

# PRIVATE SECURITY INDUSTRY ACT 2001

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## EXPLANATORY NOTES

### COMMENTARY

#### Part I

##### General

22. *Paragraph 1(1)* links the provisions in the main part of the Act to the activities listed below. *Paragraph 1(2)* allows the Secretary of State, by order, to add activities to, or exclude them from, Schedule 2. Under *Paragraph 1(3)* such orders would be subject to affirmative resolution.

##### Manned guarding

23. *Paragraph 2(1)* defines the activities covered as guarding premises against unauthorised access or occupation, outbreaks of disorder or damage; guarding property against destruction, damage or theft; and guarding one or more persons against assault. *Paragraph 2(2)* ensures that the definition of guarding premises includes door supervisors. *Paragraph 2(3)* provides that references to guarding include providing a physical presence, or carrying out patrols or surveillance to deter something happening or report what has happened. *Paragraph 2(4)* excludes persons solely checking tickets, invitations or passes. *Paragraph 2(5)* excludes persons who are not security operatives or ticket collectors, but whose work nevertheless involves a degree of maintaining order and discipline in a group. *Paragraph 2(6)* excludes persons who temporarily undertake any manned guarding activities in response to a sudden or unexpected occurrence.

##### Immobilisation of vehicles (wheelclamping)

24. *Paragraph 3(1)* defines the activity as immobilising a vehicle with an immobilising device. *Paragraph 3(2)* restricts the application to immobilisation performed in order to stop the removal of the vehicle by a person entitled to remove it. *Paragraph 3(3)* excludes vehicles parked on public highways which are covered by the provisions of the Road Traffic Act 1988.

##### Private investigators

25. *Paragraph 4(1)* defines the activities covered as surveillance, inquiries or investigations carried out for the purpose of obtaining information about a person or about a person's activities or whereabouts. Under *Paragraph 4(2)-(10)* the following activities are excluded:
- market research activities;
  - activities exclusively concerned with a credit check;
  - the professional activities of practising solicitors and barristers;
  - the professional activities of practising accountants

*These notes refer to the Private Security Industry Act  
2001 (c.12) which received Royal Assent on 11 May 2001*

- the professional activities of journalists and broadcasters;
- activities relating to reference to registers which are open to the public; registers or records to which a person has a right of access; and published works;
- activities carried out with the knowledge or consent of the subject of the investigation;
- activities of a person which are incidental to those of a security operative.

### **Security consultants**

26. *Paragraph 5(1)* defines the activities covered as giving advice about security precautions in relation to a person or property or the acquisition of services involving a security operative. *Paragraph 5(2)* excludes persons who provide legal or financial advice. *Paragraph 5(3)* excludes persons who are members of relevant accountancy bodies, as defined in Section 25. *Paragraph 5(4)* excludes persons who provide training.

### **Keyholders**

27. *Paragraph 6(1)* defines the activities covered as keeping custody of, or controlling access to, any key or similar device for operating any lock. *Paragraph 6(2)* excludes those involved in the sale of premises or property. *Paragraph 6(3)* excludes the activities of a person which are incidental to those of a security operative. *Paragraph 6(4)* defines a lock.