



Ruw

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 7279

Regulasiekoerant

Vol. 440

Pretoria, 14 February 2002
Februarie

No. 23120



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PROCLAMATION
BY THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

No. R. 10, 2002

**COMMENCEMENT OF THE PRIVATE SECURITY
INDUSTRY REGULATION ACT, 2001 (ACT NO. 56 OF
2001)**

In terms of section 45 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), I hereby fix 14 February 2002 as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twelfth day of February Two Thousand and Two.

T. M. MBEKI
President
By Order of the President-in-Cabinet

S. V. TSHWETE
Minister of the Cabinet

PROKLAMASIE
DEUR DIE
PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA

No. R. 10, 2002

**INWERKINGTREDING VAN DIE WET OP DIE
REGULERING VAN DIE PRIVATE SEKURITEITSBEDRYF,
2001 (WET NO. 56 VAN 2001)**

Kragtens artikel 45 van die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001) bepaal ek hierby 14 Februarie 2002 as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Twaalfde dag van Februarie Tweeduisend-en-Twee.

T. M. MBEKI

President

Op Las van die President-in-Kabinet

S. V. TSHWETE

Minister van die Kabinet

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

MINISTRY FOR SAFETY AND SECURITY MINISTERIE VIR VEILIGHEID EN SEKURITEIT

No. R. 188

14 February 2002

MINISTRY FOR SAFETY AND SECURITY PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO. 56 OF 2001)

APPEAL REGULATIONS, 2002

The Minister for Safety and Security has under section 35, read with section 30(4), of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), made the regulations set out in the Schedule.

SCHEDULE

APPEAL REGULATIONS, 2002

ARRANGEMENT OF REGULATIONS

REGULATION	HEADING
1.	Definitions
Part I	Appeals Secretary
2.	Designation and status of Appeals Secretary
3.	General functions of Appeals Secretary
Part II	Lodging of appeals
4.	Manner of lodging of appeals
Part III	Prosecution of appeals
5.	Submission of appeal files
6.	Procedures
7.	Authoritative text
8.	Short title and commencement
Annexure	Form for Lodging of Appeal

Definitions

1. In this Schedule "the Act" means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context indicates otherwise –

"Annexure" means the Annexure to these Regulations;

"appeal" means an appeal against a decision referred to in section 30(1) of the Act;

"appeal committee" means an appeal committee appointed under section 30(2) of the Act;

"appeal file" means the appeal file referred to in regulation 3(c);

"Appeals Secretary" means the Appeals Secretary referred to in regulation 2(1)(a);

"appellant" means a person lodging an appeal;

"appellant documentation", in relation to an appellant, means all the documentation referred to in regulation 4(2), which is submitted by the appellant on the lodging of appeal;

"official address", in relation to the Appeals Secretary, means Private Bag X94, Pretoria, 0001;

"party", in relation to an appeal, means the appellant or the respondent;

"presiding officer", in relation to an appeal committee, means the presiding officer of the appeal committee referred to in section 30(2)(a) of the Act;

"respondent", in relation to an appeal –

- (a) against a decision referred to in paragraph (a) or (b) of section 30(1) of the Act, means the Authority; and
- (b) against a finding or the imposition of a punishment, referred to in paragraph (c) of the said section 30(1), means the person who presided at the improper conduct proceedings involved referred to in section 29(2) of the Act, or the Authority, as the case may be;

"respondent documentation", in relation to a respondent, means all the documentation, responses and submissions referred to in regulation 4(4), which is submitted by the respondent in response to any particular appeal documentation.

PART I

APPEALS SECRETARY

Designation and status of Appeals Secretary

- 2. (1) The Minister will from time to time designate a suitably qualified person as Appeals Secretary.
- (2) The Appeals Secretary –
 - (a) is obliged to respect and promote the independence of any appeal committee;
 - (b) may not disclose to the Authority or any other person any confidential information on the performance of functions by an appeal committee, except where such information is made known by the appeal committee itself, or where such disclosure is expressly permitted or requested by a presiding officer concerned, or is required in terms of a law (including these Regulations) or any order of a court; and
 - (c) is exclusively empowered to make known decisions and directives of an appeal committee, and to liaise or communicate with the Authority or the general public on behalf of such committee.

General functions of Appeals Secretary

- 3. The Appeals Secretary performs the functions in connection with an appeal committee and its proceedings imposed on him or her by these Regulations and, from time to time, by the Authority or a presiding officer concerned, and is in particular responsible-
 - (a) for the reproduction of records and related matters, and the receipt of amounts payable in respect thereof, as contemplated in section 30(5) of the Act, and the furnishing of official copies thereof which may be required for an appeal, to a person intending to lodge an appeal in accordance with regulation 4;

- (b) to assist any appellant in the completion of documentation for the lodging of an appeal, or in any other manner reasonably required by an appellant for the proper lodging of the appeal;
- (c) for the proper preparation of an appeal file to be submitted to an appeal committee containing all appellant and respondent documentation;
- (d) for communications and liaison with the presiding officer concerned on the manner of submission of appeal files and copies thereof to the appeal committee members and for any notifications to the parties;
- (e) for administrative and secretarial support concerning appeals and communicating decisions of appeal committees.

PART II

LODGING OF APPEALS

Manner of lodging of appeals

- 4. (1) An appellant lodges an appeal, in accordance with subregulation (2) at the office of the Appeals Secretary, or by registered post remitted to the official address of the Appeals Secretary within the period of 60 days set out in section 30(1) of the Act.
- (2) An appeal is lodged in a written form corresponding to the form set out in the Annexure, which must be fully completed and be accompanied by copies of all documents referred to in the Annexure.
- (3) The Appeals Secretary must, in any case where he or she notices that the appeal documentation reveals –
 - (a) any non-compliance with the requirements of subregulation (2); or
 - (b) that the person lodging the appeal does not qualify as a person aggrieved as contemplated in section 30(1) of the Act,forthwith inform the person who lodged the appeal of such finding and –
 - (i) in a case contemplated in paragraph (a), request rectification within seven days with an offer for assistance contemplated in regulation 3(b) (if possible); or
 - (ii) in a case contemplated in paragraph (b), request whether the person wishes nevertheless to prosecute the appeal or to withdraw the appeal.
- (4) (a) The Appeals Secretary must, where applicable, as soon as possible after receipt of appeal documentation (including any rectifications contemplated in subregulation (3)(i)), provide the respondent involved with copies thereof, and request a full written response thereto within a period of 10 days from the date of receipt.
- (b) The Appeals Secretary must in any such request, in addition refer to –
 - (i) aspects of the appellant documentation in need of rectification which have not been rectified by the appellant by virtue of subregulation (3)(i); and
 - (ii) a finding contemplated in subregulation (3)(b) which the appellant has after notification thereof in terms of subregulation (3)(ii) not accepted,

and request the respondent to submit written responses thereto or submissions thereon.

- (5) The amount payable by appellants to the Authority in respect of reproduction of records and related matters in the lodging and prosecution of appeals, is R13,50 per A4 page for the year 2002, whereafter the amount will increase at a rate of 5 % per year.

PART III

PROSECUTION OF APPEALS

Submission of appeal files

5. The Appeals Secretary must as soon as possible after receipt of all respondent documentation provide the appellant with copies thereof and submit the appeal file to the presiding officer concerned.

Procedures

6. (1) An appeal must –
- (a) set out fully and clearly the grounds of appeal as well as any arguments and representations which may be advanced in support of the appeal; and
 - (b) be accompanied by proof from the Authority that the appellant has paid to the Authority the reasonable amount determined by the Authority in respect of the preparation of a transcript of the improper conduct proceedings if there is an appeal against a conviction of improper conduct or a penalty imposed as a result of such a conviction.
- (2) The respondent must, at the request of the presiding officer, submit to the presiding officer in writing the reasons for the decision against which an appeal has been lodged and any submissions which the respondent wishes to make to the presiding officer in regard to the grounds of the appeal.
- (3) The appeal committee may deal with an appeal in terms of this regulation in any manner it deems fair and without hearing any oral evidence, representations or submissions.
- (4) The appeal committee may, after consideration of the grounds of the appeal and any other information at its disposal –
- (a) dismiss an appeal that does not comply with the requirements contemplated in subregulation (1) or condone any non-compliance with such requirements;
 - (b) direct that the appellant be given an opportunity to remedy any defect in the appeal;
 - (c) direct that the respondent, the appellant or the Authority furnish the appeal committee with further information;
 - (d) confirm, set aside or vary the decision against which an appeal has been lodged or substitute for such decision any other decision which in its opinion ought to have been taken;
 - (e) give any order which is appropriate and just in the circumstances.

Authoritative text

7. The provisions of the English text of these regulations will prevail in the case of a difference between the English text and the text in any other official language.

Short title and commencement

8. These Regulations are called the *Appeal Regulations, 2002*, and come into operation on the date on which the Act comes into operation.

ANNEXURE

PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO. 56 OF 2001) PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY

Appeal Regulations, 2002

FORM FOR LODGING OF APPEAL (Regulation 4(2))

Note:

- (a) In this form "the Act" means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), and any word or expression to which a meaning has been assigned in the Act, or in the Appeal Regulations, 2002, shall have that meaning.
- (b) This form must be completed in clear written or typed form.
- (c) Appeals must be lodged with the Appeals Secretary at his or her office, or by registered post remitted to the following official address:

The Appeals Secretary (Private Security Industry)
Private Bag X 94,
Pretoria 0001
- (d) In terms of section 38(3)(c) of the Act, any person who in any application, inquiry, improper conduct proceedings, appeal or other proceedings in terms of the Act or the Levies Act, willfully furnishes information or makes a statement which is false in any material respect, is guilty of an offence.

1. PARTICULARS OF APPLICANT

- 1.1 Full name, address and registration particulars (if any) of appellant in case of a natural person:
- 1.2 Full name, address and registration particulars (if any) of appellant in case of an entity (partnership, business trust, foundation, company, close corporation or other corporate or unincorporated body of persons):
- 1.3 Full name, address and registration particulars (if any) of person acting on behalf and on authority of entity:

(Attach certified, dated and signed copy of decision or resolution of entity authorising lodging of appeal; address furnished must include physical, postal, fax or electronic addresses at which service of appeal documentation will be accepted).

- 2. PARTICULARS OF DECISION APPEALED AGAINST (section 30(1) of the Act), including decision date and respondent involved.**

- 2.1 (a) Refusal of application for registration:
.....
(b) Suspension of registration:
.....
(c) Withdrawal of registration:
.....
(d) Finding of improper conduct:
.....
(e) Punishment imposed in consequence of finding of improper conduct:
.....
.....

(Delete the inapplicable paragraphs; include copies of all official documentation issued or received in respect of decisions appealed against, transcripts of relevant recorded official proceedings (if any), and exhibits).

- 2.2 Full details of appeal grounds, including, where paragraph 2.1(e) is applicable, circumstances/grounds for change/mitigation of punishment:
.....
.....
.....

(May be set out in a separate attachment, which may include separate submissions by legal representative or other adviser of Appellant).

3. SIGNATURES

- 3.1 **(Signed)**
Appellant

On behalf of:
.....
.....

(Particulars of entity involved (if any) and person duly authorised to represent the entity.)

.....
Date

- 3.2 **APPEALS SECRETARY**
Receipt of lodging of appeal affirmed,
subject to regulation 4

(Signed)
Appeals Secretary

.....
Date

.....
Appeal file/registration number

MINISTERIE VIR VEILIGHEID EN SEKURITEIT

No. R. 188

14 Februarie 2002

**WET OP DIE REGULERING VAN DIE PRIVATE SEKURITEITSBEDRYF
(WET NO. 56 VAN 2001)****APPÈLREGULASIES, 2002**

Die Minister vir Veiligheid en Sekuriteit het kragtens artikel 35, saamgelees met artikel 30(4), van die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001), die regulasies uiteengesit in die Bylae uitgevaardig.

BYLAE**APPÈLREGULASIES, 2002****RANGSKIKKING VAN REGULASIES**

REGULASIE	OPSKRIF
1.	Woordomskrywing
Deel I	Appèlsekretaris
2.	Aanwysing en status van Appèlsekretaris
3.	Algemene werksaamhede van Appèlsekretaris
Deel II	Aantekening van appèlle
4.	Wyse van aantekening van appèlle
Deel III	Voortsetting van appèlle
5.	Voorlegging van appèlleers
6.	Prosedures
7.	Gesaghebbende teks
8.	Kort titel en inwerkingtreding
Aanhangsel	Vorm vir Aantekening van Appèl

Woordomskrywing

1. In hierdie Bylae beteken "die Wet" die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001), het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, dieselfde betekenis en, tensy uit die samehang anders blyk, beteken-

"Aanhangsel" die Aanhangsel tot hierdie Regulasies;

"amptelike adres", met betrekking tot die Appèlsekretaris, Privaatsak X94, Pretoria, 0001;

"appèl" 'n appèl teen 'n besluit bedoel in artikel 30(1) van die Wet;

"appèlkomitee" 'n appèlkomitee aangestel kragtens artikel 30(2) van die Wet;

"appellant" 'n persoon wat 'n appèl aanteken;

"appellantdokumentasie", met betrekking tot 'n appellant, al die dokumentasie bedoel in regulasie 4(2), wat voorgelê word deur die appellant by die aantekening van appèl;

"appèllêr" die appèllêr bedoel in regulasie 3(c);

"Appèlsekretaris" die Appèlsekretaris bedoel in regulasie 2(1)(a);

"party", met betrekking tot 'n appèl, die appellant of die respondent;

"respondent", met betrekking tot 'n appèl-

- (a) teen 'n besluit bedoel in paragraaf (a) of (b) van artikel 30(1) van die Wet, die Owerheid; en
- (b) teen 'n bevinding of die oplegging van 'n straf, bedoel in paragraaf (c) van genoemde artikel 30(1), die persoon wat voorgesit het by die betrokke wangedragverrigtinge bedoel in artikel 29(2) van die Wet, of die Owerheid, na gelang van die geval;

"respondentdokumentasie", met betrekking tot 'n respondent, al die dokumentasie, replieke en voorleggings bedoel in regulasie 4(4), wat deur die respondent voorgelê word in antwoord op enige besondere appèldokumentasie;

"voorsittende beampte", met betrekking tot 'n appèlkomitee, die voorsittende beampte van die appèlkomitee bedoel in artikel 30(2)(a) van die Wet.

DEEL I

APPÈLSEKRETARIS

Aanwysing en status van Appèlsekretaris

2. (1) Die Minister wys van tyd tot tyd 'n toepaslik gekwalifiseerde persoon as Appèlsekretaris aan.
- (2) Die Appèlsekretaris-
 - (a) is verplig is om die onafhanklikheid van enige appèlkomitee te erken en te bevorder;
 - (b) mag nie aan die Owerheid of enige ander persoon enige vertroulike inligting oor die verrigting van werksaamhede deur 'n appèlkomitee openbaar nie, behalwe waar sodanige inligting bekend gemaak word deur die appèlkomitee self, of waar sodanige bekendmaking uitdruklik veroorloof of versoek word deur 'n betrokke voorsittende beampte, of vereis word ingevolge 'n wet (insluitend hierdie Regulasies) of enige hofbevel; en
 - (c) is uitsluitlik gemagtig om besluite of lasgewings van die appèlkomitee bekend te maak, en om met die Owerheid of die algemene publiek te skakel of te kommunikeer namens so 'n komitee.

Algemene werksaamhede van Appèlsekretaris

3. Die Appèlsekretaris verrig die werksaamhede in verband met 'n appèlkomitee en die verrigtinge daarvan wat aan hom of haar opgelê word deur hierdie Regulasies en, van tyd tot tyd, deur die Owerheid of 'n betrokke voorsittende beampte en is in die besonder verantwoordelik-

- (a) vir die reproduksie van oorkondes en verwante aangeleenthede, en die ontvangs van bedrae betaalbaar ten opsigte daarvan, soos beoog in artikel 30(5) van die Wet, en die verstrekking van amptelike kopieë daarvan wat vir 'n appèl vereis word, aan 'n persoon wat beoog om ooreenkomstig regulasie 4 appèl aan te teken;
- (b) om bystand te verleen aan enige appellant by die voltooiing van dokumentasie vir die aantekening van 'n appèl, of op enige ander wyse redelikerwys vereis deur 'n appellant vir die behoorlike aantekening van die appèl;
- (c) vir die behoorlike voorbereiding van 'n appèlleër om aan 'n appèlkomitee voorgelê te word en wat alle appellant- en respondentdokumentasie bevat;
- (d) vir kommunikasies en skakeling met die betrokke voorsittende beampte oor die wyse van voorlegging van appèlleërs en kopieë daarvan aan die appèlkomiteede, en vir kennisgewings aan die partye;
- (e) vir administratiewe en sekretariële steun in verband met appèlle en die kommunisering van besluite van appèlkomitees.

DEEL II

AANTEKENING VAN APPÈLLE

Wyse van aantekening van appèlle

- 4. (1) 'n Appellant teken 'n appèl aan, ooreenkomstig subregulasie (2), by die kantoor van die Appèlsekretaris, of deur geregistreerde pos gestuur aan die amptelike adres van die Appèlsekretaris binne die tydperk van 60 dae vermeld in artikel 30(1) van die Wet.
- (2) 'n Appèl word aangeteken op 'n skriftelike vorm wat ooreenstem met die vorm uiteengesit in die Aanhangsel, wat ten volle voltooi moet word en vergesel moet gaan van kopieë van alle dokumente na verwys in die Aanhangsel.
- (3) Die Appèlsekretaris moet, in enige geval waar hy of sy opmerk dat die appèldokumentasie die volgende aantoon—
 - (a) enige nie-voldoening aan die vereistes van subregulasie (2); of
 - (b) dat die persoon wat die appèl indien nie as 'n veronregte persoon beoog in artikel 30(1) van die Wet kwalifiseer nie,onverwyld die persoon wat die appèl aangeteken het van die bevinding in kennis stel en—
 - (i) in 'n geval beoog in paragraaf (a), regstelling binne sewe dae vereis met 'n aanbod vir bystand beoog in regulasie 3(b) (indien moontlik); of
 - (ii) in 'n geval beoog in paragraaf (b), vra of die persoon nogtans die appèl wil voortsit of die appèl wil terugtrek.
- (4) (a) Die Appèlsekretaris moet, waar toepaslik, so gou doenlik na ontvangs van appèldokumentasie (insluitend enige regstellings beoog in subregulasie (3)(i)), kopieë daarvan aan die betrokke respondent verskaf, en 'n volle skriftelik repliek daarop versoek binne 'n tydperk van 10 dae van die dag van ontvangs.

- (b) Die Appèlsekretaris moet in enige sodanige versoek, ook verwys na—
- (i) aspekte van die appellantdokumentasie wat regstelling nodig het en wat nie deur die appellant uit hoofde van subregulasie (3)(i) reggestel is nie; en
 - (ii) 'n bevinding beoog in subregulasie (3)(b) wat die appellant na kennisgewing daarvan ingevolge subregulasie (3)(ii) nie aanvaar het nie,

en die respondent versoek om skriftelike repliek daarop of voorleggings daarvoor voor te lê.

- (5) Die bedrag betaalbaar deur appellante aan die Owerheid ten opsigte van die reproduksie van oorkondes en verwante aangeleenthede by die aantekening en voortsetting van appèlle, is R13,50 per A4-blad vir die jaar 2002, waarna die bedrag teen 'n koers van 5% per jaar sal styg.

DEEL III

VOORTSETTING VAN APPÈLLE

Voorlegging van appèllêers

5. Die Appèlsekretaris moet so gou doenlik na ontvangs van alle respondentdokumentasie die appellant van kopieë daarvan voorsien en die appèllêer aan die betrokke voorsittende beampte voorlê.

Prosedures

6. (1) 'n Appèl moet—
- (a) die gronde van appèl volledig en duidelik uiteensit asook enige argumente en verdoë wat aangebied word ter ondersteuning van die appèl; en
 - (b) vergesel gaan van bewys deur die Owerheid dat die appellant aan die Owerheid die redelike bedrag bepaal deur die Owerheid betaal het ten opsigte van die voorbereiding van 'n transkripsie van die wangedragverrigtinge indien daar 'n appèl is teen 'n skuldigbevinding aan onbehoorlike gedrag of 'n straf opgelê as 'n gevolg van so 'n skuldigbevinding.
- (2) Die respondent moet, op versoek van die voorsittende beampte, aan die voorsittende beampte skriftelik die redes voorlê vir die besluit waarteen appèl aangeteken is en enige voorleggings wat die respondent aan die voorsittende beampte wil doen ten opsigte van die gronde van appèl.
- (3) Die appèlkomitee mag met 'n appèl ingevolge hierdie regulasie op enige wyse wat dit billik ag, handel en sonder aanhoor van enige mondelinge getuienis, verdoë of voorleggings.
- (4) Die appèlkomitee kan, na oorweging van die gronde van appèl en enige ander inligting tot beskikking van die komitee—
- (a) 'n appèl wat nie voldoen aan die vereistes beoog in subregulasie (1) nie, verwerp of enige nie-voldoening aan sodanige vereistes kondoneer;

- (b) gelas dat die appellant 'n geleentheid gebied word om enige defek in die appèl reg te stel;
- (c) gelas dat die respondent, die appellant of die Owerheid die appèlkomitee van verdere inligting voorsien;
- (d) die besluit waarteen appèl aangeteken is, bekragtig, tersyde stel of wysig, of die besluit vervang met enige ander besluit wat na sy oordeel geneem moes gewees het;
- (e) enige ander bevel gee wat onder die omstandighede toepaslik en regverdig is.

Gesaghebbende teks

7. Die bepalinge van die Engelse teks van hierdie regulasies geniet voorrang in die geval van 'n verskil tussen die Engelse teks en die teks in enige ander amptelike taal.

Kort titel en inwerkingtreding

8. Hierdie Regulasies heet die *Appèlregulasies, 2002*, en tree in werking op die datum wanneer die Wet in werking tree.

AANHANGSEL

WET OP DIE REGULERING VAN DIE PRIVATE SEKURITEITSBEDRYF, 2001 (WET NO. 56 VAN 2001) REGULERENDE OWERHEID VIR DIE PRIVATE SEKURITEITSBEDRYF

Appèlregulasies, 2002

VORM VIR AANTEKENING VAN APPÈL (Regulasie 4(2))

Nota:

- (a) In hierdie vorm beteken "die Wet" die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001), en het enige woord of uitdrukking waaraan 'n betekenis in die Wet, of in die Appèlregulasies, 2002, geheg is, dieselfde betekenis.
- (b) Hierdie vorm moet voltooi word in duidelike geskrewe of gedrukte formaat.
- (c) Appèlle moet ingedien word by die Appèlsekretaris by sy of haar kantoor, of per geregistreerde pos wat aan die volgende amptelike adres versend word:

Die Appèlsekretaris (Private Sekuriteitsbedryf)
Privaatsak X 94
Pretoria 0001

- (d) Ingevolge artikel 38(3)(c) van die Wet, is enige persoon wat in enige aansoek, ondersoek, wangedragverrigtinge, appèl of ander verrigtinge ingevolge die Wet of die Wet op Heffings, opsetlik inligting verstrek of 'n verklaring doen wat in enige wesenlike opsig vals is, aan 'n misdryf skuldig.

1. BESONDERHEDE VAN APPLIKANT

- 1.1 Volle name, adres en registrasiebesonderhede (indien enige) van appellant in geval van 'n natuurlike persoon:.....
.....
.....
- 1.2 Volle name, adres en registrasiebesonderhede (indien enige) van appellant in geval van 'n entiteit (vennootskap, besigheidstrust, stigting, maatskappy, beslote korporasie of ander liggaam van persone, hetsy met regspersoonlikheid beklee al dan nie):.....
.....
.....
- 1.3 Volle name, adres en registrasiebesonderhede (indien enige) van persoon wat namens en volgens magtiging van entiteit optree:.....
.....
.....

(Heg aan gesertifiseerde, gedateerde en getekende afskrif van besluit of resoluëie van entiteit wat aantekening van appèl magtig; adres wat verskaf word, moet fisiese, pos-, faks-, of elektroniese adresse waar betekening van appèldokumentasie aanvaar sal word, insluit.)

- 2. **BESONDERHEDE VAN BESLUIT WAARTEEN GEAPPELLEER WORD** (artikel 30(1) van die Wet), insluitende datum van besluit en respondent wat betrokke is.

- 2.1 (a) Weiering van aansoek om registrasie:.....

 (b) Opskorting van registrasie:.....

 (c) Intrekking van registrasie:.....

 (d) Bevinding van onbehoorlike gedrag:.....

 (e) Straf opgelê na aanleiding van bevinding van onbehoorlike
 gedrag:.....

(Skrap die paragrawe wat nie van toepassing is nie; sluit in afskrifte van alle amptelike dokumentasie uitgereik of ontvang ten opsigte van besluite waarteen geappelleer word, transkripsies van toepaslike oorkondes van amptelike verrigtinge (indien enige), en bewysstukke).

- 2.2 Volle besonderhede van gronde van appèl, insluitende, waar paragraaf 2.1(e) van toepassing is, omstandighede/gronde vir veranderinge/strafversagting:.....

(Kan in 'n aparte aanhangsel uiteengesit word, wat aparte submitssies van die Appellant se regsverteenwoordiger of ander adviseur kan insluit.)

3. HANDTEKENINGE

- 3.1 (Geteken).....
 Appellant

Namens:.....

(Besonderhede van die betrokke entiteit (indien enige) en van die persoon wat behoorlik gemagtig is om die entiteit te verteenwoordig.)

.....
 Datum

- 3.2 APPÈLSEKRETARIS
 Ontvangs van aantekening van appèl bevestig,
 onderhewig aan Regulasie 4

(Geteken).....
 Appèlsekretaris

.....
 Datum

.....
 Appèllêër/registrasienommer

No. R. 190

14 February 2002

**REGULATIONS MADE UNDER THE PRIVATE SECURITY
INDUSTRY REGULATION ACT, 2001 (ACT NO. 56 OF 2001)**

PRIVATE SECURITY INDUSTRY REGULATIONS, 2002

The Minister for Safety and Security has, acting under section 35 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), made the Regulations in the Schedule hereto.

SCHEDULE

**REGULATIONS REGARDING APPLICATIONS FOR
REGISTRATION AS A SECURITY SERVICE PROVIDER, TRAINING
REQUIREMENTS FOR REGISTRATION, CLEARANCE
CERTIFICATES, INFRASTRUCTURE AND CAPACITY NECESSARY
TO RENDER A SECURITY SERVICE, REGISTER OF SECURITY
SERVICE PROVIDERS, CHANGE OF NAME AND STATUS OF
SECURITY SERVICE PROVIDER, CHANGE WITH REGARD TO
INFORMATION SUBMITTED TO THE AUTHORITY,
CERTIFICATES OF REGISTRATION, IDENTIFICATION AND
APPOINTMENT, KEEPING OF RECORDS AND DOCUMENTS,
APPLICATION FOR SUSPENSION AND WITHDRAWAL OF
REGISTRATION, SPECIFICATION OF NUMBERS AND OTHER
INFORMATION ON DOCUMENTS, UNIFORMS, INSIGNIA, BADGES
AND FIREARMS, TRANSITIONAL AND GENERAL PROVISIONS,**

**AUTHORITATIVE TEXT, REPEAL OF REGULATIONS, AND
MATTERS INCIDENTAL TO THE ABOVE.**

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SCHEDULE: Clearance certificate in terms of section 23(1)(f) of the
Private Security Industry Regulation Act

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act will bear the meaning so assigned and, unless the context indicates otherwise -

“Board” means the Security Officers’ Interim Board established by section 2 of the repealed legislation;

“day” includes Saturdays, Sundays and public holidays;

“director” includes any person appointed as an acting director by the Council;

“registration number” means the registration number contemplated in regulation 6(1)(a) of these regulations;

“repealed legislation” means the Security Officers Act, 1987 (Act No. 92 of 1987);

“the Act” means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) and includes these regulations as well as the code of conduct for security service providers;

“the Levies Act” means the Private Security Industry Levies Act;

“these regulations” means the regulations contained in this Schedule.

Application for registration as a security service provider

2.(1) An application for registration as a security service provider in terms of section 21 of the Act must be submitted to the director on the applicable form as determined by the Authority for this purpose and which may be obtained from the Authority.

(2) The duly completed and signed application form submitted to the director in the case of an application for registration by a natural person, not applying for registration as a security business, must be accompanied by the following –

(a) payment of the following amounts:

- (i) the relevant application fee;
- (ii) the amount payable to the Service in respect of the preliminary screening of the applicant by the Service on the basis of the name and identity number of the applicant, as contemplated in paragraph (f), if the applicant requests this procedure and wishes the Authority to submit the request to the Service; and
- (iii) (aa) before the implementation of the Levies Act, the prescribed amount for a period of at least 1 month, as contemplated in regulation 9(4), published in *Government Gazette* No. 22770 dated 1 November 2001, prescribed in terms of section 18 of the repealed legislation; or
(bb) after the implementation of the Levies Act, the applicable levies for a period of at least 1 month as imposed in terms of the Levies Act;

(b) an authenticated copy of the first page of the official identity document of the applicant or an authenticated copy of any other official document demonstrating the applicant's identity and South African citizenship;

(c) proof to the satisfaction of the Authority that an applicant who is not a South African citizen has permanent resident status in South Africa;

(d) an authenticated, recent, clear passport size photograph of the applicant;

- (e) a clear and complete set of fingerprints of the applicant, taken on the form used by the Service for this purpose, by or in the presence of a member of the Service or by or in the presence of an employee of the Authority designated in writing by the director to perform this function;
- (f) a properly completed request for preliminary screening by the Service on the basis of the applicant's name and identity number, if the applicant requests such screening, to confirm his or her criminal record status and the Authority is willing to consider the application in terms of sub-regulation (5);
- (g) original police or other official clearance certificates on the criminal record status of the applicant, where applicable, as contemplated in sub-regulation (6);
- (h) an original clearance certificate materially satisfying the requirements in regulation 4 of these regulations if the applicant is a person contemplated in section 23(1)(f) of the Act;
- (i) an original certificate or other proof, acceptable to the Authority, that the applicant has complied with the applicable training requirements contemplated in regulation 3 of these regulations; and
- (j) a valid undertaking regarding suretyship or guarantee contemplated in sub-regulation (4)(c) if the applicant is a person contemplated in section 21(1)(a)(iii), (iv), (v), (vi) or (vii) of the Act.

(3) The duly completed and signed application form submitted to the director in the case of an application for registration by a security business, must be accompanied by the following -

(a) payment of the following amounts:

(i) the relevant application fee; and

(ii) (aa) before the implementation of the Levies Act, the prescribed amount for a period of at least 2 months, as contemplated in regulation 9(3) item X, published in *Government Gazette* No. 22770 dated 1 November 2001, prescribed in terms of section 18 of the repealed legislation; or

(bb) after the implementation of the Levies Act, the applicable levies for a period of at least 2 months as imposed in terms of the Levies Act;

(b) duly completed applications for registration as contemplated in sub-regulation (2), accompanied by all the required supporting documentation, in respect of all persons referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act, if they are not already registered as security service providers;

(c) an authenticated copy of the CK1 and CK2 documentation if the applicant is a close corporation;

(d) an authenticated copy of the CM1, CM2, CM27 and CM29 documentation if the applicant is a company;

(e) a list, certified as correct by the duly appointed auditor of the applicant, if the applicant is a company which is not listed publicly, with the names, identity numbers and street addresses of all

shareholders of the applicant as at the date when the application for registration is made, or such certified particulars of all shareholders of the applicant who own or control 5% or more of the total shareholding of the applicant if the applicant is a publicly listed company;

- (f) an authenticated copy of the partnership agreement if the applicant is a partnership;
- (g) an authenticated copy of the trust deed and the letter of authorisation to the trustees from the Master of the High Court if the applicant is a business trust;
- (h) an authenticated copy of the documentation establishing the foundation if the applicant is a foundation;
- (i) an authenticated copy of the documentation or authority in terms of which the applicant is established or functions if it is a body of persons other than that referred to in paragraphs (c), (d), (f), (g) or (h);
- (j) a tax clearance certificate from the South African Revenue Service, unless the director dispenses with this requirement for a sound reason after obtaining approval from the Council;
- (k) sufficient information in writing to enable the Authority to ascertain whether the applicant meets the requirements in regard to infrastructure and capacity necessary to render a security service as contemplated in section 23(2)(b) of the Act and regulation 5 of these regulations; and
- (l) a resolution by the applicant security business, in the form approved by the Authority, to apply for registration as a security service provider.

(4) The Authority may register an applicant security business as a security service provider if -

- (a) the applicant meets the requirements in respect of infrastructure and capacity contemplated in section 23(2)(b) of the Act and regulation 5 of these regulations, or will meet such requirements when commencing with its business activities in the rendering of a security service;
- (b) the applicant demonstrates to the satisfaction of the director, through substantiated factual information, that the applicant is likely to commence with its business activities in rendering a security service within a period of 3 months after such registration; and
- (c) the persons referred to in section 21(1)(a)(iii),(iv), (v), (vi) and (vii) of the Act provide the suretyship or guarantee that the director may deem necessary to ensure compliance with the financial obligations of the applicant towards the Authority.

(5) The Authority may consider the application for registration as a security service provider by a natural person whose criminal record status has not yet been confirmed through the classification of his or her fingerprints if -

- (a) the applicant's fingerprints have been taken in the manner described in regulation 2(2)(e) of these regulations and have been provided to the Authority; and
- (b) the Service has performed a preliminary screening on the basis of the applicant's name and identity number and has confirmed the

applicant's criminal record status in writing as a result of such screening.

(6) A person who has immigrated to South Africa during the 10 year period immediately preceding his or her application for registration as a security service provider or who has been resident outside South Africa for an uninterrupted period of at least 1 year during the 10 year period immediately preceding his or her application for registration, must submit an original police or other official clearance certificate on his or her criminal record status from every country outside South Africa where he or she has been resident within the relevant period.

(7)(a) No amount paid to the Authority by an applicant in terms of sub-regulation (2)(a)(i), (2)(a)(ii), (3)(a)(i) or regulation 5(2) of these regulations, is refundable if the application for registration is withdrawn by the applicant or if the application is not approved by the Authority.

(b) An amount paid to the Authority as contemplated in sub-regulation (3)(a)(ii) does not affect the liability of the security business in question in respect of payment of the balance of the full applicable amount due in terms of the formula contained in regulation 9(3) as contemplated in sub-regulation (3)(a)(ii), or the balance of the full applicable levies due in terms of the Levies Act, as the case may be.

(8) A decision of the Authority contemplated in section 23(6) of the Act to register any applicant as a security service provider may only be taken with due regard to the applicable policies and procedures approved for this purpose by the Council and must be contained in a document signed by the director and in which the decision to register the applicant must be recorded as well as the full reasons on which the decision is based.

Training requirements for registration as a security service provider

3.(1) The requirements regarding training, instruction and qualification in terms of this regulation apply in regard to the registration of an applicant as a security service provider as contemplated in section 23(1)(c) of the Act and do not substitute or qualify the provisions of any law or code of conduct regarding the training, instruction or qualification required before a security service provider is allowed to render a particular security service.

(2) Subject to this regulation, every natural person applying for registration as a security service provider must have successfully completed, at a training establishment accredited in terms of law, at least the training course described and recognized as "Grade E" in terms of the law and policy applied by the Board acting in terms of the provisions of the repealed legislation and the regulations made in terms thereof, or in terms of a prevailing subsequent policy applied by the Authority, as the case may be.

(3) Subject to this regulation, every person contemplated in section 21(1)(a) (ii), (iii), (iv), (v), (vi) or (vii) of the Act, or a person who intends to render a security service contemplated in paragraph (l) of the definition of security service in section 1(1) of the Act, who applies for registration as a security service provider, must have successfully completed, at a training establishment accredited in terms of law, at least the training course described and recognized as "Grade B" in terms of the law and policy applied by the Board acting in terms of the provisions of the repealed legislation and the regulations made in terms thereof, or in terms of a prevailing subsequent policy applied by the Authority, as the case may be.

(4) Where an applicant for registration as a security service provider indicates on the application form contemplated in regulation 2(2) of these regulations that after registration the applicant intends to render a security service -

- (a) in respect of which there is at the date of application a specific requirement regarding training, instruction or qualification in terms of the law and policy applied by the Board acting in terms of the provisions of the repealed legislation and the regulations made in terms thereof, or in terms of a prevailing subsequent policy applied by the Authority, as the case may be, the applicant must submit an original certificate or other proof, acceptable to the Authority, indicating that the applicant meets such requirement; or
- (b) in respect of which there is not at the date of application a specific requirement regarding training, instruction or qualification as contemplated in paragraph (a) or any other legal provision, and in respect of which compliance with the training requirements contemplated in sub-regulations (2) or (3) would, in the opinion of the Authority, not be appropriate or necessary for registration, the applicant may be registered as a security service provider if the applicant demonstrates to the satisfaction of the Authority that the applicant will be able to render such a security service on the basis of any relevant training, instruction, qualification or experience.

(5) The Authority may, for the purposes of section 23(1)(c) of the Act, upon good cause shown by an applicant to the satisfaction of the Authority and after payment of the amount as may be determined by the Authority for such purpose, recognize any relevant and adequate training, instruction, qualification or experience of an applicant as equal to or higher than that

contemplated in this regulation and issue a document to the applicant to this effect for the purposes of these regulations.

(6) The Authority performs its functions in terms of this regulation after such consultation with the South African Qualifications Authority, the Policing, Security, Legal and Correctional Services Sector Education and Training Authority, or with any other statutory body, as the Authority may deem necessary.

Clearance certificate: ex-member of any official military, security, police or intelligence force or service

4. (1) In this regulation, unless the context indicates otherwise -

“former employer” means any official military, security, police or intelligence force or service, whether in South Africa or elsewhere, or its successor in law, of which an applicant contemplated in section 23(1)(f) of the Act is a former member.

(2) The clearance certificate contemplated in section 23(1)(f) of the Act must be completed in the form contained in the Schedule to these regulations.

(3) An applicant contemplated in section 23(1)(f) of the Act must, subject to this regulation, submit such clearance certificate from all his or her former employers.

(4) Where an applicant submits a certificate which does not in the opinion of the director materially satisfy the requirements of sub-regulation (2), or if the director is of the opinion that further enquiry or investigation is necessary, the director may postpone consideration of the application for registration pending

rectification of the certificate to the satisfaction of the director, or finalisation of such enquiry or investigation as may be necessary.

(5) Where an applicant's former employer no longer exists or where it is demonstrated by the applicant to the satisfaction of the Authority that it is not possible or reasonably practical to submit a clearance certificate containing all the required particulars, the Authority may –

(a) hold over the application for registration pending further investigation and consideration of the background of the applicant;
or

(b) if it is reasonable to do so in the circumstances, and after complying with the provisions of regulation 2(8) of these regulations and obtaining the consent of the Council, register the applicant as a security service provider if it considers the applicant a fit and proper person to render a security service.

(6) The particulars in a clearance certificate must be taken into account to determine whether the applicant is a fit and proper person as contemplated in section 23(1) of the Act.

(7) A former employer must, at the request of an applicant contemplated in section 23(1)(f) of the Act, furnish the applicant with a properly completed clearance certificate within a period of 30 days after receipt of the request or within such other period as may be reasonable in the circumstances.

Infrastructure and capacity necessary to render a security service

5. (1) Every security business applying for registration as a security service provider must, for the purposes of compliance with the provisions of section 23(2)(b) of the Act –

(a) furnish factually substantiated information in writing to the Authority on the nature and scope, including the geographical area, of the applicant's intended and likely activities in rendering a security service for at least a period of 1 year after commencing with its business activities; and

(b) demonstrate, through a declaration with such substantiation as may be necessary, to the satisfaction of the Authority that the applicant will meet the following minimum requirements at the commencement of its business activities in the rendering of a security service, and is likely to continue to meet these requirements for at least 1 year after such commencement –

(i) the applicant has at its disposal an administrative office, consisting of at least one room dedicated for this purpose, which must be an immovable structure, situated at a place that is reasonably accessible to the inspectors of the Authority, the clients of the security business and the security officers that are used by it to render a security service, and at which reasonable office hours are maintained;

(ii) the applicant's administrative office contains all the equipment which is reasonably necessary for the effective management and administration of the affairs of the security business, on the basis of the information furnished in terms of the provisions of sub-regulation (1)(a), in accordance with the provisions of the Act, and, without limiting the generality of the aforesaid requirement, is

served by landline telephone communication which includes a reliable facility to receive and transmit facsimiles, and the office contains a hard copy or electronic filing system for the orderly keeping of all records and documents contemplated in regulation 10 of these regulations;

(iii) the applicant's administrative office and internal systems meet any reasonable requirement that the Authority determines in terms of the Act;

(iv) the applicant has at its disposal as many administrative offices satisfying the requirements of this regulation, as well as such other premises and physical facilities as may be reasonably necessary, in view of the nature, extent and geographical location of the applicant's activities;

(v) the affairs of the applicant are managed and controlled by appropriately experienced, trained or skilled persons;

(vi) the applicant has at its disposal a sufficient number of registered and appropriately trained and skilled security officers for the rendering of a security service for which it has contracted or is likely to contract;

(vii) the security officers used by the applicant in the rendering of a security service are properly controlled and supervised;

(viii) the applicant has at its disposal a sufficient number of adequately skilled administrative staff members for the purpose of the administration of the affairs of the applicant in accordance with the provisions of the Act and any other applicable law;

(ix) the applicant has at its disposal the financial means to ensure payment of the lawful wages to all the security officers and administrative staff used by it in connection with the rendering of a security service, as well as to ensure compliance with all its other statutory financial obligations;

(x) the applicant has all the necessary equipment, including vehicles and properly trained working animals, if applicable in the circumstances, as well as the uniforms, clothing and equipment that must be issued to its security officers in view of the nature of their functions, at its disposal to enable it to render a proper security service for which it has contracted or is likely to contract; and

(xi) the applicant is in lawful possession of the firearms and other weapons that are necessary to render the security service in respect of which it has contracted.

(2) If the Authority deems it necessary to conduct an inspection or any further inspection to establish whether an applicant meets any of the requirements contemplated in sub-regulation (1), the applicant must pay the amount determined by the Authority for this purpose before an inspection will be undertaken.

(3) If at any time after its registration as a security service provider, a security business fails or refuses at the written request of the director to demonstrate to the satisfaction of the director –

(a) that it still has at its disposal the infrastructure and capacity on the basis of which it was so registered; or

(b) that its current infrastructure and capacity as measured in terms of the criteria contemplated in sub-regulation (1)(b), are reasonably sufficient for the purposes of the current nature and scope of its activities as a security service provider,

the Authority may withdraw its registration thereof as a security service provider if the defects are not rectified within such a reasonable period as the director may determine for this purpose in a notice served on the security business.

Register of security service providers and related issues

6.(1) The register of security service providers, which is kept by the Authority in terms of section 24 of the Act, contains the following particulars:

- (a) the registration number on the registration certificate issued by the Authority in terms of section 25 of the Act or the number contemplated in regulation 14(3)(a)(i) of these regulations;
- (b) the date on the registration certificate referred to in paragraph (a);
- (c) the residential and business or employment address (street address and postal address) and telephone contact particulars of the security service provider;
- (d) the full first names, surname, identity number, date of birth and citizenship of the security service provider if such provider is a natural person;

accompanied by the documentation required in terms of the said form, as well as the amount determined by the Authority for this purpose.

(b) An application contemplated in paragraph (a) is considered in terms of the policy and procedure approved by the Authority for this purpose and may be granted on such conditions as determined by the Authority.

(5)(a) A registered security service provider who wishes to occupy a position contemplated in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in regard to a particular security business must submit an application to the director on the form approved for this purpose by the Authority and the application must be accompanied by the documentation required in terms of the form, as well as the amount determined by the Authority for this purpose.

(b) A registered security service provider who assumes a position contemplated in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in regard to a particular security business without obtaining the approval of the Authority as contemplated in paragraph (a), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 12 months.

Change with regard to information submitted to the Authority

8.(1) A security service provider –

- (a) must inform the Authority within 10 days of any change in regard to any information submitted in writing to the Authority in terms of a provision of or an application in terms of the Act, or information previously submitted to the Board in writing in terms of a provision of or an application in terms of the repealed legislation; and

- (b) must, in the case of a security business, annually during November submit a return to the Authority with the information required on the form approved by the Authority for this purpose.
- (2) The obligations referred to in sub-regulation (1) must be discharged through a notice from the security service provider which is sent by registered post, facsimile transmission, electronic mail, or through a notice which is hand-delivered to an employee of the Authority against a receipt issued by the Authority, or by using some other method approved by the Authority in writing for this purpose.
- (3) Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business in question complies with all the obligations contained in this regulation.
- (4) Any security service provider who contravenes or fails to comply with sub-regulation (1), or any person contemplated in sub-regulation (3) who contravenes or fails to comply with sub-regulation (3), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 6 months.

Certificates of registration, identification and appointment

- 9.(1) The certificate of registration contemplated in section 25 of the Act contains the name and registration number of the security service provider, such further information as the Authority may determine and the seal of the office of the director.
- (2) The certificate of identification contemplated in section 25 of the Act is in the form of a credit card, includes a photograph of the security service

provider, contains the name and registration number of the security service provider and such further information as the Authority may determine.

(3) The certificate of appointment of an inspector of the Authority contemplated in section 31(3) of the Act, must comply with every applicable requirement prescribed in terms of section 334(3)(b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), must contain the statement that the inspector is a peace officer for the national territory of the Republic for the purpose of exercising the powers contemplated in sections 40, 41, 44, 45, 46, 47, 48, 49 and 56 of the Criminal Procedure Act, and must contain the name and address of the Authority, a photograph of the inspector, the name of the inspector and such further particulars as determined by the Authority.

(4) The Authority may, on application of a security service provider and after payment of the amount determined by the Authority for this purpose, issue a new certificate of registration or a new certificate of identification to the security service provider if the Authority is satisfied that the original certificate has been materially damaged, has been destroyed, has been lost, when the circumstances contemplated in regulation 7 of these regulations are present, when registration is renewed as contemplated in section 22 of the Act, or when there is some other sound reason for issuing a new certificate.

(5) A security service provider must always carry his or her certificate of identification when he or she is rendering a security service or wearing the uniform of a security business in public and must immediately produce the certificate when requested to do so by a member of the Service, an inspector of the Authority, a client to whom the security service provider is rendering a security service, a person authorized by such client in writing, or by any other person with a legitimate interest to ascertain the registration status and identity of the security service provider.

(6) A security service provider who –

- (a) without sufficient cause fails or refuses to comply with a request contemplated in sub-regulation (5);
- (b) changes, falsifies information on, defaces, destroys or fails to take reasonable steps to safeguard his or her certificate of registration or certificate of identification; or
- (c) without a legal ground justifying such conduct, withholds, retains or is in possession of the certificate of registration or certificate of identification of another security service provider,

is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 6 months.

Keeping of records and documents

10.(1) Every security business must, subject to this regulation, keep all the records and documents concerning the management, administration and other matters relating to the rendering of security service by it.

(2) Every security business must, subject to this regulation, keep the originals of all records and documents contemplated in this regulation in a secure and orderly manner, available for inspection by the Authority –

- (a) at the administrative office contemplated in regulation 5(1) of these regulations, or if it has more than one administrative office, at the relevant office servicing the region or the activities to which the record or documentation relates, or at the office or place approved

for this purpose by the director in writing on application by the security business concerned; and

- (b) for a period of at least 4 years from the date of their coming into existence, unless another legal provision provides for a longer period or the director in writing directs that they be kept for such longer period as the director may determine.

(3) The records and documents to which this regulation relates must be updated, to the extent that their nature requires or permits it, by the security business in question when any relevant change occurs, as soon as it is reasonably practicable to do so, but in any event not later than 7 days after the change in question.

(4)(a) Unless otherwise directed in terms of sub-regulation (5), or unless the nature of the record or document or some other applicable legal provision dictates otherwise, all records and documents falling under this regulation may be kept and maintained in an electronic format through the use of an appropriate computer program.

(b) A security business which keeps any records or documents in electronic format must ensure that an accurate and correctly dated and marked electronic back-up copy of all such records and documents is separately created and stored at least every day on which it renders a security service and on which a change to the information on the record or document has occurred, or a new record, document or information is added.

(c) The electronic back-up copy contemplated in paragraph (b) must be kept safely and available for inspection by the Authority.

(5) The director may at any time issue a directive to a security business, or to all or any category or class of security businesses, regarding any of the following –

- (a) the office or other premises where any or all records or documents contemplated in this regulation must be kept;
- (b) the period for which any such record or document must be kept, which period may be longer than that provided for in sub-regulation (2)(b); or
- (c) the keeping of any particular records or documents or any other aspect regarding the keeping of records or documents.

(6) Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business in question complies with all the obligations in terms of this regulation.

(7) The records and documents that must be kept as contemplated in this regulation, include -

- (a) a list or register with the full first names and surname, identity number, registration number and residential address of every security officer and other person employed by the security business, as well as a list with the full first names, surname, identity number, registration number and residential address of every person who is an official of the security business but who is not in its employ;

- (b) a list or register with the full first names and surname, identity number, registration number and residential address of every security officer made available or whose services are made available by the security business to another security business or to any person;
- (c) a register containing full information on the wages and remuneration paid to all security officers and other employees of the security business, as well as all deductions from such wages, materially in the form contained in BCEA 2 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
- (d) true copies of all payslips in respect of security officers and other employees of the security business, materially in the form contained in BCEA 4 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
- (e) an attendance register in respect of all security officers and other employees of the security business, materially in the form contained in BCEA 3 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
- (f) a posting sheet containing the following particulars in respect of every day or part of a day during which the security business renders a security service:
 - (i) the full first names and surname, and the level of accredited security training of every security officer utilised in connection with the rendering of a security service in respect of that day or part thereof;

- (ii) the registration number of every such security officer;
 - (iii) the name of every client to whom a security service was rendered and the address and place or places where such service was rendered;
 - (iv) the nature of the security service rendered;
 - (v) the duration of the security service in hours;
 - (vi) whether a security officer was provided with a firearm or other weapon, and if so, the type of firearm or weapon, its proper identification number if any, as well as information on the legal authority in terms of which the firearm was provided and possessed; and
 - (vii) particulars of ammunition provided to a security officer;
- (g) personnel files on each security officer, employee or official contemplated in paragraphs (a) and (b), containing at least –
- (i) every written contract concluded with such person, as well as a description of the duties or functions of such person;
 - (ii) written particulars of employment as contemplated in section 13 of Sectoral Determination 6: Private Security Sector, South Africa, as published in

Government Notice No. R 1250, *Government Gazette* No. 22873 dated 30 November 2001;

- (iii) a record of all disciplinary steps, including suspension from duty, taken against such person by the security business;
 - (iv) a true copy of official documentation indicating the level of accredited security training and other relevant training of such person; and
 - (v) a record with information on the transfer from one branch or division to another, the promotion and termination of service of such person;
- (h) written contracts entered into with clients of the security business for the purposes of rendering a security service, as well as a list with the names, contact addresses and telephone numbers of all the clients with whom the security business has concluded contracts, whether orally or in writing, for the rendering of a security service, a description of the nature of the service contracted for, the contractual tariff in respect of the rendering of the service, as well as the place or places where the service is to be rendered;
- (i) a register concerning security officers contemplated in paragraph (b), indicating the name and street address of every security business or other person to whom such security officers or their services have been made available, the dates on which this occurred, the financial consideration payable in this regard and the persons responsible to pay

any remuneration, reward or fee to the security officers in this regard;

- (j) legal authorisation in the form prescribed by law in respect of the possession and use of firearms and other weapons by the security business and its security officers;
- (k) documentation indicating full particulars of all deductions and payments which are made to the Authority in terms of the provisions contemplated in section 44(7) of the Act, or in terms of the Levies Act, as the case may be; and
- (l) all other records or documents which the security business must keep in terms of the Act or any other law applicable to a security business.

(8) Any security business which contravenes or fails to comply with sub-regulation (2)(b), (3), (4)(b) or (4)(c) or fails or refuses to comply with a directive contemplated in sub-regulation (5), or any person contemplated in sub-regulation (6) who contravenes or fails to comply with sub-regulation (6), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months.

Application for suspension or withdrawal of registration

11. (1) Any security service provider may, by submission of the duly completed and signed form approved for this purpose by the Authority and against payment of such an amount as has been determined by the Authority for this purpose, apply to the Authority for suspension or withdrawal of his or her registration as a security service provider.

(2) If the Authority is satisfied that there is a sound reason for such a step and that there would not be unreasonable prejudice to any person which can be avoided by the refusal of the application for suspension or withdrawal of registration, the Authority may direct that the registration of the security service provider in question be suspended or withdrawn from any date and on such conditions as the Authority may determine, including the payment of any outstanding amounts owed to the Authority, or the conclusion of any enquiry or other legal process.

(3) In the case of the suspension of the registration of a security service provider in terms of this regulation, no annual amounts in terms of the provisions contemplated in section 44(7) of the Act, or in terms of the Levies Act, are payable to the Authority by the security service provider in respect of the period of suspension.

(4) A security service provider whose registration has been suspended as contemplated in terms of this regulation may, by submission of the duly completed and signed form approved for this purpose by the Authority and against payment of such an amount as has been determined by the Authority for this purpose, apply to the Authority to uplift the suspension, and the Authority may grant the application on such conditions as the Authority may determine.

Specifying of registration numbers and other information on documents

12.(1) No security business registered as a security service provider may, after the expiration of a period of 60 days after the promulgation of these regulations, send, deliver, issue, publish or cause to be sent, delivered, issued or published, any document or advertisement, including a document in electronic format, relating to or connected with its position or activities as a

security service provider, unless the following has been effected in a clearly legible manner on the front or the first page thereof, as the case may be –

- (a) the name under which the security business is registered as a security service provider by the Authority, as well as the name under which it trades, as reflected in the register contemplated in regulation 6 of these regulations;
 - (b) the expression “*Registered as a security service provider by the Private Security Industry Regulatory Authority, registration number...*”, where the registration number is the number contemplated in regulation 6(1)(a) of these regulations; and
 - (c) the street address and postal address of an administrative office of the security business, a telephone contact and facsimile number of the security business at that office, as well as the name and telephone contact number of an official of the security business performing executive or management functions in respect of the security business.
- (2) Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business complies with all the obligations in terms of sub-regulation (1).
- (3) Any security business which contravenes or fails to comply with sub-regulation (1), or any person contemplated in sub-regulation (2) who contravenes or fails to comply with sub-regulation (2), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 6 months.

Uniforms, insignia, badges and firearms

13.(1) Every security business must, subject to this regulation, provide every security officer in its employ with sufficient, distinctive articles of clothing constituting a standard uniform of that security business if the security officer is required to render a security service as contemplated in paragraphs (a), (c) or (d) of the definition of security service contained in section 1(1) of the Act, unless the security officer only renders a service consisting of the protection or safeguarding of a specific natural person.

(2) Every security officer contemplated in sub-regulation (1) must wear the uniform provided to him or her when rendering such a security service.

(3) The uniform contemplated in sub-regulation (1) –

(a) must be suitable for use by the security officer in view of the nature of the security service rendered, the circumstances under which the security service is rendered and any other relevant circumstance; and

(b) must have at least 2 badges, prominently attached to the uniform, with the name of the security business employing the security officer clearly legible on them, as well as a badge, attached to the front top part of the uniform, with the name and registration number of the security officer clearly legible on it.

(4) The director may, if there is a sound reason for such a step, direct a security business in writing to change any aspect regarding the uniform issued to its security officers to the extent and within such a reasonable time as may be indicated by the director.

(5) A security business which renders a security service requiring the possession or use of a firearm, must lawfully provide a suitable firearm for that purpose and may not require or permit a security officer employed by the security business to obtain or provide a firearm for that purpose.

(6) A security officer may, for the purpose of rendering a security service in the course of his or her employment, only possess a firearm lawfully provided by his or her employer.

(7) Any security service provider who –

- (a) contravenes or fails to comply with sub-regulation (1), (2) or (3), or fails or refuses to comply with a directive contemplated in sub-regulation (4);
- (b) without legal justification wears a uniform, badge or insignia identical to, or so closely resembling a uniform, badge or insignia of the South African Police Service, the South African National Defence Force, the Department of Correctional Services or of any other law enforcement agency or service established in terms of law, as to be calculated to deceive;
- (c) without legal justification provides another person with a uniform, badge or insignia contemplated in paragraph (b);
- (d) requires or permits a security officer employed or made available to that security service provider, to obtain or provide a firearm for the purpose of rendering a security service in the course of his or her employment;
- (e) requires a security officer employed or made available by that security service provider, or an applicant for a post as a security officer, to have a firearm licence; or

- (f) is a security officer and who, for the purpose of rendering a security service in the course of his or her employment, is in possession of a firearm not lawfully provided by his or her employer,

is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months.

- (8) This regulation comes into operation 120 days after promulgation of these regulations.

Transitional and general provisions

- 14.(1) In this regulation, unless the context indicates otherwise –

“existing security officer” means a person lawfully registered by the Board as a security officer in terms of the repealed legislation and the registration of whom or which was valid on the day immediately preceding the day when the Act came into operation.

- (2) Every existing security officer is, subject to this regulation and the provisions of any other applicable law, deemed to have been registered as a security service provider in terms of section 21 of the Act and is subject to all the provisions of the Act.

- (3)(a) An existing security officer who is deemed to have been registered as a security service provider -

- (i) must, for the purposes of the Act, use the registration number allotted to it by the Board until such time as the Authority changes this number;

(ii) must, in the case of a security business, subject to the provisions of any other law, keep all records and documentation of whatever nature relating to the rendering of a security service by such security business, which are not older than 4 years, securely and orderly as contemplated in regulation 10(1) and (2) of these regulations;

(iii) may, in the case of a security business, until expiration of the period before the requirements regarding infrastructure and capacity to render a security service come into operation in respect of the existing security officer as contemplated in sub-regulation (5), keep all records and documents as contemplated in regulation 10 of these regulations at any office or offices where they might have been kept if regulation 10(2)(a) of these regulations had not been made; and

(iv) must, in the case of a security business which is a company, furnish the Authority within the period determined by the director for this purpose with a list contemplated in regulation 2(3)(e) of these regulations.

(b) Any security business, or official or employee of the security business, who contravenes or fails to comply with paragraph (a)(ii) or (iv) is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 12 months.

(4) An existing security officer who is a person contemplated in section 23(5) of the Act will not be deemed to have been registered as a security service provider in terms of the Act.

(5) Every existing security officer deemed to have been registered as a security service provider and falling within the definition of a security business in terms of the Act, must, within a period of 120 days from the date of promulgation of these regulations, or within such longer period as the director may allow on the basis of a substantiated written application by such security business within a period of 60 days from the date of promulgation of these regulations, comply with the requirements regarding infrastructure and capacity necessary to render a security service as contemplated in regulation 5 of these regulations.

(6)(a) Every existing security officer who occupies a position referred to in section 21(1)(a) (ii), (iii), (iv), (v), (vi) or (vii) of the Act must, subject to regulation 3 of these regulations, within a period of 120 days from the date of promulgation of these regulations, or within such longer period as the director may allow on the basis of a substantiated written application by an existing security officer within a period of 60 days from the date of promulgation of these regulations, comply with the training requirement contemplated in regulation 3(3) of these regulations, or vacate the aforesaid position.

(b) A person who contravenes or fails to comply with the provisions of paragraph (a), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 6 months.

(7)(a) Every applicant for registration as a security officer in terms of the repealed legislation whose application is lodged, or is pending, on the day immediately before the day when the Act comes into operation, must, subject to this sub-regulation, submit a duly completed and applicable application form as contemplated in regulation 2 of these regulations to the Authority to enable the Authority to consider the application in terms of the Act.

(b) An applicant contemplated in paragraph (a) must submit the duly completed application form to the Authority within 60 days after the date of

promulgation of these regulations, or within such longer period as the Authority may allow for a sound reason.

(c) The application for registration by an applicant who does not submit the application form as provided for in this sub-regulation within the period allowed for this or who withdraws the application, lapses, and the Authority will not have to refund any amount paid by the applicant in respect of the application or to take such amount into account when the applicant lodges a new application.

(8) An applicant for registration pursuant to a notice issued in terms of section 44(6) of the Act who wishes to render a relevant security service from the date determined in the notice, must submit the application to the Authority at least 2 months before the relevant date determined in the notice.

(9)(a) A person using his or her own employees to protect or safeguard merely his or her own property or interests, or persons or property on his or her premises or under his or her control, must, after such employees have become subject to the provisions of the Act in terms of a notice contemplated in section 44(6)(a) of the Act -

(i) only use employees registered as security service providers in terms of section 21 of the Act to perform these functions;

(ii) before implementation of the Levies Act, comply, with the necessary changes, with the provisions regarding the deduction and paying over of the prescribed amounts in respect of registered security service providers in its employ as provided for in regulation 9(4), published in *Government Gazette* No. 22770 dated 1 November 2001, prescribed in terms of section 18 of the repealed legislation, and, after implementation of the

Levies Act, comply, with the necessary changes, with the provisions regarding the deduction and paying over of levies in respect of registered security service providers in its employ, as determined in terms of the Levies Act;

(iii) comply, with the necessary changes, with the provisions contained in regulation 10(2), (3), (4), (5), (7)(a), (7)(b), (7)(c), (7)(d), (7)(e), (7)(g), (7)(i), (7)(j) and (7)(k) of these regulations; and

(iv) comply, with the necessary changes, with the provisions contained in regulation 8 and regulation 13 of these regulations.

(b) A person contemplated in paragraph (a) who contravenes or fails to comply with a provision applicable to him or her as contemplated in paragraph (a), is guilty of an offence and on conviction liable to the penalty which may be imposed on a security service provider convicted of such an offence in terms of the applicable regulations contemplated in paragraph (a).

Authoritative text

15. The provisions of the English text of these regulations will prevail in the case of a difference between the English text and the text in any other official language.

Repeal of regulations

16. The following regulations are hereby repealed as specified below:

Regulations	Extent of repeal
The regulations contained in Government Notice No. R 797 published in <i>Government Gazette</i> No. 12413	The whole with the exception of

dated 2 April 1990, as amended.	regulations 1, 7, 9(1), 9(3) and 9(4).
The regulations contained in Board Notice 46 of 1993 published in <i>Government Gazette</i> No 14767 dated 7 May 1993.	The whole.
The regulations contained in Board Notice 87 of 1994, published in <i>Government Gazette</i> No. 15951 dated 9 September 1994.	The whole.

Short title and commencement

17. These regulations are called the Private Security Industry Regulations, 2002, and come into operation on the date when the Act comes into operation.

SCHEDULE**CLEARANCE CERTIFICATE IN TERMS OF SECTION 23(1)(f) OF
THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001****1. Particulars of applicant's former employer****Name of force or service**

Street address of head office (including city, province and country)

Telephone number _____ **Facsimile number** _____**E-mail address** _____**Postal address**

Name, address and telephone number of contact person

2. Particulars of former employee**Full first names and surname of employee**

Identity number

Passport number

Last known address

Former employee's force, service or personnel number

Date of commencement of employment

Date of termination of employment

Rank at termination of service

Capacities in which employed

Reason for termination of employment

Reasonable particulars of any misconduct by former employee (findings of guilty on charges of misconduct, penalties imposed, dates and other relevant particulars)

If there were disciplinary proceedings pending against the former employee at the date of termination of service, factual information on the merits of the charges and whether any termination of service occurred in order to avoid disciplinary proceedings, is required

3. Declaration

I, the undersigned, declare that the information provided on this form is true and correct and that I have the necessary authority to provide the information.

Signature _____ **Date** _____

Name _____

Position in force or service _____

Telephone number _____

4. Consent by former employee to former employer to furnish personal information relating to employment record and matters related thereto.

I, the undersigned, hereby give consent to my former employer contemplated in this form to provide the information relating to my employment record and related issues provided for in this form, to the Private Security Industry Regulatory Authority.

Signature of former employee _____

Name _____

Date _____

**REGULASIES AFGEKONDIG KRAGTENS DIE WET OP DIE
REGULERING VAN DIE PRIVATE SEKURITEITSBEDRYF, 2001
(WET NO. 56 VAN 2001)**

**REGULASIES OP DIE PRIVATE SEKURITEITSBEDRYF,
2002**

Die Minister vir Veiligheid en Sekuriteit het, handelende kragtens artikel 35 van die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001) die regulasies in die Bylae uitgevaardig.

BYLAE

**REGULASIES BETREFFENDE AANSOEKE OM REGISTRASIE AS
SEKURITEITSDIENSVERSKAFFER, OPLEIDINGSVEREISTES VIR
REGISTRASIE, KLARINGSERTIFIKATE, INFRASTRUKTUUR EN
KAPASITEIT OM 'N SEKURITEITSDIENS TE LEWER, REGISTER
VAN SEKURITEITSDIENSVERSKAFFERS, VERANDERING IN
NAAM OF STATUS VAN SEKURITEITSDIENSVERSKAFFER,
VERANDERING BETREFFENDE INLIGTING VERSKAF AAN DIE
OWERHEID, REGISTRASIE-, IDENTIFIKASIE- EN
AANSTELLINGSERTIFIKATE, HOU VAN REKORDS EN
DOKUMENTE, AANSOEK OM OPSKORTING OF INTREKKING
VAN REGISTRASIE, VERMELDING VAN NOMMERS EN ANDER**

INLIGTING OP DOKUMENTE, UNIFORMS, AMPSTEKENS, KENTEKENS EN VUURWAPENS, OORGANGS- EN ALGEMENE BEPALINGS, GESAGHEBBENDE TEKS, HERROEPING VAN REGULASIES, EN AANGELEENTHEDE WAT MET BOGENOEMDE IN VERBAND STAAN.

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BYLAE: Klaringsertifikaat ingevolge artikel 23(1)(f) van die Wet op die Regulering van die Private Sekuriteitsbedryf

Woordoms krywing

1. In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet toegeken is daardie betekenis en, tensy uit die samehang anders blyk, beteken -

“dag” ook Saterdag, Sondag en openbare vakansiedae;

“die Wet” die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001) en sluit sowel hierdie regulasies as die gedragskode vir sekuriteitsdiensverskaffers in;

“direkteur” ook ‘n persoon wat deur die Raad aangestel is om as direkteur waar te neem;

“herroepe wetgewing” die Wet op Sekuriteitsbeamptes, 1987 (Wet No. 92 van 1987);

“hierdie regulasies” die regulasies vervat in hierdie Bylae;

“Interim Raad” die Interim Raad vir Sekuriteitsbeamptes ingestel ingevolge artikel 2 van die herroepe wetgewing;

“registrasienuommer” die registrasienuommer bedoel in regulasie 6(1)(a) van hierdie regulasies;

“Wet op Heffings” die Wet op Heffings op die Private Sekuriteitsbedryf.

Aansoek om registrasie as ‘n sekuriteitsdiensverskaffer

2.(1) ‘n Aansoek om registrasie as ‘n sekuriteitsdiensverskaffer ingevolge artikel 21 van die Wet moet aan die direkteur voorgelê word op die toepaslike vorm soos deur die Owerheid vir hierdie doel bepaal en wat by die Owerheid verkry kan word.

(2) ‘n Behoorlik voltooide en ondertekende aansoekvorm wat aan die direkteur

voorgelê word in die geval van 'n aansoek deur 'n natuurlike persoon, wat nie om registrasie as 'n sekuriteitsbesigheid aansoek doen nie, moet vergesel word van:

(a) betaling van die volgende bedrae:

- (i) die toepaslike aansoekgeld;
- (ii) die bedrag betaalbaar aan die Diens ten opsigte van die voorlopige klaring van die applikant deur die Diens deur gebruikmaking van die naam en identiteitsnommer van die applikant soos bedoel in paragraaf (f), as die applikant verlang dat die Owerheid sodanige versoek aan die Diens moet voorlê; en
- (iii) (aa) vóór die inwerkingstelling van die Wet op Heffings, die voorgeskrewe bedrag vir 'n tydperk van ten minste 1 maand soos bedoel in regulasie 9(4), gepubliseer in *Staatskoerant* No. 22770 gedateer 1 November 2001, voorgeskryf ingevolge artikel 18 van die herroepe wetgewing; of
(bb) ná die inwerkingstelling van die Wet op Heffings, die toepaslike heffings vir 'n tydperk van ten minste 1 maand soos neergelê ingevolge die Wet op Heffings;

(b) 'n gewaarmerkte afskrif van die eerste bladsy van die amptelike identiteitsdokument van die applikant of 'n gewaarmerkte afskrif van enige ander amptelike dokument wat die applikant se identiteit en Suid-Afrikaanse burgerskap aantoon;

(c) bewys tot bevrediging van die Owerheid dat 'n applikant wat nie 'n Suid-Afrikaanse burger is nie, permanente verblyfreg in Suid-Afrika het;

- (d) 'n gewaarmerkte, onlangse, duidelike paspoortgrootte foto van die applikant;
- (e) 'n duidelike en volledige stel vingerafdrukke van die applikant, welke vingerafdrukke geneem is op die vorm wat vir hierdie doel deur die Diens gebruik word, deur of in die teenwoordigheid van 'n lid van die Diens of deur of in die teenwoordigheid van 'n werknemer van die Owerheid wat skriftelik deur die direkteur aangewys is om hierdie werksaamheid te verrig;
- (f) 'n behoorlik voltooide aansoek om voorlopige klaring deur die Diens op grond van die applikant se naam en identiteitsnommer, as die applikant sodanige klaring verlang om sy of haar kriminelerekordstatus te bevestig en die Owerheid bereid is om die aansoek ingevolge subregulasie (5) te oorweeg;
- (g) oorspronklike polisie- of ander amptelike klaringsertifikate ten opsigte van die kriminelerekordstatus van die applikant, indien van toepassing, soos bedoel in subregulasie (6);
- (h) 'n oorspronklike klaringsertifikaat wat wesenlik voldoen aan die vereistes vervat in regulasie 4 van hierdie regulasies as die applikant 'n persoon is in artikel 23(1)(f) van die Wet bedoel;
- (i) 'n oorspronklike sertifikaat of ander bewys, aanvaarbaar vir die Owerheid, dat die applikant voldoen aan die opleidingsvereistes bedoel in regulasie 3 van hierdie regulasies; en

- (j) 'n geldige onderneming ten opsigte van borgstelling of waarborg bedoel in subregulasie (4)(c) as die applikant 'n persoon is bedoel in artikel 21(1)(a)(iii), (iv), (v), (vi) of (vii) van die Wet.

(3) Die behoorlik voltooide en ondertekende aansoekvorm wat aan die direkteur voorgelê word in die geval van 'n aansoek om registrasie deur 'n sekuriteitsbesigheid, moet vergesel word van -

- (a) betaling van die volgende bedrae:

- (i) die toepaslike aansoekgeld; en
- (ii) (aa) vóór die inwerkingstelling van die Wet op Heffings, die voorgeskrewe bedrag vir 'n tydperk van ten minste 2 maande soos bedoel in regulasie 9(3) item X, gepubliseer in *Staatskoerant* No. 22770 gedateer 1 November 2001, voorgeskryf ingevolge artikel 18 van die herroepe wetgewing; of
- (bb) ná die inwerkingstelling van die Wet op Heffings, die toepaslike heffings vir 'n tydperk van ten minste 2 maande soos neergelê ingevolge die Wet op Heffings;

- (b) behoorlik voltooide aansoeke om registrasie soos bedoel in subregulasie (2), vergesel van al die ondersteunende dokumentasie, ten opsigte van alle persone na wie in artikel 21(1)(a)(ii), (iii), (iv), (v), (vi) of (vii) van die Wet verwys word, indien hulle nie reeds as sekuriteitsdiensverskaffers geregistreer is nie;
- (c) 'n gewaarmerkte afskrif van die CK1- en CK2-dokumentasie as die applikant 'n beslote korporasie is;

- (d) 'n gewaarmerkte afskrif van die CM1-, CM2-, CM27- en CM29-dokumentasie as die applikant 'n maatskappy is;
- (e) 'n lys, gesertifiseer as korrek deur die behoorlik aangestelde ouditeur van die applikant as die applikant 'n maatskappy anders as 'n openbare genoteerde maatskappy is, met die name, identiteitsnommers en straatadresse van al die aandeelhouders van die applikant wat nie direkteure van die applikant is nie, soos op die datum van aansoek, of sodanige gesertifiseerde besonderhede van alle aandeelhouders van die applikant wat 5% of meer van die totale aandeelhouding besit of beheer indien die applikant 'n openbare genoteerde maatskappy is;
- (f) 'n gewaarmerkte afskrif van die vennootskapsooreenkoms as die applikant 'n vennootskap is;
- (g) 'n gewaarmerkte afskrif van die trustakte en die Meester van die Hoë Hof se magtigingsbrief aan die trustees as die applikant 'n besigheidstrust is;
- (h) 'n gewaarmerkte afskrif van die dokumentasie wat die stigting in die lewe roep as die applikant 'n stigting is;
- (i) 'n gewaarmerkte afskrif van die dokumentasie of magtiging ingevolge waarvan die applikant in die lewe geroep is of funksioneer as dit enige ander tipe liggaam van persone is as dié vermeld in paragrawe (c), (d), (f), (g) of (h);
- (j) 'n belastingklaringsertifikaat van die Suid-Afrikaanse Inkomstediens, tensy die direkteur weens 'n gegronde rede en met toestemming van die Raad van hierdie vereiste afsien;

- (k) voldoende skriftelike inligting om die Owerheid in staat te stel om te bepaal of die applikant voldoen aan die vereistes betreffende infrastruktuur en kapasiteit wat nodig is om 'n sekuriteitsdiens te lewer, soos bedoel in artikel 23(2)(b) van die Wet en regulasie 5 van hierdie regulasies; en
 - (l) 'n resoluëie deur die sekuriteitsbesigheid wat aansoek doen, in die vorm deur die Owerheid goedgekeur, om aansoek te doen om registrasie as 'n sekuriteitsdiensverskaffer.
- (4) Die Owerheid kan 'n sekuriteitsbesigheid wat aansoek doen as 'n sekuriteitsdiensverskaffer registreer indien -
- (a) die applikant voldoen aan die vereistes ten opsigte van infrastruktuur en kapasiteit om 'n sekuriteitsdiens te lewer soos bedoel in artikel 23(2)(b) van die Wet en regulasie 5 van hierdie regulasies, of aan sodanige vereistes sal voldoen wanneer dit met besigheidsaktiwiteite in die lewering van 'n sekuriteitsdiens begin;
 - (b) die applikant deur bevestigde feitelike inligting tot bevrediging van die direkteur aantoon dat die applikant waarskynlik binne 'n tydperk van 3 maande na sodanige registrasie met besigheidsaktiwiteite in die lewering van 'n sekuriteitsdiens sal begin; en
 - (c) die persone bedoel in artikel 21(1)(a)(iii), (iv), (v), (vi) en (vii) van die Wet die borgstelling of waarborg verskaf wat die direkteur nodig mag ag om nakoming van die applikant se finansiële verpligtinge teenoor die Owerheid te verseker.

(5) Die Owerheid kan 'n aansoek om registrasie as 'n sekuriteitsdiensverskaffer van 'n natuurlike persoon oorweeg wie se kriminelerekordstatus nog nie deur klassifikasie van sy of haar vingerafdrukke bevestig is nie, mits -

(a) die applikant se vingerafdrukke geneem is op die wyse beskryf in regulasie 2(2)(e) van hierdie regulasies en aan die Owerheid voorsien is; en

(b) die Diens 'n voorlopige klaring gedoen het op grond van die applikant se naam en identiteitsnommer en die applikant se kriminelerekordstatus op grond daarvan skriftelik bevestig.

(6) 'n Persoon wat na Suid-Afrika geïmmigreer het binne die 10-jaar-tydperk wat sy of haar aansoek om registrasie as 'n sekuriteitsdiensverskaffer onmiddellik voorafgaan of wat vir 'n ononderbroke tydperk van ten minste 1 jaar gedurende die 10-jaar-tydperk wat sy of haar aansoek om registrasie onmiddellik voorafgaan buite Suid-Afrika gewoon het, moet 'n oorspronklike polisie- of ander amptelike klaringsertifikaat voorlê ten opsigte van sy of haar kriminelerekordstatus in elke land waar hy of sy buite Suid-Afrika gewoon het gedurende die betrokke tydperk.

(7)(a) Geen bedrag wat deur 'n applikant ingevolge subregulasie (2)(a)(i), (2)(a)(ii), (3)(a)(i) of regulasie 5(2) van hierdie regulasies aan die Owerheid betaal is, word aan die applikant terugbetaal as die aansoek om registrasie deur die applikant teruggetrek word of indien die aansoek nie deur die Owerheid goedgekeur word nie.

(b) 'n Bedrag wat ingevolge subregulasie (3)(a)(ii) aan die Owerheid betaal is, beïnvloed nie die aanspreeklikheid van die betrokke sekuriteitsbesigheid ten opsigte van die betaling van die balans van die volle toepaslike bedrag wat verskuldig is ingevolge die formule vervat in regulasie 9(3) soos bedoel in

subregulasie (3)(a)(ii), of die balans van die volle toepaslike heffings verskuldig ingevolge die Wet op Heffings nie, na gelang van die geval.

(8) 'n Beslissing van die Owerheid bedoel in artikel 23(6) van die Wet om enige applikant as 'n sekuriteitsdiensverskaffer te registreer, mag slegs geneem word met behoorlike inagneming van die toepaslike beleid en prosedures wat vir hierdie doel deur die Raad goedgekeur is en moet vervat word in 'n dokument deur die direkteur onderteken wat sowel die beslissing om te registreer as die volle redes waarop die beslissing berus, bevat.

Opleidingsvereistes vir registrasie as 'n sekuriteitsdiensverskaffer

3.(1) Die vereistes betreffende opleiding, onderrig en kwalifikasie ingevolge hierdie regulasie is van toepassing op die registrasie van 'n applikant as 'n sekuriteitsdiensverskaffer soos bedoel in artikel 23(1)(c) van die Wet en vervang of kwalifiseer nie die bepalinge van enige wet of gedragskode aangaande die opleiding, onderrig of kwalifikasie wat vereis word alvorens 'n sekuriteitsdiensverskaffer toegelaat word om 'n bepaalde sekuriteitsdiens te lewer nie.

(2) Elke natuurlike persoon wat om registrasie as 'n sekuriteitsdiensverskaffer aansoek doen, moet, behoudens hierdie regulasie, by 'n opleidingsinstelling wat volgens wet geakkrediteer is ten minste die opleidingskursus met sukses voltooi het wat as "Graad E" beskryf en erken word ingevolge die reg en beleid soos geïmplementeer deur die Interim Raad, handelende ingevolge die herroepe wetgewing en die regulasies ingevolge daarvan gemaak, of ingevolge 'n heersende daaropvolgende beleid geïmplementeer deur die Owerheid, na gelang van die geval.

(3) Elke persoon bedoel in artikel 21(1)(a) (ii), (iii), (iv), (v), (vi) of (vii) van die Wet, of wat beoog om 'n sekuriteitsdiens bedoel in paragraaf (l) van die

omskrywing van sekuriteitsdiens in artikel 1(1) van die Wet te lewer, wat om registrasie as 'n sekuriteitsdiensverskaffer aansoek doen, moet, behoudens hierdie regulasie, by 'n opleidingsinstelling wat volgens wet geakkrediteer is, ten minste die opleidingskursus met sukses voltooi het wat as "Graad B" beskryf en erken word ingevolge die reg en beleid geïmplementeer deur die Interim Raad, handelende ingevolge die herroepe wetgewing en die regulasies ingevolge daarvan gemaak, of ingevolge 'n heersende daaropvolgende beleid geïmplementeer deur die Owerheid, na gelang van die geval.

(4) Waar 'n applikant om registrasie as 'n sekuriteitsdiensverskaffer op die aansoekvorm bedoel in regulasie 2(2) van hierdie regulasies aandui dat die applikant na registrasie van voorneme is om 'n sekuriteitsdiens te lewer -

- (a) ten opsigte waarvan daar, op die datum van aansoek, 'n bepaalde vereiste is betreffende opleiding, onderrig of kwalifikasie ingevolge die reg en beleid geïmplementeer deur die Interim Raad, handelende ingevolge die herroepe wetgewing en die regulasies ingevolge daarvan gemaak, of ingevolge 'n heersende daaropvolgende beleid geïmplementeer deur die Owerheid, na gelang van die geval, moet die applikant 'n oorspronklike sertifikaat of ander bewys, aanvaarbaar vir die Owerheid, voorlê dat die applikant aan sodanige vereiste voldoen; of
- (b) ten opsigte waarvan daar nie op die datum van aansoek 'n bepaalde vereiste is betreffende opleiding, onderrig of kwalifikasie ingevolge die reg en beleid soos bedoel in paragraaf (a) of enige ander regsbeplanning nie, en ten opsigte waarvan voldoening aan die opleidingsvereistes ingevolge subregulasies (2) of (3) volgens die oordeel van die Owerheid nie vir registrasie aangewese of nodig is nie, kan

die applikant as 'n sekuriteitsdiensverskaffer geregistreer word indien die applikant tot bevrediging van die Owerheid aantoon dat die applikant op grond van enige toepaslike opleiding, onderrig, kwalifikasie of ondervinding in staat sal wees om die betrokke sekuriteitsdiens te lewer.

(5) Die Owerheid kan, vir doeleindes van artikel 23(1)(c) van die Wet, by aanvoering deur 'n applikant van gegronde redes tot bevrediging van die Owerheid en na betaling van die bedrag deur die Owerheid vir hierdie doel bepaal, enige toepaslike en voldoende opleiding, onderrig, kwalifikasie of ondervinding van 'n applikant erken as gelykstaande aan of hoër as dié in hierdie regulasie bedoel en 'n dokument te dien effekte aan die applikant uitreik vir doeleindes van hierdie regulasies.

(6) Die Owerheid vervul sy werksaamhede ingevolge hierdie regulasie na sodanige oorleg met die Suid-Afrikaanse Kwalifikasie Owerheid, die "Policing, Security, Legal and Correctional Services Sector Education and Training Authority", of met enige ander statutêre liggaam, as wat die Owerheid nodig mag ag.

Klaringsertifikaat: voormalige lid van 'n amptelike militêre, sekuriteits-, polisie- of intelligensiediens of -mag

4.(1) In hierdie regulasie, tensy uit die samehang anders blyk, beteken

"voormalige werkgewer" enige amptelike militêre, sekuriteits-, polisie- of intelligensiediens of -mag, in Suid-Afrika of elders, of die regsopvolger daarvan, waarvan 'n applikant bedoel in artikel 23(1)(f) van die Wet 'n voormalige lid is.

(2) Die klaringsertifikaat bedoel in artikel 23(1)(f) van die Wet moet voltooi word in die vorm soos vervat in die Bylae tot hierdie regulasies.

(3) 'n Applikant bedoel in artikel 23(1)(f) van die Wet moet, behoudens hierdie regulasie, sodanige klaringsertifikaat van al sy of haar voormalige werkgewers voorlê.

(4) Indien 'n applikant 'n sertifikaat voorlê wat volgens die oordeel van die direkteur nie wesenlik voldoen aan die vereistes van subregulasie (2) nie, of indien die direkteur van oordeel is dat verdere navraag of ondersoek nodig is, kan die direkteur die oorweging van die aansoek om registrasie uitstel in afwagting van rektifikasie van die sertifikaat tot bevrediging van die direkteur of die afhandeling van sodanige navraag of ondersoek as wat nodig mag wees.

(5) Waar 'n applikant se voormalige werkgewer nie meer bestaan nie of waar die applikant tot bevrediging van die Owerheid aantoon dat dit nie moontlik of redelikerwys prakties is om 'n klaringsertifikaat voor te lê wat al die vereiste besonderhede bevat nie, kan die Owerheid –

(a) die aansoek om registrasie terughou in afwagting van verdere ondersoek of oorweging van die agtergrond van die applikant; of

(b) as dit redelik in die omstandighede is, en na voldoening aan die bepalings van regulasie 2(8) van hierdie regulasies en verkryging van die goedkeuring van die Raad, die applikant as sekuriteitsdiensverskaffer registreer indien dit die applikant beskou as 'n geskikte en gepaste persoon om 'n sekuriteitsdiens te lewer.

(6) Die besonderhede in 'n klaringsertifikaat moet in ag geneem word ten einde te bepaal of die applikant 'n geskikte en gepaste persoon is om 'n sekuriteitsdiens te lewer.

(7) 'n Voormalige werkgewer moet, op versoek van 'n applikant bedoel in artikel 23(1)(f) van die Wet, die applikant binne 'n tydperk van 30 dae na

ontvangs van die versoek, of binne sodanige ander tydperk as wat in die omstandighede redelik mag wees, van 'n klaringssertifikaat voorsien.

Infrastruktuur en kapasiteit nodig om 'n sekuriteitsdiens te lewer

5. (1) Elke sekuriteitsbesigheid wat aansoek doen om registrasie as 'n sekuriteitsdiensverskaffer, moet, vir doeleindes van voldoening aan die bepalings van artikel 23(2)(b) van die Wet –

(a) skriftelike, feitlik gefundeerde inligting aan die Owerheid voorsien betreffende die aard en omvang, insluitend die geografiese area, van die beoogde en waarskynlike aktiwiteite van die applikant by die lewering van 'n sekuriteitsdiens vir 'n tydperk van ten minste 1 jaar nadat met besigheidsaktiwiteite 'n aanvang geneem is; en

(b) deur 'n skriftelike verklaring, met sodanige bevestiging as wat nodig mag wees, tot bevrediging van die Owerheid aantoon dat die applikant aan die volgende minimumvereistes sal voldoen by die aanvang van die applikant se besigheidsaktiwiteite by die lewering van 'n sekuriteitsdiens, en dat die applikant waarskynlik vir 'n tydperk van ten minste 1 jaar daarna steeds aan hierdie vereistes sal voldoen –

(i) die applikant beskik oor 'n administratiewe kantoor, bestaande uit ten minste een vertrek wat vir hierdie doel bestem is, wat 'n onroerende struktuur moet wees, geleë op 'n plek wat redelikerwys toeganklik is vir die inspekteurs van die Owerheid, die kliënte van die sekuriteitsbesigheid en die sekuriteitsbeamptes wat gebruik word om 'n sekuriteitsdiens te lewer, en waar redelike kantoorure gehandhaaf word;

(ii) die applikant se administratiewe kantoor beskik oor al die toerusting wat redelikerwys nodig is vir die effektiewe bestuur en administrasie van die sake van die sekuriteitsbesigheid, soos ooreenkomstig die bepalinge van subregulasie (1)(a) uiteengesit, in ooreenstemming met die bepalinge van die Wet, en, sonder om aan die algemeenheid van die voorafgaande afbreuk te doen, word die kantoor bedien deur 'n landlyn- telefoonverbinding wat 'n betroubare apparaat insluit om faksimileë te ontvang en te versend, en beskik die kantoor oor 'n hardekopie- of elektroniese liasseerstelsel vir die ordelike hou van alle rekords en dokumente in regulasie 10 van hierdie regulasies bedoel;

(iii) die applikant se administratiewe kantoor en interne stelsels voldoen aan enige redelike vereiste wat die Owerheid ingevolge die Wet bepaal;

(iv) die applikant beskik oor soveel administratiewe kantore wat aan die vereistes van hierdie regulasie voldoen, asook oor sodanige ander persele en fisiese fasiliteite, as wat redelikerwys vereis word weens die aard, omvang en geografiese ligging van die applikant se aktiwiteite;

(v) die sake van die applikant word bestuur of beheer deur persone met toepaslike ondervinding, opleiding of vaardighede;

(vi) die applikant beskik oor 'n voldoende aantal geregistreerde, behoorlik opgeleide en vaardige sekuriteitsbeamptes vir die lewering van 'n sekuriteitsdiens ten opsigte waarvan die applikant gekontrakteer het of waarskynlik sal kontrakteer;

(vii) die sekuriteitsbeamptes wat die applikant vir die lewering van 'n sekuriteitsdiens gebruik, is onder behoorlike beheer en toesig;

(viii) die applikant beskik oor 'n voldoende aantal administratiewe personeellede met gepaste vaardighede met die oog op die administrasie van die applikant se sake in ooreenstemming met die bepalings van die Wet en enige ander toepaslike wet;

(ix) die applikant beskik oor die finansiële vermoë om betaling te verseker van die wettige loon aan al die sekuriteitsbeamptes en administratiewe personeel wat gebruik word in verband met die lewering van 'n sekuriteitsdiens, en om nakoming van al die applikant se ander wetlike finansiële verpligtinge te verseker;

(x) die applikant beskik oor al die nodige toerusting, insluitend voertuie en behoorlik opgeleide werksdiere, as dit in die omstandighede van toepassing is, asook die uniforms, kledingstukke en toerusting wat aan die applikant se sekuriteitsbeamptes uitgereik moet word in die lig van die aard van hulle werksaamhede, om dit in staat te stel om 'n behoorlike sekuriteitsdiens te lewer ten opsigte waarvan dit gekontrakteer het of waarskynlik sal kontrakteer; en

(xi) die applikant is in wettige besit van die vuurwapens en ander wapens wat nodig is om die sekuriteitsdiens te lewer ten opsigte waarvan dit gekontrakteer het.

(2) Indien die Owerheid dit nodig ag om 'n inspeksie of enige verdere inspeksie te onderneem ten einde te bepaal of 'n applikant voldoen aan enige van die vereistes in subregulasie (1) vermeld, moet die applikant die bedrag

Owerheid ingevolge paragraaf (a) te verkry, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Verandering van inligting aan die Owerheid verskaf

8.(1) 'n Sekuriteitsdiensverskaffer –

(a) moet die Owerheid binne 'n tydperk van 10 dae in kennis stel van enige verandering betreffende inligting wat skriftelik aan die Owerheid verskaf is ingevolge 'n bepaling van, of 'n aansoek ingevolge, hierdie Wet, of inligting voorheen skriftelik aan die Interim Raad verskaf ingevolge 'n bepaling van, of 'n aansoek ingevolge, die herroepe wetgewing; en

(b) moet, in die geval van 'n sekuriteitsbesigheid, jaarliks gedurende November 'n opgawe aan die Owerheid voorsien met die inligting wat in die vorm wat vir hierdie doel deur die Owerheid goedgekeur is, verlang word.

(2) Die verpligtinge in subregulasie (1) bedoel, moet nagekom word deur 'n kennisgewing van die sekuriteitsdiensverskaffer wat gestuur word per geregistreerde pos, faksimileeversending, elektroniese pos, of deur 'n kennisgewing wat per hand afgelewer word aan 'n werknemer van die Owerheid en ten opsigte waarvan 'n ontvangserkenning deur die Owerheid uitgereik word, of deur 'n ander metode wat vir hierdie doel skriftelik deur die Owerheid goedgekeur is.

(3) Elke persoon na wie in artikel 21(1)(a)(ii), (iii), (iv), (v), (vi) of (vii) van die Wet verwys word, moet alle redelik doenlike stappe binne sy of haar bevoegdhede, vermoë of werksaamhede doen om te verseker dat die betrokke

sekuriteitsbesigheid voldoen aan al die verpligtinge wat in hierdie regulasie vervat word.

(4) Enige sekuriteitsdiensverskaffer wat subregulasie (1) oortree of versuim om daaraan te voldoen, of 'n persoon bedoel in subregulasie (3) wat subregulasie (3) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 6 maande.

Registrasie-, identifikasie- en aanstellingsertifikate

9.(1) Die registrasiesertifikaat bedoel in artikel 25 van die Wet bevat die naam en registrasienommer van die sekuriteitsdiensverskaffer, sodanige verdere inligting as wat die Owerheid mag bepaal en die seël van die kantoor van die direkteur.

(2) Die identifikasiesertifikaat bedoel in artikel 25 van die Wet is in die vorm van 'n kredietkaart, sluit 'n foto van die sekuriteitsdiensverskaffer in, bevat die naam en registrasienommer van die sekuriteitsdiensverskaffer en sodanige verdere inligting as wat die Owerheid mag bepaal.

(3) Die aanstellingsertifikaat van 'n inspekteur van die Owerheid in artikel 31(3) van die Wet bedoel, moet voldoen aan elke toepaslike vereiste voorgeskryf ingevolge artikel 334(3)(b) van die Strafproseswet, 1977 (Wet No. 51 van 1977), moet die stelling bevat dat die inspekteur 'n vredesbeampte vir die nasionale gebied van die Republiek is vir doeleindes van die uitoefening van die bevoegdhede ingevolge artikels 40, 41, 44, 45, 46, 47, 48, 49 en 56 van die Strafproseswet, en moet die naam en adres van die Owerheid, 'n foto van die inspekteur, die naam van die inspekteur en sodanige ander besonderhede bevat as wat die Owerheid bepaal.

(4) Die Owerheid kan, op aansoek van 'n sekuriteitsdiensverskaffer, en na betaling van die bedrag vir hierdie doel deur die Owerheid bepaal, 'n nuwe registrasiesertifikaat of 'n nuwe identifikasiesertifikaat aan die sekuriteitsdiensverskaffer uitreik indien die Owerheid oortuig is dat die oorspronklike sertifikaat wesenlik beskadig is, vernietig is, verlore geraak het, wanneer die omstandighede beskryf in regulasie 7 van hierdie regulasies teenwoordig is, wanneer registrasie hernu word soos bedoel in artikel 22 van die Wet, of wanneer daar 'n ander grondige rede bestaan om 'n nuwe sertifikaat uit te reik.

(5) 'n Sekuriteitsdiensverskaffer moet sy of haar identifikasiesertifikaat altyd dra wanneer hy of sy 'n sekuriteitsdiens lewer of wanneer hy of sy die uniform van 'n sekuriteitsbesigheid in die openbaar dra en moet onmiddellik die sertifikaat toon wanneer hy of sy versoek word om dit te doen deur 'n lid van die Diens, 'n inspekteur van die Owerheid, 'n kliënt aan wie die sekuriteitsdiensverskaffer 'n sekuriteitsdiens lewer, 'n persoon skriftelik deur so 'n kliënt gemagtig, of deur enige ander persoon wat 'n geldige belang het om die registrasiestatus en identiteit van die sekuriteitsdiensverskaffer vas te stel.

(6) 'n Sekuriteitsdiensverskaffer wat -

- (a) sonder voldoende rede versuim of weier om te voldoen aan 'n versoek in subregulasie (5) bedoel;
- (b) sy of haar registrasiesertifikaat of identifikasiesertifikaat verander, inligting daarop vervals, dit skend, vernietig of versuim om redelike stappe te doen om dit veilig te bewaar; of

- (c) sonder 'n wettige rede wat sodanige optrede regverdig, die registrasiesertifikaat of identifikasiesertifikaat van 'n ander sekuriteitsdiensverskaffer terughou, behou of in besit daarvan is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 6 maande.

Hou van rekords en dokumente

10.(1) Elke sekuriteitsbesigheid moet, behoudens hierdie regulasie, alle rekords en dokumente betreffende die bestuur, administrasie en ander aangeleenthede met betrekking tot die lewering van 'n sekuriteitsdiens deur die besigheid hou.

(2) Elke sekuriteitsbesigheid moet, behoudens hierdie regulasie, die oorspronklike van alle rekords en dokumente in hierdie regulasie bedoel, op 'n veilige en ordelike wyse vir inspeksie deur die Owerheid beskikbaar hou -

- (a) by die administratiewe kantoor bedoel in regulasie 5(1) van hierdie regulasies, of indien die besigheid meer as een administratiewe kantoor het, by die toepaslike kantoor wat die area of aktiwiteite bedien waarop die rekord of dokument betrekking het, of by die kantoor of plek wat vir hierdie doel skriftelik deur die direkteur op aansoek van die betrokke sekuriteitsbesigheid goedgekeur is; en
- (b) vir 'n tydperk van ten minste 4 jaar vanaf die datum waarop dit tot stand gekom het, tensy 'n ander regsbeplanning vir 'n langer tydperk voorsiening maak of tensy die direkteur skriftelik gelas dat dit vir sodanige langer tydperk gehou word as wat die direkteur mag bepaal.

(3) Die rekords en dokumente waarop hierdie regulasie betrekking het, moet, vir sover hulle aard dit verg of toelaat, deur die betrokke sekuriteitsbesigheid bygewerk word wanneer enige toepaslike verandering plaasvind, so gou as wat dit prakties moontlik is, maar in ieder geval nie langer as 7 dae na die betrokke verandering nie.

(4)(a) Tensy anders gelas ingevolge subregulasie (5), of tensy die aard van 'n rekord of dokument of 'n ander toepaslike regsbeplating anders vereis, kan alle rekords en dokumente wat onder hierdie regulasie val in elektroniese formaat gehou word deur die gebruik van 'n gepaste rekenaarprogram.

(b) 'n Sekuriteitsbesigheid wat rekords of dokumente in elektroniese formaat hou, moet verseker dat 'n akkurate en korrek gedateerde en gemerkte elektroniese rugsteunkopie van alle sodanige rekords en dokumente afsonderlik geskep en gehou word, ten minste elke dag waarop dit 'n sekuriteitsdiens lewer en waarop 'n verandering plaasgevind het ten opsigte van die inligting op die rekord of dokument, of wanneer 'n nuwe rekord, dokument of inligting bygevoeg word.

(c) Die elektroniese rugsteunkopie bedoel in paragraaf (b) moet veilig en beskikbaar vir inspeksie deur die Owerheid, bewaar word.

(5) Die direkteur kan te eniger tyd 'n opdrag uitreik aan 'n sekuriteitsbesigheid, of aan alle of enige kategorie of klas van sekuriteitsbesighede, ten opsigte van enige van die volgende -

(a) die kantoor of ander perseel waar enige of al die rekords of dokumente bedoel in hierdie regulasie gehou moet word;

(b) die tydperk waartydens so 'n rekord of dokument gehou moet word, welke tydperk langer kan wees as die tydperk in subregulasie (2)(b) bedoel; of

(c) die hou van bepaalde rekords of dokumente of enige ander aspek rakende die hou van rekords of dokumente.

(6) Elke persoon na wie in artikel 21(1)(a)(ii), (iii), (iv), (v), (vi) of (vii) van die Wet verwys word, moet alle redelik doenlike stappe binne sy of haar bevoegdhede, vermoë of werksaamhede doen om te verseker dat die betrokke sekuriteitsbesigheid aan al die verpligtinge ingevolge hierdie regulasie voldoen.

(7) Die rekords en dokumente wat gehou moet word soos in hierdie regulasie bedoel, sluit die volgende in -

(a) 'n lys of register met die volle voorname, van, identiteitsnommer, registrasienommer en woonadres van elke sekuriteitsbeampte en ander persoon wat by die sekuriteitsbesigheid in diens is, asook 'n lys of register met die volle voorname, van, identiteitsnommer, registrasienommer en woonadres van elke persoon wat 'n beampte van die sekuriteitsbesigheid is maar wat nie in diens daarvan staan nie;

(b) 'n lys of register met die volle voorname, van, identiteitsnommer en woonadres van elke sekuriteitsbeampte wat beskikbaar gestel word of wie se dienste beskikbaar gestel word aan 'n ander sekuriteitsbesigheid of aan enige persoon;

- (c) 'n register wat volledige inligting bevat oor die loon en vergoeding betaal aan alle sekuriteitsbeamptes en ander werknemers van die sekuriteitsbesigheid, asook alle aftrekkings van sodanige loon of vergoeding, wesenlik in die vorm vervat in BCEA 2 van die Wet op Basiese Diensvoorwaardes, 1997 (Wet No. 75 van 1997);
- (d) ware afskrifte van alle betaalstrokie met betrekking tot sekuriteitsbeamptes en ander werknemers van die sekuriteitsbesigheid, wesenlik in die vorm vervat in BCEA 4 van die Wet op Basiese Diensvoorwaardes, 1997 (Wet No. 75 van 1997);
- (e) 'n aantekenregister ten opsigte van alle sekuriteitsbeamptes en ander werknemers van die sekuriteitsbesigheid, wesenlik in die vorm vervat in BCEA 3 van die Wet op Basiese Diensvoorwaardes, 1997 (Wet No. 75 van 1997);
- (f) 'n posstaat wat die volgende besonderhede bevat ten opsigte van elke dag of deel van 'n dag waartydens die sekuriteitsbesigheid 'n sekuriteitsdiens lewer:
 - (i) die volle voorname en van, en die vlak van geakkrediteerde sekuriteitsopleiding van elke sekuriteitsbeampte wat gebruik word by die lewering van 'n sekuriteitsdiens ten opsigte van daardie dag of 'n gedeelte daarvan;
 - (ii) die registrasienommer van elke sodanige sekuriteitsbeampte;

(iii) die naam van elke kliënt aan wie 'n sekuriteitsdiens gelewer is en die adres en plek of plekke waar so 'n diens gelewer is;

(iv) die aard van die diens wat gelewer is;

(v) die duur van die diens in ure;

(vi) of 'n sekuriteitsbeampte van 'n vuurwapen of ander wapen voorsien is, en indien wel, die tipe vuurwapen of ander wapen, die korrekte identifikasienommer daarvan indien enige, asook inligting oor die regsmagtiging ingevolge waarvan die vuurwapen voorsien en besit is; en

(vii) besonderhede van ammunisie wat aan 'n sekuriteitsbeampte voorsien is;

(g) personeellêers ten aansien van elke sekuriteitsbeampte, werknemer en beampte bedoel in paragrawe (a) en (b), wat ten minste die volgende bevat –

(i) elke skriftelike kontrak wat met so 'n persoon gesluit is en 'n uiteensetting van die pligte of werksaamhede van so 'n persoon;

(ii) skriftelike besonderhede van diens soos bedoel in artikel 13, Sektorale Vasstelling 6: Privaat Sekuriteitsektor Suid-Afrika, soos afgekondig in Goewermentskennisgewing No. R 1250, *Staatskoerant* No. 22873 gedateer 30 November 2001;

- (iii) 'n rekord van alle dissiplinêre stappe deur die sekuriteitsbesigheid teen sodanige persoon gedoen;
 - (iv) 'n ware afskrif van die amptelike dokumentasie wat die vlak van geakkrediteerde sekuriteitsopleiding en ander relevante opleiding van sodanige persoon aandui; en
 - (v) 'n rekord met inligting oor die oorplasing van een tak of afdeling na 'n ander, die bevordering en diensbeëindiging van so 'n persoon;
- (h) skriftelike kontrakte wat aangegaan is met kliënte van die sekuriteitsbesigheid vir doeleindes van die lewering van 'n sekuriteitsdiens, asook 'n lys met die name, kontakadresse en telefoonnommers van al die kliënte met wie die sekuriteitsbesigheid kontrakte gesluit het, hetsy mondelings of skriftelik, vir die lewering van 'n sekuriteitsdiens, 'n beskrywing van die aard van die sekuriteitsdiens, die kontraktuele tarief waarteen die sekuriteitsdiens gelewer word, asook die plek of plekke waar die diens gelewer moet word;
- (i) 'n register betreffende sekuriteitsbeamptes bedoel in paragraaf (b), wat die naam en straatadres aandui van elke sekuriteitsbesigheid of ander persoon aan wie sodanige sekuriteitsbeamptes of hulle dienste beskikbaar gestel is, die datums wanneer hulle so beskikbaar gestel is, die finansiële prestasie betaalbaar hiervoor, en die persoon wat

verantwoordelik is om enige besoldiging, vergoeding of fooi aan die sekuriteitsbeampes in hierdie verband te betaal;

(j) regsmagtiging in die vorm deur die reg voorgeskryf ten opsigte van die besit en gebruik van vuurwapens deur die sekuriteitsbesigheid en sy sekuriteitsbeampes;

(k) dokumentasie met volle besonderhede van alle aftrekkings en betalings wat gemaak word aan die Owerheid ingevolge die bepalinge bedoel in artikel 44(7) van die Wet, of ingevolge die Wet op Heffings, na gelang van die geval; en

(l) alle ander rekords of dokumente wat die sekuriteitsbesigheid moet hou ingevolge die Wet of enige ander wet wat op 'n sekuriteitsbesigheid van toepassing is.

(8) Enige sekuriteitsbesigheid wat subregulasie (2)(b), (3), (4)(b) of (4)(c) oortree of versuim om daaraan te voldoen of versuim of weier om te voldoen aan 'n opdrag bedoel in subregulasie (5), of enige persoon bedoel in subregulasie (6) wat subregulasie (6) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 24 maande.

Aansoek om opskorting of intrekking van registrasie

11. (1) Enige sekuriteitsdiensverskaffer kan, deur voorlegging van die behoorlik voltooide en ondertekende vorm vir hierdie doel deur die Owerheid goedgekeur, en teen betaling van die bedrag wat vir hierdie doel deur die Owerheid bepaal is, aansoek by die Owerheid doen om die opskorting of intrekking van sy of haar registrasie as 'n sekuriteitsdiensverskaffer.

(2) Indien die Owerheid oortuig is dat daar 'n voldoende rede vir so 'n stap is en dat daar nie onredelike nadeel sal wees vir enige persoon wat voorkom kan word deur 'n weiering van die aansoek om opskorting of intrekking nie, kan die Owerheid gelas dat die registrasie van die sekuriteitsdiensverskaffer opgeskort of ingetrek word, na gelang van die geval, vanaf enige datum en op sodanige voorwaardes as wat die Owerheid mag bepaal, insluitend die betaling van enige bedrae wat aan die Owerheid verskuldig is, of die afhandeling van enige ondersoek of ander regsproses.

(3) In die geval van die opskorting van die registrasie van 'n sekuriteitsdiensverskaffer ingevolge hierdie regulasie, is geen jaargelde ingevolge die bepalings van artikel 44(7) van die Wet bedoel, of ingevolge die Wet op Heffings, deur die sekuriteitsdiensverskaffer vir die tydperk van opskorting aan die Owerheid betaalbaar nie.

(4) 'n Sekuriteitsdiensverskaffer wie se registrasie opgeskort is soos bedoel in hierdie regulasie, kan, deur voorlegging van die behoorlik voltooide en ondertekende vorm vir hierdie doel deur die Owerheid goedgekeur en teen betaling van die bedrag wat vir hierdie doel deur die Owerheid bepaal is, aansoek by die Owerheid doen om die opskorting op te hef, en die Owerheid kan die aansoek toestaan op sodanige voorwaardes as wat die Owerheid mag bepaal.

Vermelding van registrasienommers en ander inligting op dokumente

12.(1) Geen sekuriteitsbesigheid wat as 'n sekuriteitsdiensverskaffer geregistreer is, mag na verstryking van 'n tydperk van 60 dae na die afkondiging van hierdie regulasies, enige dokument of advertensie, insluitend 'n dokument in elektroniese formaat, stuur, aflewer, uitreik, publiseer of laat stuur, aflewer, uitreik of publiseer nie, vir sover die dokument of advertensie betrekking het op of verband hou met die posisie of aktiwiteite van die

sekuriteitsbesigheid as 'n sekuriteitsdiensverskaffer, tensy die volgende op 'n duidelik leesbare wyse op die eerste bladsy of voorkant daarvan, na gelang van die geval, aangebring is -

- (a) die naam waaronder die sekuriteitsbesigheid as 'n sekuriteitsdiensverskaffer deur die Owerheid geregistreer is asook die naam waaronder dit handel dryf, soos vermeld in die register bedoel in regulasie 6 van hierdie regulasies;
- (b) die woorde "*Geregistreer as 'n sekuriteitsdiensverskaffer deur die Regulerende Owerheid vir die Private Sekuriteitsbedryf, registrasienommer...*", waar die registrasienommer die nommer is wat in regulasie 6(1)(a) van hierdie regulasies bedoel word; en
- (c) die straatadres en posadres van 'n administratiewe kantoor van die sekuriteitsbesigheid, 'n telefoniese kontaknommer en faksimileenommer van die sekuriteitsbesigheid by daardie kantoor, asook die naam en telefoniese kontaknommer van 'n amptenaar van die sekuriteitsbesigheid wat uitvoerende of bestuursfunksies ten opsigte van die sekuriteitsbesigheid verrig.

(2) Elke persoon na wie in artikel 21(1)(a)(ii), (iii), (iv), (v), (vi) of (vii) van die Wet verwys word, moet alle redelik doenlike stappe binne sy of haar bevoegdhede, vermoë of werksaamhede doen om te verseker dat die betrokke sekuriteitsbesigheid aan al die verpligtinge ingevolge subregulasie (1) voldoen.

(3) Enige sekuriteitsbesigheid wat subregulasie (1) oortree of versuim om daaraan te voldoen, of enige persoon bedoel in subregulasie (2) wat subregulasie (2) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 6 maande.

Uniforms, ampstekens, kentekens en vuurwapens

13.(1) Elke sekuriteitsbesigheid moet, behoudens hierdie regulasie, aan elke sekuriteitsbeampte in diens van die sekuriteitsbesigheid voldoende, kenmerkende kledingstukke voorsien wat 'n standaard-uniform van daardie sekuriteitsbesigheid uitmaak indien van die sekuriteitsbeampte geverg word om 'n sekuriteitsdiens te lewer soos bedoel in paragrawe (a), (c) of (d) van die omskrywing van sekuriteitsdiens in artikel 1(1) van die Wet, tensy die sekuriteitsbeampte slegs 'n diens verrig wat bestaan uit die beskerming of beveiliging van 'n bepaalde natuurlike persoon.

(2) Elke sekuriteitsbeampte bedoel in subregulasie (1) moet die uniform wat aan hom of haar voorsien is, tydens die lewering van so 'n sekuriteitsdiens aanhê.

(3) Die uniform in subregulasie (1) bedoel -

(a) moet geskik wees vir gebruik deur die sekuriteitsbeampte in die lig van die aard van die sekuriteitsdiens, die omstandighede waaronder die sekuriteitsdiens gelewer word en enige ander relevante omstandigheid; en

(b) moet ten minste 2 kentekens hê, prominent op die uniform aangebring, met die naam van die sekuriteitsbesigheid in wie se diens die sekuriteitsbeampte is duidelik leesbaar daarop, asook 'n kenteken wat op die boonste deel van die voorkant van die uniform aangebring is, met die naam en registrasienommer van die sekuriteitsbeampte duidelik leesbaar daarop.

(4) Die direkteur kan, as daar 'n voldoende rede vir so 'n stap is, 'n sekuriteitsbesigheid skriftelik gelas om enige aspek van die uniform wat aan die sekuriteitsbeamptes van die sekuriteitsbesigheid uitgereik is, te wysig in die mate en binne sodanige redelike tydperk as wat die direkteur mag aandui.

(5) 'n Sekuriteitsbesigheid wat 'n sekuriteitsdiens lewer wat die besit of gebruik van 'n vuurwapen vereis, moet 'n geskikte vuurwapen wettiglik vir hierdie doel voorsien en mag nie van 'n sekuriteitsbeampte in diens van die sekuriteitsbesigheid verg, of so 'n sekuriteitsbeampte toelaat, om 'n vuurwapen te bekom of te voorsien vir sodanige doel nie.

(6) 'n Sekuriteitsbeampte mag vir doeleindes van die lewering van 'n sekuriteitsdiens in die loop van sy of haar diens slegs 'n vuurwapen besit wat wettiglik deur sy of haar werkgever voorsien is.

(7) Enige sekuriteitsdiensverskaffer wat -

- (a) subregulasie (1), (2) of (3) oortree of versuim om daaraan te voldoen, of versuim of weier om te voldoen aan 'n opdrag in subregulasie (4) bedoel;
- (b) sonder wettige rede 'n uniform, kenteken of ampsteken dra wat identies is aan, of wat sodanige ooreenkoms toon met 'n uniform, kenteken of ampsteken van die Suid-Afrikaanse Polisie, die Suid-Afrikaanse Nasionale Weermag, die Departement van Korrektiewe Dienste of enige ander wetstoepassingsagentskap of -diens wat by wet ingestel is dat dit bereken is om te mislei;
- (c) sonder wettige rede 'n uniform, kenteken of ampsteken soos bedoel in paragraaf (b) aan 'n ander persoon voorsien;
- (d) van 'n sekuriteitsbeampte in diens van of beskikbaar gestel aan daardie sekuriteitsdiensverskaffer verg, of so 'n sekuriteitsbeampte toelaat, om

- ‘n vuurwapen te bekom of te voorsien vir doeleindes van die lewering van ‘n sekuriteitsdiens in die loop van sy of haar diens;
- (e) van ‘n sekuriteitsbeampte in diens van of beskikbaar gemaak deur daardie sekuriteitsdiensverskaffer, of van ‘n aansoeker om ‘n pos as sekuriteitsbeampte, verlang om oor ‘n vuurwapenlisensie te beskik; of
- (f) ‘n sekuriteitsbeampte is en wat, vir die doel van die lewering van ‘n sekuriteitsdiens in die loop van sy of haar diens, in besit van ‘n vuurwapen is wat nie wettiglik deur sy of haar werkgever voorsien is nie,

is aan ‘n misdryf skuldig en by skuldigbevinding strafbaar met ‘n boete of met gevangenisstraf vir ‘n tydperk van hoogstens 24 maande.

(8) Hierdie regulasie tree in werking 120 dae na die afkondiging van hierdie regulasies.

Oorgangs- en algemene bepalings

14.(1) In hierdie regulasie, tensy uit die samehang anders blyk, beteken -

“bestaande sekuriteitsbeampte” ‘n persoon wat wettiglik deur die Interim Raad ingevolge die herroepe wetgewing as ‘n sekuriteitsbeampte geregistreer is en van wie die registrasie geldig was op die dag wat die dag onmiddellik voorafgaan waarop die Wet in werking tree.

(2) Elke bestaande sekuriteitsbeampte word, behoudens hierdie regulasie en enige ander toepaslike wetsbepalings, geag geregistreer te wees as ‘n sekuriteitsdiensverskaffer ingevolge artikel 21 van die Wet en is onderworpe aan al die bepalings van die Wet.

(3)(a) 'n Bestaande sekuriteitsbeampte wat geag word as sekuriteitsdiensverskaffer geregistreer te wees -

(i) moet vir doeleindes van die Wet die registrasienommer gebruik wat deur die Interim Raad toegeken is totdat die Owerheid hierdie nommer verander;

(ii) moet, in die geval van 'n sekuriteitsbesigheid, behoudens enige ander wetsbepalings, alle rekords en dokumente hoegenaamd wat nie ouer as 4 jaar is nie en betrekking het op die lewering van 'n sekuriteitsdiens deur die sekuriteitsbesigheid, in veilige en ordelike bewaring hou soos bedoel in regulasie 10(1) en (2) van hierdie regulasies;

(iii) kan, in die geval van 'n sekuriteitsbesigheid, tot verstryking van die tydperk alvorens die vereistes betreffende infrastruktuur en kapasiteit om 'n sekuriteitsdiens te lewer in werking tree ten opsigte van die bestaande sekuriteitsbeampte soos bedoel in subregulasie (5), alle rekords en dokumente soos bedoel in regulasie 10 van hierdie regulasies hou by enige kantoor of kantore waar hulle gehou sou kon word as regulasie 10(2)(a) van hierdie regulasies nie aangeneem is nie; en

(iv) moet, in die geval van 'n sekuriteitsbesigheid wat 'n maatskappy is, binne die tydperk wat die direkteur vir hierdie doel bepaal die Owerheid voorsien van 'n lys bedoel in regulasie 2(3)(e) van hierdie regulasies.

(b) Enige sekuriteitsbesigheid, of 'n amptenaar of 'n werknemer van die sekuriteitsbesigheid, wat paragraaf (a)(ii) of (iv) oortree of versuim om daaraan

te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

(4) 'n Bestaande sekuriteitsbeampte wat 'n persoon is in artikel 23(5) van die Wet bedoel, word nie geag geregistreer te wees as 'n sekuriteitsdiensverskaffer ingevolge die Wet nie.

(5) Elke bestaande sekuriteitsbeampte wat geag word geregistreer te wees as 'n sekuriteitsdiensverskaffer en wat binne die omskrywing van 'n sekuriteitsbesigheid ingevolge die Wet val, moet binne 'n tydperk van 120 dae na afkondiging van hierdie regulasies of binne sodanige langer tydperk as wat die direkteur mag toelaat op grond van 'n gemotiveerde skriftelike aansoek deur 'n bestaande sekuriteitsbeampte binne 'n tydperk van 60 dae na afkondiging van hierdie regulasies, voldoen aan die vereistes betreffende infrastruktuur en kapasiteit wat nodig is om 'n sekuriteitsdiens te lewer soos bedoel in regulasie 5 van hierdie regulasies.

(6)(a) Elke bestaande sekuriteitsbeampte wat 'n posisie beklee vermeld in artikel 21(1)(a) (ii), (iii), (iv), (v), (vi) of (vii) van die Wet, moet, behoudens regulasie 3 van hierdie regulasies, binne 'n tydperk van 120 dae vanaf die datum van afkondiging van hierdie regulasies, of binne sodanige langer tydperk as wat die direkteur mag toelaat op grond van 'n gemotiveerde skriftelike aansoek deur 'n bestaande sekuriteitsbeampte binne 'n tydperk van 60 dae vanaf die datum van afkondiging van hierdie regulasies, aan die opleidingsvereiste bedoel in regulasie 3(3) van hierdie regulasies voldoen, of die bedoelde posisie ontruim.

(b) 'n Persoon wat 'n bepaling van paragraaf (a) oortree of wat versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 6 maande.

- (7)(a) Elke applikant om registrasie as 'n sekuriteitsbeampte ingevolge die herroepe wetgewing wie se aansoek gedoen word, of hangende is, op die dag onmiddellik voor die dag waarop die Wet in werking tree, moet, behoudens hierdie subregulasie, 'n behoorlik voltooide en toepaslike aansoekvorm soos bedoel in regulasie 2 van hierdie regulasies aan die Owerheid voorlê ten einde die Owerheid in staat te stel om die aansoek ingevolge die bepalings van die Wet te oorweeg.
- (b) 'n Applikant om registrasie soos bedoel in paragraaf (a) moet die behoorlik voltooide aansoekvorm aan die Owerheid voorlê binne 'n tydperk van 60 dae na afkondiging van hierdie regulasies, of binne sodanige langer tydperk as wat die Owerheid weens 'n gegronde rede mag toelaat.
- (c) Die aansoek van 'n applikant om registrasie wat nie die aansoekvorm aan die Owerheid voorlê binne die tydperk soos bedoel in paragraaf (b) nie of wat die aansoek terugtrek, verval, en die Owerheid hoef nie enige bedrag wat die applikant ten opsigte van die aansoek betaal het terug te betaal of die bedrag in ag te neem by die indien van 'n nuwe aansoek nie.
- (8) 'n Applikant om registrasie ingevolge 'n kennisgewing bedoel in artikel 44(6) van die Wet wat beoog om 'n toepaslike sekuriteitsdiens te lewer vanaf die datum in die kennisgewing bepaal, moet die aansoek aan die Owerheid voorlê ten minste 2 maande voor die toepaslike datum in die kennisgewing.
- (9)(a) 'n Persoon wat sy of haar eie werknemers gebruik om bloot sy of haar eiendom of belange, of persone of eiendom op sy of haar perseel of onder sy of haar beheer, op te pas of te beskerm, moet, nadat sodanige werknemers aan die Wet onderworpe geword het soos in artikel 44(6)(a) van die Wet bedoel -

(i) slegs werknemers vir die verrigting van hierdie werksaamhede aanwend wat as sekuriteitsdiensverskaffers ingevolge artikel 21 van die Wet geregistreer is;

(ii) vóór inwerkingtreding van die Wet op Heffings, voldoen, met die nodige wysigings, aan die bepalinge betreffende die aftrekking en oorbetalings van die voorgeskrewe bedrae ten opsigte van geregistreerde sekuriteitsdiensverskaffers in diens van die werkgewer soos vervat in regulasie 9(4), gepubliseer in *Staatskoerant* No. 22770 gedateer 1 November 2001, voorgeskryf ingevolge artikel 18 van die herroepe wetgewing, en, na inwerkingtreding van die Wet op Heffings, voldoen, met die nodige wysigings, aan die bepalinge betreffende die aftrekking en oorbetalings van heffings ten opsigte van geregistreerde sekuriteitsdiensverskaffers in diens van die werkgewer, soos bepaal ingevolge die Wet op Heffings;

(iii) voldoen, met die nodige wysigings, aan die bepalinge vervat in regulasie 10(2), (3), (4), (5), (7)(a), (7)(b), (7)(c), (7)(d), (7)(e), (7)(g), (7)(i), (7)(j) en (7)(k) van hierdie regulasies; en

(iv) voldoen, met die nodige wysigings, aan die bepalinge vervat in regulasie 8 en regulasie 13 van hierdie regulasies.

(b) 'n Persoon bedoel in paragraaf (a) wat 'n bepaling wat op hom of haar van toepassing is ingevolge paragraaf (a), oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf wat opgelê kan word indien 'n sekuriteitsdiensverskaffer aan so 'n misdryf ingevolge die betrokke regulasies wat in paragraaf (a) bedoel word, skuldig bevind is.

Gesaghebbende teks

15. Die bepalinge van die Engelse teks van hierdie regulasies geniet voorrang in die geval van 'n verskil tussen die Engelse teks en die teks in enige ander amptelike taal.

Herroeping van regulasies

16. Die volgende regulasies word hiermee herroep soos hieronder aangedui:

Regulasies	Omvang van herroeping
Die regulasies vervat in Goewermentskennisgewing No. R 797 gepubliseer in <i>Staatskoerant</i> No. 12413 gedateer 2 April 1990, soos gewysig.	Die geheel, met die uitsondering van regulasies 1, 7, 9(1), 9(3) en 9(4).
Die regulasies vervat in Raadskennisgewing 46 van 1993 gepubliseer in <i>Staatskoerant</i> No. 14767 gedateer 7 Mei 1993.	Die geheel.
Die regulasies vervat in Raadskennisgewing 87 van 1994, gepubliseer in <i>Staatskoerant</i> No. 15951 gedateer 9 September 1994.	Die geheel.

Kort titel en inwerkingtreding

17. Hierdie regulasies heet die Regulasies op die Private Sekuriteitsbedryf, 2002, en tree in werking op die datum wanneer die Wet in werking tree.

BYLAE**KLARINGSERTIFIKAAT INGEVOLGE ARTIKEL 23(1)(f) VAN DIE
WET OP DIE REGULERING VAN DIE PRIVATE
SEKURITEITSBEDRYF, 2001****1. Besonderhede van applikant se voormalige werkgever****Naam van mag of diens**

Straatadres van hoofkantoor (insluitend stad, provinsie en land)

Telefoonnommer**Faksnommer****Elektroniese posadres****Posadres**

Naam, adres en telefoonnommer van kontakpersoon

2. Besonderhede van voormalige werknemer**Volle voorname en van van werknemer**

Identiteitsnommer

Paspoortnommer**Laaste bekende adres**

Voormalige werknemer se mags-, diens- of personeelnommer

Datum van aanvang van diens

Datum van diensbeëindiging

Rang by diensbeëindiging**Hoedanighede waarin geëmplojeer**

Rede vir diensbeëindiging

Redelike besonderhede van enige wangedrag deur voormalige werknemer (skuldigbevindings op klagtes van wangedrag, strawwe opgelê, datums en ander relevante besonderhede)

Indien daar dissiplinêre verrigtinge hangende was teen die voormalige werknemer op die datum van diensbeëindiging, word feitlike inligting verlang oor die meriete van die klagtes en of die beëindiging van diens plaasgevind het om die dissiplinêre verrigtinge te vermy

3. Verklaring

Ek, die ondergetekende, verklaar dat die inligting op hierdie vorm verskaf waar en korrek is en dat ek die nodige magtiging het om die inligting te verskaf.

Handtekening _____ **Datum** _____

Naam _____

Amp in mag of diens _____

Telefoonnommer _____

4. Toestemming deur voormalige werknemer aan voormalige werkgever om inligting te verskaf aangaande diensrekord en aangeleenthede wat daarmee verband hou.

Ek, die ondergetekende, verleen hiermee toestemming aan my voormalige werkgever soos in hierdie vorm bedoel om inligting aangaande my diensrekord en verwante aangeleenthede in hierdie vorm bedoel aan die Regulerende Owerheid vir die Private Sekuriteitsbedryf te voorsien.

Handtekening van voormalige werknemer _____

Naam _____

Datum _____

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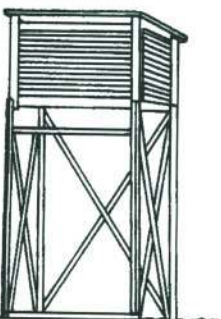
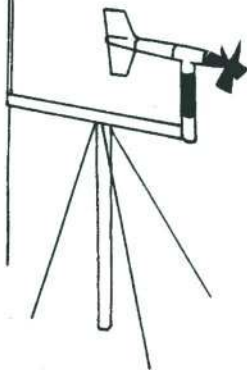
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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
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