



STATUTORY INSTRUMENTS.

**S.I. No. 293 of 2013**



PRIVATE SECURITY (LICENCE FEES) REGULATIONS 2013

## PRIVATE SECURITY (LICENCE FEES) REGULATIONS 2013

The Private Security Authority, in exercise of the powers conferred on it by section 51 (as amended by section 15 of the Civil Law (Miscellaneous Provisions) Act 2011 (No. 23 of 2011)) of the Private Security Services Act 2004 (No. 12 of 2004) and with the consent of the Minister for Justice and Equality, hereby makes the following regulations:

1. These Regulations may be cited as the Private Security (Licence Fees) Regulations 2013.

2. (1) These Regulations have effect from 1 January 2013.

(2) Where a fee was paid in accordance with the Private Security (Licence Fees) Regulations 2005 (S.I. No. 835 of 2005) in respect of an application made or a licence granted on or after 1 January 2013 but before the making of these Regulations, any amount of such fee which is greater than the fee payable under these Regulations shall be refunded by the Authority to the applicant.

3. In these Regulations—

“applicable financial period” means, in relation to the applicant, the financial year to which the accounts of the applicant relate, which precedes the date of the application, or, if the application is made within six months from the end of the most recent financial year, the financial year preceding the most recent financial year;

“applicant” means an applicant for a licence who is—

(a) a private security employer, or

(b) other person who is an independent contractor;

“application”, in relation to a licence, includes an application to renew a licence;

“category of licence” means a category of licence prescribed under the Private Security (Licensing and Standards) Regulations 2012 (S.I. No. 144 of 2012) or the Private Security (Licensing and Standards) (Cash in Transit) Regulations 2007 (S.I. No. 857 of 2007);

“turnover”, in relation to an applicant, means the gross revenue (excluding Value Added Tax) earned during the applicable financial period in respect of all licensable security services which are provided by the applicant at the time of the application.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 2nd August, 2013.*

4. (1) Subject to Regulation 5(1), the following are prescribed as the fees payable to the Authority in respect of an application for one or more than one category of licence:

- (a) fee of €1,000 in respect of an application, together with
- (b) a fee calculated by reference to the applicant's turnover (where applicable)—
  - (i) where the application is made in the period commencing on 1 January 2013 and ending on 31 December 2013 as specified in Part 1 of Schedule 1,
  - (ii) where the application is made on or after 1 January 2014, as specified in Part 2 of Schedule 1.

(2) Where the Authority refuses to grant a licence, the fee paid in accordance with paragraph (1)(b) of this regulation shall be refunded to the applicant concerned—

- (a) where the applicant does not lodge an appeal in relation to such refusal, on the expiry of the period within which an appeal may be brought, or
- (b) where the applicant does lodge an appeal in relation to such refusal, on the appeal being finally determined and such determination does not result in the grant or renewal of a licence to the applicant.

(3) For the purposes of paragraph (2)(b), an appeal shall be considered as being finally determined on the expiry of the time limit referred to in section 41(1) of the Private Security Services Act 2004 or, in the event that an appeal is made to the High Court, on the determination of the point of law concerned by the High Court.

5. (1) Where the holder of a valid licence applies for an additional category of licence the fee payable shall be the appropriate percentage of the fees prescribed under Regulation 4(1).

(2) In this Regulation the 'appropriate percentage' means the percentage specified in column (3) of Schedule 2 opposite the reference number which relates to the expired period of the existing licence specified in column (2) at the time the application is received by the Authority.

(3) Where the application for an additional category of licence is successful, the Authority shall vary the kind or kinds of security service to which the licence relates.

(4) A licence which has been varied by the addition of a category or categories of licence shall remain in force for a period of 2 years from the date of the grant or renewal of the additional category or categories of licence.

6. Regulation 3 of the Private Security (Licensing and Qualifications) Regulations 2006 (S.I. No. 468 of 2006) is amended by the substitution of the following for the definition of “individual”:

“ ‘individual’ means

- (a) a natural person who provides a security service notwithstanding that that person is also a private security employer or independent contractor, or
- (b) an employee of a private security employer or an independent contractor;”.

7. The Private Security (Licence Fees) Regulations 2005 (S.I. No. 835 of 2005) are hereby revoked.

**SCHEDULE 1**

## Part 1

<b>Turnover</b>	<b>Fee</b>
Greater than €10 and not exceeding €0.3 million	€250
Greater than €0.3 million and not exceeding €0.625 million	€1,250
Greater than €0.625 million and not exceeding €1.25 million	€2,500
Greater than €1.25 million and not exceeding €3.75 million	€5,000
Greater than €3.75 million and not exceeding €10 million	€9,000
Greater than €10 million	€19,000

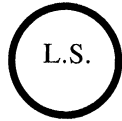
## Part 2

<b>Turnover</b>	<b>Fee</b>
Greater than €10 and not exceeding €0.3 million	€250
Greater than €0.3 million and not exceeding €0.625 million	€1,250
Greater than €0.625 million and not exceeding €1.25 million	€2,500
Greater than €1.25 million and not exceeding €3.75 million	€5,000
Greater than €3.75 million and not exceeding €10 million	€9,000
Greater than €10 million and not exceeding €20 million	€19,000
Greater than €20 million	€25,000

**SCHEDULE 2**

<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
<b>Reference Number</b>	<b>Expired period of the existing licence</b>	<b>Appropriate Percentage</b>
1.	21 months or greater expired	100%
2.	18 months or greater but less than 21 months expired	87.5%
3.	15 months or greater but less than 18 months expired	75%
4.	12 months or greater but less than 15 months expired	62.5%
5.	9 months or greater but less than 12 months expired	50%
6.	6 months or greater but less than 9 months expired	37.5%
7.	3 months or greater but less than 6 months expired	25%
8.	Less than 3 months expired	12.5%

The Minister for Justice and Equality consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Justice and  
Equality,  
30 July 2013.

ALAN SHATTER,  
Minister for Justice and Equality.



GIVEN under the Seal of the Private Security Authority  
30 July 2013.

NOEL LAPPIN,  
Chairperson.

GERALDINE LARKIN,  
Chief Executive.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The Private Security (Licence Fees) Regulations 2013 prescribe the fees payable by private security contractors to the Private Security Authority and provides for the introduction of a lower fee structure for smaller contractors operating within the industry. The Private Security (Licence Fees) Regulations 2005 (S.I. No. 835 of 2005) are hereby revoked.

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