

2005 No. 1107

SECURITY INDUSTRY, ENGLAND AND WALES

**The Private Security Industry Act 2001 (Designated Activities)
(No. 2) Order 2005**

<i>Made</i> - - - -	<i>4th April 2005</i>
<i>Laid before Parliament</i>	<i>7th April 2005</i>
<i>Coming into force</i> - -	<i>3rd May 2005</i>

The Secretary of State, in exercise of the powers conferred upon him by section 3(3) of the Private Security Industry Act 2001(a), having consulted the Security Industry Authority in accordance with section 24(4) of that Act, hereby makes the following Order:

1.—(1) This Order may be cited as the Private Security Industry Act 2001 (Designated Activities) (No. 2) Order 2005 and shall come into force on 3rd May 2005.

(2) In this Order “the 2001 Act” means the Private Security Industry Act 2001.

2.—(1) The activities of a security operative set out in paragraph 3(b) of Schedule 2 to the 2001 Act are hereby designated for the purposes of section 3 of the 2001 Act.

(2) The activities of a security operative set out in paragraph 3A(c) of Schedule 2 to the 2001 Act are hereby designated for the purposes of section 3, except section 3(2)(j), of the 2001 Act.

Home Office
4th April 2005

Hazel Blears
Minister of State

(a) 2001 c. 12.

(b) Paragraph 3 of Schedule 2 to the 2001 Act was amended by the Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2005 (S.I. 2005/224).

(c) Paragraph 3A of Schedule 2 to the 2001 Act was inserted by the Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2005 (S.I. 2005/224).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates, for the purposes of section 3 of the Private Security Industry Act 2001, the activities of security operatives engaged in the immobilisation of vehicles. Those activities are defined in paragraph 3 of Schedule 2 to the 2001 Act, as amended by the Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2005 (“the 2005 Order”), and cover the wheel clamping of vehicles for the purpose of preventing a person otherwise entitled to remove the vehicle from doing so in circumstances in which it is proposed to impose a charge for the release of the vehicle. This Order also designates, for the purposes of section 3, except section 3(2)(j), of the 2001 Act, the activities of security operatives engaged in the restriction and removal of vehicles. Those activities are defined in paragraph 3A of Schedule 2 to the 2001 Act as inserted by the 2005 Order, and cover the moving and restriction of the movement of a vehicle by any means for the purpose of preventing a person otherwise entitled to remove the vehicle from doing so in circumstances in which it is proposed to impose a charge for the release of the vehicle. Paragraph 3A of Schedule 2 to the 2001 Act does not cover the use of a fixed barrier in regular car parks.

Section 3(1) of the 2001 Act makes it an offence to engage in licensable conduct except under and in accordance with a licence from the Security Industry Authority. Section 3(2)(a) to (j) defines licensable conduct for this purpose. It covers licensable activity, as defined in Schedule 2 to the 2001 Act, which has been designated under section 3(3) of that 2001 Act for that purpose. The Private Security Industry Act 2001 (Commencement No. 8) Order 2005 (S.I. 2005/243) brought section 3(1) into force to the extent not already in force across England and Wales on 28th February 2005, and section 3(2)(j), which only applies to the activities in paragraph 3 of Schedule 2 to the 2001 Act, into force across England and Wales on that same date. It also brought section 3(2)(a) to (i) into force to the extent not already in force across England and Wales on 11th April 2005. Accordingly, when this Order comes into force on 3rd May 2005, it will be an offence to engage without a licence in conduct prescribed in section 3(2)(a) to (i) of the 2001 Act in respect of those activities related to the immobilisation, restriction and removal of vehicles that are contained in paragraphs 3 and 3A of Schedule 2 to the 2001 Act and to engage without a licence in conduct prescribed in section 3(2)(j) of the 2001 Act in respect of those activities related to the immobilisation of vehicles that are contained in paragraph 3 of Schedule 2 to the 2001 Act.

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