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Make certain enforcement activities in relation to parking on private land subject to regulation under the Private Security Industry Act 2001; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of the Private Security Industry Act 2001

- (1) The Private Security Industry Act 2001 (c. 12) is amended as follows.
- (2) After section 6, insert—

“6A Offence of using unlicensed parking enforcers on private land

- (1) A person who is an occupier of any private land is guilty of an offence if—
 - (a) any individual carries out, in relation to motor vehicles on that land, any designated activities consisting in activities to which paragraph 3A or 3B of Schedule 2 applies;
 - (b) the carrying out of those activities involves that individual's engaging in licensable conduct in respect of which he is not the holder of a licence; and
 - (c) those activities are carried out with the permission of that occupier or for the purposes of, or in connection with, any contract for the supply of services to him.
- (2) In proceedings against any person for an offence under this section it shall be a defence for that person to show either—
 - (a) that he did not know, and had no reasonable grounds for suspecting, at the time when the activities were carried out, that the individual in question was not the holder of a licence in respect of those activities; or
 - (b) that he took all reasonable steps, in relation to the carrying out of those activities, for securing that that individual would not

- engage in any licensable conduct in respect of which he was not the holder of a licence.
- (3) A person shall not be guilty of an offence under this section in respect of the carrying out of activities which are comprised in any conduct of an individual in which he is entitled to engage by virtue of section 4. 5
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both. 10
- (5) In this section ‘private land’ has the same meaning as in paragraph 3B(5) of Schedule 2.”
- (3) In section 9 (licence conditions), in subsection (1), after paragraph (c), insert—
- “(ca) conditions imposing obligations to comply with any guidance issued under section 13A;” 15
- (4) After section 13, insert—

“Guidance

13A Guidance relating to parking enforcement on private land

- (1) The Authority shall prepare, and may from time to time revise, guidance about the carrying out of activities to which paragraph 3B of Schedule 2 (parking enforcement on private land) applies. 20
- (2) Guidance under this section shall, in particular, contain provision about—
- (a) the amount of any charge other than a parking charge imposed in connection with the parking of a motor vehicle on private land, 25
- (b) the circumstances in which such a charge may properly be imposed,
- (c) the means by which the imposition of such charges are to be advertised on the relevant land or elsewhere, 30
- (d) activities that may be carried on in connection with the imposition of such charges, and
- (e) other enforcement activities to which paragraph 3B of Schedule 2 applies that may be carried on. 35
- (3) Guidance under this section shall be published in such manner as the Authority thinks fit.
- (4) In this section ‘parking charge’ and ‘private land’ have the same meaning as in paragraph 3B(5) of Schedule 2.”
- (5) In Schedule 2 (activities liable to control under the Act)— 40

(a) after paragraph 3A, insert –

“Parking enforcement on private land

- 3B (1) This paragraph applies (subject to the following provisions of this paragraph) to –
- (a) the imposition of a charge other than a parking charge in connection with the parking of a motor vehicle on private land, 5
 - (b) any enforcement activity relating to the imposition of charge specified in paragraph (a), and
 - (c) any other enforcement activity in connection with the parking of a motor vehicle on private land when carried on with the requisite purpose. 10
- (2) For the purposes of sub-paragraph (1)(c), ‘the requisite purpose’ is the purpose of taking action in consequence of the belief that a motor vehicle has been parked on private land without – 15
- (a) proper authority having been given,
 - (b) a parking charge having been paid, or
 - (c) an intent being demonstrated to pay a parking charge. 20
- (3) This paragraph does not apply to activities to which paragraph 3 or 3A apply
- (4) This paragraph does not apply to activities relating to the obtaining and use of information under regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002 (S.I. 2002/2742) (disclosure of registration and licensing particulars). 25
- (5) For the purposes of this paragraph –
- ‘land’ includes any premises on that land;
 - ‘parking charge’ means a charge in connection with the parking of a motor vehicle on particular land where – 30
 - (a) that charge is ordinarily charged before or at the time that a motor vehicle parks on that land, and
 - (b) the requirement for the charge to be paid is advertised on or within close proximity to the land in question; 35
 - ‘private land’ means any land which – 40
 - (a) is not owned or used (in whole or in part) for the purposes of a public authority; and
 - (b) is not on a road within the meaning of the Road Traffic Act 1988;
 - ‘public authority’ has the same meaning as in section 6 of the Human Rights Act 1998 (c. 42).”; and

(b) after paragraph 9A, insert –

“Parking enforcement on private land

9B This paragraph applies to any activities which are activities of a security operative by virtue of paragraph 3B of this Schedule.”

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2 Short title and extent

- (1) This Act may be cited as the Private Parking Enforcement (Regulation) Act 2005.
- (2) This Act extends to England and Wales only.

Private Parking Enforcement (Regulation) Bill

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To make certain enforcement activities in relation to parking on private land subject to regulation under the Private Security Industry Act 2001; and for connected purposes.

*Ordered to be brought in by Annette Brooke
Sue Doughty, Mrs Patsy Calton,
Mr David Rendel, Andrew George,
Mr Edward Davey, Paul Holmes, Dr John Pugh,
Brian Cotter and Simon Hughes.*

*Ordered, by The House of Commons,
to be printed, 22nd March 2005.*

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