 2004 and shall come into force on 19th April 2004.

City of Newcastle upon Tyne Act 2000

2.—(1) Section 15 of the City of Newcastle upon Tyne Act 2000(b) shall be modified as follows.

(2) After subsection (3) there is inserted—

“(4) In proceedings for an offence under this section it is a defence for the accused to show that he holds a licence issued by the Security Industry Authority under section 8 of the Private Security Industry Act 2001 (c. 12) entitling him to act as a door supervisor or that the person he employed as a door supervisor holds such a licence and, in either case, that any conditions applicable to the licence were observed.”

London Local Authorities Act 1995

3.—(1) Section 39 of the London Local Authorities Act 1995(c) shall be modified as follows.

(2) After subsection (3) there is inserted—

“(4) In proceedings for an offence under this section it is a defence for the accused to show that he holds a licence issued by the Security Industry Authority under section 8 of the Private Security Industry Act 2001 (c. 12) entitling him to act as a door supervisor or that the person he employed as a door supervisor holds such a licence and, in either case, that any conditions applicable to the licence were observed.”

(a) 2001 c. 12.
(b) 2000 c. viii.
(c) 1995 c. x.

Local Government (Miscellaneous Provisions) Act 1982

4.—(1) Paragraph 12 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982(a) shall be modified as follows.

(2) After sub-paragraph (3) there is inserted—

“(3A) It shall be a defence for a person charged with an offence under this paragraph to show that he holds a licence issued by the Security Industry Authority under section 8 of the Private Security Industry Act 2001 (c. 12) entitling him to act as a door supervisor or that the person he employed as a door supervisor holds such a licence and, in either case, that any conditions applicable to the licence were observed.”

Home Office
24th March 2004

Hazel Blears
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

The City of Newcastle upon Tyne Act 2000 and the London Local Authorities Act 1995 both make provision for the setting up of a register of door supervisors and make it an offence to act as, or employ, an unregistered door supervisor. This Order modifies those enactments to provide that it is a defence to any prosecution to show that the person acting as, or employed as, a door supervisor was licensed to engage in that activity by the Security Industry Authority and was complying with the terms of his licence.

Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to prescribe standard terms, conditions and restrictions in relation to public entertainment licences. Many local authorities rely on this to impose a registration scheme for door supervisors as part of a public entertainment licence. This Order modifies Schedule 1 to provide that it is a defence to any prosecution for breach of the conditions of a licence to show that the person acting as, or employed as, a door supervisor was licensed to engage in that activity by the Security Industry Authority and was complying with the terms of his licence.

(a) 1982 c. 30; Schedule 1 is prospectively repealed by section 198(1) of, and paragraphs 82 and 83(c) of schedule 7 to, the Licensing Act 2003 (c. 17) from a date to be appointed.

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