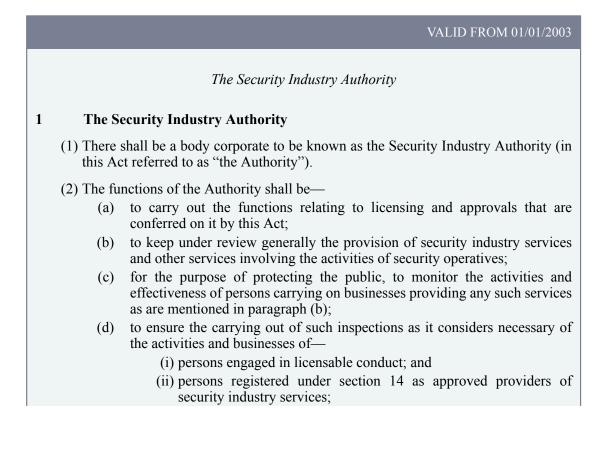


# Private Security Industry Act 2001

# **2001 CHAPTER 12**

An Act to make provision for the regulation of the private security industry. 11th May 2001

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—



- (e) to set or approve standards of conduct, training and levels of supervision for adoption by—
  - (i) those who carry on businesses providing security industry services or other services involving the activities of security operatives; and
  - (ii) those who are employed for the purposes of such businesses;
- (f) to make recommendations and proposals for the maintenance and improvement of standards in the provision of security industry services and other services involving the activities of security operatives;
- (g) to keep under review the operation of this Act.
- (3) The Authority may do anything that it considers is calculated to facilitate, or is incidental or conducive to, the carrying out of any of its functions.
- (4) Without prejudice to subsection (3), the Authority may, for any purpose connected with the carrying out of its functions—
  - (a) make proposals to the Secretary of State for the modification of any provision contained in or made under this Act; and
  - (b) undertake, or arrange for or support (whether financially or otherwise), the carrying out of research relating to the provision of security industry services and of other services involving the activities of security operatives.
- (5) The Authority shall not be regarded—
  - (a) as the servant or agent of the Crown; or
  - (b) as enjoying any status, immunity or privilege of the Crown;

and the property of the Authority shall not be regarded as property of, or property held on behalf of, the Crown.

(6) Schedule 1 (which makes provision about the Authority) shall have effect.

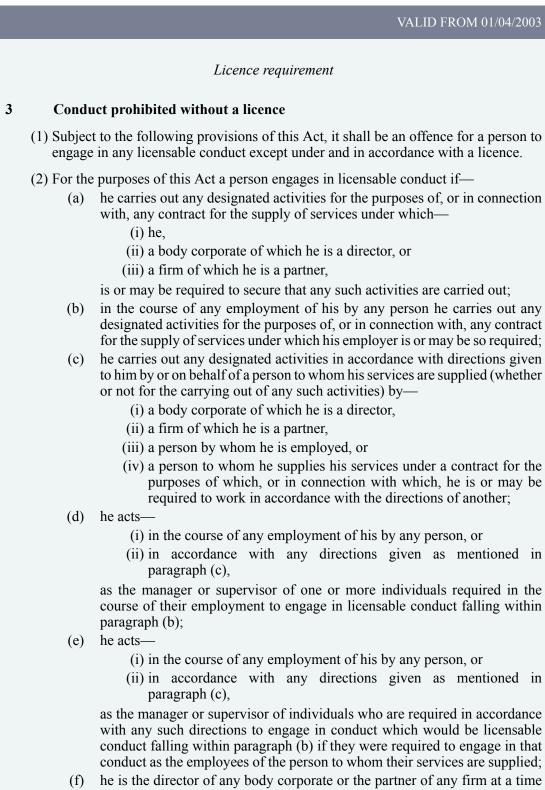
# **Commencement Information**

I1 S. 1 wholly in force; s. 1 not in force at Royal Assent, see s. 26(2); s. 1(6) in force at 1.1.2003 for certain purposes by S.I. 2002/3125, art. 2(a); s. 1 in force at 1.4.2003 in so far as not already in force by S.I. 2002/3125, art. 3(a)

# VALID FROM 01/04/2003

# 2 Directions etc. by the Secretary of State

- (1) In carrying out its functions the Authority shall comply with any general or specific directions given to it in writing by the Secretary of State.
- (2) Before giving directions under subsection (1), the Secretary of State shall consult the Authority.
- (3) The Authority shall provide the Secretary of State with such information about its activities as he may request.



when another of the directors or partners of the body or firm, or any employee of the body or firm, engages in licensable conduct falling within any of paragraphs (a) to (e);

- (g) he is the employer of an individual who in the course of any employment of his with that employer carries out any designated activities subject to additional controls;
- (h) in the course of any employment of his, or for purposes connected with his being a director or partner of a body corporate or firm, he carries out designated activities subject to additional controls;
- (i) in the course of any employment of his by any person he acts as the manager or supervisor of one or more individuals the duties of whose employment involve the carrying out of any designated activities subject to additional controls; or
- (j) in circumstances in which it is proposed to impose a charge for the release of immobilised vehicles, he carries out on his own behalf or on behalf of another person any designated activities consisting in activities to which paragraph 3 of Schedule 2 (immobilisation of vehicles) applies.
- (3) In this Act "designated activities" means such of the activities of a security operative as are for the time being designated for the purposes of this section by an order made by the Secretary of State; and an order under this subsection may designate different activities for the purposes of different paragraphs of subsection (2).
- (4) For the purposes of this section a person shall not be treated as acting as the manager or supervisor of an individual by reason only of his giving directions to that individual in a case in which—
  - (a) the directions are given on behalf of a person to whom the individual's services are provided under a contract for services, and
  - (b) the person who under the contract provides the individual's services or another person acting on his behalf, acts as the manager or supervisor of that individual in relation to the activities carried out by him in accordance with those directions.
- (5) Schedule 2 (which defines the activities that are to be treated as the activities of a security operative for the purposes of this Act and those which, so far as they are designated, are subject to additional controls) shall have effect.
- (6) A person guilty of an offence under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

### **Commencement Information**

I2 S. 3(3) in force for certain purposes at 1.4.2003 by S.I. 2002/3125, art. 4(a)

### 4 Exemptions from licensing requirement

- (1) If—
  - (a) it appears to the Secretary of State that there are circumstances in which licensable conduct is engaged in only by persons to whom suitable alternative arrangements will apply, and
  - (b) the Secretary of State is satisfied that, as a consequence, it is unnecessary for persons engaging in any such conduct in those circumstances to be required to be licensed under this Act,

then he may by regulations prescribing those circumstances provide that a person shall not be guilty of an offence under section 3 in respect of any conduct engaged in by him in those circumstances.

- (2) The provision that may be made by regulations under subsection (1) includes provision that a person is not to be guilty of an offence in respect of any conduct which is engaged in by him in the course of his employment by, or otherwise under the direction of, a person who is certified by the Authority in accordance with the regulations to be a person who the Authority is satisfied will secure that suitable alternative arrangements apply.
- (3) In subsections (1) and (2) references to suitable alternative arrangements are references to arrangements that the Secretary of State or, as the case may be, the Authority is satisfied are equivalent, for all practical purposes so far as the protection of the public is concerned, to those applying to persons applying for and granted licences.
- (4) A person shall not be guilty of an offence under section 3 in respect of any activities of his as a security operative if—
  - (a) he carries out those activities in his capacity as the director of a body corporate, the partner of any firm or the employee of any person;
  - (b) he has applied to the Authority for the grant of a licence and that application is pending;
  - (c) the licence applied for would authorise him to carry out those activities and is not one he has previously been refused;
  - (d) the body, firm or, as the case may be, the employer is a person who is for the time being registered under section 14 as an approved provider of security industry services; and
  - (e) the Authority has given notice to the body, firm or employer that it has authorised that body, firm or employer to use directors, partners or employees whose applications are pending to carry out activities that consist in or include those activities.
- (5) Subsection (4) shall apply in the case of a person who carries out activities under directions given by or on behalf of another person in pursuance of a contract for the supply of the services of the first person as if the first person were an employee of the other one.

#### **Commencement Information**

I3 S. 4(1)-(3) in force at 1.4.2003 for certain purposes by S.I. 2002/3125, art. 4(b)

VALID FROM 01/12/2004

### 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.

VALID FROM 03/05/2005

### 6 Offence of using unlicensed wheel-clampers

(1) A person who is an occupier of any premises is guilty of an offence if-

- (a) any individual carries out, in relation to vehicles on those premises, any designated activities consisting in activities to which paragraph 3 of Schedule 2 (immobilisation of vehicles) applies;
- (b) the carrying out of those activities involves that individual's engaging in licensable conduct in respect of which he is not the holder of a licence; and
- (c) those activities are carried out with the permission of that occupier or for the purposes of, or in connection with, any contract for the supply of services to him.
- (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 carrying out of those activities, 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 the carrying out of activities which are comprised in any conduct of an individual in which he 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.

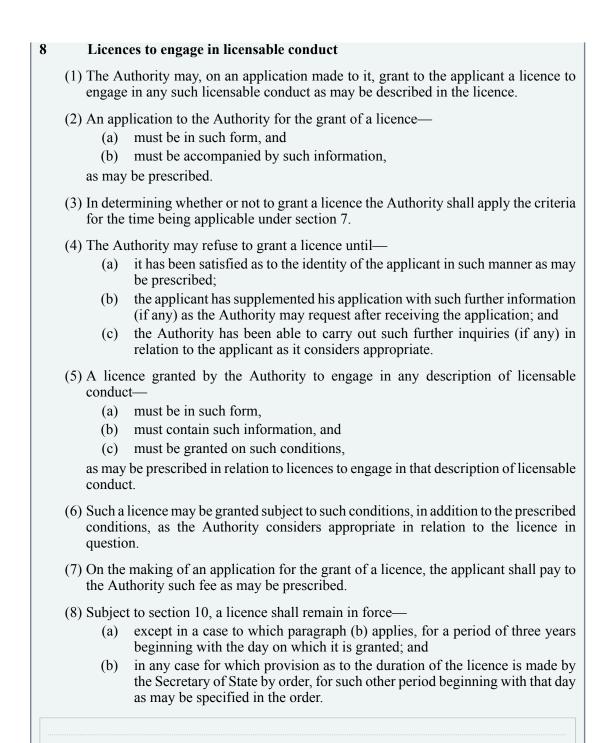
#### VALID FROM 01/04/2003

Licensing functions of the Authority

VALID FROM 01/11/2003

#### 7 Licensing criteria

- (1) It shall be the duty of the Authority, before granting any licences, to prepare and publish a document setting out—
  - (a) the criteria which it proposes to apply in determining whether or not to grant a licence; and
  - (b) the criteria which it proposes to apply in exercising its powers under this Act to revoke or modify a licence.
- (2) The Authority may from time to time revise the document for the time being setting out the criteria mentioned in subsection (1)(a) and (b); and, if it does so, it shall publish the revised document.
- (3) The criteria set out by the Authority under this section—
  - (a) shall include such criteria as the Authority considers appropriate for securing that the persons who engage in licensable conduct are fit and proper persons to engage in such conduct;
  - (b) may include such criteria as the Authority considers appropriate for securing that those persons have the training and skills necessary to engage in the conduct for which they are licensed; and
  - (c) may also include criteria relating to such other matters as the Authority thinks fit.
- (4) In setting out any criteria or revised criteria under this section the Authority may provide for different criteria to apply—
  - (a) in relation to licences for different descriptions of licensable conduct; and
  - (b) in relation to the initial grant of a licence and in relation to a further grant to the same licensee for the purpose of renewing an earlier licence.
- (5) Criteria or revised criteria set out under this section shall not have effect for the purposes of this Act unless the Secretary of State has approved them.
- (6) The publication in accordance with this section of any document setting out any criteria or revised criteria must be in such manner as the Authority considers appropriate for bringing it to the attention of the persons likely to be affected by it.



### **Commencement Information**

I4 S. 8(2)(5)(7)(8) in force at 1.4.2003 for certain purposes by S.I. 2002/3125, art. 4(c)

### 9 Licence conditions

(1) The power of the Secretary of State to prescribe the conditions on which a licence must be granted and the power of the Authority to impose additional conditions for such a licence shall include power to prescribe or impose—

Status: Point in time view as at 11/05/2001. This version of this Act contains provisions that are not valid for this point in time. Changes to legislation: Private Security Industry Act 2001 is up to date with all changes known to be in force on or before 24 May 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)

	(a)	conditions containing requirements as to the training, registration and insurances which the licensee is to undergo, or to maintain, while the licence remains in force;	
	(b)	conditions as to the manner in which the licensee is to carry out specified activities of a security operative that he is licensed to carry out;	
	(c)	conditions imposing obligations as to the production and display of the licence;	
	(d)	conditions imposing obligations as to the information to be provided from time to time by the licensee to the Authority; and	
	(e)	such other conditions (whether or not relating to the criteria that would be applied by the Authority in determining whether to grant the licence) as the Secretary of State or the Authority thinks fit.	
(2)	(2) The conditions that may be prescribed or imposed in relation to any description of licence may include conditions imposing obligations on a licensee by reference to requirements made or directions given by the Authority.		
<ul> <li>(3) In relation to a licence authorising licensable conduct falling within subsection (2)</li> <li>(g) of section 3, the references in subsection (1) of this section to the licensee include references to any of his employees who carry out any designated activities subject to additional controls.</li> </ul>			
(4)	(4) Any person who contravenes the conditions of any licence granted to him shall be guilty of an offence and liable, on summary conviction, to a term of imprisonment not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.		
(5)	a defen	eedings against any person for an offence under subsection (4) it shall be ce for that person to show that he exercised all due diligence to avoid a ention of the conditions of the licence.	
Comn 15		nt Information 3) in force at 1.4.2003 for certain purposes by S.I. 2002/3125, art. 4(d)	
		VALID FROM 01/02/2004	
10	Revo	cation and modification of licences	
(1)		thority may by notice in writing to the licensee modify or revoke any licence to him (including any of the conditions of that licence).	
(2)		rmining whether or not to modify or revoke a licence, the Authority shall ne criteria for the time being applicable under section 7.	
(3)		difications that may be made under this section include one suspending the f the licence for such period as the Authority may determine.	

#### VALID FROM 01/02/2004

#### **11** Appeals in licensing matters

(1) Where—

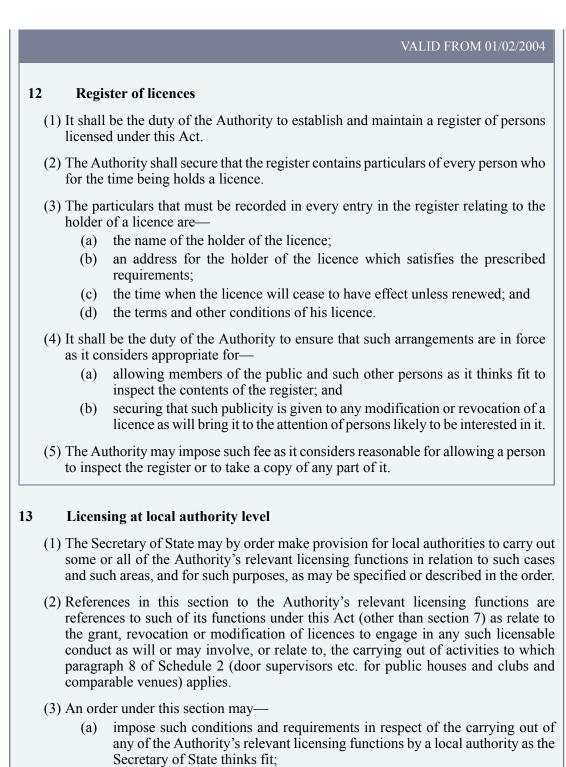
- (a) an application for a licence is refused,
- (b) a licence is granted subject to conditions imposed under section 8(6), or
- (c) a licence is modified or revoked,

the applicant or, as the case may be, the holder of the licence may appeal to the appropriate magistrates' court against the Authority's decision to refuse to grant the licence, to impose those conditions or, as the case may be, to modify or to revoke the licence.

- (2) An appeal under subsection (1) must be brought before the end of the period of twenty-one days beginning with the day on which the decision appealed against was first notified to the appellant by the Authority.
- (3) For the purposes of subsection (1) the appropriate magistrates' court is the magistrates' court for the petty sessions area in which is situated, as the case may be—
  - (a) the address for the appellant that has been supplied for the purpose of being recorded (if a licence is granted) in the register maintained under section 12; or
  - (b) the address for the appellant that is for the time being recorded in that register.
- (4) Where a magistrates' court makes a decision on an appeal under subsection (1), an appeal to the Crown Court may be brought against that decision either by the Authority or by the person on whose appeal that decision was made.
- (5) A court to which an appeal is brought under this section shall determine the appeal in accordance with the criteria for the time being applicable under section 7.
- (6) Where an application for the grant of a licence by way of a renewal is refused or a licence is revoked, the licence to which the application or revocation relates shall be deemed to remain in force—
  - (a) for the period during which an appeal may be brought under subsection (1);
  - (b) for the period from the bringing of any such appeal until it is determined or abandoned;
  - (c) for the period from any determination on appeal that a licence should be granted until effect is given to that determination, or it is overturned on a further appeal;
  - (d) during any such period as the appropriate magistrates' court or the Crown Court may direct, pending an appeal from a determination made on an appeal to that magistrates' court.

#### **Commencement Information**

I6 S. 11 in force at 1.2.2004 by S.I. 2003/2710, art. 3(f)



- (b) provide for any of those conditions or requirements to be framed by reference to directions given by the Secretary of State in accordance with the order;
- (c) provide for any of the powers exercisable by a local authority by virtue of such an order to be exercisable concurrently in relation to the same case by the Authority and that local authority; and

- (d) authorise a local authority to retain any fee paid to them by virtue of section 8(7).
- (4) Section 11 shall apply in relation to a decision made by a local authority in accordance with an order under subsection (1) as it applies in relation to a decision of the Authority; and where it so applies it shall have effect as if the references in subsections (2) and (4) of that section to the Authority were a reference to the local authority that made the decision in question.
- (5) The Secretary of State may by order make such provision repealing or modifying the provisions of any local enactment as he considers appropriate in consequence of the coming into force of any of the provisions of this Act or of an order under subsection (1).
- (6) The Secretary of State shall consult the Authority before making an order under this section.
- (7) In this section "local authority" means-
  - (a) the council for any county or district in England other than a metropolitan county the districts comprised in which are districts for which there are councils;
  - (b) the council for any London borough;
  - (c) the Common Council of the City of London;
  - (d) the Council of the Isles of Scilly;
  - (e) the council for any county or county borough in Wales.

# **Commencement Information**

I7 S. 13(5)(6) in force at 1.4.2003 for certain purposes by S.I. 2002/3125, art. 4(e)

# VALID FROM 01/04/2003

# Approved contractors

VALID FROM 20/03/2006

# 14 Register of approved contractors

- (1) It shall be the duty of the Authority to establish and maintain a register of approved providers of security industry services.
- (2) The Authority shall secure that the register contains particulars of every person who is for the time being approved under any arrangements in force under section 15.
- (3) The particulars that must be recorded in every entry in the register relating to an approved person are—
  - (a) the name of that person;
  - (b) an address for that person which satisfies the prescribed requirements;
  - (c) the services in respect of which that person is approved;

- (d) the time when the approval will cease to have effect unless renewed; and
- (e) the conditions of the approval.
- (4) It shall be the duty of the Authority to ensure that such arrangements are in force as it considers appropriate for—
  - (a) allowing members of the public to inspect the contents of the register; and
  - (b) securing that such publicity is given to any modification or withdrawal of an approval as will bring it to the attention of persons likely to be interested in it.
- (5) The Authority may impose such fee as it considers reasonable for allowing a person to inspect the register or to take a copy of any part of it.

### 15 Arrangements for the grant of approvals

- (1) It shall be the duty of the Authority to secure that there are arrangements in force for granting approvals to persons who—
  - (a) are providing security industry services in England and Wales; and
  - (b) seek approval in respect of any such services that they are providing, or are proposing to provide.

(2) The arrangements must—

- (a) allow for an approval to be granted either in respect of all the services in respect of which it is sought or in respect of only some of them;
- (b) ensure that an approval is granted to a person in respect of any services only if the condition for the grant of an approval is satisfied in accordance with subsection (3);
- (c) provide for an approval granted to any person to have effect subject to such conditions (whether or not connected with the provision of the services in respect of which the approval is granted) as may be contained in the approval;
- (d) enable a person to whom the Authority is proposing to grant an approval to refuse it if the proposal is in different terms from the approval which was sought;
- (e) make provision for the handling of complaints and disputes which—
  - (i) are required by the conditions of an approved person's approval to be dealt with in accordance with a procedure maintained by him in pursuance of those conditions; but
  - (ii) are not disposed of by the application of that procedure;
- (f) provide for an approval to cease to have effect (unless renewed)-
  - (i) except in a case to which sub-paragraph (ii) applies, at the end of the period of three years beginning with the day on which it is granted; and
  - (ii) in a case for which provision as to the duration of the approval is made by the Secretary of State by order, for such other period beginning with that day as may be specified in the order;
- (g) provide for the modification and withdrawal of approvals.
- (3) The condition that must be fulfilled before an approval is granted to any person is that the Authority is satisfied that he—

- (a) will comply, in providing the services in respect of which he is approved, with such technical and other requirements as may be prescribed;
- (b) is a person in relation to whom such other requirements as may be prescribed are, and will continue to be, satisfied;
- (c) is, and will continue to be, able and willing to comply with any requirements that the Authority is proposing to impose by means of conditions of the approval; and
- (d) is otherwise a fit and proper person to be approved in respect of those services.
- (4) Regulations made by virtue of paragraph (a) or (b) of subsection (3) may frame a requirement for the purposes of that subsection by reference to the opinion of a person specified in the regulations, or of a person chosen in a manner determined in accordance with the regulations.
- (5) The requirements which (subject to subsection (6)) may be imposed by conditions contained in an approval in accordance with the arrangements include—
  - (a) requirements to provide information to such persons, in such form, at such times and in response to such requests as may be specified in or determined under the terms of the condition;
  - (b) requirements framed by reference to the opinion or directions of a person specified in or chosen in accordance with provision contained in the conditions.
- (6) Nothing in the arrangements shall authorise the imposition, by conditions contained in an approval, of any requirements for—
  - (a) the provision of information, or
  - (b) the maintenance of a procedure for handling complaints or disputes,

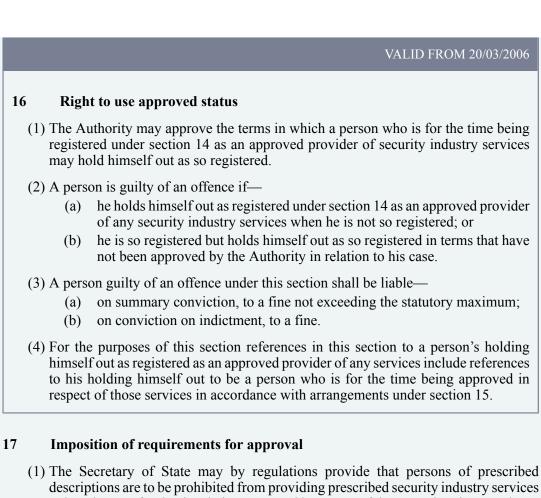
in relation to any matter other than one appearing to the Authority to be relevant to the matters mentioned in subsection (3)(a) to (d).

- (7) Any requirement to provide information that is imposed in accordance with the arrangements on any person by the conditions of his approval shall be enforceable at the suit or instance of the Authority.
- (8) Where any arrangements under this section so provide, a person who-
  - (a) seeks an approval under the arrangements,
  - (b) applies for a modification of such an approval,
  - (c) is for the time being approved under the arrangements, or
  - (d) has his approval under the arrangements modified wholly or partly in consequence of an application made by him,

shall pay to the Authority, at such time or times as may be prescribed, such fee or fees as may be prescribed in relation to that time or those times.

#### **Commencement Information**

**I8** S. 15(2)(f)(ii)(3)(a)(b)(4)(8) in force at 1.4.2003 for certain purposes by S.I. 2002/3125, art. 4(f)



- unless they are for the time being approved in respect of those services in accordance with arrangements under section 15.(2) A person is guilty of an offeneo if he controveneo any prohibition imposed on him.
- (2) A person is guilty of an offence if he contravenes any prohibition imposed on him by regulations under subsection (1).
- (3) A person who—
  - (a) is approved in respect of any security industry services in accordance with arrangements under section 15, and
  - (b) would be prohibited by regulations under subsection (1) from providing those services except while for the time being so approved,

is guilty of an offence if he contravenes any of the conditions of his approval in respect of those services.

- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (5) The Secretary of State may by regulations make provision in relation to cases in which a person is required by regulations under subsection (1) to be approved in respect of any services in accordance with arrangements under section 15—
  - (a) for the conditions that are to be contained in his approval in relation to the handling of complaints made about the provision of those services; and

(b) generally in relation to the arrangements under that section that are to be made for such cases.

### **Commencement Information**

I9 S. 17 partly in force; s. 17 not in force at Royal Assent, see s. 26(2); s. 17(1)(5) in force at 1.4.2003 for certain purposes by S.I. 2002/3125, art. 4(g)

VALID FROM 20/03/2006

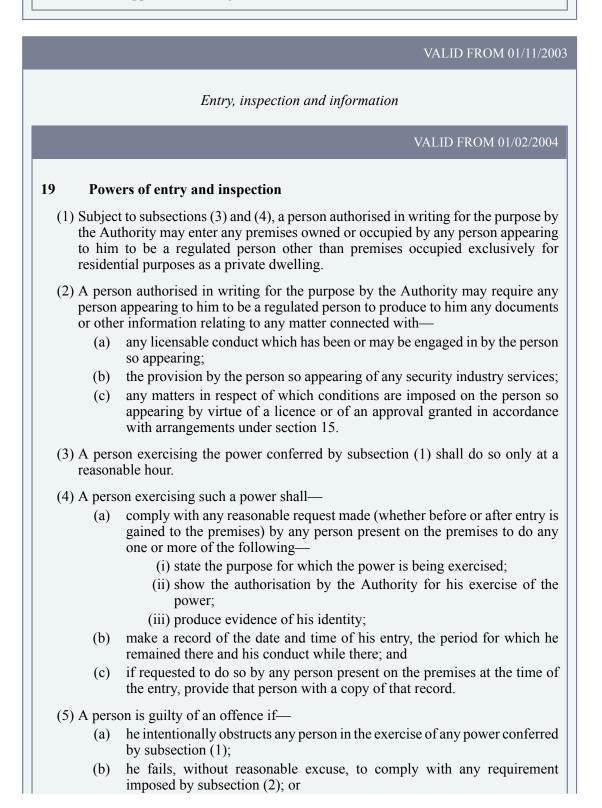
# 18 Appeals relating to approvals

- (1) Where—
  - (a) an application for an approval for the purposes of section 15 is refused,
  - (b) conditions are included as conditions of such an approval, or
  - (c) such an approval is modified or withdrawn,

the applicant or, as the case may be, the approved person may appeal to the appropriate magistrates' court against the Authority's decision to refuse to grant the approval, to include those conditions or, as the case may be, to modify or to withdraw the approval.

- (2) An appeal under subsection (1) must be brought before the end of the period of twenty-one days beginning with the day on which the decision appealed against was first notified to the appellant by the Authority.
- (3) For the purposes of subsection (1) the appropriate magistrates' court is the magistrates' court for the petty sessions area in which is situated, as the case may be—
  - (a) the address for the appellant that has been supplied for the purpose of being recorded (if an approval is granted) in the register maintained under section 14; or
  - (b) the address for the appellant that is for the time being recorded in that register.
- (4) Where a magistrates' court makes a decision on an appeal under subsection (1), an appeal to the Crown Court may be brought against that decision either by the Authority or by the person on whose appeal that decision was made.
- (5) Where an application for the grant of an approval by way of a renewal is refused or an approval is withdrawn, the approval to which the application or withdrawal relates shall be deemed to remain in force—
  - (a) for the period during which an appeal may be brought under subsection (1);
  - (b) for the period from the bringing of any such appeal until it is determined or abandoned;
  - (c) for the period from any determination on appeal that an approval should be granted until effect is given to that determination, or it is overturned on a further appeal;

#### (d) during any such period as the appropriate magistrates' court or the Crown Court may direct, pending an appeal from a determination made on an appeal to that magistrates' court.



- (c) he makes an unauthorised disclosure of any information obtained by him in the exercise of any power conferred by this section, or as a consequence of the exercise of any such power by another.
- (6) For the purposes of this section a disclosure of information obtained by any person as mentioned in subsection (5)(c) is authorised if, and only if, it is made—
  - (a) for the purposes of the carrying out by the Authority of any of its functions under this Act; or
  - (b) for the purposes of any criminal proceedings.
- (7) A person guilty of an offence under this section shall be liable, on summary conviction, to a term of imprisonment not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.
- (8) In this section "regulated person" means—
  - (a) the holder of any licence granted under this Act;
  - (b) any person who engages in licensable conduct without being the holder of a licence under this Act;
  - (c) any person who is for the time being approved in accordance with arrangements under section 15 in respect of any services which regulations under section 17 prohibit him from providing unless so approved; or
  - (d) any person who is not so approved but provides security industry services which he is prohibited by any such regulations from providing.

### 20 Guidance as to exercise of power of entry

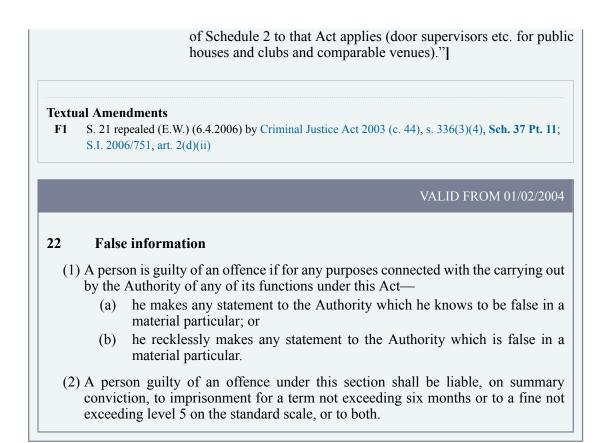
- (1) It shall be the duty of the Authority to prepare and publish a document containing its guidance as to the manner in which persons authorised to enter premises under subsection (1) of section 19 should—
  - (a) exercise the power conferred by that subsection; and
  - (b) conduct themselves after entering premises in exercise of that power.
- (2) The Authority may from time to time revise the guidance published under this section; and, if it does so, it shall publish the revised guidance.
- (3) A requirement under this section for the Authority to publish guidance or revised guidance shall be a requirement to publish it in such manner as appears to the Authority appropriate for bringing it to the attention of persons likely to be affected by it.

PROSPECTIVE

### 21 Access to enhanced criminal records certificates

 $[^{F1}$ In section 115(5) of the Police Act 1997 (c. 50) (matters in respect of which an enhanced criminal record certificate may be required), after paragraph (g) there shall be inserted—

"(ga) a licence under the Private Security Industry Act 2001 to engage in any such licensable conduct (within the meaning of that Act) as will or may involve, or relate to, activities to which paragraph 8



Supplemental

#### VALID FROM 01/02/2004

### 23 Criminal liability of directors etc

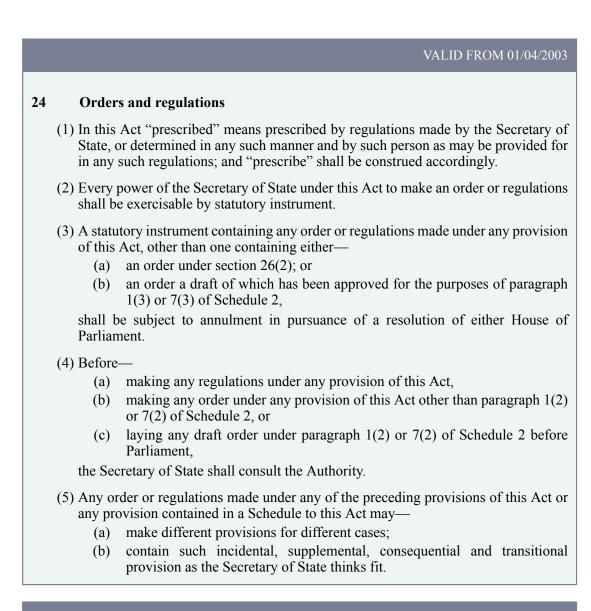
Where an offence under any provision of this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (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 body corporate) shall be guilty of that offence and liable to be proceeded against and punished accordingly.

#### **Commencement Information**

II0 S. 23 in force at 1.2.2004 by S.I. 2003/2710, art. 3(k)



### VALID FROM 01/01/2003

### 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 A at:

(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;
- (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 section 741(2) of the Companies Act 1985;

"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").

# 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.

# (3) This Act extends to the United Kingdom for the purposes only of-

- (a) the amendment of the Police Act 1997 (c. 50) by section 21; and
- (b) the amendments by Schedule 1 of the following enactments—
  - (i) the Public Records Act 1958 (c. 51);
  - (ii) the Parliamentary Commissioner Act 1967 (c. 13);
  - (iii) the Superannuation Act 1972 (c. 11);
  - (iv) the House of Commons Disqualification Act 1975 (c. 24);
  - (v) the Northern Ireland Assembly Disqualification Act 1975 (c. 25); and
  - (vi) the Freedom of Information Act 2000 (c. 36).

(4) Subject to subsection (3), this Act extends to England and Wales only.

# 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

### Status:

Point in time view as at 11/05/2001. This version of this Act contains provisions that are not valid for this point in time.

#### Changes to legislation:

Private Security Industry Act 2001 is up to date with all changes known to be in force on or before 24 May 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.