

2006 No. 3411

SECURITY INDUSTRY

**The Private Security Industry Act 2001 (Duration of Licence)
(No. 2) Order 2006**

<i>Made</i>	- - - -	<i>18th December 2006</i>
<i>Laid before Parliament</i>		<i>21st December 2006</i>
<i>Coming into force</i>	- -	<i>1st February 2007</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 8(8)(b) of the Private Security Industry Act 2001(a).

In accordance with section 24(4)(b) of that Act he has consulted with the Scottish Ministers and the Security Industry Authority.

Citation, commencement and extent

1.—(1) This Order may be cited as the Private Security Industry Act 2001 (Duration of Licence) (No. 2) Order 2006 and shall come into force on 1st February 2007.

(2) Subject to paragraph (3), this Order extends to England and Wales and Scotland.

(3) Nothing in this Order which relates to a licence in respect of activities to which either paragraph 3(c) or 3A(d) of Schedule 2 to the 2001 Act (immobilisation, restriction and removal of vehicles) applies shall have effect in respect of activities of a security operative undertaken in Scotland.

Interpretation

2.—(1) In this Order—

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

“category of licensable activity” has the meaning given in paragraph (2);

“category of licensable conduct” means either front line licensable conduct or non-front line licensable conduct;

“front line licensable conduct” means conduct falling within section 3(2)(a), (b), (c), (h) or (j) of the 2001 Act; and

(a) 2001 c. 12.

(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 3 of Schedule 2 to the 2001 Act has been amended by paragraphs 1 and 14 of Schedule 15 to the Serious Organised Crime and Police Act 2005, S.I. 2005/224 and S.I. 2006/1831.

(d) Paragraph 3A of Schedule 2 to the 2001 Act was inserted by S.I. 2005/224 and has been amended by S.I. 2006/1831.

“non-front line licensable conduct” means conduct falling within section 3(2)(d), (e), (f), (g) or (i) of the 2001 Act.

(2) “Category of licensable activity” means any one of the following—

- (a) activity to which paragraph 2(1)(b)(a) of Schedule 2 to the 2001 Act applies and which involves the secure transportation of property in vehicles specially manufactured or adapted so as to have secure transportation as their primary function (“Cash and Valuables in Transit”);
- (b) activity to which paragraph 2(1)(c) of Schedule 2 to the 2001 Act applies (“Close Protection”);
- (c) activity to which paragraphs 2 and 8(b) of Schedule 2 to the 2001 Act apply and which does not fall within sub-paragraph (a) or (b) (“Door Supervisor”);
- (d) activity to which paragraph 2 of Schedule 2 to the Act applies, to which paragraph 8 of that Schedule may apply, which is carried out by a person who does not fall under section 3(2)(g), (h) or (i) of the Act and which involves the use of closed circuit television (“CCTV”) equipment to—
 - (i) monitor the activities of a member of the public in a public or private place; or
 - (ii) identify a particular person,

including the use of CCTV in these cases to record images that are viewed on non-CCTV equipment, for purposes other than identifying a trespasser or protecting property (“Public Space Surveillance (CCTV)”);

- (e) activity to which paragraph 2 of Schedule 2 to the 2001 Act applies, to which paragraph 8 of that Schedule does not apply, which may be carried out in relation to any premises including licensed premises within the meaning of paragraph 8 of that Schedule and which does not fall within sub-paragraphs (a) to (d) (“Security Guard”);
- (f) activity to which paragraph 3 or 3A of Schedule 2 to the 2001 Act applies (“Vehicle Immobiliser”); or
- (g) activity to which paragraph 6 of Schedule 2 to the 2001 Act applies (“Keyholder”).

Duration of front line licences for the immobilisation, restriction or removal of vehicles

3.—(1) A licence issued by the Authority under section 8 of the 2001 Act (licences to engage in licensable conduct) in respect of any person specified in paragraph (2) shall remain in force for a period of one year beginning with the day on which it is granted.

(2) A person is specified for the purposes of paragraph (1) if he undertakes any front line licensable conduct in relation to any activities set out in paragraph 3 (immobilisation of vehicles) or 3A (restriction and removal of vehicles) of Schedule 2 to the 2001 Act.

Duration of licences issued by way of renewal

4.—(1) A licence issued by the Authority under section 8 of the 2001 Act by way of renewal of an existing licence previously issued by it under the same provision shall remain in force for the period specified in paragraph (2).

(2) The period specified for the purposes of paragraph (1) is the sum of—

- (a) the period specified in section 8(8)(a) of the 2001 Act or article 3 of this Order, as appropriate; and
- (b) subject to a maximum period of three months, the maximum period of time for which the existing licence could have remained in force after the licence issued by way of renewal

(a) Paragraph 2 of Schedule 2 to the 2001 Act has been amended by S.I. 2006/1831.

(b) Paragraph 8 of Schedule 2 to the 2001 Act has been amended by paragraph 118 of Schedule 6 to the Licensing Act 2003 (c. 17), paragraph 14(d) of Schedule 15 to the Serious Organised Crime and Police Act 2005 and S.I. 2006/1831.

is issued, had that previous licence remained in force for the full period of time for which it was issued.

(3) For the purposes of paragraph (1), a licence is issued by way of renewal of an existing licence where—

- (a) the application is received at a time when the existing licence remains in force and can remain in force without renewal for a period of no more than four months;
- (b) the licence is issued to the holder of the existing licence; and
- (c) the licence is in respect of the same category of licensable activity and the same category of licensable conduct as the existing licence.

Revocation

5.—(1) Subject to paragraph (2) the Private Security Industry Act 2001 (Duration of Licence) Order 2006(a) is revoked.

(2) Notwithstanding the revocation of the 2006 Order, that Order will continue in force in respect of a licence for which the application is received before 1st February 2007.

Home Office
18th December 2006

Vernon Coaker
Parliamentary Under-Secretary of State

(a) S.I. 2006/427.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in respect of the duration of licences issued by the Security Industry Authority under section 8 of the Private Security Industry Act 2001 (“the 2001 Act”). It extends some provision made under the Private Security Industry Act 2001 (Duration of Licence) Order 2006 (“the 2006 Order”) to Scotland, makes further provision and consolidates.

Article 2 provides that this Order extends to Scotland except that provision made for licences in respect of activities under paragraph 3 or 3A of Schedule 2 to the 2001 Act (immobilisation, restriction and removal of vehicles) will not have effect in respect of activities undertaken in Scotland.

Article 3 of this Order provides that where such a licence is issued to persons engaged in front line licensable conduct in respect of those activities contained in paragraph 3 (immobilisation of vehicles) or paragraph 3A (restriction and removal of vehicles) of Schedule 2 to the 2001 Act, it shall remain in force for a period of one year beginning on the day on which it is granted. This provision was previously made under the 2006 Order in respect of England and Wales.

Article 4 of this Order provides that where such a licence is issued to persons by way of renewal, it shall remain in force for the sum of the period of time for which a new licence in respect of that licensable conduct would be issued were it not for the renewal (either three years by virtue of section 8(8)(a) of the 2001 Act or one year by virtue of article 3 of this Order) and, subject to a maximum period of three months, the maximum period for which the previous licence could have remained in force after the renewal was granted had that previous licence remained in force for the full period of time for which it was issued. For this purpose, a renewal is granted where the old licence is valid, when applying for renewal, for no more than four months and where the new licence covers the same category of licensable activity and the same category of licensable conduct as the previous licence. This provision was previously made under the 2006 Order in respect of England and Wales except that there was previously no three month maximum applied under article 4(2)(b) and it applied regardless of when a renewal application was made.

Article 5 revokes the 2006 Order but provides that the 2006 Order will continue to apply in respect of applications received before 1st February 2007.

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