



PRIVATE SECURITY SERVICES (AMENDMENT) BILL 2021

DRÉACHT

DRAFT

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ACTS REFERRED TO

Court Officers Act 1926 (No. 27)

Court Officers Act 1945 (No. 25)

Enforcement of Court Orders Act 1926 (No. 18)

Private Security Services Act 2004 (No. 12)

Private Security Services Acts 2004 and 2011

Taxes Consolidation Act 1997 (No. 39)



PRIVATE SECURITY SERVICES (AMENDMENT) BILL 2021

DRAFT

entitled

An Act to amend the [Private Security Services Act 2004](#) and the [Enforcement of Court Orders Act 1926](#); and to provide for related matters.

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Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Principal Act” means the [Private Security Services Act 2004](#).

Amendment of section 2 of Principal Act

2. (1) Section 2(1) of the Principal Act is amended— 10

(a) by the insertion of the following definitions:

“ ‘county registrar’ means a person appointed as such under section 35 of the [Court Officers Act 1926](#) ;

‘court messenger’ means a person appointed as such under section 4 of the [Enforcement of Court Orders Act 1926](#) ; 15

‘enforcement guard’ means a person other than a sheriff, country 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, 20

(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; 25

‘sheriff’ means a sheriff appointed by the Government under the [Court Officers Act 1945](#).”, and 30

(b) in the definition of “security service”, by—

(i) the substitution of “safes,” for “safes.” in paragraph (h), and (ii)

the insertion of the following paragraph after paragraph (h):

“(i) enforcement guard;”.

Amendment of section 3 of Principal Act 5

3. Section 3 of the Principal Act is amended—

(a) in paragraph (e), by the substitution of “agency,” for “agency, or”, (b)

in paragraph (f), by the substitution of “service, or” for “service,”, and (c)

by the insertion of the following paragraph after paragraph (f):

“(g) a person appointed by a county registrar or sheriff for the execution of a certificate under section 960L of the [Taxes Consolidation Act 1997](#),”.

Amendment of section 26 of Principal Act

4. Section 26 of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) Subject to section 27, the Authority may—

(a) refuse to renew a licence, or

(b) at any time suspend a licence for a specified period or revoke it, if it is satisfied on reasonable grounds—

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(i) if the licensee is an individual, that he or she—

(I) has supplied information in or in connection with the application for the licence or its renewal that was false or misleading in a material particular,

(II) has contravened any provision of this Act or regulations thereunder (whether or not the licensee has been convicted of an offence in relation to the contravention),

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(III) is no longer a fit and proper person to provide a security service, or

(IV) has not paid the prescribed fee,

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(ii) if the licensee is a body corporate—

(I) that any director, shareholder to whom section 21(3)(ab) refers, manager, secretary or other similar officer of the body corporate or any person purporting to act in that capacity is not a fit and proper person to hold such a position in a body corporate which is providing a security service, or

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(II) that subparagraph (I), (II) or (IV) of paragraph (i) applies in respect of the body corporate, or

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(iii) if the licensee is a partnership, that one or more than one of

subparagraphs (I) to (IV) of paragraph (i) applies or apply in respect of any of the partners, or if the Authority would not have granted the licence or renewed it if information obtained subsequent to the date of its grant or renewal had been available at that date.”. 5

Amendment of section 33 of Principal Act

5. Section 33 of the Principal Act is amended by the substitution of the following subsection for subsection (3): 10

“(3) The Authority shall make the Register available for inspection free of charge by members of the public—

(a) at the offices of the Authority during normal working hours, and

(b) on its internet website in such a manner that the section of that website which contains the Register is readily accessible by members of the public.”. 15

Amendment of section 48 of Principal Act

6. Section 48(1) of the Principal Act is amended—

(a) in paragraph (b), by the substitution of “person,” for “person, or”, (b) 20

in paragraph (c), by the substitution of “returns, or” for “returns,”, and

(c) by the insertion of the following paragraph after paragraph (c):

“(d) falsely represents himself or herself to be an inspector,”.

Repeals

7. The following provisions are repealed: 25

(a) Section 4(4) of the [Enforcement of Court Orders Act 1926](#) ;

(b) Section 33(6) of the Principal Act; (c) Section 33(7) of the Principal Act.

Short title, collective citation and commencement

8. (1) This Act may be cited as the Private Security Services (Amendment) Act 2021. 30

(2) This Act and the Private Security Services Acts 2004 and 2011 may be cited together as the Private Security Services Acts 2004 to 2021.

(3) This Act shall come into operation on such day or days as the Minister for Justice may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.