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STATUTORY INSTRUMENTS

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**2006 No. 1831**

**The Private Security Industry Act 2001  
(Amendments to Schedule 2) Order 2006**

**Amendments to Part 1 of Schedule 2**

**3.**—(1) Paragraph 3 of Schedule 2 to the 2001 Act (immobilisation of vehicles)<sup>(1)</sup> is amended as follows.

(2) For sub-paragraph (1) substitute—

“(1) This paragraph applies (subject to the following provisions of this paragraph) to any of the following activities—

- (a) the immobilisation of a motor vehicle by the attachment to the vehicle, or to a part of it, of an immobilising device;
- (b) the removal of an immobilising device from a motor vehicle; and
- (c) the demanding or collection of a charge as a condition of the removal of an immobilising device from a motor vehicle.”.

(3) In sub-paragraph (2)—

- (a) after “only to” insert “(a)”; and
- (b) at the end insert—

“(b) activities carried out in connection with activities mentioned in paragraph (a)”.

(4) For sub-paragraphs (2A) and (3) substitute—

“(2A) The activities in sub-paragraph (1)(a) only fall within this paragraph where—

- (a) they are carried out in circumstances in which it is proposed to impose a charge for the release of the vehicle; and
- (b) they are carried out in relation to a vehicle while it is elsewhere than on a road within the meaning of the Road Traffic Act 1988 (c. 52).

(2B) The activities in sub-paragraph (1)(b) only fall within this paragraph where—

- (a) they are carried out in circumstances where it is either proposed to impose a charge for the release of the vehicle or where such a charge has been imposed; and
- (b) they are carried out in relation to a vehicle which was immobilised while it was elsewhere than on a road within the meaning of the Road Traffic Act 1988.

(3) The activities in sub-paragraph (1)(c) only fall within this paragraph where they are carried out in relation to a vehicle which was immobilised while it was elsewhere than on a road within the meaning of the Road Traffic Act 1988.”.

(5) After sub-paragraph (3) insert—

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<sup>(1)</sup> 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) and paragraph 14(a) of Schedule 15 to the Serious Organised Crime and Police Act 2005.

- “(3A) This paragraph does not apply to—
- (a) activities carried out pursuant to a contract entered into by the Lord Chancellor under section 2(4) of the Courts Act 2003<sup>(2)</sup> (court officers, staff and services);
  - (b) activities of a person who is appointed under section 24 (constables), 25 (special constables) or 26 (cadets) of the Railways and Transport Safety Act 2003 which are carried out in the course of his employment by the British Transport Police Authority;
  - (c) activities of a person who is employed by the British Transport Police Authority under section 27 of the Railways and Transport Safety Act 2003 (civilian employees) and who is designated by the chief constable of the British Transport Police Force under section 38 of the Police Reform Act 2002 (police powers for police authority employees) where those activities are carried out in the course of that employment;
  - (d) activities of a person who is employed as a constable by a harbour authority, within the meaning of section 57 of the Harbours Act 1964 (interpretation), which are carried out in the course of that employment.”.