



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2305. 16 October 1987

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 92 of 1987: Security Officers Act, 1987.

No. 2305. 16 Oktober 1987

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 92 van 1987: Wet op Sekuriteitsbeamptes, 1987.

ACT

To provide for the establishment of a board, to be known as the Security Officers' Board, to deal with and to exercise control over the occupation of security officer, and for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 6 October 1987.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "Board" means the Security Officers' Board established by section 2; (vi) 5
 - (ii) "close corporation" means a close corporation within the meaning of the Close Corporations Act, 1984 (Act No. 69 of 1984); (i)
 - (iii) "Commissioner" means the Commissioner of the South African Police; (iii) 10
 - (iv) "company" means a company within the meaning of the Companies Act, 1973 (Act No. 61 of 1973); (iv)
 - (v) "guarantee fund" means the fidelity guarantee fund established under section 22; (xii)
 - (vi) "Minister" means the Minister of Law and Order; (v) 15
 - (vii) "prescribe" means prescribe by regulation; (xi)
 - (viii) "register", in relation to a security officer, means the entering of the name of a security officer in the register referred to in section 13; (vii)
 - (ix) "regulation" means a regulation made under section 20 20 32; (viii)
 - (x) "security officer" means a person or employee referred to in section 10(1); (ix)
 - (xi) "security service" means a service rendered by a person to another person for reward by— 25
 - (a) making himself or a person in his employ available for the protection or safeguarding of people or property in accordance with an arrangement concluded with such other person; or
 - (b) advising such other person in connection with the 30 protection or safeguarding of people or property in any manner whatsoever, but does not include such a service rendered by an employee on behalf of his employer; (x)
 - (xii) "this Act" includes the regulations. (ii) 35

Establishment
and objects of
Security Officers'
Board.

2. (1) There is hereby established a juristic person to be known as the Security Officers' Board.

(2) The objects of the Board shall be to exercise control over the occupation of security officer and to maintain, promote and protect the status of that occupation. 40

WET

Om voorsiening te maak vir die instelling van 'n raad, bekend as die Raad vir Sekuriteitsbeamptes, om te handel met en beheer uit te oefen oor die beroep van sekuriteitsbeampte, en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 6 Oktober 1987.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken— Woordomskrywing.

- 5 (i) "beslote korporasie" 'n beslote korporasie ooreenkomstig die bedoeling van die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984); (ii)
- (ii) "hierdie Wet" ook die regulasies; (xii)
- 10 (iii) "Kommissaris" die Kommissaris van die Suid-Afrikaanse Polisie; (iii)
- (iv) "maatskappy" 'n maatskappy ooreenkomstig die bedoeling van die Maatskappywet, 1973 (Wet No. 61 van 1973); (iv)
- (v) "Minister" die Minister van Wet en Orde; (vi)
- 15 (vi) "Raad" die Raad vir Sekuriteitsbeamptes by artikel 2 ingestel; (i)
- (vii) "registreer", met betrekking tot 'n sekuriteitsbeampte, die inskrywe van 'n sekuriteitsbeampte se naam in die register in artikel 13 bedoel; (viii)
- 20 (viii) "regulasie" 'n regulasie kragtens artikel 32 uitgevaardig; (ix)
- (ix) "sekuriteitsbeampte" 'n persoon of werknemer in artikel 10 (1) bedoel; (x)
- 25 (x) "sekuriteitsdiens" 'n diens wat 'n persoon aan 'n ander persoon teen vergoeding lewer deur—
 - (a) homself of 'n persoon in sy diens beskikbaar te stel vir die beskerming of beveiliging van persone of goed ooreenkomstig 'n reëling met so 'n ander persoon aangegaan; of
 - 30 (b) so 'n ander persoon te adviseer in verband met die beskerming of beveiliging van persone of goed op watter wyse ook al, maar nie ook so 'n diens wat 'n werknemer ten behoewe van sy werkgever lewer nie; (xi)
- 35 (xi) "voorskryf" by regulasie voorskryf; (vii)
- (xii) "waarborgfonds" die getrouheidswaarborgfonds kragtens artikel 22 ingestel. (v)

2. (1) Hierby word 'n regs persoon met die naam die Raad vir Sekuriteitsbeamptes ingestel.

40 (2) Die oogmerke van die Raad is om beheer uit te oefen oor die beroep van sekuriteitsbeampte en om die aansien van daardie beroep te handhaaf, te bevorder en te beskerm.

Instelling en oogmerke van Raad vir Sekuriteitsbeamptes.

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Functions of Board.

3. The functions of the Board shall be to endeavour to achieve its objects with the means at its disposal, and for the purpose of achieving those objects the Board may—

- (a) take such steps necessary to maintain standards and regulate practices in connection with the occupation of security officer and persons pursuing or intending to pursue such occupation as are permitted under this Act;
- (b) gather information relevant to his occupation as a security officer in connection with persons who are security officers or applying for registration as such;
- (c) give advice in connection with the training of security officers and promote the standard of training of security officers;
- (d) cause its work to be performed by persons employed by it on conditions determined by it or with whom it has entered into contracts for the performance of any particular work;
- (e) (i) acquire or hire movable or immovable property, including rights thereto;
- (ii) hypothecate, let, sell or otherwise dispose of movable or immovable property of the Board, including rights thereto;
- (f) open accounts with any banking or other financial institution;
- (g) invest money;
- (h) accept donations with the approval of the Minister;
- (i) become a member of an association or organization which seeks to promote any matter in which the Board has an interest;
- (j) collaborate with any person in the performance of an act which the Board is by law permitted to perform; and
- (k) generally, enter into any contract or perform any act that will in the opinion of the Board contribute towards the attainment of its objects.

Constitution of Board.

4. (1) The Board shall, subject to section 6, consist of—
- (a) six security officers selected by the Minister from among the persons whose names appear on a list compiled in terms of subsection (4);
 - (b) a commissioned officer of the South African Police designated by the Commissioner;
 - (c) an officer referred to in section 2 (2) or (3) of the Internal Security Act, 1982 (Act No. 74 of 1982); and
 - (d) any two additional persons who in the opinion of the Minister are fit and proper persons to serve on the Board.

(2) The members of the Board shall be appointed by the Minister.

(3) No person shall be appointed as a member of the Board unless he is a citizen of the Republic or of a state the territory of which formerly formed part of the Republic and is permanently resident in the Republic or any of such states.

(4) (a) As often as it may become necessary the Commissioner shall by notice in the *Gazette* and, if he finds it necessary, also in such other manner as he may determine, invite persons rendering security services and associations and organizations of security officers to submit to him (directly or through any federation of such associations or organizations) within a specified period names of persons who have pursued the occupation of security officer for at least seven years and who are competent and fit and proper to be appointed as members of the Board contemplated in subsection (1) (a).

(b) Upon the expiry of the period specified in terms of paragraph (a) the Commissioner shall compile a list of twelve names of persons selected from persons whose names were submitted to him in pursuance of the relevant invitation and who in his opinion are competent

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3. Die werksaamhede van die Raad is om met die middele tot sy beskikking sy oogmerke te probeer bereik, en ten einde daardie oogmerke te bereik kan die Raad—

Werksaamhede van Raad.

- 5 (a) die nodige stappe om standarde te handhaaf en praktyke te beheer in verband met die beroep van sekuriteitsbeampte en persone wat daardie beroep uitoefen of wil uitoefen, doen wat kragtens hierdie Wet veroorloof word;
- 10 (b) inligting wat betrekking het op sy beroep as sekuriteitsbeampte inwin in verband met persone wat sekuriteitsbeamptes is of om registrasie as sodanig aansoek doen;
- (c) advies gee in verband met die opleiding van sekuriteitsbeamptes, en die standaard van opleiding van sekuriteitsbeamptes bevorder;
- 15 (d) sy werk laat verrig deur persone wat hy op voorwaardes wat hy bepaal, in diens geneem het of met wie hy kontrakte aangegaan het vir die verrigting van besondere werk;
- 20 (e) (i) roerende of onroerende goed, met inbegrip van regte daarop, verkry of huur;
(ii) roerende of onroerende goed van die Raad, met inbegrip van regte daarop, verhipotekeer, verhuur, verkoop of op 'n ander wyse van die hand sit;
- 25 (f) rekenings by 'n bank- of ander finansiële instelling open;
- (g) geld belê;
- (h) met die Minister se goedkeuring skenkings aanneem;
- (i) lid word van 'n vereniging of organisasie wat hom beweer vir 'n aangeleentheid waarby die Raad 'n belang het;
- 30 (j) met enigen saamwerk in die verrigting van 'n handeling wat die Raad regtens kan verrig; en
- (k) oor die algemeen, enige kontrak aangaan of handeling verrig wat na die Raad se oordeel sal bydra tot die bereiking van sy oogmerke.
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4. (1) Die Raad bestaan, behoudens artikel 6, uit—

Samestelling van Raad.

- (a) ses sekuriteitsbeamptes wat deur die Minister gekies is uit die persone wie se name verskyn op 'n lys ingevolge subartikel (4) opgestel;
- 40 (b) 'n offisier van die Suid-Afrikaanse Polisie deur die Kommissaris aangewys;
- (c) 'n beampte bedoel in artikel 2 (2) of (3) van die Wet op Binnelandse Veiligheid, 1982 (Wet No. 74 van 1982); en
- 45 (d) enige twee bykomende persone wat na die oordeel van die Minister geskikte persone is om in die Raad te dien.

(2) Die lede van die Raad word deur die Minister aangestel.

(3) Niemand word as lid van die Raad aangestel nie tensy hy 'n burger is van die Republiek of van 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het en permanent in die Republiek of enigen van sodanige state woonagtig is.

- 55 (4) (a) So dikwels as wat dit nodig word, moet die Kommissaris by kennisgewing in die *Staatskoerant* en, indien hy dit nodig vind, ook op die ander wyse wat hy bepaal, persone wat sekuriteitsdienste lewer en verenigings en organisasies van sekuriteitsbeamptes uitnoodi om (regstreeks of deur bemiddeling van 'n federasie van sodanige verenigings of organisasies) name van persone wat minstens sewe jaar lank die beroep van sekuriteitsbeampte uitoefen en wat bevoeg en geskik is om as lede van die Raad beoog in subartikel (1) (a) aangestel te word, binne 'n bepaalde tydperk aan hom voor te lê.
- 60 (b) By verstryking van die tydperk ingevolge paragraaf (a) bepaal, moet die Kommissaris 'n lys opstel van twaalf name van persone wat gekies is uit persone wie se name na aanleiding van die betrokke uitnodiging aan hom voorgelê is en wat volgens sy oordeel bevoeg en
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and willing, and are fit and proper persons, to be appointed as members of the Board and who in the opinion of the Commissioner are as far as possible representative of security officers in the Republic: Provided that the Commissioner may compile such a list at his own discretion if—

- (i) no names are submitted to him in pursuance of such an invitation; or
- (ii) an insufficient number of names of competent and fit and proper persons are submitted to him.

Term of office and payment of allowances.

5. (1) A member of the Board—

- (a) referred to in paragraph (a) or (d) of section 4 (1) shall be appointed for such period, not exceeding three years, as the Minister may determine at the time of the appointment;
- (b) referred to in paragraph (b) or (c) of that section shall be appointed at the Minister's pleasure.

(2) Any person whose period of office as a member of the Board has expired shall be eligible for reappointment.

(3) A member of the Board referred to in section 4 (1) (a) or (d) who is not an officer or employee in the public service, may be paid from the funds of the Board such allowances for the defrayal of transport and subsistence costs as the Board may with the approval of the Minister and the Minister of Finance determine.

Vacation of office and filling of vacancies.

6. (1) A member of the Board shall vacate his office if—

- (a) his registration as a security officer, in the case of a member who is a security officer, is withdrawn;
- (b) he has been absent from two consecutive meetings of the Board without leave of the Board; or
- (c) he is removed from office under subsection (2).

(2) A member of the Board may at any time be removed from office by the Minister if there is a sound reason therefor.

(3) (a) If a member of the Board ceases to hold office the Minister shall, having regard to the provisions of paragraph (a), (b), (c) or (d) of section 4 (1) but subject to paragraph (b) of this subsection, appoint a person to fill the vacancy: Provided that a person appointed in the place of a former member—

- (i) referred to in paragraph (a) or (d) of the said section, shall be appointed for the unexpired portion of such former member's term of office;
 - (ii) referred to in paragraph (b) or (c) of the said section, shall be appointed at the Minister's pleasure.
- (b) Subsection (1) (a) of section 4, in so far as that subsection requires the members referred to therein to be selected from a list compiled under subsection (4) of that section, shall not apply in respect of any appointment contemplated in paragraph (a) of this subsection.

Chairman and vice-chairman.

7. (1) The Board shall at its first meeting and thereafter as often as it may become necessary elect a member as the chairman and another member as the vice-chairman of the Board.

(2) Whenever the chairman is absent or is unable to perform his functions as chairman or whenever the office of chairman is vacant the vice-chairman shall act as chairman during the absence or incapacity of the chairman or until a chairman is elected, and if both the chairman and the vice-chairman are absent or unable to perform the functions of the chairman or whenever both the office of chairman and the office of vice-chairman are vacant the Board may elect any other member to act as chairman during such absence or incapacity or until a chairman or vice-chairman is elected.

(3) (a) The chairman shall, subject to his remaining a member of the Board, retire as chairman at the first meeting of

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gewillig is, en geskikte persone is, om as lede van die Raad aangestel te word en wat na die oordeel van die Kommissaris sover moontlik verteenwoordigend is van sekuriteitsbeamptes in die Republiek: Met dien verstande dat die Kommissaris na goeëdunke so 'n lys kan saamstel indien—

- (i) geen name na aanleiding van so 'n uitnodiging aan hom voorgelê word nie; of
- (ii) 'n ontoereikende getal name van bevoegde en geskikte persone aan hom voorgelê word.

5. (1) 'n Lid van die Raad—

- (a) bedoel in paragraaf (a) of (d) van artikel 4 (1) word aangestel vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van die aanstelling bepaal;
- (b) bedoel in paragraaf (b) of (c) van daardie artikel word aangestel so lank dit die Minister behaag.

Ampstermyn en betaling van toelaes.

(2) Iemand wie se ampstermyn as 'n lid van die Raad verstryk het, is bevoeg om weer aangestel te word.

- (3) Aan 'n lid van die Raad bedoel in artikel 4 (1) (a) of (d) wat nie 'n beampte of werknemer in die staatsdiens is nie, kan daar uit die fondse van die Raad die toelaes ter dekking van reis- en verblyf-koste betaal word wat die Raad met die goedkeuring van die Minister en die Minister van Finansies bepaal.

6. (1) 'n Lid van die Raad ontruim sy amp indien—

- (a) sy registrasie as sekuriteitsbeampte, in die geval van 'n lid wat 'n sekuriteitsbeampte is, ingetrek word;
- (b) hy sonder verlof van die Raad van twee agtereenvolgende vergaderings van die Raad afwesig was; of
- (c) hy kragtens subartikel (2) van sy amp onthef word.

Ontruiming van amp en vul van vakatures.

- (2) 'n Lid van die Raad kan te eniger tyd deur die Minister van sy amp onthef word indien daar 'n gegronde rede daarvoor bestaan.

- (3) (a) Indien 'n lid van die Raad ophou om sy amp te beklee, moet die Minister, met inagneming van paragraaf (a), (b), (c) of (d) van artikel 4 (1) maar behoudens paragraaf (b) van hierdie subartikel, iemand aanstel om die vakature te vul: Met dien verstande dat iemand wat aangestel word in die plek van 'n vorige lid—

- (i) bedoel in paragraaf (a) of (d) van genoemde artikel, vir die onverstreke gedeelte van die vorige lid se ampstermyn aangestel moet word;

- (ii) bedoel in paragraaf (b) of (c) van genoemde artikel, aangestel moet word so lank dit die Minister behaag.

- (b) Subartikel (1) (a) van artikel 4, in soverre daardie subartikel vereis dat die lede daarin bedoel, gekies moet word uit 'n lys kragtens subartikel (4) van daardie artikel saamgestel, is nie van toepassing nie ten opsigte van 'n aanstelling beoog in paragraaf (a) van hierdie subartikel.

7. (1) Die Raad kies op sy eerste vergadering en daarna so dikwels as wat dit nodig word 'n lid as die voorsitter en 'n ander lid as die ondervoorsitter van die Raad.

Voorsitter en ondervoorsitter.

- (2) Wanneer die voorsitter afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie of wanneer die amp van voorsitter vakant is, moet die ondervoorsitter gedurende die afwesigheid of onvermoë van die voorsitter of totdat 'n voorsitter verkies word as voorsitter waarneem, en indien sowel die voorsitter as die ondervoorsitter afwesig is of nie in staat is om die werksaamhede van die voorsitter te verrig nie of wanneer sowel die amp van die voorsitter as dié van die ondervoorsitter vakant is, moet die Raad 'n ander lid kies om as voorsitter waar te neem gedurende bedoelde afwesigheid of onvermoë of totdat 'n voorsitter of ondervoorsitter verkies word.

- (3) (a) Die voorsitter tree, mits hy lid van die Raad bly, as voorsitter af op die eerste vergadering van die Raad ge-

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the Board held subsequent to the expiry of one year after his election as chairman, and shall be eligible for re-election.

- (b) The provisions of paragraph (a) shall *mutatis mutandis* apply to the vice-chairman. 5

Meetings.

8. (1) A meeting of the Board shall be held as often as may be necessary, but at least twice a year, at the time and place determined by the chairman of the Board: Provided that—

- (a) the first meeting of the Board shall be held at a time and place determined by the Minister; and 10
(b) the chairman shall within seven days after he has been requested in writing by at least five members of the Board to do so, convene a meeting of the Board.

(2) Save where otherwise provided for in this Act—

- (a) five members of the Board shall constitute a quorum 15 for a meeting of the Board; and
(b) the decision of the majority of the members of the Board present at a meeting of the Board, shall constitute a resolution of the Board: Provided that in the event of an equality of votes relating to any matter the 20 chairman of the Board shall have a casting vote in addition to his deliberative vote.

Executive committee.

9. (1) The Board may appoint an executive committee consisting of at least three of the members of the Board.

(2) The Board shall as often as it may become necessary elect 25 one of the members of the executive committee as the chairman and another member as the vice-chairman of the committee.

(3) (a) The Board may delegate any power conferred upon it by or under this Act to the executive committee or authorize the executive committee to perform any duty 30 assigned to the Board by or under this Act.

(b) Any such power or duty shall be exercised or performed by the executive committee subject to such directives as the Board may from time to time issue.

(c) No delegation of a power under paragraph (a) shall 35 prevent the exercise of the relevant power by the Board itself.

(4) The meetings of the executive committee shall be conducted according to rules determined by the Board.

(5) Section 7 (2) and (3) shall *mutatis mutandis* apply in re- 40 spect of the executive committee.

Persons prohibited from performing certain acts unless registered as security officers.

10. (1) As from a date determined by the Minister by notice in the *Gazette*—

(a) no person shall render a security service unless he, and if such person is a company or a close corporation, it 45 and every director of the company or it and every member of the close corporation, are registered with the Board as a security officer; and

(b) no employee of a person rendering a security service shall allow that he be used in the course of his employ- 50 ment for the rendering of a security service unless he is registered with the Board as a security officer.

(2) Different dates may under subsection (1) be determined in respect of different categories of security officers.

(3) A notice under subsection (1) shall be published at least 55 180 days before the date specified therein.

(4) Any contract, whether concluded before or after the commencement of this Act, which is inconsistent with a prohibition contained in paragraph (a) or (b) of subsection (1), shall, to the extent to which it is so inconsistent, not be of force. 60

(5) The Minister may, after consultation with the Board, by notice in the *Gazette*—

(a) exempt from any or all of the provisions of this Act any

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hou na verstryking van een jaar na sy verkiesing as voorsitter, en is herkiesbaar.

- (b) Die bepalings van paragraaf (a) is *mutatis mutandis* op die ondervoorsitter van toepassing.

5 8. (1) 'n Vergadering van die Raad word gehou so dikwels as wat dit nodig word, maar minstens twee keer per jaar, op die tyd en plek wat die voorsitter van die Raad bepaal: Met dien verstande dat—

Vergaderings.

- 10 (a) die eerste vergadering van die Raad gehou word op 'n tyd en plek wat die Minister bepaal; en

- (b) die voorsitter binne sewe dae nadat hy deur minstens vyf lede van die Raad skriftelik daartoe versoek word, 'n vergadering van die Raad moet belê.

(2) Behalwe waar in hierdie Wet anders bepaal—

- 15 (a) maak vyf lede van die Raad 'n kworum vir 'n vergadering van die Raad uit; en

- (b) maak die beslissing van die meerderheid van die lede wat op 'n vergadering van die Raad aanwesig is, 'n besluit van die Raad uit: Met dien verstande dat by 'n staking van stemme oor 'n aangeleentheid die voorsitter van die Raad benewens sy beraadslagende stem 'n beslissende stem het.

9. (1) Die Raad kan 'n uitvoerende komitee bestaande uit minstens drie van die lede van die Raad aanstel.

Uitvoerende komitee.

- 25 (2) Die Raad kies so dikwels as wat dit nodig word een van die lede van die uitvoerende komitee as die voorsitter en 'n ander lid as die ondervoorsitter van die komitee.

- (3) (a) Die Raad kan 'n bevoegdheid by of kragtens hierdie Wet aan hom verleen aan die uitvoerende komitee deleger of die uitvoerende komitee magtig om 'n plig by of kragtens hierdie Wet aan die Raad opgedra, te verrig.

- (b) So 'n bevoegdheid of plig word deur die uitvoerende komitee uitgeoefen of verrig behoudens die voorskrifte wat die Raad van tyd tot tyd mag uitreik.

- 35 (c) 'n Delegering van 'n bevoegdheid kragtens paragraaf (a) belet nie die uitoefening van die betrokke bevoegdheid deur die Raad self nie.

- (4) Die vergaderings van die uitvoerende komitee word gehou volgens reëls deur die Raad bepaal.

- 40 (5) Artikel 7 (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van die uitvoerende komitee.

10. (1) Vanaf 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal—

Persone verbied om sekere handeling te verrig tensy as sekuriteitsbeamptes geregistreer.

- 45 (a) mag geen persoon 'n sekuriteitsdiens lewer nie tensy hy, en indien hy 'n maatskappy of 'n beslote korporasie is, hy en elke direkteur van die maatskappy of hy en elke lid van die beslote korporasie, by die Raad as 'n sekuriteitsbeampte geregistreer is; en

- 50 (b) mag geen werknemer van 'n persoon wat 'n sekuriteitsdiens lewer, toelaat dat hy in die loop van sy diens vir die lewering van 'n sekuriteitsdiens gebruik word nie tensy hy by die Raad as 'n sekuriteitsbeampte geregistreer is.

- 55 (2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende kategorieë sekuriteitsbeamptes bepaal word.

(3) 'n Kennisgewing kragtens subartikel (1) word minstens 180 dae voor die datum daarin vermeld, gepubliseer.

- 60 (4) 'n Kontrak, hetsy voor of na die inwerkingtreding van hierdie Wet gesluit, wat onbestaanbaar is met 'n verbod vervat in paragraaf (a) of (b) van subartikel (1) is in die mate waartoe dit aldus onbestaanbaar is, nie van krag nie.

- (5) Die Minister kan, na oorleg met die Raad, by kennisgewing in die *Staatskoerant*—

- (a) enige sekuriteitsbeampte of enige sekuriteitsbeampte

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security officer or any security officer belonging to a category of security officers determined by the Minister;

- (b) direct that any or all of the provisions of this Act shall apply to or with respect to any employee or any employee belonging to a category of employees who renders service to an employer for the safeguarding or protection of the employer's property, or of people or property on the employer's premises or under the employer's control, whereupon such employee shall, for the purposes of such provisions, be deemed to be a security officer.

Application for registration as security officers.

11. (1) Application for registration as a security officer shall be made to the Board on the prescribed form and shall be accompanied by—

- (a) a clear and complete set of fingerprints of the applicant if the applicant is a natural person or of each director if the applicant is a company or of each member if the applicant is a close corporation; and
(b) the prescribed application fee.

(2) Any person applying in terms of subsection (1) for registration as a security officer shall furnish such additional particulars in connection with his application as the Board may determine.

(3) If the Board is of the opinion that the provisions of this Act have been complied with in respect of an application referred to in subsection (1), it shall, subject to section 12, grant such application and register the applicant as a security officer.

Disqualifications.

12. Except with the concurrence of the Board—

- (a) no natural person shall be qualified to be registered as a security officer if—
(i) he was at any time, whether before or after the commencement of this Act, found guilty of an offence specified in the Schedule to this Act;
(ii) he has been found guilty under section 20 of improper conduct;
(iii) he is of unsound mind and has been declared as such by a competent court; or
(iv) he is under the age of 18 years; and
(b) no company or close corporation shall be qualified to be registered as a security officer if a director of the company or a member of the close corporation is in terms of paragraph (a) not qualified to be registered as a security officer.

Register.

13. The Board shall keep a register in which it shall enter the name and prescribed particulars of each security officer whose application for registration has been approved under section 11 (3).

Registration certificates.

14. The Board shall issue on the prescribed form a certificate of registration to each person registered as a security officer.

Withdrawal of registration by Board.

15. (1) The Board may withdraw the registration of a security officer by written notice to such security officer if he has furnished to the Board information in or in connection with his application for registration which is in a material respect untrue or—

- (a) in the case of a security officer who is a natural person, if at any time after his registration—
(i) he is found guilty of an offence specified in the Schedule to this Act;
(ii) he is found guilty of improper conduct under section 20; or
(iii) he becomes of unsound mind and is declared as such by a competent court; or

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wat behoort tot 'n kategorie sekuriteitsbeamptes deur die Minister bepaal, vrystel van enige van of al die bepalings van hierdie Wet;

- (b) gelas dat enige van of al die bepalings van hierdie Wet van toepassing is op of ten opsigte van enige werknemer of enige werknemer wat behoort tot 'n kategorie van werknemers wat diens lewer aan 'n werkgewer vir die beveiliging of beskerming van die werkgewer se goed, of van persone of goed op die werkgewer se perseel of onder die werkgewer se beheer, waarop sodanige werknemer, by die toepassing van sodanige bepalings, geag word 'n sekuriteitsbeampte te wees.

11. (1) Aansoek om registrasie as 'n sekuriteitsbeampte word by die Raad gedoen op die voorgeskrewe vorm en gaan vergesel van—

Aansoek om registrasie as sekuriteitsbeamptes.

- (a) 'n duidelike en volledige stel vingerafdrukke van die aansoeker indien die aansoeker 'n natuurlike persoon is of van elke direkteur indien die aansoeker 'n maatskappy is of van elke lid indien die aansoeker 'n beslote korporasie is; en

(b) die voorgeskrewe aansoekgeld.

(2) 'n Persoon wat ingevolge subartikel (1) om registrasie as 'n sekuriteitsbeampte aansoek doen, moet die bykomende besonderhede in verband met sy aansoek verstrek wat die Raad bepaal.

(3) Indien die Raad van oordeel is dat daar ten opsigte van 'n aansoek in subartikel (1) bedoel aan die bepalings van hierdie Wet voldoen is, moet hy, behoudens artikel 12, die aansoek toestaan en die aansoeker as 'n sekuriteitsbeampte registreer.

12. Behalwe met die instemming van die Raad—

Diskwalifikasies.

- (a) is 'n natuurlike persoon nie bevoeg om as sekuriteitsbeampte geregistreer te word nie indien—

(i) hy te eniger tyd, hetsy voor of na die inwerking-treding van hierdie Wet, skuldig bevind is aan 'n misdryf vermeld in die Bylae by hierdie Wet;

(ii) hy kragtens artikel 20 aan onbehoorlike gedrag skuldig bevind is;

(iii) hy in sy geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is; of

(iv) hy onder die ouderdom van 18 jaar is; en

(b) is 'n maatskappy of beslote korporasie nie bevoeg om as sekuriteitsbeampte geregistreer te word nie indien 'n direkteur van die maatskappy of 'n lid van die beslote korporasie ingevolge paragraaf (a) nie bevoeg is om as sekuriteitsbeampte geregistreer te word nie.

13. Die Raad moet 'n register hou waarin hy die naam en voorgeskrewe besonderhede van elke sekuriteitsbeampte wie se aansoek om registrasie kragtens artikel 11 (3) goedgekeur is, moet inskryf.

Register.

14. Die Raad moet aan elke persoon wat as 'n sekuriteitsbeampte geregistreer is 'n registrasiesertifikaat op die voorgeskrewe vorm uitreik.

Registrasiesertifikate.

15. (1) Die Raad kan die registrasie van 'n sekuriteitsbeampte by skriftelike kennisgewing aan die sekuriteitsbeampte intrek indien hy inligting in of in verband met sy aansoek om registrasie aan die Raad verstrek het wat in 'n wesenlike opsig nie waar is nie of—

Intrekking van registrasie deur Raad.

(a) in die geval van 'n sekuriteitsbeampte wat 'n natuurlike persoon is, indien te eniger tyd na sy registrasie—

(i) hy skuldig bevind word aan 'n misdryf vermeld in die Bylae by hierdie Wet;

(ii) hy aan onbehoorlike gedrag kragtens artikel 20 skuldig bevind word; of

(iii) hy in sy geestesvermoë gekrenk raak en deur 'n bevoegde hof aldus verklaar word; of

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(b) in the case of a security officer which is a company or close corporation, if the registration as a security officer of a director of the company or a member of the close corporation is withdrawn under paragraph (a).

(2) The Board shall not withdraw the registration of a security officer otherwise than on the authority of a resolution of the Board taken by at least six members of the Board present at a meeting of the Board.

Withdrawal of
registration
by court.

16. (1) The Board may by way of application on notice of motion apply to a court for an order withdrawing the registration of a security officer if there are grounds, other than those mentioned in section 15, 18 (2) or 25 (2), justifying the withdrawal of the registration concerned.

(2) The court from which an order under subsection (1) is applied for shall inquire into and consider the matter and shall grant or refuse the application, and may make such an order as to costs as it may deem fit.

(3) The court having jurisdiction in respect of an application in terms of subsection (1) shall be any provincial or local division of the Supreme Court of South Africa within whose area of jurisdiction the security officer concerned is resident, employed or carrying on business.

Certificates of
registration
to be returned
on withdrawal of
registration.

17. Whenever the registration of a security officer is withdrawn under section 15, 16, 18 (2) or 25 (2) the security officer shall forthwith return to the Board the certificate of registration issued to him under section 14.

Payment of annual
amounts.

18. (1) Every person registered as a security officer shall annually on or before a prescribed date pay to the Board a prescribed amount.

(2) If a security officer fails to comply with the provisions of subsection (1), the Board may suspend his registration as a security officer until the amount owed by him is received by the Board: Provided that if the relevant amount is not paid within three months of the date of suspension of the registration of the security officer concerned, the Board may withdraw such registration.

(3) The provisions of section 15 (2) shall *mutatis mutandis* apply in respect of the withdrawal of the registration of a security officer under subsection (2) of this section.

Code of conduct.

19. (1) The Board may draw up a code of conduct for security officers.

(2) A code of conduct drawn up under subsection (1) shall be published by the Board in both official languages of the Republic in the *Gazette*.

(3) A code of conduct so published shall not bind security officers unless, and save in so far as, the Minister by notice in the *Gazette* declares it to be so binding.

Improper conduct by
security officers.

20. (1) A security officer may be found guilty of improper conduct if he—

(a) contravenes or fails to comply with a provision of the code of conduct contemplated in section 19 which has been declared binding by the Minister; or

(b) commits an offence specified in the Schedule to this Act.

(2) The Board may in the prescribed manner enquire into an allegation of improper conduct by a security officer which has been submitted to it in the prescribed manner or cause such allegation to be enquired into in the prescribed manner by a committee of members of the Board or by a person or persons designated by it: Provided that the security officer shall have the right, but it shall not be compulsory for the security officer, to be present at such an enquiry, to be assisted or represented by any other person, to give evidence and, whether personally or through a representative—

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- (b) in die geval van 'n sekuriteitsbeampte wat 'n maatskappy of beslote korporasie is, indien die registrasie as sekuriteitsbeampte van 'n direkteur van die maatskappy of 'n lid van die beslote korporasie ingevolge paragraaf 5 (a) ingetrek word.
- (2) Die Raad trek nie die registrasie van 'n sekuriteitsbeampte in nie behalwe op gesag van 'n besluit van die Raad wat geneem word deur minstens ses lede van die Raad wat op 'n vergadering van die Raad teenwoordig is.
- 10 16. (1) Die Raad kan by wyse van aansoek na kennisgewing van mosie by 'n hof 'n bevel tot intrekking van die registrasie van 'n sekuriteitsbeampte aanvra indien daar ander gronde bestaan as dié in artikel 15, 18 (2) of 25 (2) genoem wat die intrekking van die registrasie regverdig.
- 15 (2) Die hof by wie 'n bevel kragtens subartikel (1) aangevra word, moet die saak ondersoek en oorweeg en die aansoek toestaan of van die hand wys, en kan die bevel met betrekking tot koste gee wat hy goedgevind.
- (3) Die hof wat regsbevoegdheid ten opsigte van 'n aansoek 20 ingevolge subartikel (1) het, is enige provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika binne wie se regsgebied die betrokke sekuriteitsbeampte woon, in diens is of besigheid dryf.
- 25 17. Wanneer die registrasie van 'n sekuriteitsbeampte kragtens artikel 15, 16, 18 (2) of 25 (2) ingetrek is, moet die sekuriteitsbeampte onverwyld sy registrasiesertifikaat wat kragtens artikel 14 aan hom uitgereik is, aan die Raad terugbesorg.
18. (1) Elke persoon wat as 'n sekuriteitsbeampte geregistreer is, moet jaarliks 'n voorgeskrewe bedrag voor of op 'n voorgeskrewe datum aan die Raad betaal.
- (2) Indien 'n sekuriteitsbeampte versuim om aan die bepaling van subartikel (1) te voldoen, kan die Raad sy registrasie as sekuriteitsbeampte opskort totdat die bedrag deur hom verskuldig deur die Raad ontvang word: Met dien verstande dat indien die 35 betrokke bedrag nie binne drie maande na die datum van opskorting van die betrokke sekuriteitsbeampte se registrasie betaal word nie, die Raad die registrasie kan intrek.
- (3) Die bepaling van artikel 15 (2) is *mutatis mutandis* van toepassing ten opsigte van die intrekking van die registrasie van 40 'n sekuriteitsbeampte kragtens subartikel (2) van hierdie artikel.
19. (1) Die Raad kan 'n gedragskode vir sekuriteitsbeamptes opstel.
- (2) 'n Gedragskode kragtens subartikel (1) opgestel, word deur die Raad in albei amptelike tale van die Republiek in die 45 *Staatskoerant* gepubliseer.
- (3) 'n Gedragskode aldus gepubliseer, is nie bindend vir sekuriteitsbeamptes nie tensy, en behalwe vir sover, die Minister by kennisgewing in die *Staatskoerant* verklaar dat dit aldus bindend is.
- 50 20. (1) 'n Sekuriteitsbeampte kan aan onbehoorlike gedrag skuldig bevind word indien hy—
- (a) 'n bepaling van die gedragskode beoog in artikel 19 wat deur die Minister bindend verklaar is, oortree of versuim om daaraan te voldoen; of
- 55 (b) 'n misdryf vermeld in die Bylae by hierdie Wet pleeg.
- (2) Die Raad kan 'n bewering van onbehoorlike gedrag deur 'n sekuriteitsbeampte wat op die voorgeskrewe wyse aan hom voorgelê is, op die voorgeskrewe wyse ondersoek of deur 'n komitee van lede van die Raad of deur 'n persoon of persone deur 60 hom aangewys, op die voorgeskrewe wyse laat ondersoek: Met dien verstande dat die sekuriteitsbeampte die reg het, maar nie verplig is nie, om by so 'n ondersoek teenwoordig te wees, deur 'n ander persoon bygestaan of verteenwoordig te word, getuienis af te lê en, hetsy persoonlik of deur 'n verteenwoordiger—

Intrekking van registrasie deur hof.

Terugbesorging van registrasiesertifikaat by intrekking van registrasie.

Betaling van jaargelde.

Gedragskode.

Onbehoorlike gedrag deur sekuriteitsbeamptes.

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- (a) to be heard;
 - (b) to call a witness;
 - (c) to cross-examine any person called as a witness in support of the charge; and
 - (d) to inspect any document produced as evidence. 5
- (3) If the Board, or the committee or person or persons conducting the enquiry, find the security officer guilty of improper conduct, the Board may, subject to subsection (5)—
- (a) suspend the registration of the security officer or withdraw such registration under section 15; 10
 - (b) impose upon the security officer a fine not exceeding R1 000, which fine shall be paid to the Board; or
 - (c) reprimand the security officer.
- (4) Payment of a fine imposed under subsection (3) (b) may be suspended conditionally. 15
- (5) The Board shall not take any action under subsection (3) in respect of an enquiry conducted by a committee or a person or persons designated by it unless it associates itself with the finding of the committee, person or persons.

Appeal to Minister
against certain
decisions.

21. (1) Any person aggrieved by— 20
- (a) the refusal by the Board to grant his application for registration as a security officer;
 - (b) the suspension or withdrawal by the Board of his registration as a security officer; or
 - (c) his conviction under section 20 on a charge of improper 25 conduct or the imposition of a fine or a reprimand in consequence of his conviction,
- may within 60 days after he has been notified of the decision referred to in paragraph (a), (b) or (c), as the case may be, and in the prescribed manner appeal against such decision to the Minister. 30
- (2) Whenever an appeal under subsection (1) is lodged with the Minister, the Board shall at the request of the Commissioner submit to the Commissioner in writing the reasons for the decision against which the appeal is lodged as well as, in the case of 35 a decision in pursuance of an enquiry under section 20, the record of the enquiry.
- (3) The Minister shall, after he has considered the grounds of the appeal, the reasons for the decision and any other information at his disposal, confirm, set aside or vary the decision or 40 substitute for such decision any other decision which in the Minister's opinion ought to have been taken.

Establishment of
fidelity guarantee
fund.

22. (1) The Minister may by notice in the *Gazette* establish a fidelity guarantee fund for security officers.
- (2) The guarantee fund shall consist of— 45
- (a) all amounts paid to or on account of the guarantee fund in terms of section 25;
 - (b) the income accruing from time to time from the investment of the money in the guarantee fund;
 - (c) all moneys recovered by or on behalf of the guarantee 50 fund in the exercise of any right of action conferred by section 28; and
 - (d) any other moneys that may be lawfully paid into the guarantee fund.

Membership of
guarantee fund.

23. (1) Only a security officer registered as such may become a 55 member of the guarantee fund, and any such security officer shall so become a member—
- (a) in the case of a security officer already registered as such on the date of establishment of the guarantee fund, with effect from the date of establishment of the 60 guarantee fund; and
 - (b) in the case of a security officer registered as such on or after the date of establishment of the guarantee fund, with effect from the date of his registration.

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- (a) aangehoor te word;
 (b) 'n getuie te roep;
 (c) iemand wat as 'n getuie ter staving van die aanklag opgeroep is onder kruisverhoor te neem; en
 5 (d) insae te verkry in enige stuk wat as getuienis voorgelê word.
- (3) Indien die Raad, of die komitee of persoon of persone wat die ondersoek doen, die sekuriteitsbeampte aan onbehoorlike gedrag skuldig bevind, kan die Raad behoudens subartikel (5)—
- 10 (a) die registrasie van die sekuriteitsbeampte opskort of kragtens artikel 15 intrek;
 (b) die sekuriteitsbeampte 'n boete van hoogstens R1 000 oplê, watter boete aan die Raad betaalbaar is; of
 (c) die sekuriteitsbeampte tereg wys.
- 15 (4) Betaling van 'n boete opgelê kragtens subartikel (3) (b) kan voorwaardelik opgeskort word.
- (5) Die Raad doen geen stappe kragtens subartikel (3) ten opsigte van 'n ondersoek wat gedoen is deur 'n komitee of 'n persoon of persone deur hom aangewys nie tensy hy hom met die
- 20 bevinding van die komitee, persoon of persone vereenselwig.
21. (1) Iemand wat hom veronreg voel deur—
- (a) die weiering deur die Raad om sy aansoek om registrasie as 'n sekuriteitsbeampte toe te staan;
 25 (b) die opskorting of intrekking deur die Raad van sy registrasie as 'n sekuriteitsbeampte; of
 (c) sy skuldigbevinding kragtens artikel 20 op 'n aanklag weens onbehoorlike gedrag of die oplegging van 'n boete of 'n tereg wysing na aanleiding van sy skuldigbevinding,
- 30 kan binne 60 dae nadat hy van die besluit bedoel in paragraaf (a), (b) of (c), na gelang van die geval, in kennis gestel is by die Minister op die voorgeskrewe wyse teen die besluit appèl aanteken.
- (2) Wanneer 'n appèl kragtens subartikel (1) by die Minister
- 35 aangeteken is, moet die Raad op versoek van die Kommissaris sy redes vir die besluit waarteen geappelleer word skriftelik aan die Kommissaris voorlê, asook, in die geval van 'n besluit na aanleiding van 'n ondersoek kragtens artikel 20, die oorkonde van die ondersoek.
- 40 (3) Die Minister moet na oorweging van die gronde van 'n appèl, die redes vir die besluit en enige ander inligting tot sy beskikking, die besluit bekragtig, tersyde stel of wysig of die besluit deur die ander besluit vervang wat na die Minister se oordeel geneem moes gewees het.
- 45 22. (1) Die Minister kan by kennisgewing in die *Staatskoerant* 'n getrouheidswaARBORGfonds vir sekuriteitsbeamptes instel.
- (2) Die waarborgfonds bestaan uit—
- (a) alle bedrae ingevolge artikel 25 aan of op rekening van die waarborgfonds betaal;
 50 (b) die inkomste wat van tyd tot tyd uit die belegging van die geld in die waarborgfonds oploop;
 (c) alle geld wat deur of namens die waarborgfonds verhaal word by die uitoefening van 'n reg van aksie deur artikel 28 verleen; en
 55 (d) enige ander geld wat wettig in die waarborgfonds gestort word.
23. (1) Slegs 'n sekuriteitsbeampte wat as sodanig geregistreer is, kan lid van die waarborgfonds word, en so 'n sekuriteitsbeampte word aldus lid—
- 60 (a) in die geval van 'n sekuriteitsbeampte wat op die datum van instelling van die waarborgfonds reeds aldus geregistreer is, met ingang van die datum van instelling van die waarborgfonds; en
 (b) in die geval van 'n sekuriteitsbeampte wat op of na die datum van instelling van die waarborgfonds aldus geregistreer word, met ingang van die datum van sy registrasie.

Appèl na Minister
teen sekere be-
sluite.

Instelling van
getrouheidswaar-
borgfonds.

Lidmaatskap van
waarborgfonds.

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(2) A security officer shall remain a member of the guarantee fund until his registration as a security officer is withdrawn or he ceases to be a security officer.

Administration and control of guarantee fund.

24. (1) The guarantee fund shall be administered and controlled by the Board, which shall, separately from the other affairs of the Board, keep such accounting records as are necessary to reflect the financial state of affairs of the guarantee fund. 5

(2) The Board shall open an account with a banking institution, into which shall be paid all moneys accruing to the guarantee fund and out of which shall be paid all payments to be made from the guarantee fund. 10

(3) Moneys in the guarantee fund which are not required for immediate use may be invested by the Board in such manner as may be approved by the Minister.

(4) The provisions of sections 29 (2) and (3), 30 and 31 shall *mutatis mutandis* apply in respect of the affairs of the guarantee fund. 15

Contributions to guarantee fund.

25. (1) Every security officer who is a member of the guarantee fund shall annually contribute a prescribed amount to the guarantee fund, which amount shall be payable to the Board for the benefit of the guarantee fund before or on a prescribed date. 20

(2) If a security officer fails to comply with the provisions of subsection (1) the Board may suspend his registration as a security officer until the amount owed by him is received by the Board: Provided that if the relevant amount is not paid within three months of the date of suspension of the registration of the security officer concerned the Board may withdraw such registration. 25

(3) The provisions of section 15 (2) shall *mutatis mutandis* apply in respect of the withdrawal of the registration of a security officer under subsection (2) of this section. 30

(4) The Minister may by notice in the *Gazette* suspend the provisions of subsection (1) if he is satisfied that the net assets of the guarantee fund will be sufficient to cover all foreseeable claims in terms of section 26, and the Minister may likewise by notice in the *Gazette* withdraw any first-mentioned notice if he is no longer so satisfied. 35

Payments from guarantee fund.

26. (1) The moneys in the guarantee fund shall, subject to subsections (2) and (3), be applied—

(a) to compensate any person for the amount of any monetary loss suffered by that person due to— 40

(i) the theft by a security officer who is a member of the guarantee fund of any money or property of that person; or

(ii) any other offence committed by such a security officer in connection with any money or property of that person, 45

which has been entrusted to that security officer in his capacity as such;

(b) to pay the taxed costs of any action for the recovery of compensation referred to in paragraph (a). 50

(2) No proceedings shall be instituted for the payment of a claim from the guarantee fund in terms of subsection (1) and no payment of any such claim shall be made from the guarantee fund— 55

(a) before a date fixed by the Minister by notice in the *Gazette* as the date on which the liability of the guarantee fund shall for the purposes of subsection (1) commence;

(b) if the cause of action arose before a date fixed under paragraph (a); and 60

(c) unless and until the claimant has exhausted all relevant rights of action and other legal remedies available against the security officer concerned and against all other persons liable in respect of the loss suffered by such claimant. 65

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(2) 'n Sekuriteitsbeampte bly lid van die waarborgfonds totdat sy registrasie as sekuriteitsbeampte ingetrek word of hy ophou om 'n sekuriteitsbeampte te wees.

24. (1) Die waarborgfonds word bestuur en beheer deur die Raad, wat, afsonderlik van die ander sake van die Raad, die rekeningkundige aantekeninge moet hou wat nodig is om die finansiële stand van sake van die waarborgfonds weer te gee.

Bestuur en beheer van waarborgfonds.

(2) Die Raad moet 'n rekening by 'n bankinstelling open waarin alle geld wat die waarborgfonds toeval, gestort moet word en waaruit alle betalings wat uit die waarborgfonds gedoen moet word, betaal moet word.

(3) Geld in die waarborgfonds wat nie vir onmiddellike gebruik nodig is nie, kan deur die Raad belê word op 'n wyse deur die Minister goedgekeur.

15 (4) Die bepalings van artikels 29 (2) en (3), 30 en 31 is *mutatis mutandis* van toepassing ten opsigte van die sake van die waarborgfonds.

25. (1) Elke sekuriteitsbeampte wat lid van die waarborgfonds is, moet jaarliks 'n voorgeskrewe bedrag tot die waarborgfonds bydra, watter bedrag voor of op 'n voorgeskrewe datum aan die Raad ten bate van die waarborgfonds betaalbaar is.

Bydraes tot waarborgfonds.

(2) Indien 'n sekuriteitsbeampte versuim om aan die bepalings van subartikel (1) te voldoen, kan die Raad sy registrasie as sekuriteitsbeampte opskort totdat die bedrag deur hom verskuldig deur die Raad ontvang word: Met dien verstande dat indien die betrokke bedrag nie binne drie maande na die datum van opskorting van die betrokke sekuriteitsbeampte se registrasie betaal word nie, die Raad dié registrasie kan intrek.

(3) Die bepalings van artikel 15 (2) is *mutatis mutandis* van toepassing ten opsigte van die intrekking van die registrasie van 'n sekuriteitsbeampte kragtens subartikel (2) van hierdie artikel.

(4) Die Minister kan by kennisgewing in die *Staatskoerant* die bepalings van subartikel (1) opskort indien hy oortuig is dat die netto bates in die waarborgfonds voldoende sal wees om enige voorsienbare eise ingevolge artikel 26 te dek, en die Minister kan insgelyks by kennisgewing in die *Staatskoerant* 'n eersbedoelde kennisgewing intrek indien hy nie langer aldus oortuig is nie.

26. (1) Die geld in die waarborgfonds word, behoudens subartikels (2) en (3), aangewend—

Betalings uit waarborgfonds.

(a) om 'n persoon te vergoed vir die bedrag van enige geldelike verlies wat daardie persoon ly as gevolg van—

(i) die diefstal deur 'n sekuriteitsbeampte wat lid van die waarborgfonds is van enige geld of goed van daardie persoon; of

(ii) 'n ander misdryf gepleeg deur so 'n sekuriteitsbeampte in verband met enige geld of goed van daardie persoon,

wat aan daardie sekuriteitsbeampte in sy hoedanigheid as sodanig toevertrou is;

(b) om die getakseerde koste van 'n geding vir die verhaal van vergoeding in paragraaf (a) bedoel, te betaal.

(2) Geen verrigtinge word vir die betaling van 'n eis uit die waarborgfonds ingevolge subartikel (1) ingestel nie en geen betaling van so 'n eis word uit die waarborgfonds gedoen nie—

(a) voor 'n datum deur die Minister by kennisgewing in die *Staatskoerant* vasgestel as die datum waarop die aanspreeklikheid van die waarborgfonds by die toepassing van subartikel (1) begin loop;

(b) indien die eisorsaak ontstaan het voor 'n datum kragtens paragraaf (a) vasgestel; en

(c) tensy en totdat die eiser gebruik gemaak het van alle toepaslike regte van aksie en ander regsmiddels beskikbaar teen die betrokke sekuriteitsbeampte en teen alle ander persone aanspreeklik ten opsigte van die verlies deur sodanige eiser gely.

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(3) The Board may, if it deems fit, waive the requirement referred to in subsection (2) (c) in respect of any particular claim or claims against a security officer, and thereafter such claim or claims shall be proved in the prescribed manner as a valid claim or claims before it is or they are paid from the guarantee fund. 5

Defences to
claims against
guarantee fund.

27. In any action brought against the Board in respect of any claim against the guarantee fund, all defences which would have been available to the security officer against whom the claim arose, shall be available to the Board.

Transfer of
rights of action.

28. On payment out of the guarantee fund of any moneys in settlement in whole or in part of any claim in terms of section 26 (1), all the rights and remedies of the claimant against the security officer and any other person liable in respect of the loss of the claimant, shall devolve upon the Board to the extent of the amount of such payment. 15

Bookkeeping and
financial statements

29. (1) The Board shall keep such accounting records as are necessary to reflect the transactions and financial state of affairs of the Board.

(2) The Board shall in respect of each financial year of the Board make out financial statements in both official languages of the Republic and cause such statements to be audited, and shall within six months after the end of that financial year submit copies of the audited statements to the Commissioner. 20

(3) The financial statements referred to in subsection (2) shall consist of— 25

- (a) a balance sheet dealing with the assets and liabilities of the Board;
- (b) an income statement or any similar financial statement dealing with the income and expenditure (including any losses) of the Board; and 30
- (c) any such other statements as may be prescribed.

Auditing.

30. (1) The accounting records and annual financial statements of the Board shall be audited annually by a person appointed by the Board for such purpose.

(2) No person shall be appointed under subsection (1) unless 35 he is registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), as an accountant and auditor and engaged in public practice.

Financial year.

31. The financial year of the Board shall be a year terminating on the last day of March. 40

Regulations.

32. (1) The Minister may after consultation with the Board make regulations—

- (a) as to any matter which in terms of this Act is required or permitted to be prescribed;
- (b) prescribing the persons by whom the amounts and contributions referred to in sections 18 (1) and 25 (1), respectively, shall be collected on behalf of the Board, as well as the manner in and time within which they shall be so collected and paid over to the Board;
- (c) prescribing the conditions under which a security officer shall not be bound to pay an amount or a contribution referred to in sections 18 (1) and 25 (1), respectively; 50
- (d) as to the training of security officers;
- (e) prescribing the uniform, insignia and identification documents of security officers and prohibiting persons other than security officers registered as such from wearing such uniforms or insignia or carrying such identification documents; 55
- (f) as to, generally, any matter which he considers necessary or expedient to prescribe for the attainment of the objects of this Act. 60

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(3) Die Raad kan, ten opsigte van 'n bepaalde eis of eise teen 'n sekuriteitsbeampte, na goeëdunke afstand doen van die vereiste bedoel in subartikel (2) (c), en daarna moet daardie eis of eise op die voorgeskrewe wyse as 'n geldige eis of eise bewys word voordat dit uit die waarborgfonds betaal word.

27. In 'n aksie teen die Raad in verband met die waarborgfonds ingestel, is alle verweermiddels wat beskikbaar sou gewees het aan die sekuriteitsbeampte teen wie die eis ontstaan het, aan die Raad beskikbaar.

Verweermiddels
ten opsigte
van eise teen
waarborgfonds.

10 28. By betaling uit die waarborgfonds van enige geld ter algehele of gedeeltelike vereffening van enige eis ingevolge artikel 26 (1), gaan alle regte en regsmiddels van die eiser teen die sekuriteitsbeampte en 'n ander persoon aanspreeklik ten opsigte van die verlies van die eiser, op die Raad oor in die mate van die
15 bedrag van sodanige betaling.

Oorgaan van
regte van aksie.

29. (1) Die Raad moet die rekeningkundige aantekeninge hou wat nodig is om die transaksies en finansiële stand van sake van die Raad weer te gee.

Boekhouding en
finansiële jaarstate.

(2) Die Raad moet ten opsigte van elke boekjaar van die Raad finansiële jaarstate in beide amptelike tale van die Republiek opstel en sodanige state laat ouditeer, en moet binne ses maande na die einde van daardie boekjaar afskrifte van die geouditeerde state aan die Kommissaris voorlê.

(3) Die finansiële jaarstate in subartikel (2) bedoel, moet bestaan uit—

- (a) 'n balansstaat wat die bates en laste van die Raad behandel;
- (b) 'n inkomtestaat of soortgelyke finansiële staat wat die inkomste en uitgawe (met inbegrip van enige verliese) van die Raad behandel; en
- (c) die ander state wat voorgeskryf word.

30. (1) Die Raad se rekeningkundige aantekeninge en finansiële jaarstate word jaarliks geouditeer deur iemand deur die Raad vir daardie doel aangestel.

Ouditering.

35 (2) Niemand word kragtens subartikel (1) aangestel nie tensy hy ingevolge die Wet op Openbare Rekenmeesters en Ouditteurs, 1951 (Wet No. 51 van 1951), as 'n rekenmeester en ouditeur geregistreer is en openbare praktyk beoefen.

31. Die boekjaar van die Raad is 'n jaar wat op die laaste dag van Maart eindig.

Boekjaar.

32. (1) Die Minister kan na oorlegpleging met die Raad regulasies uitvaardig—

Regulasies.

- (a) betreffende 'n aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- 45 (b) wat die persone voorskryf deur wie die bedrae en bydraes bedoel in onderskeidelik artikels 18 (1) en 25 (1) namens die Raad ingesamel moet word, asook die wyse waarop en die tyd waarbinne sodanige bedrae en bydraes aldus ingesamel en aan die Raad oorbetal moet word;
- 50 (c) wat die omstandighede voorskryf waaronder 'n sekuriteitsbeampte nie gebind is om 'n bedrag of bydrae bedoel in onderskeidelik artikels 18 (1) en 25 (1) te betaal nie;
- 55 (d) betreffende die opleiding van sekuriteitsbeamptes;
- (e) wat die uniform, kentekens en identifikasiebewyse van sekuriteitsbeamptes voorskryf en waarby die dra van sodanige uniforms, kentekens en identifikasiebewyse deur ander persone as sekuriteitsbeamptes wat as sodanig geregistreer is, verbied word;
- 60 (f) betreffende, oor die algemeen, enige aangeleentheid wat hy nodig of dienstig ag om vir die bereiking van die oogmerke van hierdie Wet voor te skryf.

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(2) Different regulations may be made under subsection (1) with reference to different categories of security officers.

(3) Regulations made under subsection (1) may in respect of any contravention thereof or failure to comply therewith prescribe a penalty not exceeding a fine of R1 000 or imprisonment for a period of six months. 5

Powers of South African Police.

33. (1) A commissioned officer of the South African Police designated for that purpose by the Commissioner or a member of the South African Police authorized thereto by such an officer may at all reasonable times and without giving prior notice— 10

- (a) enter upon or enter any premises or other place if he or such member has reason to suspect that an offence under this Act is being committed by a person performing a function as a security officer on such premises or at such place; 15
- (b) require that person to identify himself and to give proof of his registration as a security officer;
- (c) examine any book, document or other article in the possession of that person, or make extracts from or copies of such book or document; or 20
- (d) seize any such book, document or article which in his opinion may serve as evidence at the trial of such or any other person charged with an offence under this Act. 25

(2) A commissioned officer or member of the South African Police may require any person wearing a uniform or insignia prescribed under section 32 (1) (d) or who in any other manner by word or conduct indicates that he is a security officer, to identify himself and to give proof of his registration as a security officer. 30

(3) The provisions of subsections (1) and (2) shall not derogate from the powers conferred upon a police officer in terms of any other law.

(4) A police officer may furnish the Board with information regarding any previous convictions of a person applying under section 11 for registration as a security officer or, if such a person is a company or a close corporation, of a director of such company or a member of such close corporation. 35

Preservation of secrecy.

34. No member of the Board or person referred to in section 3 (d) shall disclose any information obtained by him in carrying out his functions, except— 40

- (a) to the extent to which it may be necessary for the proper administration of the provisions of this Act;
- (b) with the consent of the Minister; or
- (c) for the purposes of any legal proceedings relating to a matter under this Act. 45

Offences and penalties.

35. Any person who—

- (a) contravenes or fails to comply with a provision of section 10 (1), 17 or 34;
- (b) in any application or enquiry under this Act wilfully furnishes information or makes a statement which is false in any material respect; 50
- (c) gives himself out as a security officer registered under this Act while he is not so registered;
- (d) hinders or obstructs a commissioned officer or member of the South African Police in the performance of a function under section 33; or 55
- (e) refuses or fails to comply to the best of his ability with any requirement made by a commissioned officer or member of the South African Police in the performance of a function under section 33, 60

shall be guilty of an offence and on conviction liable to a fine not

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(2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word met betrekking tot verskillende kategorieë sekuriteitsbeamptes.

(3) Regulasies kragtens subartikel (1) uitgevaardig, kan ten opsigte van 'n oortreding daarvan of versuim om daaraan te voldoen 'n straf voorskryf wat 'n boete van R1 000 of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.

33. (1) 'n Offisier van die Suid-Afrikaanse Polisie deur die Kommissaris vir daardie doel aangewys of 'n lid van die Suid-Afrikaanse Polisie deur so 'n offisier daartoe gemagtig, kan te alle redelike tye en sonder voorafgaande kennisgewing—

Bevoegdheid van Suid-Afrikaanse Polisie.

(a) 'n perseel of ander plek betree of binnegaan indien hy of so 'n lid rede het om te vermoed dat 'n misdryf ingevolge hierdie Wet gepleeg word deur 'n persoon wat 'n werksaamheid as 'n sekuriteitsbeampte op so 'n perseel of by so 'n plek verrig;

(b) daardie persoon gelas om homself te identifiseer en bewys te lewer van sy registrasie as sekuriteitsbeampte;

(c) enige boek, stuk of ander artikel in besit van daardie persoon inspekteer of uittreksels uit so 'n boek of stuk of afskrifte daarvan maak; of

(d) beslag lê op enige boek, stuk of ander artikel wat as bewys kan dien by die verhoor van so 'n of 'n ander persoon op aanklag weens 'n misdryf kragtens hierdie Wet.

(2) 'n Offisier of lid van die Suid-Afrikaanse Polisie kan enige persoon wat geklee is in 'n uniform of 'n kenteken dra wat kragtens artikel 32 (1) (d) voorgeskryf is of wat op enige ander wyse deur woord of daad te kenne gee dat hy 'n sekuriteitsbeampte is, gelas om homself te identifiseer en bewys te lewer van sy registrasie as sekuriteitsbeampte.

(3) Die bepalinge van subartikel (1) doen geen afbreuk aan die bevoegdheid wat ingevolge enige ander Wet aan 'n polisiebeampte verleen word nie.

(4) 'n Polisiebeampte kan inligting aan die Raad verstrek betreffende enige vorige veroordelings van 'n persoon wat ingevolge artikel 11 om registrasie as 'n sekuriteitsbeampte aansoek doen of, indien so 'n persoon 'n maatskappy of beslote korporasie is, van 'n direkteur van so 'n maatskappy of 'n lid van so 'n beslote korporasie.

34. Geen lid van die Raad of persoon bedoel in artikel 3 (d) mag inligting openbaar wat hy by die verrigting van sy werksaamhede verkry het nie, behalwe—

Geheimhouding.

(a) in die mate waarin dit vir die behoorlike uitvoering van die bepalinge van hierdie Wet nodig mag wees;

(b) met die toestemming van die Minister; of

(c) vir die doeleindes van geregtelike verrigtings betreffende 'n aangeleentheid kragtens hierdie Wet.

35. 'n Persoon wat—

Misdrywe en strawwe.

(a) 'n bepaling van artikel 10 (1), 17 of 34 oortree of versuim om daaraan te voldoen;

(b) in enige aansoek of ondersoek kragtens hierdie Wet opsetlik inligting verstrek of 'n verklaring doen wat in 'n wesentlike opsig vals is;

(c) hom voordoen as 'n sekuriteitsbeampte wat kragtens hierdie Wet geregistreer is terwyl hy nie aldus geregistreer is nie;

(d) 'n offisier of lid van die Suid-Afrikaanse Polisie by die verrigting van 'n werksaamheid kragtens artikel 33 hinder of belemmer; of

(e) weier of versuim om na sy beste vermoë aan 'n lasgewing van 'n offisier of lid van die Suid-Afrikaanse Polisie by die verrigting van 'n werksaamheid kragtens artikel 33 te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tyd-

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exceeding R1 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Delegation of powers of Minister.

36. (1) The Minister may upon such conditions as he deems fit delegate any or all of the powers conferred upon him by this Act, save the power to make regulations, to the Commissioner or a commissioned officer of the South African Police designated by the Commissioner. 5

(2) No delegation of any power shall prevent the exercise of such power by the Minister.

Short title and commencement.

37. This Act shall be called the Security Officers Act, 1987, 10 and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Schedule

Treason.
Sedition.
Murder.
Culpable homicide involving an assault.
Kidnapping.
Childstealing.
Rape.
Indecent assault.
Sodomy.
Bestiality.
Robbery.
Assault with the intent to do grievous bodily harm.
Arson.
Housebreaking.
Theft.
Receiving stolen property knowing it to have been stolen.
Fraud.
Forgery or uttering a forged document knowing it to have been forged.
Offences relating to the coinage.
An offence in terms of the Internal Security Act, 1982.
Any conspiracy, incitement or attempt to commit any offence mentioned in this Schedule.

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perk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

36. (1) Die Minister kan op die voorwaardes wat hy goedvind enige van of al die bevoegdhede ingevolge hierdie Wet aan hom 5 verleen, behalwe 'n bevoegdheid om regulasies uit te vaardig, aan die Kommissaris of 'n offisier van die Suid-Afrikaanse Polisie deur die Kommissaris aangewys, delegeer.

Delegering van
Minister se
bevoegdhede.

(2) Geen delegering van 'n bevoegdheid belet die uitoefening van sodanige bevoegdheid deur die Minister self nie.

10 37. Hierdie Wet heet die Wet op Sekuriteitsbeamptes, 1987, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel
en inwerking-
treëding.

Bylae

Hoogverraad.
Sedisie.
Moord.
Strafbare manslag waarby aanranding betrokke is.
Menseroof.
Kinderdiefstal.
Verkragting.
Onsedelike aanranding.
Sodomie.
Bestialiteit.
Roof.
Aanranding met die opset om ernstige liggaamlike leed te berokken.
Brandstigting.
Huisbraak.
Diefstal.
Ontvangs van gesteelde goed wetende dat dit gesteel is.
Bedrog.
Vervalsing of uitgifte van 'n vervalste stuk wetende dat dit vervals is.
Misdrywe betreffende die munt van geld.
'n Misdryf ingevolge die Wet op Binnelandse Veiligheid, 1982.
'n Sameswering, uitlokking of poging om 'n in hierdie Bylae vermelde misdryf te pleeg.

