

Statutory Document No. 0021/2013



*Licensing Act 1995*

## **EMPLOYMENT OF SECURITY STAFF (ON-LICENSED PREMISES) (AMENDMENT) REGULATIONS 2013**

*Approved by Tynwald:* 19 March 2013  
*Coming into Operation:* 1 April 2013

The Department of Home Affairs makes the following Regulations under section 40(1) of the Licensing Act 1995.

### **1 Title**

These Regulations are the Employment of Security Staff (On-licensed Premises) (Amendment) Regulations 2013.

### **2 Commencement**

If approved by Tynwald<sup>1</sup>, these Regulations come into operation on 1 April 2013.

### **3 Amendment of the Employment of Security Staff (On-licensed Premises) Regulations 2002**

The Employment of Security Staff (On-licensed Premises) Regulations 2002<sup>2</sup> are amended as follows.

### **4 Regulation 3 (application for entry on register) amended**

- (1) Regulation 3 is amended as follows.
- (2) In paragraph (1) for “Subject to regulation 4(8)” substitute **¶**Subject to paragraph (1A) and regulation 4(8) **¶¶**.
- (3) After paragraph (1) insert —  

<b>¶</b> (1A) A person who makes an application under paragraph (1) must provide evidence that he or she has passed a security
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<sup>1</sup> As required by section 81 of the Licensing Act 1995

<sup>2</sup> SD 84/02 as amended by SD 157/10

staff training course approved by the Department within the last 3 years. **22**.

## 5 Regulation 6 (removal of entries) amended

For regulation 6 substitute —

### **6 Duration**

- (1) An entry on the register shall cease to have effect on the expiration of 3 years beginning with the date on which it is made or renewed.
- (2) Paragraph (1) is subject to regulations 7(4) and 8. **22**.

## 6 Regulation 7 (application for renewal) amended

- (1) Regulation 7 is amended as follows.
- (2) In paragraph (1) for “regulation 6(a)” substitute **63** regulation 6(1) **22**.
- (3) In paragraph (2) for “Regulations 3(2) and (4)” substitute **63** Regulations 3(1A), (2) and (4) **22**.

## 7 Regulation 8 (cancellation of entry) amended

- (1) Regulation 8 is amended as follows.
- (2) In paragraph (1) —
  - (a) for “Subject to paragraph (2), if” substitute **63** If **22**; and
  - (b) for “it shall cancel the entry relating to him” substitute **63** it must remove that person’s entry from the register **22**.
- (3) After paragraph (1) insert —
  - 63** (1A) If a person has not passed a security staff training course approved by the Department within the last 3 years, the Department must remove that person’s entry from the register.
  - (1B) If a person fails to display the identification badge issued under regulation 4(7)(b) in a fluorescent armband on his or her upper arm whilst working as a guard or a doorkeeper, the Department may remove that person’s entry from the register.
  - (1C) The Department must remove a person’s entry from the register upon receiving a written request to do so from that person. **22**.
- (4) In paragraph (2), for “cancellation of an entry under paragraph (1)” substitute **63** removal of an entry from the register under this regulation **22**.

- (5) Consequently, for the heading to regulation 8 substitute **64** Removal from the register **62**.

**MADE 4TH FEBRUARY 2013**

**JUAN WATTERSON**  
*Minister for Home Affairs*



*EXPLANATORY NOTE*

*(This note is not part of the Regulations)*

These Regulations amend the Employment of Security Staff (On-licensed Premises) Regulation 2002 (SD 84/02 as amended by SD 157/10) (the “principal Regulations”).

Regulation 4 amends regulation 3 of the principal Regulations. The amendment in regulation 4(3), which inserts a new regulation 3(1A) into the principal Regulations, makes it a requirement for a person applying for entry in the register of person who may be employed as a guard or doorkeeper on or with respect to any on-licensed premises, to have passed a security staff training course approved by the Department of Home Affairs within the last 3 years. Accordingly, regulation 4(2) makes a consequential amendment.

Regulation 5 substitutes regulation 6 of the principal Regulations so that this provision now deals with the duration of entries in the register only. An entry in the register ceases to have effect on the expiration of 3 years beginning with the date on which it is made or renewed.

Regulation 6 makes consequential amendments to regulation 7 of the principal Regulations.

Regulation 7 amends regulation 8 of the principal Regulations. The amendment in regulation 7(3) inserts 3 new paragraphs (paragraphs (1A), (1B) and (1C)) into regulation 8 of the principal Regulations. The new paragraph (1A) provides that if a person hasn't passed a security staff training course approved by the Department of Home Affairs in the last 3 years, the Department must remove that person's entry from the register. The new paragraph (1B) provides a power for the Department to remove a person's entry from the register if that person fails to display the identification badge issued under regulation 4(7)(b) of the principal Regulations in a fluorescent armband on his or her upper arm. The new paragraph (1C) provides that the Department must remove an entry from the register upon the request of the person to whom it relates. Provision to the effect of the new paragraph (1C) was previously contained in regulation 6(b) of the principal Regulations. Paragraphs (2), (4) and (5) of regulation 7 make minor and consequential amendments to regulation 8 of the principal Regulations.

If approved by Tynwald (as required by section 81 of the Licensing Act 1995), these Regulations come into operation on 1 April 2013 (see regulation 2).