

PRIVATE SECURITY INDUSTRY ACT 2001

EXPLANATORY NOTES

COMMENTARY

Schedule 1

Section 3: Conduct prohibited without a licence

18. *Subsection (1)* creates the offence of engaging in conduct for which a licence is required (“licensable conduct”) when not in possession of an appropriate licence. The penalty for the offence - as set out in *subsection (6)*– is, on conviction in a magistrates’ court, up to six months’ imprisonment or a fine up to £5,000, or both. *Subsection (2)* and *Schedule 2* together spell out what constitutes licensable conduct. *Subsection (3)* defines “designated activities” of a security operative as those designated by the Secretary of State, who can designate different activities in relation to different types of licensable conduct.
19. The following categories of people will need to have licences:
 - security contractors, directors of security companies and partners of security firms;
 - employees of security contractors, security companies and security firms;
 - agency operatives, whether they are directors or partners of the agency, employees of the agency or individuals who work for the agency on a contract basis;
 - employees who manage or supervise security operatives supplied under contract by a security contractor, a security company or a security firm or by an agency;
 - agency-supplied managers or supervisors of security operatives supplied under contract;
 - directors of security companies and partners of security firms who do not themselves carry out designated activities;
 - in-house door supervisors and wheelclaspers and their employers, managers and supervisors;
 - others who wheelclamp vehicles on private land against a release fee.
20. *Subsection (4)* indicates that persons employed in companies using security services supplied under a contract for service are not themselves subject to regulation by virtue of their assuming management or supervisory responsibilities in relation to those security staff.