



**An Bille um Sheirbhísí Slándála Príobháidí (Leasú),
2021**

Private Security Services (Amendment) Bill 2021

Meabhrán Mínitheach
Explanatory Memorandum



**AN BILLE UM SHEIRBHÍSÍ SLÁNDÁLA PRÍOBHÁIDÍ (LEASÚ),
2021**

PRIVATE SECURITY SERVICES (AMENDMENT) BILL 2021

EXPLANATORY MEMORANDUM

The main purpose of the Private Security Services (Amendment) Bill 2021 is to include an additional category and a definition of ‘enforcement guard’ in the list of security services covered by the Private Security Services Act 2004.

Other reforms in the Bill include:

- provision of a further exemption from licensing by the Private Security Authority for those engaged in the enforced collection of Revenue liabilities by a Sheriff or County Registrar;
- provision of enhanced powers to the Private Security Authority in relation to the refusal to renew, suspend or revoke licences;
- creation of an offence of impersonating an inspector of the Private Security Authority;
- enabling the register of licences to be available on the internet as well as the Authority’s offices; and
- the repeal of certain provisions of the Private Security Services Act 2004 and the Enforcement of Court Orders Act 1926.

Provisions of the Bill

The main provisions of the Bill are as follows:

Section 1 - Definition

Section 1 is a standard provision which includes the definition of the term "Principal Act".

Section 2 - Amendment of section 2 of Principal Act

Section 2 provides for the insertion of an additional category and a definition of ‘enforcement guard’ in the list of security services covered by the 2004 Act.

An enforcement guard is defined as a person other than a sheriff, county registrar or court messenger who for remuneration, as part of his or her duties, is authorised to perform any of the following functions:

- (a) removing one or more persons from any premises or any other place in order to take possession of the premises or place;
- (b) controlling, supervising or restricting entry by one or more persons to any premises or any other place in order to take possession of the premises or place; or

(c) seizing goods or other property in lieu of an outstanding debt,

which said authorisation is conferred by or under an enactment, pursuant to a court order, in accordance with an agreement or a consent, pursuant to a contract, or otherwise in accordance with the law.

Section 3 - Amendment of section 3 of Principal Act

Section 3 inserts a further exemption from licensing by the Private Security Authority for those engaged in the enforced collection of Revenue liabilities by a Sheriff or County Registrar.

Section 4 – Amendment of section 26 to include officers of a body corporate

Section 4 extends the provisions of Section 26 of the Private Security Services Act 2004 so that the Private Security Authority can include the actions of directors, shareholders, managers, secretary or other similar officer of the body corporate or any person purporting to act in that capacity when refusing to renew a licence, or suspend or revoke a licence.

Section 5 - Amendment of section 33 of Principal Act

Section 5 provides for the amendment of Section 33(3) of the Private Security Services Act 2004 to make the register of licensed persons available for inspection free of charge by members of the public both at its principal office and online.

Section 6 - Amendment of section 48 of Principal Act

Section 6 provides for the amendment of Section 48(1) of the Private Security Services Act 2004 to include an offence of “impersonating an inspector” in the list of offences detailed in section 48(1). The amendment will make it an offence for a person to falsely represent himself or herself as an inspector. A person found guilty of this offence will be liable to a fine not exceeding €3,000 or imprisonment for a term not exceeding 12 months or both.

Section 7 - Repeals

Section 7 is a standard provision that provides for the repeal of the following:

- (a) Section 4(4) of the Enforcement of Court Orders Act 1926;
- (b) Section 33(6) of the Principal Act; and
- (c) Section 33(7) of the Principal Act.

Section 8 - Short title, collective citation and commencement

Section 8 provides for the short title, commencement and collective citation of the Bill.

An Roinn Dlí and Cirt,

Aibreán, 2021.