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STATUTORY INSTRUMENTS

2006 No. 824

SECURITY INDUSTRY, ENGLAND AND WALES

**The Private Security Industry Act 2001
(Designated Activities) (Amendment) Order 2006**

<i>Made</i>	- - - -	<i>17th March 2006</i>
<i>Laid before Parliament</i>		<i>17th March 2006</i>
<i>Coming into force</i>	- -	<i>20th March 2006</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 3(3) and 24(5) of the Private Security Industry Act 2001⁽¹⁾.

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

Citation, commencement and extent

1.—(1) This Order may be cited as the Private Security Industry Act 2001 (Designated Activities) (Amendment) Order 2006 and shall come into force on 20th March 2006.

(2) This Order extends to England and Wales.

Amendment of the Private Security Industry Act 2001 (Designated Activities) Order 2006

2.—(1) The Private Security Industry Act 2001 (Designated Activities) Order 2006⁽³⁾ is amended as follows.

(2) For article 2(2)(a) there is substituted—

“(a) those set out in paragraph 2 of Schedule 2 to the 2001 Act (manned guarding) except in the cases specified in paragraph (3);”

(3) After article 2(2) insert—

“(3) The cases specified for the purposes of this paragraph are—

(1) [2001 c. 12](#). Section 24(5) has been amended by paragraph 11(f) of Schedule 15 to the Serious Organised Crime and Police Act 2005 ([c. 15](#)) but the amendment is not yet in force.

(2) 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 but the amendment is not yet in force.

(3) [S.I. 2006/426](#), which is due to come into force on 20th March 2006.

- (a) where the activities are carried out by any person pursuant to an arrangement made by the Secretary of State under section 80(4) of the 1991 Act (arrangements for the provision of prisoner escorts) or section 12 of, and Schedule 1 to, the 1994 Act (escort arrangements: England and Wales)(5);
 - (b) where the activities are carried out by any person pursuant to a contract entered into by the Secretary of State under section 84(6) (contracting out prisons etc.) or 88A(7) (contracted out functions at directly managed prisons) of the 1991 Act or section 7 (contracting out of secure training centres) or 11 (contracted out functions at directly managed secure training centres) of the 1994 Act;
 - (c) where the activities are carried out by a detainee custody officer who is certified under section 154(1) of the Immigration and Asylum Act 1999(8) (detainee custody officers) as authorised to perform those activities, or a prison custody officer exercising functions in accordance with section 154(5)(9) of that Act or as a result of a contract entered into under section 150(1)(b) of that Act, and the activities are carried out in accordance with Part 8 of that Act (removal centres and detained persons) and Schedules 11 (detainee custody officers) and 13 (escort arrangements) to that Act(10); and
 - (d) a person who is designated by a chief officer of police under section 39(2) of the Police Reform Act 2002(11) (police powers for contracted-out staff) as a detention officer or escort officer or both and the activities are carried out pursuant to and in accordance with that designation.
- (4) For the purposes of paragraph (3)—
- “the 1991 Act” means the Criminal Justice Act 1991(12);
 - “the 1994 Act” means the Criminal Justice and Public Order Act 1994(13).”

Home Office
17th March 2006

Paul Goggins
Parliamentary Under-Secretary of State

(4) Section 80 of the 1991 Act has been amended by section 93 of the 1994 Act.
(5) Section 12 of the 1994 Act has been amended by paragraph 111 of Schedule 8 to the Crime and Disorder Act 1998 (c. 37) and Schedule 1 to the 1994 Act has been amended by paragraph 162 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
(6) Section 84 of the 1991 Act was substituted by section 96 of the 1994 Act.
(7) Section 88A of the 1991 Act was inserted by section 99 of the 1994 Act.
(8) 1999 c. 33.
(9) Section 154(5) of the 1999 Act was substituted by section 65(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41).
(10) Schedule 11 to the 1999 Act has been amended by sections 65 and 66 of the Nationality, Immigration and Asylum Act 2002 and Schedule 13 to the 1999 Act has been amended by section 66 of the 2002 Act.
(11) 2002 c. 30.
(12) 1991 c. 53.
(13) 1994 c. 33.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Private Security Industry Act 2001 (Designated Activities) Order 2006 (“the 2006 Order”). Article 2(2)(a) of the 2006 Order designated, as of 20th March 2006, the activities of manned guarding for the purposes of section 3 of the Private Security Industry Act 2001 (“the 2001 Act”) making it licensable conduct. Section 3(1) of the 2001 Act makes it an offence to engage in licensable conduct except under and in accordance with a licence granted by the Security Industry Authority.

Article 2 of this Order replaces article 2(2)(a) of the 2006 Order and inserts a new article 2(3) and (4) into the 2006 Order with effect from 20th March 2006. Following amendment by this Order, article 2(2)(a), (3) and (4) of the 2006 Order will designate manned guarding activities for the purposes of section 3 of the 2001 Act, except in certain specified cases. The cases are where the activities are undertaken by certain persons operating in or in relation to a prison or secure training centre pursuant to certain arrangements, by detainee custody officers or prison custody officers performing equivalent functions and by certain persons designated by a chief officer of police.