



Private Security Industry Act 2001

2001 CHAPTER 12

Licence requirement

5 Offence of using unlicensed security operative

- (1) A person is guilty of an offence if—
 - (a) he provides any security industry services to another;
 - (b) those services are provided wholly or partly by means of the activities of an individual as a security operative; and
 - (c) that individual's activities in connection with the provision of those services involve his engaging in licensable conduct in respect of which he is not the holder of a licence.
- (2) In proceedings against any person for an offence under this section it shall be a defence for that person to show either—
 - (a) that he did not know, and had no reasonable grounds for suspecting, at the time when the activities were carried out, that the individual in question was not the holder of a licence in respect of those activities; or
 - (b) that he took all reasonable steps, in relation to the services in question, for securing that that individual would not engage in any licensable conduct in respect of which he was not the holder of a licence.
- (3) A person shall not be guilty of an offence under this section in respect of any services in so far as those services are provided by means of conduct in which a person who is not the holder of a licence is entitled to engage by virtue of section 4.
- (4) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.

Changes to legislation: Private Security Industry Act 2001, Section 5 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I1** S. 5 in force at 1.12.2004 for specified purposes by [S.I. 2004/3141, art. 2](#)
- I2** S. 5 in force at 13.12.2004 for specified purposes by [S.I. 2004/3141, art. 3](#); [S.I. 2004/3230, art. 2](#)
- I3** S. 5 in force at 3.1.2005 for specified purposes by [S.I. 2004/3141, art. 4](#)
- I4** S. 5 in force at 28.2.2005 for specified purposes by [S.I. 2005/243, art. 3](#)
- I5** S. 5 in force at 11.4.2005 in so far as not already in force by [S.I. 2005/243, art. 5](#)
- I6** S. 5 in force at 6.7.2006 for S. by [S.S.I. 2006/382, art. 3\(a\)](#)
- I7** S. 5 in force at 1.5.2009 for N.I. by [S.I. 2009/1058, art. 3](#)

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Changes and effects yet to be applied to :

- s. 5(1)(c) words inserted by [2010 c. 17 Sch. 1 para. 6\(2\)\(b\)](#)
- s. 5(1)(c) words substituted by [2010 c. 17 Sch. 1 para. 6\(2\)\(a\)](#)
- s. 5(2)(a) words inserted by [2010 c. 17 Sch. 1 para. 6\(3\)](#)
- s. 5(2)(b) words inserted by [2010 c. 17 Sch. 1 para. 6\(4\)\(b\)](#)
- s. 5(2)(b) words substituted by [2010 c. 17 Sch. 1 para. 6\(4\)\(a\)](#)
- s. 5(3) words inserted by [2010 c. 17 Sch. 1 para. 6\(5\)](#)
- specified provision(s) amendment to earlier commencing SI 2005/243, arts. 2(c), 4 by [S.I. 2005/362 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A4B and cross-heading inserted by [2010 c. 17 s. 42\(2\)](#)
- s. 4A(9)(a) words substituted by [2020 c. 17 Sch. 24 para. 443\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 4A by 2010 c. 17, s. 42(2) is still prospective.)
- s. 6(1A) inserted by [2010 c. 17 s. 42\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 44 repealed (1.10.2012) without ever being in force by 2012 c. 9, Sch. 10 Pt. 3; [S.I. 2012/2075](#), art. 3(h))
- s. 8(9) inserted by [2010 c. 17 Sch. 1 para. 8](#)
- s. 9(2A)-(2C) inserted by [2010 c. 17 s. 42\(4\)](#)
- s. 14(1A) inserted by [2010 c. 17 s. 43\(3\)\(c\)](#)
- s. 15(1)(1A) substituted for s. 15(1) by [2010 c. 17 s. 43\(4\)](#)
- s. 17(1)(b) and word inserted by [2010 c. 17 s. 43\(8\)\(b\)](#)
- s. 19(1)(b) and word inserted by [2010 c. 17 s. 42\(5\)\(b\)](#)
- s. 19(8)(b)(ba) substituted for s. 19(8)(b) by [2010 c. 17 Sch. 1 para. 9](#)
- s. 22A inserted by [2010 c. 17 s. 44\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 42(3) repealed (1.10.2012) without ever being in force by 2012 c. 9, Sch. 10 Pt. 3; [S.I. 2012/2075](#), art. 3(h))
- s. 22B inserted by 2010 c. 17 s. 44(2) (as substituted) by [S.I. 2012/2595 art. 22\(4\)](#) (2010 c. 17, s. 44 which make's the insertion of s. 22B was never brought into force and was partially repealed 1.10.2012 for E and W by 2012 c. 9, Sch. 10 Pt. 3 [Si 2012/2075](#), art. 3(e)(h))
- s. 23(3) inserted by [2010 c. 17 s. 42\(6\)](#)
- s. 23A inserted by [2010 c. 17 Sch. 1 para. 10](#)
- s. 25(1A) inserted by [2010 c. 17 s. 42\(7\)](#)