

Executive Note

The Private Security Industry Act 2001 (Commencement No 1) (Scotland) Order 2006 SSI/2006/382(C.32)

The above order is made by Scottish Ministers in exercise of the powers conferred on them by Section 26(2) and (2A) of the Private Security Industry Act 2001, (“the Act”). The order is not subject to parliamentary procedure.

Policy Objectives

The Commencement of the relevant provisions of the Private Security Industry Act 2001, contained in this order, will have the effect of bringing the remit of the Security Industry Authority (SIA) into effect in Scotland. This will allow the SIA to make preparations for the regulation of the private security industry in Scotland, which is planned for delivery in 2007. Further orders will be made at a future date to designate activities for the purpose of the Act. It is only when activities are designated that the provisions of the Act shall have regulatory effect in respect of those designated activities. It is planned that the first activities shall be designated in terms of the Act on or around 30 November 2007.

Consultation

The Scottish Executive published a consultation paper “*Regulating the Private Security Industry in Scotland*” in 2001. This put forward four options for regulation including, self regulation by the industry, a mandatory local authority scheme, a specifically Scottish Authority, or extending the remit of the SIA to Scotland. The clear message from this exercise was that all stakeholders wanted regulation and that the majority wanted it to be run by the SIA because of issues of cross border compatibility. In November 2004, a Regulatory Impact Assessment was published along with the Serious Organised Crime and Police Bill and this set out the impact of regulation. Additionally, the provisions were subject to scrutiny in the Justice 2 Committee and a legislative consent motion debate in the Parliament on 2 February 2005.

In addition the SIA has been conducting considerable marketing and communications exercises, including a series of road shows held around Scotland aimed at ensuring both providers of security services and those who use them are fully informed of what is happening, when it is happening and what action is required by them. They have also held an MSP briefing event in the Scottish Parliament and it is their intention to ensure that all stakeholders are informed of continuing progress either directly or through marketing media.

In accordance with the requirements of section 26(2A) of the Act, the Home Secretary has been consulted.

Financial Effects

This order will allow the Scottish Ministers to make payments from the Scottish Consolidated Fund to the SIA in relation to the exercise of its functions in or as regards Scotland.

Scottish Executive Justice Department
Police Division 2
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