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

2007 No.

SECURITY INDUSTRY

The Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2007

Made - - - - 2007
Coming into force in accordance with article 1(2) and (3)

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

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

In accordance with section 24(4)(**2**) of that Act, he has consulted the Scottish Ministers and the Security Industry Authority.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2007.

(2) This article and article 5(4) (and article 5(1) so far as relating to article 5(4)) come into force on 1st September 2007.

(3) Subject to that, this Order comes into force on 1st October 2007.

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

Amendments to Part 1 of Schedule 2

2.—(1) Paragraph 2 of Schedule 2 to the 2001 Act(**3**) (manned guarding) is amended as follows.

(2) In sub-paragraph (7), after paragraph (a) insert—

(**1**) 2001 c. 12.
(**2**) Section 24(4) of the 2001 Act has been amended by section 171 of, and paragraph 11(e) of Schedule 15 to, the Serious Organised Crime and Police Act 2005 (c. 15).
(**3**) Paragraph 2 of Schedule 2 to the 2001 Act has been amended by S.I. 2006/1831, which inserted a new sub-paragraph (7) into that paragraph.

"(aa) activities that are carried out by virtue of an arrangement made by the Scottish Ministers under section 102 of the Criminal Justice and Public Order Act 1994(**4**) (arrangements for the provision of prisoner escorts: Scotland);".

(3) In sub-paragraph (7), after paragraph (c) insert—

"(ca) activities that are carried out for the purposes of the performance of a contract entered into under, or for the purposes of, section 106 of the Criminal Justice and Public Order Act 1994(**5**) (contracting out of prisons in Scotland) or section 112 (contracted out functions at directly managed prisons in Scotland) of that Act;".

(4) In sub-paragraph (7), after paragraph (f) insert—

"(fa) activities of a person employed or appointed in accordance with section 9(1) of the Police (Scotland) Act 1967(**6**) (civilian employees) and certified in accordance with section 9(1A) of that Act as a police custody and security officer, which are carried out in the course of that employment or appointment;".

3. In paragraphs 3(3A)(a) and 3A(6)(a) of Schedule 2 to the 2001 Act(**7**) (exceptions for certain vehicle immobilisation, restriction and removal) for "pursuant to" substitute "for the purposes of, or in connection with,".

4. In paragraph 3A of Schedule 2 to the 2001 Act (restriction and removal of vehicles) after sub-paragraph (7) insert—

"(8) This paragraph does not apply to any activities carried out in Scotland."

Amendments to Part 2 of Schedule 2

5.—(1) Paragraph 8 of Schedule 2 to the 2001 Act(**8**) (door supervisors etc. for public houses, clubs and comparable venues) is amended as follows.

(2) After sub-paragraph (1B) (application to premises providing entertainment) insert—

"(1BA) This paragraph applies to activities carried out in relation to premises referred to in paragraphs (f) to (j) of sub-paragraph (2) only if they are carried out at or in relation to times when alcoholic liquor (within the meaning of the Licensing (Scotland) Act 1976(**9**)) is being sold or supplied for consumption on the premises.

(1BB) This paragraph applies to activities carried out in relation to premises referred to in sub-paragraph (2)(k) only if they are carried out at or in relation to times when the premises are being used as a place of public entertainment (within the meaning given in section 41(2) of the Civic Government (Scotland) Act 1982(**10**)).

(1BC) This paragraph applies to activities carried out in relation to premises referred to in sub-paragraph (2)(l) only if they are carried out at or in relation to times when an activity designated as mentioned in that sub-paragraph is being carried on in the premises.".

(**4**) 1994 c. 33. Section 102 of the 1994 Act has been amended by section 5 of, and paragraph 93 of Schedule 4 to, the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40); section 76 of the Criminal Justice (Scotland) Act 2003 (asp 7); and S.S.I. 2005/465. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**5**) Section 106 of the 1994 Act has been amended by section 94 of, and paragraph 50 of the schedule to, the Agricultural Holdings (Scotland) Act 2003 (asp 11); and S.I. 1999/1820.

(**6**) 1967 c. 77. Section 9 of the 1967 Act was substituted by section 49 of the Police and Magistrates' Courts Act 1994 (c. 29) and subsequently amended by section 76 of the Criminal Justice (Scotland) Act 2003; and S.S.I. 2005/465.

(**7**) Paragraph 3 of Schedule 2 to the 2001 Act has been amended by section 171 of, and 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. Paragraph 3A of Schedule 2 to the 2001 Act was inserted by S.I. 2005/224 and subsequently amended by S.I. 2006/1831.

(**8**) Paragraph 8 of Schedule 2 to the 2001 Act has been amended by section 198 of, and paragraph 118 of Schedule 6 to, the Licensing Act 2003 (c. 17); section 171 of, and paragraphs 1 and 14 of Schedule 15 to, the Serious Organised Crime and Police Act 2005; and S.I. 2006/1831.

(**9**) 1976 c. 66.

(**10**) 1982 c. 45.