



# Private Security Industry Act 2001

## 2001 CHAPTER 12

### *Licence requirement*

#### **3 Conduct prohibited without a licence**

- (1) Subject to the following provisions of this Act, it shall be an offence for a person to engage in any licensable conduct except under and in accordance with a licence.
- (2) For the purposes of this Act a person engages in licensable conduct if—
  - (a) he carries out any designated activities for the purposes of, or in connection with, any contract for the supply of services under which—
    - (i) he,
    - (ii) a body corporate of which he is a director, or
    - (iii) a firm of which he is a partner,is or may be required to secure that any such activities are carried out;
  - (b) in the course of any employment of his by any person he carries out any designated activities for the purposes of, or in connection with, any contract for the supply of services under which his employer is or may be so required;
  - (c) he carries out any designated activities in accordance with directions given to him by or on behalf of a person to whom his services are supplied (whether or not for the carrying out of any such activities) by—
    - (i) a body corporate of which he is a director,
    - (ii) a firm of which he is a partner,
    - (iii) a person by whom he is employed, or
    - (iv) a person to whom he supplies his services under a contract for the purposes of which, or in connection with which, he is or may be required to work in accordance with the directions of another;
  - (d) he acts—
    - (i) in the course of any employment of his by any person, or
    - (ii) in accordance with any directions given as mentioned in paragraph (c),

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as the manager or supervisor of one or more individuals required in the course of their employment to engage in licensable conduct falling within paragraph (b);

- (e) he acts—
  - (i) in the course of any employment of his by any person, or
  - (ii) in accordance with any directions given as mentioned in paragraph (c),

as the manager or supervisor of individuals who are required in accordance with any such directions to engage in conduct which would be licensable conduct falling within paragraph (b) if they were required to engage in that conduct as the employees of the person to whom their services are supplied;

- (f) he is the director of any body corporate or the partner of any firm at a time 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; <sup>F1</sup> or ]
- (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; <sup>F2</sup> ...
- <sup>F2</sup>(j) .....

(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).

<sup>F3</sup>(3A) In the application of this Act to Scotland—

- (a) the reference in subsection (3) to the Secretary of State must be construed as a reference to the Scottish Ministers; but
- (b) before making any order under subsection (3) the Scottish Ministers are to consult the Secretary of State.]

<sup>F4</sup>(3B) In the application of this Act to Northern Ireland—

- (a) the reference in subsection (3) to the Secretary of State must be construed as a reference to the Department of Justice;
- (b) before making any order under subsection (3) the Department of Justice must consult the Secretary of State.]

(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

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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.

#### Textual Amendments

- F1** Word in s. 3(2)(h) inserted (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 20\(2\)\(a\)](#) (with s. 97); [S.I. 2012/2075, art. 3\(g\)](#)
- F2** S. 3(2)(j) and preceding word repealed (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 20\(2\)\(b\), Sch. 10 Pt. 3](#) (with s. 97); [S.I. 2012/2075, art. 3\(g\)](#)
- F3** S. 3(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. 4](#); [S.S.I. 2006/381, art. 2\(a\)\(i\)\(b\)\(i\)](#)
- F4** S. 3(3B) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 16 para. 3](#) (with arts. 28-31)

#### Commencement Information

- I1** S. 3 in force at 6.7.2006 for S. by [S.S.I. 2006/382, art. 3\(a\)](#)
- I2** S. 3 in force at 11.3.2009 for specified purposes for N.I. by [S.I. 2009/644, art. 3](#)
- I3** S. 3 in force at 1.5.2009 for N.I. In so far as not already in force by [S.I. 2009/1058, art. 3](#)
- I4** S. 3(1) in force at 4.6.2004 for specified purposes by [S.I. 2004/1431, art. 4](#)
- I5** S. 3(1) in force at 13.9.2004 for specified purposes by [S.I. 2004/2191, art. 2](#)
- I6** S. 3(1)(2)(a)-(i) in force at 27.9.2004 for specified purposes by [S.I. 2004/2191, art. 3](#)
- I7** S. 3(1)(2)(a)-(i) in force at 18.10.2004 for specified purposes by [S.I. 2004/2591, art. 2](#)
- I8** S. 3(1)(2)(a)-(i) in force at 15.11.2004 for specified purposes by [S.I. 2004/2591, art. 3](#)
- I9** S. 3(1)(2)(a)-(i) in force at 13.12.2004 for specified purposes by [S.I. 2004/3141, art. 3](#)
- I10** S. 3(1)(2)(a)-(i) in force at 3.1.2005 for specified purposes by [S.I. 2004/3141, art. 4](#)
- I11** S. 3(1) in force at 28.2.2005 in so far as not already in force by [S.I. 2005/243, art. 2\(a\)](#)
- I12** S. 3(2)(a)-(i) in force at 24.5.2004 for specified purposes by [S.I. 2004/1431, art. 2](#)
- I13** S. 3(2)(a)-(i) in force at 1.6.2004 for specified purposes by [S.I. 2004/1431, art. 3](#)
- I14** S. 3(2)(a)-(i) in force at 28.2.2005 for specified purposes by [S.I. 2005/243, art. 3](#)
- I15** S. 3(2)(a)-(i) in force at 11.4.2005 for E.W. in so far as not already in force by [S.I. 2005/243, art. 5](#)
- I16** S. 3(3) in force for certain purposes at 1.4.2003 by [S.I. 2002/3125, art. 4\(a\)](#)
- I17** S. 3(3) in force at 1.2.2004 in so far as not already in force by [S.I. 2003/2710, art. 3\(a\)](#)
- I18** S. 3(4)-(6) in force at 1.2.2004 by [S.I. 2003/2710, art. 3\(a\)](#)

## 4 Exemptions from licensing requirement

- (1) If—
- 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
  - 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,

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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.

[<sup>F5</sup>(3A) In the application of this section to Northern Ireland—

- (a) the reference in subsection (2)(c) to the Secretary of State must be construed as a reference to the Department of Justice in Northern Ireland; but
- (b) before making any order under subsection (2)(c) the Department of Justice in Northern Ireland must consult the Secretary of State.]

- (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.

[<sup>F6</sup>(6) A relevant employee who engages in licensable conduct shall not be guilty of an offence under section 3 in respect of that conduct if it is carried out in connection with the use of a certified sports ground or certified sports stand for purposes for which its safety certificate has effect.

- (7) An employee for a visiting team who engages in licensable conduct shall not be guilty of an offence under section 3 in respect of that conduct if—
- (a) it is carried out in connection with the use of a certified sports ground or certified sports stand for purposes for which its safety certificate has effect; and

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- (b) that visiting team is involved in the activities for which the ground is being used, or which the stand is being used to view.
- (8) In subsection (7) a reference to a person being an employee for a visiting team is a reference to his being a relevant employee in relation to the visitors' ground, or in relation to a certified sports stand contained in the visitors' premises.
- (9) In this section “a relevant employee”, in relation to a certified sports ground or certified sports stand, means a person employed by—
- (a) the holder of its safety certificate;
  - (b) a person who manages the ground or stand or occupies the premises where it is or owns an interest in those premises;
  - (c) a company which is in the same group as a company falling within paragraph (b).
- (10) In this section a reference to the use of a certified sports ground for purposes for which the safety certificate has effect is a reference to—
- (a) the use of the ground for activities specified in a general safety certificate in force in respect of the use of that ground; or
  - (b) the use of the ground, on an occasion specified in a special safety certificate which is so in force, for activities specified in that certificate.
- (11) In this section a reference to the use of a certified sports stand for purposes for which the safety certificate has effect is a reference to—
- (a) the use of the stand for viewing activities specified in a general safety certificate in force in respect of the use of that stand; or
  - (b) the use of the stand, on an occasion specified in a special safety certificate which is so in force, for viewing activities specified in that certificate.
- (12) In this section—
- “certified sports ground” means a sports ground in respect of which a safety certificate is in force;
- “certified sports stand” means a sports stand in respect of which a safety certificate is in force;
- “company”, “holding company” and “subsidiary” have the same meanings as in [F7]section 1159 of the Companies Act 2006];
- “group”, in relation to a company, means a holding company and all of its subsidiaries;
- “safety certificate”, “general safety certificate” and “special safety certificate”—
- (a) in relation to a sports ground, have the same meanings as in the Safety of Sports Grounds Act 1975 (see sections 1(4) and 17(1) of that Act); and
  - (b) in relation to a sports stand, have the same meanings as in Part 3 of the Fire Safety and Safety of Places of Sport Act 1987 (see section 26(2) and (11) of that Act);
- “sports ground” has the same meaning as in that Act of 1975 (see section 17(1) of that Act);
- “sports stand” means a stand within the meaning of Part 3 of that Act of 1987 (see section 26(11) of that Act);
- “visiting team”, in relation to a certified sports ground (“the home ground”) or a certified sports stand contained in any premises (“the home premises”)

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means a team which uses as its base, or as one of its bases, any premises which are either—

- (a) a certified sports ground which is not the home ground (“the visitors' ground”); or
- (b) premises which are not the home premises and which contain a certified sports stand (“the visitors' premises”);

“visitors' ground” and “visitors' premises”, in relation to a visiting team, have the meanings given by the previous definition.]

[<sup>F8</sup>(13) In its application to Northern Ireland subsection (12) has effect as if—

- (a) for the definitions of “safety certificate”, “general safety certificate” and “special safety certificate” there were substituted—
  - ““safety certificate”, “general safety certificate” and “special safety certificate”
  - (a) in relation to a sports ground, have the same meanings as in Part 2 of the Safety of Sports Grounds (Northern Ireland) Order 2006 (S.I. 2006/313 (N.I. 2) (“the 2006 Order”)) (see Article 3 of that Order);
  - (b) in relation to a sports stand, have the same meanings as in Part 3 of the 2006 Order (see Article 12(1) of that Order);”
- (b) for the definition of “sports ground” there were substituted—
  - ““sports ground” has the same meaning as in the 2006 Order (see Article 2(2) of that Order);”
- (c) for the definition of “sports stand” there were substituted—
  - ““sports stand” means a stand within the meaning of Part 3 of the 2006 Order (see Article 12 of that Order);”.

#### Textual Amendments

- F5** S. 4(3A) inserted by 2010 c. 17 s. 42(2) (as inserted) (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012](#) (S.I. 2012/2595), arts. 1(2), **22(3)(a)** (with arts. 24-28)
- F6** S. 4(6)-(12) inserted (8.11.2006) by [Violent Crime Reduction Act 2006](#) (c. 38), s. 63
- F7** Words in s. 4(12) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009](#) (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 188(2)** (with art. 10)
- F8** S. 4(13) inserted (N.I.) (18.11.2009) by [The Private Security Industry Act 2001 \(Amendment\) \(Northern Ireland\) Order 2009](#) (S.I. 2009/3017), arts. 1(1), **2**

#### Commencement Information

- I19** S. 4(1)-(3) in force at 1.4.2003 for certain purposes by [S.I. 2002/3125](#), **art. 4(b)**
- I20** S. 4 in force at 6.7.2006 for S. by [S.S.I. 2006/382](#), **art. 3(a)**
- I21** S. 4 in force at 11.3.2009 for specified purposes for N.I. by [S.I. 2009/644](#), **art. 3**
- I22** S. 4 in force at 1.5.2009 for N.I. In so far as not already in force by [S.I. 2009/1058](#), **art. 3**
- I23** S. 4(1)-(3) in force at 1.2.2004 in so far as not already in force by [S.I. 2003/2710](#), **art. 3(b)**
- I24** S. 4(4)(5) in force at 1.2.2004 by [S.I. 2003/2710](#), **art. 3(b)**

## 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;

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- (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.

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**Commencement Information**

- I25** S. 5 in force at 1.12.2004 for specified purposes by [S.I. 2004/3141, art. 2](#)
- I26** S. 5 in force at 13.12.2004 for specified purposes by [S.I. 2004/3141, art. 3](#); [S.I. 2004/3230, art. 2](#)
- I27** S. 5 in force at 3.1.2005 for specified purposes by [S.I. 2004/3141, art. 4](#)
- I28** S. 5 in force at 28.2.2005 for specified purposes by [S.I. 2005/243, art. 3](#)
- I29** S. 5 in force at 11.4.2005 in so far as not already in force by [S.I. 2005/243, art. 5](#)
- I30** S. 5 in force at 6.7.2006 for S. by [S.S.I. 2006/382, art. 3\(a\)](#)
- I31** S. 5 in force at 1.5.2009 for N.I. by [S.I. 2009/1058, art. 3](#)

**F<sup>9</sup>6 Offence of using unlicensed wheel-clampers**

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**Textual Amendments**

- F9** S. 6 repealed (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 20\(4\), Sch. 10 Pt. 3](#) (with s. 97); [S.I. 2012/2075, art. 3\(g\)](#)

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**Changes and effects yet to be applied to :**

- s. 5 cross-heading inserted by [2010 c. 17 Sch. 1 para. 5](#)
- s. 3 cross-heading substituted by [2010 c. 17 Sch. 1 para. 2](#)
- s. 4 heading word inserted by [2010 c. 17 Sch. 1 para. 4\(2\)](#)
- s. 3 heading words substituted by [2010 c. 17 Sch. 1 para. 3\(2\)](#)
- 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\(7\)](#)