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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**

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

(2) In sub-paragraph (1)—

- (a) omit “and” at the end of paragraph (a); and
- (b) at the end insert—

“(c) the release of a vehicle which has been so moved or restricted, where release is effected by returning the vehicle to the control of the person who was otherwise entitled to remove it, by removing any restriction on the movement of the vehicle or by any other means; and

(d) the demanding or collection of a charge as a condition of any such release of a 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 carried mentioned in paragraph (a)”.

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

“(2A) The activities in sub-paragraph (1)(a) and (b) 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)(c) 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 moved or restricted while it was elsewhere than on a road within the meaning of the Road Traffic Act 1988.

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

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<sup>(1)</sup> 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).

(5) After sub-paragraph (5) insert—

“(6) 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 (court officers, staff and services);
- (b) activities carried out by a person for the purposes of, or in connection with, a contract entered into by a local authority with a view to removing a vehicle pursuant to section 3 of the Refuse Disposal (Amenity) Act 1978(2) (removal of abandoned vehicles) or pursuant to regulations made under section 99 of the Road Traffic Regulation Act 1984(3) (removal of vehicles illegally, obstructively or dangerously parked, or abandoned or broken down);
- (c) activities carried out by a person for the purposes of, or in connection with, a contract entered into by a police authority or another authority which maintains a body of constables with a view to removing a vehicle pursuant to regulations made under section 99 of the Road Traffic Regulation Act 1984 (removal of vehicles illegally, obstructively or dangerously parked, or abandoned or broken down);
- (d) 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;
- (e) 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;
- (f) 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.

(7) For the purposes of sub-paragraph (6)(b) “local authority” means—

- (a) in relation to England, a district council, a London borough council or the Common Council of the City of London;
- (b) in relation to Wales, a county council or a county borough council.”.

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(2) 1978 c. 3. Section 3 of the 1978 Act has been amended and the relevant amending instruments are: sections 1, 107 and 194 of, and Schedules 3, 5 and 34 to, the Local Government Planning and Land Act 1980 (c. 65); section 11 of the Clean Neighbourhoods and Environment Act 2005 (c. 16); section 343 of, and Schedule 24 to, the Highways Act 1980 (c. 66); sections 9 and 102 of, and Schedules 6 and 17 to, the Local Government Act 1985 (c. 51); and the Waste Regulation and Disposal (Authorities) Order 1985 (S.I. 1985/1884). Section 3 of the 1978 has also been modified for certain relevant purposes by: the Airports (Designation) (Removal and Disposal of Vehicles) Order 1990 (S.I. 1990/54); section 70 of, and paragraph 9 of Schedule 9 to, the Environment Act 1995 (c. 25); and section 6 of the London Local Authorities Act 2004 (c. i).

(3) 1984 c. 27. Section 99 has been amended by paragraph 32 of Schedule 4 to, and Schedule 8 to, the Road Traffic Act 1991 (c. 40) and section 15 of, and Schedule 5 to, the Clean Neighbourhoods and Environment Act 2005 (c. 16). The amendments made by the 2005 Act in relation to Wales have not yet been commenced.