



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1642 of 23rd January 2012
LEGISLATION

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PRIVATE SECURITY INDUSTRY (AMENDMENT) ORDINANCE 2012

An Ordinance to amend the Private Security Industry Ordinance 2011

G. E. STACEY
ADMINISTRATOR

20th January 2012.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. Short title and commencement

This Ordinance may be cited as the Private Security Industry (Amendment) Ordinance 2012 and comes into force on 1 March 2012.

2. Amendments to the Private Security Industry Ordinance 2011

The Private Security Industry Ordinance 2011(a) is amended in accordance with sections 3 to 7.

3. Amendments to section 2 (Interpretation)

In section 2—

- (a) in the definition of “security operative” omit “and the expression includes a person who acts as a security technician”;
- (b) omit the definition of “security technician”.

4. Amendments to section 7 (Establishment of a private security undertaking)

In section 7—

- (a) in subsection (2)(a) for “prescribed” substitute “approved”;
- (b) after subsection (3) insert—
 - “(3A) The Chief Constable may require the applicant, or a partner, director, secretary or manager of the applicant, as the case may be, to undertake an oral or written examination before the issue of a licence under this section.”;

- (c) for subsection (5) substitute—
 - “(5) The Chief Constable—
 - (a) must not issue a licence if the applicant, or a partner, director, secretary or manager of the applicant, is prohibited from being a security operative under section 5;
 - (b) may refuse to issue a licence—
 - (i) if the Chief Constable considers that any of the persons referred to in paragraph (a) are not appropriate persons to perform the duties of running or managing a private security undertaking; or
 - (ii) on grounds of public safety or public order.”;
- (d) after subsection (5) insert—
 - “(5A) The Chief Constable is not required to give reasons for a refusal of a licence on the grounds specified in subsection (5)(b)(ii).”;
- (e) in subsection (8)—
 - (i) after “amend” insert “, suspend”;
 - (ii) after paragraph (b) insert—
 - “(ba) if a private security undertaking does not comply with its obligations under this Ordinance;”.

5. Amendments to section 13 (Duties of security undertakings and security operatives)

In section 13—

- (a) after subsection(1)(d) insert—
 - “(e) provide information to the Police Service, if requested to do so, in relation to the investigation of a criminal offence.”;
- (b) after subsection (5) insert—
 - “(5A) Subsections (1)(e), (2)(b) and (5)(b)(i) apply to a security operative as they apply to a private security undertaking.”;
- (c) for subsection (6) substitute—
 - “(6) A person who fails to comply with this section commits an offence.”.

6. Insertion of section 14A (Unlicensed undertakings)

After section 14 insert—

“14A. Unlicensed undertakings

- (1) A person must not—
 - (a) advertise the services of an unlicensed private security undertaking; or
 - (b) use the logo or trade mark of an unlicensed private security undertaking.
- (2) A person who fails to comply with this section commits an offence.”.

7. Substitution of section 16 (Criminal offences)

For section 16 substitute—

“16. Criminal offences

- (1) Subject to subsections (2) and (4), a person who commits a criminal offence specified in this Ordinance is liable on conviction to a term of imprisonment of up to 2 years or a fine not exceeding €30,000, or both.

- (2) A person who commits a criminal offence specified in section 14A is liable on conviction to a term of imprisonment of up to 6 months or a fine not exceeding €5,000, or both.
- (3) Where a person is convicted of an offence specified in subsection (1), a court may in addition to any other penalty, do one or more of the following—
 - (a) order that that the private security undertaking of which the person was manager, partner, director or secretary cease to operate;
 - (b) order that the building or area where the undertaking is situated be closed or sealed;
 - (c) order the confiscation of a vehicle or other item—
 - (i) registered in the person's name or the name of the undertaking; and
 - (ii) used for the purpose of the undertaking.
- (4) A person who does not comply with an order made under subsection (3) commits an offence, and is liable to a term of imprisonment of up to 5 years or a fine not exceeding €50,000, or both.”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

Introduction

1. This explanatory note relates to the Private Security Industry (Amendment) Ordinance 2012 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. This note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So, when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. The Ordinance amends the Private Security Industry Ordinance 2011 (“the principal Ordinance”) replicating the effect of relevant amendments made to the equivalent Republican Law by the Private Offices for the Provision of Security Services (Amendment) Law 2011, Law 101(I)/2011. It also corrects some minor drafting errors in the principal Ordinance.

4. The effect of the amendment to section 2 (interpretation) is that a security technician (a person who repairs, installs or services security equipment) is no longer required to have a licence under the principal Ordinance.

5. The amendments to section 7 (establishment of a private security undertaking) confer a discretion on the Chief Constable to refuse a licence to a private security undertaking if the Chief Constable considers that the applicant, or the persons managing or owning the undertaking, are not appropriate persons. A licence may also be refused on the grounds of public safety or public order. A person applying for a licence and the persons managing or owning the undertaking may be required to undertake an oral or written examination.

6. There is a new duty on a private security undertaking (amendment to section 13 (duties of security undertakings and security operatives)) to provide information to the SBA Police in relation to a criminal investigation. This duty applies also to a security operative. Republican Law makes it an offence for security operatives, as well as the undertakings which employ them, to use vehicles with flashing lights or warning systems and to use dogs other than to protect the interior of a building or a secluded place. The new subsection 5A replicates this.

7. A new section 14A (unlicensed undertakings) makes it an offence to advertise or use the logo or trademark of an unlicensed private security undertaking.

8. The substituted section 16 (criminal offences) gives new powers to the court to close a private security undertaking and confiscate property of an undertaking where a person is convicted of an offence under the principal Ordinance.

(SBA/AG/2/CR/496)