



Private Security Industry Act 2001

2001 CHAPTER 12

Supplemental

23 Criminal liability of directors etc

[^{F1}(1)] Where an offence under any provision of this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he (as well as the partnership) shall be guilty of that offence and liable to be proceeded against and punished accordingly.

[^{F2}(2) Where an offence under any provision of this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a partner; or
- (b) any person who was purporting to be a partner,

he (as well as the partnership) shall be guilty of that offence and liable to be proceeded against and punished accordingly.]

Textual Amendments

- F1** S. 23 renumbered as s. 23(1) (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 10](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F2** S. 23(2) added (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 10](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)

Commencement Information

- I1** S. 23 in force at 1.2.2004 by [S.I. 2003/2710](#), [art. 3\(k\)](#)
- I2** S. 23 in force at 6.7.2006 for S. by [S.S.I. 2006/382](#), [art. 3\(a\)](#)
- I3** S. 23 in force at 1.5.2009 for N.I. by [S.I. 2009/1058](#), [art. 3](#)

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24 Orders and regulations

- (1) In this Act “prescribed” means prescribed by regulations made by the Secretary of State, or determined in any such manner and by such person as may be provided for in any such regulations; and “prescribe” shall be construed accordingly.
- [^{F3}(1A) But in Scotland “prescribed” in paragraph 8(3)(d) of Schedule 2 to this Act includes prescribed by regulations made by the Scottish Ministers.]
- (2) Every power of the Secretary of State [^{F4}or the Scottish Ministers] under this Act to make an order or regulations shall be exercisable by statutory instrument.
- (3) A statutory instrument containing any order or regulations made under any provision of this Act, other than one containing either—
- an order under section 26(2); or
 - an order a draft of which has been approved for the purposes of paragraph 1(3) or 7(3) of Schedule 2, [^{F5}or
 - an order or regulations made by the Scottish Ministers,]
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F6}(3A) A statutory instrument containing an order or regulations made by the Scottish Ministers, other than an order under section 26(2), shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.]
- (4) Before—
- making any regulations under any provision of this Act,
 - making any order under any provision of this Act other than paragraph 1(2) or 7(2) of Schedule 2, or
 - laying any draft order under paragraph 1(2) or 7(2) of Schedule 2 before Parliament,
- the Secretary of State shall consult [^{F7}the Scottish Ministers (except where the order is made by virtue of section 3(2)(j)) and] the Authority.
- (5) Any order or regulations made under any of the preceding provisions of this Act or any provision contained in a Schedule to this Act may—
- make different provisions for different cases;
 - contain such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit [^{F8}(or where the order is, or regulations are, made by the Scottish Ministers, as the Scottish Ministers think fit)].

Textual Amendments

- F3** S. 24(1A) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 11\(a\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F4** Words in s. 24(2) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 11\(b\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F5** S. 24(3)(c) and word inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 11\(c\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F6** S. 24(3A) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 11\(d\)](#); S.S.I. 2006/381, art. 2(a)(i)(b)(i)

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- F7** Words in s. 24(4) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 11\(e\)](#); [S.S.I. 2006/381](#), art. 2(a)(i)(b)(i)
- F8** Words in s. 24(5)(b) added (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), [Sch. 15 para. 11\(f\)](#); [S.S.I. 2006/381](#), art. 2(a)(i)(b)(i)

Commencement Information

- I4** S. 24 in force at 6.7.2006 for S. by [S.S.I. 2006/382](#), [art. 3\(a\)](#)
- I5** S. 24 in force at 11.3.2009 for specified purposes for N.I. by [S.I. 2009/644](#), [art. 3](#)
- I6** S. 24 in force at 1.5.2009 for N.I. In so far as not already in force by [S.I. 2009/1058](#), [art. 3](#)

25 Interpretation

(1) In this Act—

“activities of a security operative” shall be construed in accordance with Part 1 of Schedule 2;

“activities subject to additional controls” shall be construed in accordance with Part 2 of that Schedule;

“the Authority” means the Security Industry Authority;

“contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;

“designated activities” has the meaning given by section 3(3);

“director”—

(a) in relation to a company (within the meaning of the Companies Act 1985 (c. 6)), includes a shadow director;

(b) in relation to any such company that is a subsidiary of another, includes any director or shadow director of the other company; and

(c) in relation to a body corporate whose affairs are managed by its members, means a member of that body corporate;

“information” includes reports, references and other documents, photographs and data of any description;

“licence” means a licence from the Authority under this Act;

“licensable conduct” shall be construed in accordance with section 3(2);

“local statutory provision” means—

(a) a provision of any local Act;

(b) a provision of any instrument in the nature of a local enactment;

(c) a provision of any instrument made under a local statutory provision;

“modification” includes amendments, additions and omissions, and cognate expressions shall be construed accordingly;

“motor vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle;

“premises” includes any vehicle or moveable structure and any other place whatever, whether or not occupied as land;

“relevant accountancy body” means any of the following—

(a) the Institute of Chartered Accountants in England and Wales;

(b) the Institute of Chartered Accountants of Scotland;

(c) the Institute of Chartered Accountants in Ireland;

(d) the Association of Chartered Certified Accountants;

(e) the Chartered Institute of Management Accountants;

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(f) the Chartered Institute of Public Finance and Accountancy;

“security industry services” means services which are provided under a contract for services and in the course of which the person providing the services secures—

(a) that the activities of a security operative are carried out; or

(b) that a person is made available to carry out, under directions given by or on behalf of another person, any activities which will or are likely to consist of or include the activities of a security operative;

“surveillance” includes covertly listening to or recording conversations or other sounds and any method of covertly obtaining information;

“shadow director” means a shadow director as defined in [^{F9}section 251 of the Companies Act 2006] ;

“subsidiary” means a subsidiary as defined in section 736 of the Companies Act 1985 (c. 6);

“vehicle” includes any vessel, aircraft or hovercraft.

(2) In this Act references, in relation to a firm, to a member of the firm include references to any person who, in relation to that firm, is liable as a partner under section 14 of the Partnership Act 1890 (c. 39) (persons liable by “holding out”).

[^{F10}(3) In the application of this section to Northern Ireland, a reference to an Act that does not extend there shall be taken as a reference to the equivalent (or nearest equivalent) legislation that does.]

Textual Amendments

F9 Words in s. 25(1) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 1(3)(a), [Sch. 4 para. 96](#) (with art. 12)

F10 S. 25(3) added (8.3.2009) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), ss. 48(6), [49\(6\)](#); [S.I. 2009/446](#), art. 2(1)(2)(b)

Commencement Information

I7 S. 25 in force at 6.7.2006 for S. by [S.S.I. 2006/382](#), [art. 3\(a\)](#)

I8 S. 25 in force at 11.3.2009 for specified purposes for N.I. by [S.I. 2009/644](#), [art. 3](#)

I9 S. 25 in force at 1.5.2009 for N.I. In so far as not already in force by [S.I. 2009/1058](#), [art. 3](#)

26 Short title, commencement and extent

(1) This Act may be cited as the Private Security Industry Act 2001.

(2) The provisions of this Act, other than this section, shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different purposes.

[^{F11}(2A) In the application of this Act to Scotland—

(a) the reference in subsection (2) to the Secretary of State must be construed as a reference to the Scottish Ministers; but

(b) before making any order under subsection (2) the Scottish Ministers are to consult the Secretary of State.]

[^{F12}(3) This Act extends to—

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- (a) England and Wales,
- (b) Scotland, and
- (c) Northern Ireland.]

Subordinate Legislation Made

- P1** S. 26(2) power partly exercised: different dates appointed for certain purposes by [S.I. 2002/3125](#), **arts. 2, 3, 4**

Textual Amendments

- F11** S. 26(2A) inserted (30.6.2006 for S., 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(6)(b), **Sch. 15 para. 12(a)**; [S.S.I. 2006/381](#), art. 2(a)(i)(b)(i)
- F12** S. 26(3) substituted for s. 26(3)(4) (8.3.2009) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), **s. 48(3)(6)**; [S.I. 2009/446](#), art. 2(1)(2)(a)

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