

**2005 No. 243 (C.9)**

**SECURITY INDUSTRY, ENGLAND AND WALES**

**The Private Security Industry Act 2001 (Commencement No. 8)  
Order 2005**

*Made* - - - -

*7th February 2005*

The Secretary of State, in exercise of the powers conferred upon him by section 26(2) 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 (Commencement No. 8) Order 2005.

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

**2.** The following provisions of the 2001 Act shall come into force on 28th February 2005—

- (a) section 3(1) (conduct prohibited without a licence) to the extent not already in force;
- (b) section 3(2)(j) (conduct prohibited without a licence); and
- (c) section 6 (offence of using unlicensed wheel-clampers).

**3.**—(1) The following provisions of the 2001 Act shall come into force in the police areas(b) specified in paragraph (2) below on 28th February 2005—

- (a) section 3(2)(a) to (i) (conduct prohibited without a licence); and
- (b) section 5 (offence of using unlicensed security operatives).

(2) The following police areas are specified for the purposes of paragraph (1) above—

- (a) Bedfordshire;
- (b) Essex;
- (c) Hertfordshire;
- (d) Kent;
- (e) Surrey;
- (f) Sussex; and
- (g) Thames Valley.

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(a) 2001 c. 12.

(b) The term “police area” has the meaning ascribed to it in section 101(1) of the Police act 1996 (c. 16) by virtue of Schedule 1 to the Interpretation Act 1978 (c. 30).

4. Section 3(2)(a) to (i) of the 2001 Act (conduct prohibited without a licence) shall come into force in the metropolitan police district and the City of London police area on 28th February 2005 only in respect of those activities set out in paragraph 3(c) (immobilisation of vehicles) and paragraph 3A(d) (restriction and removal of vehicles) of Schedule 2 to the 2001 Act.

5. Section 3(2)(a) to (i) (conduct prohibited without a licence) and section 5 (offence of using unlicensed security operatives) of the 2001 Act shall come into force on 11th April 2005 to the extent not already in force.

Home Office  
7th February 2005

*Hazel Blears*  
Minister of State

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Article 2 of this Order brings section 3(1) (to the extent not already in force) and (2)(j) and section 6 of the Private Security Industry Act 2001 into force on 28th February 2005. Article 3 of this Order brings section 3(2)(a) to (i) and section 5 of the 2001 Act into force on 28th February 2005 in the police areas of Bedfordshire, Essex, Hertfordshire, Kent, Surrey, Sussex and Thames Valley. Article 4 of this Order brings section 3(2)(a) to (i) of the 2001 Act into force on 28th February 2005 in the metropolitan police district and the City of London police area in respect of those activities set out in paragraphs 3 and 3A of Schedule 2 to the 2001 Act. Article 5 of this Order brings into force section 3(2)(a) to (i) and section 5 of the 2001 Act to the extent not already in force.

Section 3(1) of the 2001 Act creates an offence of engaging in any licensable conduct except under and in accordance with a licence and section 3(2)(a) to (j) identifies forms of licensable conduct for the purposes of the Act. Licensed conduct is defined by reference to licensable activities, which are defined in Schedule 2 to the 2001 Act, which have been designated under section 3(3) of the 2001 Act for the purposes of section 3. On the commencement of these provisions in accordance with this Order, section 3(1) and (2) of the 2001 Act will be in force throughout England and Wales and a licence will be required in respect of those licensable activities that have been designated under section 3(3) of that Act.

Section 5 of the 2001 Act creates the offence of using an unlicensed security operative and section 6 of that Act creates the offence of using an unlicensed wheel-clamper. On commencement of these provisions in accordance with this order these sections will be in force throughout England and Wales.

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(c) 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).  
(d) 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).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	1st January 2003	2002/3125
Section 1 (to the extent not already in force)	1st April 2003	2002/3125
Section 2	1st April 2003	2002/3125
Section 3 (partially)	1st April 2003	2002/3125
Section 3 (partially)	1st February 2004	2003/2710
Section 3 (partially)	24th May 2004	2004/1431
Section 3 (partially)	1st June 2004	2004/1431
Section 3 (partially)	4th June 2004	2004/1431
Section 3 (partially)	13th September 2004	2004/2191
Section 3 (partially)	27th September 2004	2004/2191
Section 3 (partially)	18th October 2004	2004/2591
Section 3 (partially)	15th November 2004	2004/2591
Section 3 (partially)	13th December 2004	2004/3141
Section 3 (partially)	3rd January 2005	2004/3141
Section 4 (partially)	1st April 2003	2002/3125
Section 4 (to the extent not already in force)	1st February 2004	2003/2710
Section 5 (partially)	1st December 2004	2004/3141
Section 5 (partially)	13th December 2004	2004/3141
Section 5 (partially)	13th December 2004	2004/3230
Section 5 (partially)	3rd January 2005	2004/3141
Section 7	1st November 2003	2003/2710
Section 8 (partially)	1st April 2003	2002/3125
Section 8 (partially)	1st November 2003	2003/2710
Section 8 (to the extent not already in force)	1st February 2004	2003/2710
Section 9 (partially)	1st April 2003	2002/3125
Section 9 (to the extent not already in force)	1st February 2004	2003/2710
Sections 10 to 12	1st February 2004	2003/2710
Section 13 (partially)	1st April 2003	2002/3125
Section 13 (to the extent not already in force)	1st February 2004	2003/2710
Section 15 (partially)	1st April 2003	2002/3125
Section 17 (partially)	1st April 2003	2002/3125
Section 19	1st February 2004	2003/2710
Section 20	1st November 2003	2003/2710
Sections 22 and 23	1st February 2004	2003/2710
Section 24	1st April 2003	2002/3125
Section 25	1st January 2003	2002/3125
Schedule 1 (partially)	1st January 2003	2002/3125
Schedule 1 (to the extent not already in force)	1st April 2003	2002/3125
Schedule 2 (partially)	1st April 2003	2002/3125
Schedule 2 (to the extent not already in force)	1st February 2004	2003/2710

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STATUTORY INSTRUMENTS

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