



# Private Security Industry Act 2001

## 2001 CHAPTER 12

### *Licensing functions of the Authority*

#### **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.

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[<sup>F1</sup>(5A) Before giving approval under subsection (5), the Secretary of State shall consult the Scottish Ministers [<sup>F2</sup>and the Department of Justice].]

- (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.

#### Textual Amendments

- F1** S. 7(5A) 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. 5; S.S.I. 2006/381, art. 2\(a\)\(i\)\(b\)\(i\)](#)
- F2** Words in s. 7(5A) 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. 4 \(with arts. 28-31\)](#)

#### Commencement Information

- I1** S. 7 in force at 1.11.2003 by [S.I. 2003/2710, art. 2\(a\)](#)
- I2** S. 7 in force at 6.7.2006 for S. by [S.S.I. 2006/382, art. 3\(a\)](#)
- I3** S. 7 in force at 11.3.2009 for specified purposes for N.I. by [S.I. 2009/644, art. 3](#)
- I4** S. 7 in force at 1.5.2009 for N.I. In so far as not already in force by [S.I. 2009/1058, art. 3](#)

## 8 Licences to engage in licensable conduct

- (1) The Authority may, on an application made to it, grant to the applicant a licence to engage in any such licensable conduct as may be described in the licence.
- (2) An application to the Authority for the grant of a licence—
- (a) must be in such form, and
  - (b) must be accompanied by such information,
- as may be prescribed.
- (3) In determining whether or not to grant a licence the Authority shall apply the criteria for the time being applicable under section 7.
- (4) The Authority may refuse to grant a licence until—
- (a) it has been satisfied as to the identity of the applicant in such manner as may be prescribed;
  - (b) the applicant has supplemented his application with such further information (if any) as the Authority may request after receiving the application; and
  - (c) the Authority has been able to carry out such further inquiries (if any) in relation to the applicant as it considers appropriate.
- (5) A licence granted by the Authority to engage in any description of licensable conduct—
- (a) must be in such form,
  - (b) must contain such information, and
  - (c) must be granted on such conditions,
- as may be prescribed in relation to licences to engage in that description of licensable conduct.
- (6) Such a licence may be granted subject to such conditions, in addition to the prescribed conditions, as the Authority considers appropriate in relation to the licence in question.

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- (7) On the making of an application for the grant of a licence, the applicant shall pay to the Authority such fee as may be prescribed.
- (8) Subject to section 10, a licence shall remain in force—
  - (a) except in a case to which paragraph (b) applies, for a period of three years beginning with the day on which it is granted; and
  - (b) in any case for which provision as to the duration of the licence is made by the Secretary of State by order, for such other period beginning with that day as may be specified in the order.

#### Commencement Information

- I5** S. 8 in force at 6.7.2006 for S. by S.S.I. 2006/382, **art. 3(a)**
- I6** S. 8 in force at 11.3.2009 for specified purposes for N.I. by S.I. 2009/644, **art. 3**
- I7** S. 8 in force at 1.5.2009 for N.I. In so far as not already in force by S.I. 2009/1058, **art. 3**
- I8** S. 8(1)(3)(4)(b)(c)(6) in force at 1.2.2004 by S.I. 2003/2710, **art. 3(c)**
- I9** S. 8(2)(5)(7)(8) in force at 1.4.2003 for certain purposes by S.I. 2002/3125, **art. 4(c)**
- I10** S. 8(2)(4)(a)(5)(7)(8) in force at 1.2.2004 in so far as not already in force by S.I. 2003/2710, **art. 3(c)**
- I11** S. 8(4)(a) in force at 1.11.2003 for specified purposes by S.I. 2003/2710, **art. 2(b)**

## 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—
  - (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) 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.
- (3) In relation to a licence authorising licensable conduct falling within subsection (2)(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.
- (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.

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- (5) In proceedings against any person for an offence under subsection (4) it shall be a defence for that person to show that he exercised all due diligence to avoid a contravention of the conditions of the licence.

#### Commencement Information

- I12** S. 9(1)-(3) in force at 1.4.2003 for certain purposes by [S.I. 2002/3125, art. 4\(d\)](#)  
**I13** S. 9 in force at 6.7.2006 for S. by [S.S.I. 2006/382, art. 3\(a\)](#)  
**I14** S. 9 in force at 11.3.2009 for specified purposes for N.I. by [S.I. 2009/644, art. 3](#)  
**I15** S. 9 in force at 1.5.2009 for N.I. In so far as not already in force by [S.I. 2009/1058, art. 3](#)  
**I16** S. 9(1)-(3) in force at 1.2.2004 in so far as not already in force by [S.I. 2003/2710, art. 3\(d\)](#)  
**I17** S. 9(4)(5) in force at 1.2.2004 by [S.I. 2003/2710, art. 3\(d\)](#)

## 10 Revocation and modification of licences

- (1) The Authority may by notice in writing to the licensee modify or revoke any licence granted to him (including any of the conditions of that licence).
- (2) In determining whether or not to modify or revoke a licence, the Authority shall apply the criteria for the time being applicable under section 7.
- (3) The modifications that may be made under this section include one suspending the effect of the licence for such period as the Authority may determine.

#### Commencement Information

- I18** S. 10 in force at 1.2.2004 by [S.I. 2003/2710, art. 3\(e\)](#)  
**I19** S. 10 in force at 6.7.2006 for S. by [S.S.I. 2006/382, art. 3\(a\)](#)  
**I20** S. 10 in force at 1.5.2009 for N.I. by [S.I. 2009/1058, art. 3](#)

## 11 Appeals in licensing matters

- (1) Where—
- an application for a licence is refused,
  - a licence is granted subject to conditions imposed under section 8(6), or
  - a licence is modified or revoked,
- the applicant or, as the case may be, the holder of the licence may appeal to [<sup>F3</sup>a] magistrates' court [<sup>F4</sup>(in Scotland, to the sheriff)] 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.
- <sup>F5</sup>(3) .....
- (4) Where
- [<sup>F6</sup>(a)] a magistrates' court makes a decision on an appeal under subsection (1), an appeal to the Crown Court, [<sup>F7</sup>or

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- (b) the sheriff makes a decision on an appeal under that subsection, an appeal to the Sheriff Principal,]  
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
- [<sup>F8</sup>(i) the <sup>F9</sup>... magistrates' court or the Crown Court may direct, pending an appeal from a determination made on an appeal to [<sup>F10</sup>the] magistrates' court, [<sup>F11</sup>or
- (ii) the sheriff or the Sheriff Principal may direct pending an appeal from a determination made on an appeal to the sheriff.]
- [<sup>F12</sup>(7) In the application of this section to Northern Ireland a reference to the Crown Court shall be taken as a reference to a county court.]

#### Textual Amendments

- F3** Word in s. 11(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 395(1)(2); S.I. 2005/910, art. 3(y)
- F4** Words in s. 11(1) 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. 6(a); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F5** S. 11(3) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 395(1)(3), Sch. 10; S.I. 2005/910, art. 3(y)
- F6** Words in s. 11(4) renumbered as s. 11(4)(a) (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. 6(b); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F7** S. 11(4)(b) and word 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. 6(b); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F8** Words in s. 11(6)(d) renumbered as s. 11(6)(d)(i) (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. 6(c); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F9** Word in s. 11(6)(d) repealed (1.4.2005) by Courts Act 2003 (c. 39), para. 395(4)(a), s. 110(1), Sch. 8 para. 395(1), Sch. 10; S.I. 2005/910, art. 3(y)
- F10** Word in s. 11(6)(d) substituted (1.4.2005) by Courts Act 2003 (c. 39), para. 395(4)(b), s. 110(1), Sch. 8 para. 395(1); S.I. 2005/910, art. 3(y)
- F11** S. 11(6)(d)(ii) and word 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. 6(c); S.S.I. 2006/381, art. 2(a)(i)(b)(i)
- F12** S. 11(7) added (8.3.2009) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 48(6), 49(2); S.I. 2009/446, art. 2(1)(2)(b)

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- I21** S. 11 in force at 1.2.2004 by [S.I. 2003/2710](#), [art. 3\(f\)](#)  
**I22** S. 11 in force at 6.7.2006 for S. by [S.S.I. 2006/382](#), [art. 3\(a\)](#)  
**I23** [S. 11](#) in force at 1.5.2009 for N.I. by [S.I. 2009/1058](#), [art. 3](#)

## 12 Register of licences

- (1) It shall be the duty of the Authority to establish and maintain a register of persons licensed under this Act.
- (2) The Authority shall secure that the register contains particulars of every person who for the time being holds a licence.
- (3) The particulars that must be recorded in every entry in the register relating to the holder of a licence are—
  - (a) the name of the holder of the licence;
  - (b) an address for the holder of the licence which satisfies the prescribed requirements;
  - (c) the time when the licence will cease to have effect unless renewed; and
  - (d) the terms and other conditions of his licence.
- (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 and such other persons as it thinks fit to inspect the contents of the register; and
  - (b) securing that such publicity is given to any modification or revocation of a licence 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.

#### Commencement Information

- I24** S. 12 in force at 1.2.2004 by [S.I. 2003/2710](#), [art. 3\(g\)](#)  
**I25** [S. 12](#) in force at 6.7.2006 for S. by [S.S.I. 2006/382](#), [art. 3\(a\)](#)  
**I26** [S. 12](#) in force at 1.5.2009 for N.I. by [S.I. 2009/1058](#), [art. 3](#)

## 13 Licensing at local authority level

- (1) The Secretary of State may by order make provision for local authorities to carry out some or all of the Authority's relevant licensing functions in relation to such cases and such areas, and for such purposes, as may be specified or described in the order.
- (2) References in this section to the Authority's relevant licensing functions are references to such of its functions under this Act (other than section 7) as relate to the grant, revocation or modification of licences to engage in any such licensable conduct as will or may involve, or relate to, the carrying out of activities to which paragraph 8 of Schedule 2 (door supervisors etc. for public houses and clubs and comparable venues) applies.
- (3) An order under this section may—

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- (a) impose such conditions and requirements in respect of the carrying out of any of the Authority's relevant licensing functions by a local authority as the Secretary of State thinks fit;
  - (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.

[<sup>F13</sup>(8) This section does not apply to Scotland [<sup>F14</sup>or Northern Ireland] .]

#### Textual Amendments

**F13** S. 13(8) added (6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(6\)\(b\)](#), [Sch. 15 para. 7](#); [S.S.I. 2006/381](#), art. 2(b)(i)

**F14** Words in s. 13(8) inserted (8.3.2009) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), ss. 48(6), [49\(3\)](#); [S.I. 2009/446](#), art. 2(1)(2)(b)

#### Commencement Information

**I27** S. 13(1)-(4) (7) in force at 1.2.2004 [S.I. 2003/2710](#), art. 3(h)

**I28** S. 13(5)(6) in force at 1.4.2003 for certain purposes by [S.I. 2002/3125](#), art. 4(e)

**I29** S. 13(5)(6) in force at 1.2.2004 in so far as not already in force by [S.I. 2003/2710](#), art. 3(h)

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