

Executive Note
The Serious Organised Crime and Police Act 2005 (Commencement No 10)
Order 2007 SSI/2007/241

The above order is made by Scottish Ministers in exercise of the powers conferred on them by section 178(6) of the Serious Organised Crime and Police Act 2005 (the "2005 Act"). The order is not subject to parliamentary procedure.

Policy Objectives

The 2005 Act gives the Scottish Ministers powers to commence the provisions of section 171 and schedule 15 for both Scotland, and England and Wales. This order commences in England and Wales provisions of the 2005 Act which amend provisions of the Private Security Industry Act 2001 (the "2001 Act") concerning the operation of the Approved Contractor Scheme in Scotland.

Last year, the *Serious Organised Crime and Police Act 2005 (Commencement Order No.7) Order 2006 (SSI 2006/381)* commenced provisions of the 2005 Act which amended the 2001 Act. Amongst other things, it commenced for Scotland amendments to the 2001 Act which related to the operation of the Approved Contractor Scheme in Scotland. However, as the provisions of the 2001 Act which concerned the Scheme were not yet in force in Scotland, the bringing into force of amendments to those provisions of the 2001 Act did not commence the Scheme.

In England and Wales, the 2001 Act provisions relating to the Approved Contractor Scheme are already in force.

This order therefore co-ordinates the commencement in England and Wales of the 2005 Act amendments in the 2001 Act which relate to the Scottish Approved Contractor Scheme, with another order which commences the Approved Contractor Scheme provisions of the 2001 Act (as amended) for Scotland (this order is the Private Security Industry Act 2001 (Commencement No.2) (Scotland) Order 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 accordance with the requirements of section 178(6) of the 2005 Act the Home Secretary has been consulted.

Financial Effects

Commencement of these provisions will have no financial implications.

Scottish Executive Justice Department
Police Division 2

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