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**CONTENTS • INHOUD****No.****Page  
No.      Gazette  
No.****GENERAL NOTICE****Safety and Security, Department of***General Notice*1758 Regulations on the Issuing, Possession and Use of Firearms and Other Weapons by Security Service Providers,  
2003 .....**3      25121**

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## GENERAL NOTICE

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### NOTICE 1758 OF 2003

## DEPARTMENT OF SAFETY AND SECURITY

The Minister for Safety and Security intends to make regulations concerning the following:

- The issuing, possession and use of firearms and other weapons by security service providers.
- The renewal of the registration of security service providers.
- Specialised devices used to reproduce or duplicate keys.
- The furnishing of information by security businesses to consumers, and related matters.
- The ensuring of order and safety by security service providers, owners and organizers on premises used for sporting, recreational, entertainment or similar purposes.
- The advertising of security services and security equipment.
- The transfer of the staff, business interests, equipment and assets of security businesses and the uniforms of security officers.

The draft regulations are contained in the Schedules to this Notice and are hereby published for general information and comment from interested persons.

Any comment must be submitted to the office of the Director: Private Security Industry Regulatory Authority. The comment must reach the said office not later than four weeks from the date of this *Gazette* at the following address:

The Director  
Private Security Industry Regulatory Authority  
Private Bag X817  
Pretoria  
0001

Fax: (012) 3241097  
Tel: (012) 3375601

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## **SCHEDULE A**

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### **REGULATIONS ON THE ISSUING, POSSESSION AND USE OF FIREARMS AND OTHER WEAPONS BY SECURITY SERVICE PROVIDERS, 2003**

#### **INDEX**

##### **Preamble**

##### **Chapter 1: Purpose, interpretation and definitions**

1. Purpose and interpretation
2. Definitions

##### **Chapter 2: Firearms and ammunition**

3. Issuing of firearms and ammunition to security officers and duties relating thereto
4. Storage, possession and use of firearms and powers of director
5. Keeping of registers and documents
6. Inspections and powers of inspectors

##### **Chapter 3: Weapons**

7. Issuing of weapons to and possession of weapons by security officers
8. Storage, possession and use of weapons and powers of director
9. Keeping of registers and documents
10. Inspections and powers of inspectors

##### **Chapter 4: General provisions and offences**

11. Duty on certain persons
12. Offences and penalties
13. Authoritative text
14. Short title and commencement



## Preamble

**WHEREAS** the private security industry is a significant user of firearms and other weapons;

**AND WHEREAS** the Private Security Industry Regulatory Authority is responsible for the proper regulation of the private security industry in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), which includes the regulation of certain practices in connection with firearms and other weapons;

**AND WHEREAS** the Minister for Safety and Security deems it necessary to make regulations on aspects of the issuing, possession and use of firearms and other weapons by security service providers to enhance and supplement other legal provisions in order to promote effective regulatory control over certain actions and practices in the public and national interest –

*Be it prescribed therefore by the Minister for Safety and Security the regulations contained in this Schedule.*

## **CHAPTER 1**

### **PURPOSE, INTERPRETATION AND DEFINITIONS**

#### **Purpose and interpretation**

1.(1) The purpose of these regulations is to promote lawfulness, responsibility, transparency, accountability, competency and safety in respect of the issuing, possession and use of firearms, ammunition and other weapons in the private security industry, and to provide for matters connected therewith.

(2) These regulations must be interpreted in view of their purpose and in a manner consistent with the Arms and Ammunition Act, the Firearms Control Act, the Private Security Industry Regulation Act and any other law regulating weapons other than firearms.

(3) Any reference in these regulations to a provision of the Firearms Control Act which is not in operation, must be interpreted as a reference to the corresponding provision of the Arms and Ammunition Act.

(4) These regulations do not derogate from the provisions regarding firearms, ammunition and other weapons, contained in the regulations made in terms of the Firearms Control Act, the provisions of Private Security Industry Regulations or the Code of Conduct for Security Service Providers.

#### **Definitions**

2. In these regulations any word or expression to which a meaning has been assigned in the Private Security Industry Regulation Act will bear the meaning so assigned and, unless the context indicates otherwise –

“Act” means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) and all regulations made in terms thereof;

“ammunition” has the meaning assigned to it in the Firearms Control Act;

“Arms and Ammunition Act” means the Arms and Ammunition Act, 1969 (Act No. 75 of 1969);

“client” has the meaning assigned to it in the Code of Conduct;

“Code of Conduct” means the Code of Conduct for Security Service Providers, 2003;

“director” includes a staff member of the Authority appointed as the acting director by the Council or to whom any of the powers or duties of the director have been delegated or assigned, as the case may be;

“dangerous weapon” has the meaning assigned to it in the Dangerous Weapons Act, 1968 (Act No. 71 of 1968);

“day” includes Saturdays, Sundays and public holidays;

“employer of in-house security officers” means a person who is not a security service provider and who uses his or her own employees to protect or safeguard merely his or her own property or other interests, or persons or property on his or her premises or under his or her control;

“firearm” has the meaning assigned to it in the Firearms Control Act;

“Firearms Control Act” means the Firearms Control Act, 2000 (Act No. 60 of 2000);

“Private Security Industry Regulations” means the Private Security Industry Regulations, 2002;

“registration number” means the registration number of a security service provider contemplated in regulation 6(1)(a) of the Private Security Industry Regulations;

“security business” includes an employer of in-house security officers to the extent that these regulations apply to such a person as contemplated in the Act;

“weapon” includes -

- (a) any object other than a firearm, including a working animal, issued to or possessed by a security service provider to be used as a weapon during the course of the rendering of a security service;
- (b) a dangerous weapon; and
- (c) handcuffs and any similar device, object or equipment manufactured, designed or adapted to restrain a person who is under arrest.

## CHAPTER 2

### FIREARMS AND AMMUNITION

#### **Issuing of firearms and ammunition to security officers and duties relating thereto**

3. (1) A security business may only issue a firearm to a security officer employed by it for the rendering of a security service if –

- (a) the issuing of the firearm by the security business is in accordance with all applicable laws;
- (b) the receipt and possession of the firearm by the security officer is in accordance with all applicable laws;
- (c) the firearm is in good working condition and free from any defect which may render it an inherent source of danger to any person;
- (d) the security business and the security officer are both registered as security service providers in terms of the Act and their respective registrations are not suspended;
- (e) the security officer is in possession of his or her certificate of identification as contemplated in regulation 9(2) of the Private Security Industry Regulations;
- (f) the security officer is in possession of an original document from the security business, signed by the licence holder of the firearm or a person authorized thereto in writing by the licence holder, containing the name, address, firearm licence particulars and registration number of the security business as well as the name and employment address of the security officer, and stating that the possession of the firearm by the security officer is authorized for rendering a security service as described in the document and for the period and place specified in the document;
- (g) the security officer is on duty or standby duty, or is about to perform duty or standby duty;
- (h) the necessary particulars of the issuing of the firearm and ammunition are entered into all the registers that must be kept by the security business in terms of law;

- (i) the security business and the security officer are not under State investigation in respect of an offence specified in the Schedule to the Act relating to the unlawful use of force or an offence provided for in Schedule 2 of the Firearms Control Act, or are not being criminally prosecuted in respect of such an offence;
- (j) there is no pending improper conduct enquiry initiated by the Authority into an alleged violation of the Code of Conduct by the security business or the security officer relating to an offence contemplated in paragraph (i);
- (k) the possession of the firearm by the security officer is reasonably necessary for rendering a security service, taking into account the nature of the security service, the contract between the security business and its client, the circumstances under which the service is rendered, the nature of the firearm and any other relevant fact;
- (l) the security officer has successfully completed the security training required for the rendering of the security service in question, any training, instruction or guidance required by law in respect of the possession, handling and use of the firearm, as well as any further or additional training necessary or required to handle the firearm in a proper and safe manner;
- (m) the security officer is not under the influence of a substance which has an intoxicating or narcotic effect;
- (n) the security officer is in a mentally stable condition and the security business has no reason to believe that he or she will use the firearm for an unlawful purpose or in an unlawful or negligent manner;
- (o) where the firearm is to be carried in a public place, the security officer is in possession of the holster, holder or other container required in terms of the Firearms Control Act for the carrying of the firearm in the public place;
- (p) the security officer is under proper control and supervision in the rendering of the security service for the purposes of which a firearm is provided;
- (q) the security officer is provided with no more than a reasonable quantity of ammunition for the purposes of rendering the relevant security service and the ammunition meets any applicable requirements contemplated in the Firearms Control Act; and



- (r) the security officer signs for receipt of the firearm and all ammunition provided to him or her immediately upon such receipt.

(2) A security business providing firearms to security officers employed by it must -

- (a) maintain all firearms licensed to it and which are provided to security officers, in a proper working condition, free of any defects which may render them an inherent source of danger;
- (b) have and adhere to proper and safe procedures in respect of the issuing and returning of and control over firearms and ammunition provided to security officers, and must have and enforce a proper disciplinary code in respect of the conduct of security officers regarding their receipt, possession, carrying, use, safekeeping and return of the firearms and ammunition, and in respect of the conduct of all its other personnel involved with such functions;
- (c) ensure that firearms and ammunition provided to security officers are returned for safekeeping as soon as possible after completion of their duties or work shifts;
- (d) actively monitor whether security officers who are provided with firearms and ammunition are trained, instructed and guided as contemplated in sub-regulation (1)(l);
- (e) actively monitor whether security officers also possess their own firearms or is provided with firearms by any other person while rendering a security service, and take any appropriate steps in this regard to ensure compliance with the Act;
- (f) ensure that security officers provided with firearms are properly assessed to the satisfaction of the Authority, including an assessment of their visual and audio capacity, locomotive system, neurological system and general mental and emotional condition, at the cost of the security business, at least every 12 months, or within a shorter period as may be reasonably necessary in the circumstances, to verify that they do not suffer from any physical or mental condition that would render their continued possession of a firearm and ammunition as posing an unreasonable risk or as undesirable;
- (g) ensure that the security officers provided with firearms undergo at least one proper practical training session acceptable to the Authority, at the cost of the security business, at least every 12 months, or within a shorter period as may be reasonably necessary



in the circumstances, in the proper and safe handling and use of the relevant firearm and ammunition;

- (h) ensure that the security officers provided with firearms attend at least one briefing session acceptable to the Authority, at the cost of the security business, every 12 months, or within a shorter period as may be reasonably necessary in the circumstances, during which they are properly informed of the relevant legal aspects and procedures and of their legal duties regarding the possession, carrying, safekeeping and use of firearms and ammunition provided to them;
- (i) timeously inform a client of the security business on whose premises a security officer is rendering a security service of the possession of a firearm by the security officer, unless the contract between the security business and its client provides for the possession of a firearm;
- (j) properly investigate to establish all the relevant facts, or cause to be properly investigated, and keep a full record of such investigation, every incident involving the discharge of a firearm by a security officer;
- (k) take all relevant steps provided for in law and all steps that may be necessary or prudent in the circumstances, in regard to the discharge of a firearm by a security officer; and
- (l) inform the director in writing within 10 days after the use of a firearm by a security officer if such use caused any death, personal injury or damage, providing the particulars within the knowledge of the security business as well as particulars contemplated in regulation 5(4)(b).

(3) The director may direct a security business to furnish the director within such a reasonable time as may be determined by the director with information in writing regarding its procedures and disciplinary code contemplated in sub-regulation (2)(b) and its compliance with any other duty contemplated in sub-regulation (2).

#### **Storage, possession and use of firearms and powers of director**

4. (1) A security business must store every firearm in respect of which it has a licence and all ammunition in a safe and secure place in the manner required by the Firearms Control Act, as well as in accordance with any directives which the director may issue in terms of this regulation.

(2) A security officer may only carry and use a firearm provided to him or her by the security business by which he or she is employed in accordance with all applicable legal provisions and -

- (a) must report to a responsible official of the security business any discharge of the firearm, as well as the loss of the firearm or any ammunition, as soon as reasonably possible after the event and furnish the necessary particulars to enable the security business to complete any relevant register contemplated in these regulations;
- (b) must report to a responsible official of the security business any information which he or she has regarding the discharge of a firearm as well as the loss of a firearm, issued to any other security officer by that security business, as soon as reasonably possible after the event and furnish the necessary particulars to enable the security business to complete any relevant register contemplated in these regulations;
- (c) must at all times take reasonable steps to guard against the loss, theft or unauthorized possession or use of the firearm and ammunition provided to him or her;
- (d) must return the firearm and ammunition provided to him or her to a responsible official of the security business as soon as reasonably possible after the completion of his or her duties or work shift in the rendering of a security service; and
- (e) must return to a responsible official of the security business, when so requested, any document provided by it in terms of law to authorize the possession of the firearm by the security officer.

(3) The director may, if there is a sound reason for such a step, through a notice served on a security business, or with the approval of the Minister if the notice is of general application -

- (a) determine conditions, in addition to those already contained in any applicable law, regarding the storage and safekeeping of firearms and ammunition by a security business, or any class or category of security businesses;
- (b) prohibit the issuing of a firearm or a particular type of firearm to a security officer employed by the security business for the rendering of a particular security service, whether generally or in a specific instance;

- (c) prohibit the issuing of a particular type of firearm to a security officer employed by the security business for the rendering of a security service in a defined place or area, whether generally or in a specific instance; and
- (d) determine that the conditions as stated by the director in the notice must be complied with by the security business regarding the issuing, possession, carrying or use of firearms by a security officer employed by it.

(4)(a) The director may cause an audit of all firearms in possession of or presumably in possession of security businesses to be performed as often as may be necessary.

(b) For the purposes of an audit contemplated in paragraph (a), every security business must provide the information required by the director in terms of the form used for the purposes of the audit and return such properly completed form to the Authority within the time period allowed by the director.

#### **Keeping of registers and documents**

5. (1) A security business must, for the purposes of these regulations, keep all the registers, records and documentation that it is obliged to keep in terms of the Firearms Control Act and these regulations at its administrative office as contemplated in regulation 5(1)(b) of the Private Security Industry Regulations.

(2) Every register contemplated in this regulation must comply with the following requirements:

- (a) it must be kept safely, available for inspection by the Authority, for a period of 5 years from the date of the last entry that is made in the register;
- (b) it must consist of pages which are all numbered in sequence and all information recorded in it must be written or printed in permanent ink;
- (c) all changes to the information recorded in it must be effected by means of crossing out in permanent ink and not by way of erasure;
- (d) no pages may be removed from it and every alteration must be signed by the person effecting it; and

- (e) an entry of any action that must be recorded in it, must be made without undue delay.

(3) A security business issuing firearms to security officers employed by it, must keep a register containing the following particulars:

- (a) all the firearms in respect of which the security business has a licence, specified by make, type, caliber and serial number as well as the date and other particulars of the acquisition, disposal, transfer, loss, theft or destruction thereof; and
- (b) a detailed record of the issuing of such firearms and of ammunition to security officers, describing the firearm and ammunition, the date, time and place of such issuing, particulars of the security service and where it is to be rendered, the name, registration number and signature of the security officer, the return of the firearm and ammunition and the name of the person issuing the firearm and ammunition.

(4)(a) A security business must keep a register with sufficient information of every instance where a firearm issued to a security officer employed by it was discharged by that security officer or any other security officer employed by it, for any purpose whatsoever.

(b) The register contemplated in paragraph (a) must contain at least the following -

- (i) the name and registration number of the security officer discharging the firearm;
- (ii) full particulars of the firearm and ammunition;
- (iii) the date, time, place and circumstances pertaining to the discharge of the firearm;
- (iv) particulars of any damage, injury or death caused by the discharge of the firearm;
- (v) the report of the security officer contemplated in regulation 4(2)(a) and (b); and
- (vi) any further relevant facts regarding the incident.

(5) A security business must keep a register regarding the performance of its functions contemplated in regulation 3(2)(f), (g) and (h), containing at least -

- (a) the time, date and venue of the assessment session, the practical training session and the briefing session;
- (b) the names of the persons and institutions handling the sessions contemplated in paragraph (a), and their contact particulars;
- (c) the names and signatures of security officers attending the sessions contemplated in paragraph (a); and
- (d) the results, outcomes and findings, as the case may be, of the assessment session, practical session and briefing session.

(6) A security business must keep a file containing all the information and documentation regarding its investigation into the discharge of a firearm contemplated in regulation 3(2)(j).

#### **Inspections and powers of inspectors**

6. (1) In performing any function contemplated in this regulation an inspector has all the powers of entry, search and seizure contemplated in section 34 of the Act, as well as all the powers provided for in this regulation.

(2) An inspector may at any reasonable time without prior notice, require from a person contemplated in section 34(1)(d) of the Act the production to him or her all or any registers, records, files or documents that a security business must keep in terms of any law relating to the issuing, return, possession, use or storage of firearms and ammunition, as well as any further information that an inspector may require to ascertain compliance with the provisions of these regulations by a security business, its officials or its security officers.

(3) A security business having firearms or providing firearms to security officers employed by it must, at the request of an inspector, produce for inspection and examination all firearms and ammunition under its control and every licence to possess a firearm issued to it.

(4) An inspector who has reasonable grounds to believe that a person is a security officer and has or recently had a firearm or ammunition in his or her possession, may direct such person to –

- (a) provide his or her full name and employment address;
- (b) provide the name and contact particulars of his or her employer;

- (c) produce the document contemplated in regulation 3(1)(f) in respect of the possession of the firearm;
- (d) produce a licence if the security officer is in possession of a firearm licensed to him or her;
- (e) answer questions regarding the whereabouts of the firearm; and
- (f) furnish any other information reasonably required by the inspector for the purposes of these regulations.

(5)(a) An inspector may without warrant seize any firearm or ammunition in possession of a security service provider if the inspector has reasonable grounds to suspect that the security service provider is not in lawful possession of the firearm or ammunition, and, in the case of a security officer, the security officer is not in possession of the documentation required in terms of regulation 3(1)(e) and (f) in respect of such firearm.

(b) The inspector seizing a firearm or ammunition contemplated in paragraph (a), must as soon as possible thereafter hand the firearm and ammunition to a member of the Service at a police station, who has to receive such firearm and ammunition and keep it in safe custody pending a further investigation, subject to the applicable provisions in chapter 14 of the Firearms Control Act.



## **CHAPTER 3**

### **WEAPONS**

#### **Issuing of weapons to and possession of weapons by security officers**

7.(1) A security business may only issue a weapon to a security officer employed by it for the rendering of a security service if –

- (a) the requirements, with the necessary changes, contemplated in regulation 3(1)(a), (b), (d), (e), (g), (k), (m), (n) and (p) are complied with;
- (b) the requirements, with the necessary changes, contemplated in regulation 3(1)(i) and (j) are complied with in the case of a dangerous weapon;
- (c) the security officer is well-trained in the proper handling and use of the weapon and successfully trained in accordance with any applicable standards imposed by law; and
- (d) the weapon is free of any defect or characteristic which may render it an inherent source of danger or capable of easily causing excessive personal harm or damage.

(2) The provisions of sub-regulation (1) apply, with the necessary changes, to a security business allowing a security officer employed by it to possess a weapon provided by the security officer or by a person other than the security business, or who should reasonably be aware that the security officer is in possession of a weapon while rendering a security service.

(3) A security business issuing a weapon to a security officer employed by it, or allowing the security officer to possess a weapon provided by the security officer or by a person other than the security business, must –

- (a) comply, with the necessary changes, with regulation 3(2)(b);
- (b) actively monitor whether, and ensure that, a security officer who possesses a dangerous weapon, complies with regulation 7(1)(c);
- (c) comply, with the necessary changes, with regulation 3(2)(f) and (g) in the case of a dangerous weapon; and

- (d) keep a written record of and properly investigate to establish the relevant facts of every incident involving the use of a weapon causing any death, personal injury or damage, in order to enable the security business to take all steps that are reasonably necessary in this regard and to provide the director with all relevant information required in terms of these regulations.

(4) The provisions of regulation 3(3) are applicable, with the necessary changes, in regard to the compliance by a security business with the duties contained in this regulation.

#### **Storage, possession and use of weapons and powers of director**

8. (1) A security business must store all weapons in its possession or under its control in a safe and secure manner, and in compliance with any applicable law.

(2) A security officer may carry and use a weapon only in accordance with all applicable legal provisions and must report to the security business employing him or her of any use of a weapon causing death, personal injury or damage, or any loss thereof, as soon as reasonably possible after the event and provide the necessary particulars to enable the security business to complete the register contemplated in regulation 9(3).

(3) The provisions of regulation 4(2)(b) are, with the necessary changes, applicable with regard to the use and loss of a weapon.

(4) The director may, if there is a sound reason for such a step, exercise the powers contemplated in regulation 4(3), with the necessary changes, in regard to weapons.

#### **Keeping of registers and documents**

9. (1) A security business must keep the registers and documentation contemplated in this regulation at its administrative office as contemplated in regulation 5(1)(b) of the Private Security Industry Regulations.

(2) The provisions of regulation 5(2) are, with the necessary changes, applicable to the registers and documentation contemplated in this regulation.

(3)(a) A security business must keep a register in which information is recorded of every instance where a weapon possessed by a security officer employed by it was used and caused death, personal injury or damage.

(b) The register contemplated in paragraph (a) must contain the information, with the necessary changes, as contemplated in regulation 5(4)(b).

(4) A security business must keep a register regarding the performance of its functions contemplated in regulation 7(3)(c) containing at least the information, with the necessary changes, contemplated in regulation 5(5).

(5) A security business must keep a file with all information and documentation regarding its investigation into the use of a weapon contemplated in regulation 7(3)(d).

#### **Inspections and powers of inspectors**

10. (1) Except to the extent provided otherwise in this regulation, the provisions of regulation 6 are applicable, with the necessary changes, to the powers of inspectors in terms of this regulation.

(2)(a) An inspector may without warrant seize any weapon in possession of a security officer if the inspector has reasonable grounds to suspect that the security officer is not in lawful possession of the weapon or that the weapon has been provided in violation of a provision of regulation 7.

(b) Section 34(2) of the Act applies to any weapon seized in terms of paragraph (a).

## **CHAPTER 4**

### **GENERAL PROVISIONS AND OFFENCES**

#### **Duty on certain persons**

11. Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in relation to a security business, must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business possessing firearms for business purposes or issuing firearms, ammunition or weapons to security officers employed by it, complies with all the duties contained in these regulations.

#### **Offences and penalties**

12. Any person who –

- (a) contravenes or fails to comply with a provision of these regulations;
- (b) contravenes or fails to comply with a directive, notice or request of the director issued in terms of these regulations;
- (c) fails to keep a register, record or file as required in terms of these regulations, or fails to make an entry in such a register without undue delay;
- (d) intentionally or negligently makes a false, incorrect or misleading entry or statements in a register that has to be kept in terms of these regulations or in any document contemplated in these regulations;
- (e) intentionally or negligently fails to make the reasonable enquiries that are necessary in the circumstances to verify the correctness of any information provided to him or her for the purposes of making an entry in any register that must be kept in terms of these regulations; or
- (f) intentionally or negligently provides any false information in complying or purportedly complying with any duty provided for in these regulations,

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

**Authoritative text**

13. 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**

14. These regulations are called the Regulations on the Issuing, Possession and Use of Firearms and Other Weapons in the Private Security Industry, 2003 and come into operation 30 days after their publication in this *Gazette*.

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**SCHEDULE B**

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**RENEWAL OF SECURITY SERVICE PROVIDER REGISTRATION  
REGULATIONS, 2003****INDEX**

	<b>Regulation</b>
Definitions	1
Registration lapses unless renewed	2
Applications for renewal of registration	3
Consideration of applications for renewal of registration	4
Effect of submission of application for renewal of registration and extension of period for submission	5
Rescission of renewal of registration	6
Refusal to grant application for renewal of registration	7
Determination of application fees	8
Authoritative text	9
Short title and commencement	10

**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 -

“applicant” means a person registered as a security service provider in terms of the Act who applies for renewal of registration in terms of these regulations;

“application fee” means an application fee determined in terms of regulation 8;

“application for renewal” means an application for renewal of registration as security service provider in terms of these regulations;

“day” includes Saturdays, Sundays and public holidays;

“director” includes a staff member of the Authority appointed as the acting director by the Council or to whom any of the powers or duties of the director have been delegated or assigned, as the case may be;

“expiry date” means the last day of the month in every year corresponding with the month in the year when a security service provider was originally registered –

(a) as a security officer by the Interim Board in terms of the repealed legislation, if such registration is covered by regulation 14(2) of the Private Security Industry Regulations; or

(b) as a security service provider by the Authority in terms of the Act;

“improper conduct” means improper conduct as defined in the Code of Conduct for Security Service Providers, 2003;

“Interim Board” means the Security Officers’ Interim Board established by section 2 of the repealed legislation, and any statutory body which preceded the Interim Board;

“Private Security Industry Regulations” means the Private Security Industry Regulations, 2002 published in *Gazette* No. 23120, dated 14<sup>th</sup> February 2002;

“registered” with reference to a security officer or a security service provider contemplated in the definition of “expiry date” in this regulation of which the legal nature or status has changed since the original registration, means the granting of approval by the Authority in terms of the Act in respect of such change;

“renewal of registration” means the granting by the Authority of an applicant’s application for renewal in respect of the same person and, subject to these regulations, based on the same grounds, with a validity following immediately upon the lapsing of the applicant’s existing registration as security service provider;



“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 all regulations made in terms of the Act;

“the Levies Act” means the Private Security Industry Levies Act, 2002 (Act No. 23 of 2002) after it has come into operation.

### **Registration lapses unless renewed**

2. The registration of a security service provider in terms of the Act lapses, subject to these regulations, every year on the expiry date, unless renewed on or before the expiry date.

### **Applications for renewal of registration**

3.(1) A person who wishes his or her registration as a security service provider to be renewed, must, subject to these regulations, annually apply to the Authority for renewal of registration by submission of the duly completed application form as determined by the Authority for this purpose and which may be obtained from the Authority.

(2) The application form contemplated in sub-regulation (1) must be submitted to the director, subject to these regulations, not earlier than 90 days and not later than 60 days before the expiry date of the applicant's registration as security service provider.

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

(a) payment of the following amounts -

(i) the relevant application fee; and

(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 (e), if the applicant requests this procedure and wishes the Authority to submit the request to the Service;

(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) 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;
- (e) 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 if the Authority is willing to consider the application in terms of regulation 4(3);
- (f) original police or other official clearance certificates on the criminal record status of an applicant who is a person contemplated in regulation 4(5), if these certificates have not previously been submitted to the Authority;
- (g) an original clearance certificate materially satisfying the requirements contemplated in regulation 4 of the Private Security Industry Regulations if the applicant is a person contemplated in section 23(1)(f) of the Act and has not previously submitted such a certificate to the Authority;
- (h) an original certificate or other proof acceptable to the Authority that the applicant complies with the relevant training requirements for registration as a security service provider as contained in regulation 3 of the Private Security Industry Regulations, unless the applicant has previously submitted such a certificate or other proof to the Authority; and
- (i) a valid undertaking regarding suretyship or guarantee contemplated in regulation 2(4)(c) of the Private Security Industry Regulations if the applicant is a person contemplated in section 21(1)(a)(iii), (iv), (v), (vi) or (vii) of the Act, and the applicant has not previously provided such an undertaking which will still be valid when the application for renewal is considered.

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

- (a) payment of the relevant application fee;
- (b) duly completed applications for renewal as contemplated in sub-regulation (3), 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 whose registration as security service provider lapses on the same date as that of the security business, or within three months after that date;
- (c) the applicable documentation contemplated in paragraphs (c), (d), (e), (f), (g), (h) and (i) of regulation 2(3) of the Private Security Industry Regulations if this documentation has not already been submitted to the Authority or if there has been a change in the content of this documentation since its last submission;
- (d) 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;
- (e) 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 the Private Security Industry Regulations; and
- (f) a resolution by the security business, in the form approved by the Authority, to apply for renewal of registration.

(5) An applicant must furnish such additional information and documentation in connection with the application within such a period as the Authority may determine.

(6) Despite the provisions of sub-regulation (3)(h), the director may at any stage before deciding on an application for renewal, determine that an applicant, or a category or class of applicants, must undergo such assessment of their security training or qualifications as the director may deem necessary for the purposes of properly considering their applications for renewal.

#### **Consideration of applications for renewal of registration**

4.(1) The Authority may, subject to these regulations, renew an applicant's registration as security service provider if the applicant -

- (a) complies with the requirements for registration as security service provider as contemplated in the Act;
  - (b) complies with the requirements for renewal of registration as contemplated in these regulations;
  - (c) has paid the relevant application fee to the Authority;
  - (d) has paid any amount due and payable by the applicant to the Authority in terms of the Act, the Levies Act or any other cause of debt;
  - (e) has successfully undergone any assessment determined by the director in terms of regulation 3(6); and
  - (f) is, based on the information available to the Authority, likely to comply with the Act and the Levies Act if the registration is renewed.
- (2) The Authority may refuse to renew an applicant's registration as security service provider if -
- (a) the applicant does not meet the requirements contemplated in sub-regulation (1) or the other requirements in these regulations in respect of the renewal of registration;
  - (b) any of the grounds justifying withdrawal of the applicant's registration contemplated in section 26(4) of the Act is present when the application is submitted or considered;
  - (c) when the application is submitted or considered, the applicant is under State investigation in respect of an offence specified in the Schedule to the Act or an offence in terms of the Act, or is being criminally prosecuted in respect of such an offence, or is being criminally prosecuted outside South Africa in respect of an offence corresponding to an offence in the Schedule to the Act;
  - (d) when the application is submitted or considered, there is an enquiry pending into alleged improper conduct by the applicant;
  - (e) the applicant was found guilty of an offence outside South Africa which corresponds to an offence specified in the Schedule to the Act, within a period of 10 years immediately before the submission of the application for renewal;

- (f) the applicant, in the case of a security business, has applied for sequestration or liquidation and the application is still pending or has been granted; or
  - (g) the applicant's registration as security service provider is suspended.
- (3) The provisions of regulation 2(5) of the Private Security Industry Regulations apply, with the necessary changes, to the consideration of an application for renewal.
- (4) The Authority may, before the renewal of registration of a security business, cause any inspection to be held which it deems necessary to establish whether the applicant meets the prescribed requirements contemplated in section 23(2)(b) of the Act and regulation 5 of the Private Security Industry Regulations regarding infrastructure and capacity necessary to render a security service, against payment by the applicant of the amount determined by the director for this purpose.
- (5) An applicant registered as a security officer by the Interim Board before 14<sup>th</sup> February 2002, in a case where such registration is covered by regulation 14(2) of the Private Security Industry Regulations, and who has immigrated to South Africa during the 10 year period immediately preceding his or her application for renewal 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 renewal, 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, if these certificates have not been previously submitted to the Authority.
- (6) Despite any provision of these regulations, the director may on good cause shown and on grounds which are not in conflict with the purpose of the Act and the objects of the Authority, and with due regard to the applicable policies and procedures approved by the Council for this purpose –
- (a) extend the period within which an application for renewal, or any category or class of applications for renewal, must be submitted;
  - (b) condone the late submission of an application for renewal;
  - (c) grant a reasonable opportunity to an applicant to rectify any defect in an application for renewal;



- (d) grant a specified period to an applicant within which the applicant has to meet the requirements for renewal of registration, or extend such a period already granted;
- (e) authorise a deviation from the procedure in respect of the submission and consideration of applications for renewal;
- (f) postpone the consideration of an application, subject to regulation 5, if there is a sound reason for such a step; or
- (g) renew the registration of any applicant.

(7) No amount paid to the Authority by an applicant in terms of these regulations is refundable if the application for renewal is withdrawn by the applicant or if the application is not granted by the Authority.

#### **Effect of submission of application for renewal of registration and extension of period for submission of application**

5. (1) If an application for renewal of registration has been submitted to the director in terms of these regulations, the registration of an applicant remains valid, subject to the Act and the Levies Act, until the application is decided by the Authority.

(2) If the period within which an application for renewal must be submitted has been extended in terms of regulation 4(6)(a), the registration of the security service provider remains valid, subject to the Act and the Levies Act, until the date on which the application for renewal must be submitted to the Authority.

#### **Rescission of renewal of registration**

6. The Authority may rescind the renewal of registration of a security service provider on any of the grounds, with the necessary changes, contemplated in section 26(4)(a), (b) or (c) of the Act.

#### **Refusal to grant application for renewal of registration**

7.(1) If the Authority decides not to grant an application for renewal, or if it rescinds the renewal of registration as contemplated in regulation 6, a notice from the director to this effect must be served on an applicant and the applicant's registration lapses, subject to the Act, on the date of such service.

(2) An applicant who feels aggrieved by a decision of the Authority not to grant an application for renewal of registration or a decision to rescind the renewal of registration as contemplated in regulation 6, may appeal against such decision as though there has been a refusal by the Authority to register the



applicant as a security service provider as contemplated in section 30(1)(a) of the Act.

(3) Pending a decision on an appeal lodged in terms of sub-regulation (2), an applicant may not render a security service unless the prior written approval of the director has been obtained, which may be granted on such conditions, including conditions on the payment of the applicable prescribed amounts or levies to the Authority in terms of the applicable legislation, as the director may deem appropriate in the circumstances.

#### **Determination of application fees**

8. The director may, with the concurrence of the Council, determine the application fees as contemplated in regulations 3(3)(a)(i) and 3(4)(a) and may determine different fees with reference to different categories or classes of applicants.

#### **Authoritative text**

9. 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**

10. These regulation are called the Renewal of Security Service Provider Registration Regulations, 2003 and come into operation 120 days after their publication in this *Gazette*.

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## **SCHEDULE C**

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### **REGULATIONS ON SPECIALISED DEVICES USED TO REPRODUCE OR DUPLICATE KEYS, 2003**

#### **INDEX**

	<b>Regulation</b>
Definitions	1
Interpretation and application	2
Register of certain persons	3
Notification and information to be furnished to Authority	4

Keeping of registers	5
Certain duties of persons possessing, using or providing specialised devices	6
Prohibitions	7
Inspections and powers of inspectors	8
Duties of certain persons	9
Appeals	10
Offences and penalties	11
Authoritative text	12
Short title and commencement	13

## 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 -

“Act” means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) and all regulations made in terms of the Act;

“Code of Conduct” means the Code of Conduct for Security Service Providers, 2003;

“director” includes a staff member of the Authority appointed as the acting director by the Council or to whom any of the powers or duties of the director have been delegated or assigned, as the case may be;

“inspector” includes a member of the Service;

“key” includes any object which is used to lock, unlock, close or engage a locking mechanism of any kind;

“manufacture”, in relation to a specialised device, includes the assembly thereof;

“registration number” means the registration number of a security service provider contemplated in regulation 6(1)(a) of the Private Security Industry Regulations, 2002;

“specialised device” means a specialised device used to reproduce, duplicate, cut or adapt keys.

## Interpretation and application

2. (1) The provisions of these regulations must be interpreted in a manner that will promote and encourage lawfulness, proper control, responsibility and

trustworthiness in regard to actions or transactions concerning specialised devices.

(2) These regulations do not derogate from any other legal provision applicable to the actions or transactions concerning specialised devices contemplated in sub-regulation (1), or from any legal provision applicable to security service providers.

### **Register of certain persons**

3.(1) The Authority must keep a register of all persons who manufacture, import, export, sell, distribute, possess, control, use, install, service or repair a specialised device for business purposes.

(2) The register contemplated in sub-regulation (1) must contain the following particulars:

- (a) the full names, identity number, date of birth, citizenship, residence status in South Africa, and residential and employment address, if the person is a natural person;
- (b) in the case of a person who is not a natural person, its name and every name under which it trades, particulars of its branches, the company or close corporation number in the case of a company or close corporation, and the street and postal addresses and telephone numbers utilised by it;
- (c) the particulars contemplated in paragraph (a) of every natural person who is a director, member, partner, trustee, administrator or person in control or who performs managing or executive functions, as the case may be, in regard to a person contemplated in paragraph (b);
- (d) the registration number of any person contemplated in this sub-regulation, if such person is registered as a security service provider;
- (e) particulars of every conviction of a criminal offence of a person contemplated in this sub-regulation;
- (f) particulars of the compliance with these regulations by a person contemplated in this sub-regulation;
- (g) a description of the nature of the business that a person contemplated in this sub-regulation carries on in the manufacture, importation, exportation, selling, distribution, possession, control,

use, installation, servicing or repair of a specialised device, including the date from when this business has been carried on;

- (h) particulars of any specialised device in the possession or under the control of a person, with details of its nature, make, origin, serial and identification numbers; and
- (i) the full names and identity numbers of all personnel employed by or used by a person contemplated in this sub-regulation for the businesses purposes contemplated in sub-regulation (1).

#### **Notification and information to be furnished to Authority**

4.(1) Any person who manufactures, imports, exports, sells, distributes, possesses, controls, uses, installs, services or repairs a specialised device for business purposes must, within 30 days after the promulgation of these regulations, give written notice of this fact to the director, provide the director with all relevant information in writing that is required for the purposes of keeping the register contemplated in regulation 3 in respect of such person, and provide any further information that the director may reasonably require, which may include a clear and complete set of fingerprints of such person and of a person contemplated in regulation 3(2)(c).

(2) Any person referred to in sub-regulation (1) must inform the Authority within 10 days of any change in regard to information submitted in writing to the Authority in terms of sub-regulation (1).

(3) The obligation referred to in sub-regulation (2) must be discharged through a notice which is sent by registered post or facsimile transmission to the Authority, 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 such purpose.

#### **Keeping of registers**

5. (1) Any person who manufactures, imports, exports, sells, distributes, possesses, controls, uses, installs, services or repairs a specialised device for business purposes, must keep all applicable registers required in terms of this regulation.

(2) Every register contemplated in this regulation must comply with the following requirements:

- (a) it must be kept safely at the business address of the person contemplated in sub-regulation (1), available for inspection by the

Authority, for a period of 4 years from the date of the last entry that is made in the register;

- (b) it must consist of pages which are all numbered in sequence and all information recorded in it must be written or printed in permanent ink;
- (c) all changes to the information recorded in it must be effected by means of crossing out in permanent ink and not by way of erasure;
- (d) no pages may be removed from it and every alteration must be signed by the person effecting it; and
- (e) any entry of any action or transaction that must be recorded in it terms of this regulation, must be made without undue delay.

(3) Any person who manufactures a specialised device must keep a register in which the following information is recorded:

- (a) the date on which the manufacture of the specialised device was completed and the place where this occurred;
- (b) a description of the specialised device, detailing its make and its serial and identification numbers;
- (c) the purpose of manufacturing the specialised device;
- (d) the address where the specialised device is kept; and
- (e) the name, identity number and contact address of the person at whose request the specialised device was manufactured.

(4) Any person who imports or exports a specialised device must keep a register in which the following information is recorded:

- (a) the date on which the specialised device was imported into or exported from South Africa, and the place where this occurred;
- (b) a description of the specialised device, detailing its make and its serial and identification numbers;
- (c) the name and address of the person supplying the specialised device for importation, or to whom it is exported;
- (d) the purpose of importing or exporting the specialised device;

- (e) the address where the specialised device is kept if it has been imported; and
- (f) the name, identity number and contact address of any person at whose request the specialised device was imported or exported.

(5) Any person who sells, distributes or transfers possession or control of a specialised device, must keep a register in which the following information is recorded:

- (a) the date on which the specialised device was sold or possession or control thereof transferred for any reason, and the place where this occurred;
- (b) a description of the specialised device, detailing its make, and its serial and identification numbers;
- (c) the name, identification number and contact address of the person to whom the specialised device was sold or possession or control thereof transferred;
- (d) the name, identification number and contact address of the end-user of the specialised device, if this it is not the person referred to in paragraph (c);
- (e) the purpose of the persons referred to in paragraphs (c) and (d) in obtaining the specialised device;
- (f) the consideration for which the specialised device was sold or possession or control thereof transferred; and
- (g) the signature of the person to whom the specialised device was sold or the possession or control thereof transferred.

(6) Any person who possesses, controls or uses a specialised device to reproduce, duplicate, cut or adapt keys, must keep a register in which the following information is recorded:

- (a) the date and place of reproducing, duplicating, cutting or adapting any key by means of the specialised device;
- (b) a description of the specialised device used in performing any function listed in paragraph (a), detailing its make and its serial and identification numbers;



- (c) a brief description or identification of any key that was reproduced, duplicated, cut or adapted;
  - (d) the name, identification number and address of the person performing the service contemplated in paragraph (a);
  - (e) the name, identification number and contact address of the person to whom the service contemplated in paragraph (a) was rendered; and
  - (f) the reason why it was necessary to reproduce, duplicate, cut or adapt the key.
- (7) Any person possessing or controlling a specialised device who allows another person to use such device to reproduce, duplicate, cut or adapt a key, must keep a register in which the following information is recorded:
- (a) the date on which and place where another person is allowed to use the specialised device;
  - (b) a description of the specialised device, detailing its make and its serial and identification numbers; and
  - (c) the name, identification number and contact address of the person using the specialised device.
- (8) Any person who installs, services or repairs a specialised device must keep a register containing the following information:
- (a) the date and place of installing, servicing or repairing any specialised device;
  - (b) a description of the specialised device, detailing its make and its serial and identification numbers;
  - (c) the name, identification number and address of the person performing the service contemplated in paragraph (a); and
  - (d) the name, identification number and contact address of the person to whom the service contemplated in paragraph (a) was rendered.
- (9) The director may at any time issue a directive to a person that must keep a register in terms of this regulation regarding any of the following:
- (a) the office or other premises where any register must be kept;

- (b) any change to be effected to the manner in which a register is kept; and
- (c) the submission of any register and supporting documentation to the director for investigation or inspection.

**Certain duties of persons possessing, using or providing specialised devices**

6. Any person who possesses, controls, uses a specialised device or transfers possession or control thereof to another person –

- (a) must perform all his or her functions in an honest and trustworthy manner;
- (b) may only reproduce, duplicate, cut, adapt or provide a key, if the person requesting such action furnishes written proof of his or her identity with sufficient contact particulars as well as the authority to make the request, and, if relevant in the circumstances, the consent of any other person required by law in respect of the requested action, has been furnished;
- (c) must make reasonable enquiries, if reasonably necessary in the circumstances, to verify the proof and information contemplated in paragraph (b);
- (d) may not perform any act, unless duly authorised thereto, that compromises or may probably compromise the security of any person, including an act which affects the security and efficiency of any locking mechanism, key, vehicle, door, gate or security system;
- (e) may not duplicate, reproduce, manufacture or possess any key or key code, or modify a key blank, unless this is done for lawful purposes;
- (f) must exercise effective and reasonable control over a specialised device, belonging to, utilised or controlled by him or her;
- (g) may only provide information or training or impart skills regarding the use of a specialised device or the opening, closing or engaging of locking mechanisms of any nature to a person entitled to receive such information, training or skills in terms of a ground recognised by law;
- (h) must acquire any specialised device, key or key code in a lawful manner;

- (i) may only transfer possession or control of a specialised device, key code or ready cut keys to a person who is entitled to receive and possess it in terms of a ground recognised by law;
- (j) must take reasonable steps when transferring possession or control of a specialised device to any person to obtain information on who the end-user of the specialised device will be and that such person will only use the device for lawful purposes; and
- (k) may not transfer possession or control of a specialised device, or install, service or repair a specialised device, that has not been obtained in a legitimate manner.

### **Prohibitions**

7.(1) A person who manufactures, imports, exports, sells, distributes, possesses, controls, uses, installs, services or repairs a specialised device for business purposes, may only do so in compliance with these regulations and any other applicable law, and if the person has not been prohibited in terms of sub-regulation (2) to perform such a function.

(2) The director may, in order to promote lawfulness, proper control, responsibility and trustworthiness in regard to actions or transactions concerning specialised devices, and after following a fair and just process, prohibit any person from performing any function contemplated in sub-regulation (1) from such a date as determined by the director in terms of a written notice served on such person if –

- (a) the person has failed or refused to materially comply with a provision of these regulations;
- (b) the person has been convicted of an offence contemplated in regulation 11;
- (c) the person has been convicted of an offence specified in the Schedule to the Act; or
- (d) in the case of a security service provider, the person has been convicted of improper conduct as defined in the Code of Conduct.

(3) The director may uplift a prohibition contemplated in sub-regulation (2) if there is a sound reason for doing so.

### **Inspections and powers of inspectors**

8.(1) In performing any function contemplated in this regulation, an inspector has, in addition to the powers provided for in this regulation, all the powers, with the necessary changes, contemplated in section 34 of the Act, and, where the inspector is a member of the Service, all the other powers of such a member provided for by law.

(2) An inspector may at any time, with or without prior notice, inspect the business or occupational affairs of a person who manufactures, imports, exports, sells, distributes, possesses, controls, uses, installs, services or repairs a specialised device for business purposes, or of a person whom the inspector has reason to believe is such a person, and require of such a person –

- (a) to provide satisfactory proof of his or her full names, identity number and employment or business address;
- (b) the production to the inspector all or any registers that the person keeps or must keep in terms of these regulations; and
- (c) the disclosure to the inspector of information, either orally or in writing, on any specialised device or any matter relating to the compliance by such person or any other person with the provisions of these regulations.

### **Duty of certain persons**

9. Every person referred to in regulation 3(2)(c) of these regulations must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that a person who manufactures, imports, exports, sells, distributes, possesses, controls, uses, installs, services or repairs a specialised device for business purposes, complies with all the duties contained in these regulations.

### **Appeals**

10. Any person who feels aggrieved by a prohibition of the director contemplated in regulation 7(2), may appeal against such a prohibition as though there has been a refusal by the Authority to register the person as a security service provider as contemplated in section 30(1)(a) of the Act.

### **Offences and penalties**

11. Any person who –

- (a) contravenes or fails to comply with any provision of these regulations;

- (b) contravenes or fails to comply with a prohibition or request for information by the director in terms of these regulations;
- (c) fails to keep a register as required in terms of these regulations, or fails to make an entry in such a register without undue delay;
- (d) intentionally or negligently makes a false, incorrect or misleading entry in a register that has to be kept in terms of these regulations;
- (e) intentionally or negligently fails to make the reasonable enquiries that are necessary in the circumstances to verify the correctness of any information provided to him or her for the purposes of making an entry in any register that must be kept in terms of these regulations;
- (f) intentionally or negligently provides any false information in complying or purportedly complying with any duty provided for in these regulations;
- (g) refuses or fails to comply with a directive of the director contemplated in regulation 5(9);
- (h) refuses or fails to comply with any request from an inspector, or interferes with, resists, obstructs or delays an inspector in the performance of any function in terms of these regulations;
- (i) without lawful excuse, refuses or fails to answer a question put to him or her by an inspector in the performance of any function in terms of these regulations; or
- (j) intentionally or negligently makes a statement to an inspector which is false in any material respect or produces a register to an inspector which contains information which is materially false in any respect,

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

#### **Authoritative text**

12. 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**

13. These regulation are called the Regulations on Specialised Devices Used to Reproduce or Duplicate Keys, 2003 and come into operation 30 days after their publication in this *Gazette*.

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**SCHEDULE D**


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**REGULATIONS ON THE FURNISHING OF INFORMATION BY  
SECURITY BUSINESSES TO CONSUMERS, AND RELATED  
MATTERS, 2003**
**INDEX**

	<b>Regulation</b>
Definitions	1
Interpretation and application	2
General duties to furnish information	3
Duty to furnish information to a consumer before the conclusion of a contract	4
Information and provisions that must be included in any contract for the rendering of a security service	5
Duties on certain persons	6
Powers of director	7
Prohibition of certain contractual terms and effect of non-compliance	8
Offences and penalties	9
Authoritative text	10
Short title and commencement	11

**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 -

“Act” means the Private Security Industry Regulations Act, 2001 (Act No. 56 of 2001) and all regulations made in terms of the Act;

“Code of Conduct” means the Code of Conduct for Security Service Providers, 2003;



“consumer” means –

- (a) a person with whom a security service provider has concluded a contract, with the exception of an employment contract, providing for the rendering of a security service to such person;
- (b) a person to whom a security service provider renders or has rendered a security service; and
- (c) a prospective consumer;

“date of commencement” means the date contemplated in regulation 11 of these regulations;

“director” includes a staff member of the Authority appointed as the acting director by the Council or to whom any of the powers or duties of the director have been delegated or assigned, as the case may be;

“Promotion of Access to Information Act” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

“prospective consumer” means a person -

- (a) who approaches a security service provider or who is being approached by a security service provider in connection with the rendering of a security service to such person;
- (b) with whom a security service provider negotiates for the rendering of a security service to such person; or
- (c) to whom a security service provider makes an offer to render a security service;

“registration number” means the registration number of a security service provider contemplated in regulation 6(1)(a) of the Private Security Industry Regulations, 2002;

“security equipment” includes a monitoring device as contemplated in section 1 of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992).

### **Interpretation and application**

2. (1) The provisions of these regulations must be interpreted in a manner that will promote and encourage -

- (k) a true copy of regulation 9 of the Code of Conduct, which contains certain specific duties of a security service provider towards consumers;
  - (l) the contract between a security business and a consumer may not contain the terms, conditions or provisions contemplated in regulation 9(3)(d), (e) and (f) of the Code of Conduct; and
  - (m) the contract between a security business and a consumer must contain the information and provisions contemplated in regulation 5(1).
- (2) The furnishing of information contemplated in sub-regulation (2) must be effected through documentation which is separate from any contractual offer or document containing the contract between a security business and a consumer, and must be in a language that the consumer can sufficiently understand.
- (3) A security business must at the request of a consumer provide such further sufficient and accurate information regarding any matter contemplated in sub-regulation (1) as a consumer may require to properly understand his or her rights as well as the duties of the security business.
- (4) In any legal proceedings of whatever nature where the fact of the furnishing of information or documentation contemplated in sub-regulation (1) is relevant, the security business that was obliged to furnish such information or documentation must produce *prima facie* evidence that the information or documentation was in fact furnished to the consumer as required in terms of sub-regulation (2).

**Information and provisions that must be included in any contract for the rendering of a security service**

5. Without derogating from any other applicable legal provisions, a security business must ensure that any contract for the rendering of a security service to a consumer contains the following information and provisions:

- (a) the name, trading name and registration number of the security business with which the contract is concluded, a street address, postal address, telephone and facsimile number at the relevant administrative office of the security business;
- (b) the name, street address and telephone contact number of an official of the security business performing management functions in respect of the rendering of the security service in question;

- (c) a correct and full description of the security service to be rendered;
- (d) the correct and full remuneration, reward, fee or benefit payable by the consumer in respect of the rendering of the relevant security service;
- (e) if firearms are to be used in the rendering of a security service, details on the number of security officers that will be provided with firearms as well as the type of firearms;
- (f) the date of the signing of the contract and the date of the commencement of the contract;
- (g) the name, street address capacity of the person signing the contract on behalf of the security business; and
- (h) any other provision that must in terms of any applicable law be included in the contract.

#### **Duty on certain persons**

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

#### **Powers of director**

7.(1) The director may direct any security business or person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act to comply with a provision of these regulations.

(2) Any direction contemplated in sub-regulation (1) must be in writing, signed by the director and served on the security business or other person.

#### **Prohibition of certain contractual terms and effect of non-compliance**

8. (1) A security business may not make a contractual offer to or conclude a contract with a consumer containing any term, condition or provision that excludes, limits or purports to exclude or limit any right of a consumer under these regulations or any duty of a security business in terms of these regulations.

(2) Any contractual term, condition or provision contemplated in sub-regulation (1), is invalid.

### **Interpretation and application**

2. (1) The provisions of these regulations must be interpreted in a manner that

(a) will require and encourage the organisers of a sporting, recreational, entertainment or similar event, as well as the owners of premises used for this a purpose, to take all reasonable steps necessary or to cause such steps to be taken to achieve and maintain a sufficient degree of order, safety and security on or in relation to such premises; and

(b) will require and encourage security service providers who are rendering a service to achieve and maintain order and safety on or in relation to premises used for sporting, recreational, entertainment or similar purposes, or providing advice in this regard -

(i) to act in the public interest;

(ii) to act in a trustworthy and professional manner in respect of the rendering of a security service;

(iii) to provide the fullest protection possible to persons who are on premises or enter or exit premises used for sporting, recreational, entertainment or similar purposes;

(iv) to provide the fullest protection possible to the property and similar interests of persons contemplated in paragraph (iii); and

(v) to respect the rights of members of the public with whom they come into contact and to treat them in the appropriate and correct manner.

(2) These regulations do not derogate from any other legal provisions applicable to the persons, events, functions or premises to which these regulations apply.

(3) These regulations apply to the extent provided in respect of -

(a) all premises used for sporting, recreational, entertainment or similar purposes irrespective of whether the relevant events take place on an ongoing basis or on a single occasion, and to which members of the public, or any category or class of the public, are invited or to which they are permitted or have access;

- (b) the performance of any function aimed at achieving and maintaining order, safety and security of persons and safety and security of their property on premises contemplated in paragraph (a), for the purposes of attending or participating in a sporting, recreational, entertainment or similar event, including –
  - (i) the exercise of access and exit control;
  - (ii) the effecting of bodily or physical searches at a point of entry or exit;
  - (iii) the guiding of persons to specific areas or places;
  - (iv) the performance of any crowd control functions;
  - (v) appropriate actions to discover or identify bombs, explosives, unauthorised firearms and other weapons and any substance or article that may not be possessed, and the taking further action in this regard;
  - (vi) prevention and detection of fires and firefighting functions and procedures;
  - (vii) the performance of patrolling duties or monitoring the conduct of persons;
  - (viii) identifying persons committing transgressions, arresting them and taking further appropriate action;
  - (ix) participation in the activities of a security reaction team;
  - (x) the handling of a dog or using of any other working animal;
  - (xi) effecting personal protection functions; and
  - (xii) guarding property;
- (c) the performance of a relevant function contemplated in paragraph (b) in respect of any person entering or leaving premises contemplated in paragraph (a);
- (d) the performance of any function aimed at securing or controlling the entrances, exits, checkpoints, perimeters or borders at any premises contemplated in paragraph (a);



- (e) the organisers of sporting, recreational, entertainment or similar events held on premises contemplated in paragraph (a);
- (f) owners of premises contemplated in paragraph (a);
- (g) a security business contracted to provide any function contemplated in paragraph (b), or a security business which is providing any function contemplated in paragraph (b); and
- (h) a security officer performing any function contemplated in paragraph (b), irrespective of whether the security officer is made available by a security business or is employed by an owner or an organiser.

(4) The provisions of these regulations apply, subject to sub-regulation (5), from the date of commencement, irrespective of whether any contract providing for a security service contemplated in sub-regulation (3)(b) between an owner or an organiser and a security business was concluded before or after the date of commencement of these regulations.

(5) The provisions of regulation 4 will apply to an owner and an organiser 60 days after the date of commencement of these regulations.

#### **Duties and areas of responsibility**

3. (1) The duty to take all reasonable steps necessary to ensure the achievement and maintenance of order, safety and security on or in relation to premises used for sporting, recreational, entertainment or similar purposes, as well as any duty contemplated in these regulations, rests, subject to these regulations and any other applicable legal provisions, on –

- (a) the owner of the premises;
- (b) the organiser of the sporting, entertainment, recreational or similar event, if the organiser is a person different from the owner; and
- (c) a security business which has been contracted to render a security service contemplated in regulation 2(3)(b) to the extent provided for in the contract, or on a security business which renders such a service.

(2) The duties contemplated in sub-regulation (1), in a case where there are different owners, organisers or security businesses, rest on all the owners, organisers and security businesses jointly and severally, except and to the extent that the duty has been transferred, delegated or assigned in terms of any applicable legal provision.

**Specific duties on owners and organisers in regard to order and safety**

4. (1) The owner of premises used for sporting, recreational, entertainment or similar purposes, and the organiser of these events on such premises, must, subject to these regulations and any other applicable legal provision, take the following steps in regard to the using of premises, to the extent that they are competent and able to do so, or cause such steps to be taken by a person competent, able and entitled by law to do so:

- (a) undertake a proper assessment of all foreseen and reasonably foreseeable risks to be guarded against in using the premises;
- (b) devise and develop a safety and security plan contemplated in sub-regulation (2) to meet all the foreseen and reasonably foreseeable risks contemplated in paragraph (a);
- (c) take all reasonably necessary steps to implement the safety and security plan when the relevant premises are used;
- (d) monitor the implementation of the safety and security plan;
- (e) review and revise the safety and security plan and its implementation from time to time as may be necessary in the circumstances and effect any changes reasonably necessary in the circumstances;
- (f) ensure that the station commissioner or other appropriate member of the Service in the area where the premises are situated, has been provided with a copy of the safety and security plan, any changes thereto, and any other relevant information;
- (g) provide all the support and co-operation reasonably necessary to any member of the Service and any other person involved with ensuring order, safety and security on the premises;
- (h) follow proper and sensible procedures to appoint any security service providers that may be necessary to render a security service on or in relation to the premises as may be necessary;
- (i) comply with any specific legal duty imposed by law; and
- (j) perform any other function provided for in these regulations.

(2) A safety and security plan contemplated in sub-regulation (1) must be in writing and must be realistic, reasonable and effective in the circumstances of

every instance in providing for proper procedures and steps to achieve and maintain a sufficient degree of order, safety and security on or in relation to premises used for sporting, recreational, entertainment or similar purposes or events, and, without derogating from the generality of the foregoing, must contain, to the extent that it is applicable in the circumstances –

- (a) an accurate description of the nature of the event on the premises;
- (b) an accurate description of the premises where the event is to take place, including a map of the premises, details on its location, points of entry and exit and the perimeter or border, as well as an identification and description of the surrounding premises, areas and roads to the extent relevant;
- (c) the suitability from a safety and security point of view, of the premises to be used in respect of the event in question;
- (d) a reasonable forecast of the number of persons expected to attend an event, with any other details relevant in this regard, the capacity and suitability of the premises for this purpose and the dates and times when persons are expected to attend;
- (e) an accurate description of all existing plans, systems and equipment dealing with order, safety and security on or in relation to the premises;
- (f) a reasonable description and assessment of all foreseen and reasonably foreseeable risks to be guarded against on or in relation to the premises;
- (g) entry requirements in respect of persons admitted to the premises and the procedures in regard to entry and exit;
- (h) the monitoring of persons entering the premises, on the premises and leaving the premises;
- (i) steps to prevent possible overcrowding of the premises and the points of entry and exit;
- (j) a sufficient number of security service providers and other personnel, whether employed by the owner or organiser or made available by a security business, to be used to eliminate or minimise the risks referred to in paragraph (f), as well as information on the training, experience, and

equipment required, as well as their uniforms, any special identification to be worn by security officers, their briefing, deployment, placing and manner in which they are to perform their functions;

- (k) a sufficient number of security service providers exercising supervision and control over security officers deployed;
- (l) the appropriate and lawful methods, procedures, actions, equipment, firearms and weapons to be employed to eliminate or minimise foreseen and reasonably foreseeable risks;
- (m) adequate and appropriate steps to deal with any reasonably foreseeable crisis or emergency;
- (n) the use, functioning and logistics of a joint operations or command center, to the extent necessary, to co-ordinate all functions in achieving and maintaining order, safety and security on the premises;
- (o) procedures in regard to the review and amendment of the safety and security plan as may be necessary;
- (p) a description and demarcation of the responsibilities of different security service providers and role players, and their liaison and co-ordination with each other, with members of the Security Services and with local government officials, including the holding of regular meetings and communication which may be necessary for this purpose;
- (q) provision for a person or persons with authority to make decisions and give instructions for the purposes of implementing the safety and security plan, liaising and co-ordinating with the Service and dealing with any crises or emergency;
- (r) procedures and steps to be taken by the owner and organiser, including the engaging of security service providers contemplated in paragraph (j) and the acquiring, installing or making available of any equipment, facilities or objects;

- (s) proper communication procedures and facilities to meet all communication needs in relation to the implementation of the safety and security plan; and
- (t) the proper briefing of all persons involved in the implementation of the safety and security plan.

(3) The owner of premises used for sporting, recreational, entertainment or similar purposes, and the organiser of these events on such premises, may only make use of the services of security service providers, whether employed by the owner or organiser or made available by a security business, to render any security service, who –

- (a) are registered as security service providers by the Authority;
- (b) have successfully undergone the security training recognised by the Authority for the purposes of rendering the relevant security service, and who are under proper control and supervision;
- (c) act in terms of the safety and security plan contemplated in sub-regulation (2);
- (d) are in lawful possession of all the equipment, weapons and firearms that may be required and permissible for rendering a security service; and
- (e) use only lawful and reasonable methods in rendering a security service.

(4) An owner and an organiser contemplated in sub-regulation (3) must take all reasonable steps necessary in the circumstances to ascertain that the requirements regarding security service providers contemplated in sub-regulation (3) are met at all relevant times and may not allow a person who does not meet these requirements to render a security service or continue to render a security service on or in relation to premises used for sporting, recreational, entertainment and similar purposes.

#### **Conduct of security service providers**

5. (1) A security business which has contracted to provide a security service to achieve and maintain order and safety on premises used for sporting, recreational, entertainment or similar purposes, whether on its own or in conjunction with any other security business or security service provider, or which renders or purports to render a security service, whether on its own or in conjunction with any other security business –



- (a) may only render or purport to render a security service which it is qualified and entitled and has the capacity to render in terms of the Act;
- (b) must, before rendering a security service, be familiar with the safety and security plan contemplated in regulation 4(2);
- (c) may only render a security service in accordance with the Act, the Code of Conduct, any other applicable legal provision and a sound and proper safety and security plan;
- (d) provide all support and co-operation reasonably necessary to any member of the Service and any other person involved with ensuring order, safety and security on the premises;
- (e) must, before rendering a security service, be sufficiently familiar with the premises on or in relation to which the security service is to be rendered as well as any existing safety and security plans, systems and equipment aimed at providing or promoting safety and security in respect of the premises and persons and property on the premises, or entering or leaving the premises;
- (f) must take all reasonably practicable steps within the powers, functions and capacity of the security business to ensure that order, safety and security on the premises are achieved and maintained;
- (g) must take appropriate pro-active steps reasonably necessary in the circumstances to identify and deal with possible threats to the order, safety and security on or in relation to the premises;
- (h) must ensure that any security officers used by the security business are properly trained, briefed and informed of their duties and all relevant facts;
- (i) must ensure that any security officers used by the security service are trained, briefed or experienced on how to deal with crowds or members of a crowd;
- (j) must ensure that any security officers used by the security business are properly equipped for performing their functions;
- (k) must take all reasonably practicable steps to ensure that any security officers used by the security business comply with the Act and perform their functions in a manner which does not infringe or threaten the rights of persons on the premises or persons who are entering or leaving the premises;

(l) must properly supervise and control any security officers deployed by the security business; and

(m) may only sub-contract the rendering of any security service on or in relation to the premises to a security service provider that is registered by the Authority, meets all the requirements contemplated in these regulations, and if the owner and organiser have been timeously informed in writing of this fact and all other necessary details, and have given their consent.

(2) Security officers, whether employed by an owner or organiser or made available by a security business, to render a security service on or in relation to premises used for sporting, recreational, entertainment or similar purposes -

(a) must perform the functions assigned to them in a professional, reasonable and disciplined manner;

(b) must act in compliance with the Code of Conduct, the safety and security plan and all lawful instructions;

(c) may not abuse or manhandle any person or perform any act which threatens or violates the rights of any person;

(d) must comply with all applicable laws in performing their functions;

(e) may not practise any form of unfair discrimination;

(f) may not perform any act that will or is likely to lead to disorder or chaos or which poses an unreasonable risk of death or injury to persons or damage or loss of property;

(g) may not allow any person to enter premises used for sporting, recreational, entertainment or similar purposes if -

(i) the person does not comply with the valid requirements for entry;

(ii) there is a valid instruction from an authorised person that a person or category or class of persons are not to be allowed entry;

(iii) the person is reasonably suspected of intending to commit any crime or act of violence on the premises;

- (iv) the person is reasonably suspected of being in unlawful possession of any article prohibited on the premises, or which may be used to endanger order, safety and security on the premises; or
- (v) allowing a person or persons may lead to overcrowding or disorder on the premises, irrespective of whether the persons may be entitled to enter the premises on other grounds;
- (k) may not use force, exercise powers of arrest or any other power unless the use of force or exercise of these powers are lawful and reasonable in the circumstances;
- (l) must take active steps within his or her powers and capacity to ensure order, safety and security on the premises;
- (m) must report incidents which may lead to disorder, chaos, acts of violence or the commission of any crime to their supervisors or other persons in control without undue delay;
- (n) must protect and assist any person in reasonable need of such protection and assistance on account of any unlawful conduct or other danger, if the security officer is reasonably able to give such protection and assistance in the circumstances; and
- (o) must provide all support and co-operation reasonably necessary to any member of the Service and any other person lawfully involved with ensuring order, safety and security on the premises.

(3) The provisions imposing duties on a security business contemplated in this regulation apply, with the necessary changes, to an owner or organiser using its own employees to render a security service referred to in these regulations.

#### **Duty on certain persons**

6.(1) Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in relation to a security business must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that such security business rendering a security service aimed at achieving and maintaining order, safety and security on premises used for sporting, recreational, entertainment or similar purposes as contemplated in these regulations, complies with all its obligations contained in these regulations.

(2) Every person who occupies a position or office comparable to that referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in regard to an owner or organiser must, subject to these regulations, take all reasonably

practicable steps within his or her powers, capacity or functions to ensure that the owner or organiser, as the case may be, complies with all the duties contained in these regulations applicable to it.

### **Powers of director**

7. (1) The director may direct any person contemplated in regulation 2(3)(e), (f) or (g), or whom the director has reason to believe is a person contemplated in regulation 2(3)(e), (f) or (g) -

- (a) to submit the safety and security plan contemplated in regulation 4(2) to the director within such a reasonable time as the director stipulates as well as such further information as the director reasonably requires;
- (b) to provide evidence of the submission of the safety and security plan to the station commissioner or other appropriate member of the Service as contemplated in regulation 4(1)(f);
- (c) to review the safety and security plan contemplated in regulation 4(2) to the extent indicated by the director in order to make better or more adequate provision for achieving or maintaining order, safety and security on premises used for sporting, recreational, entertainment or similar purposes;
- (d) to comply with any duty contemplated in these regulations within such a period as the director stipulates;
- (e) to take any other step deemed necessary by the director in order to cause the taking of steps to ensure order, safety and security on premises used for sporting, recreational, entertainment or similar purposes; and
- (f) to provide the director with all information required by the director of any incident on premises used for sporting, recreational, entertainment or similar purposes if there has been any loss of life, injury to a person, damage to property or an alleged transgression of these regulations.

(2) A direction contemplated in sub-regulation (1) must be in writing, signed by the director and served on the security business or other person.

### **Offences and penalties**

8. (1) Any person who contravenes or fails to comply with any provision of these regulations or with a directive contemplated in regulation 7, is guilty of

an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.

(2) Any person who attends, enters or leaves premises used for sporting, recreational, entertainment or similar purposes and –

- (a) fails or refuses to obey a lawful instruction from a member of the Service, a security officer on duty, or an official acting on behalf of an owner or organizer;
- (b) interferes with, resists, obstructs, hinders or delays a member of the Service, a security officer on duty or an official acting on behalf of an owner or organizer in the performance of any function which such person may lawfully perform,
- (c) acts in a violent, riotous or dangerous manner;
- (d) fails to comply with a lawful condition for entry to the premises or a lawful condition for leaving the premises,

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

#### **Authoritative text**

9. 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**

10. These regulations are called the Regulations on the Ensuring of Order and Safety by Security Service Providers, Owners and Organisers on Premises Used for Sporting, Recreational, Entertainment or Similar Purposes, 2003 and come into operation 30 days after their publication in this *Gazette*.



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**SCHEDULE F**

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**REGULATIONS ON THE ADVERTISING OF THE SERVICES OF  
SECURITY SERVICE PROVIDERS AND OF SECURITY  
EQUIPMENT, 2003****INDEX****Preamble**

	<b>Regulation</b>
Definitions	1
Advertising of security services	2
Advertising of security equipment	3
Duties of person publishing an advertisement	4
Standards in respect of advertisements	5
Duties of certain persons	6
Powers of director	7
Offences and penalties	8
Authoritative text	9
Short title and commencement	10

**PREAMBLE**

**WHEREAS** the primary objects of the Private Security Industry Regulatory Authority are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself;

**AND WHEREAS** all advertisements of security services and of security equipment should be lawful, honest, truthful and responsible and should not detract from the status of the occupation of security service provider or be prejudicial to consumers of security services or the public interest;

**AND WHEREAS** all advertisements of security services and of security equipment should be consistent with a private security industry which is characterized by professionalism, transparency, accountability and equity -

*Be it prescribed therefore by the Minister for Safety and Security the regulations contained in this Schedule that embody the minimum standards of conduct with which security businesses which use advertisements, and persons publishing such advertisements, must comply.*

## 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 -

“Act” means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) and all regulations made in terms of the Act;

“advertise” includes the making known of information through the use of the printed or electronic media or the internet, a pamphlet, a billboard, a poster or any notice or image visible to the public or any section of the public, and “advertisement” has a corresponding meaning;

“Code of Conduct for Security Service Providers” means the Code of Conduct for Security Service Providers, 2003;

“director” includes a staff member of the Authority appointed as the acting director by the Council or to whom any of the powers or duties of the director have been delegated or assigned, as the case may be;

“publish an advertisement” includes the production, printing, displaying, distribution, publication, transmission or broadcast of an advertisement with the intention to bring it to the notice of the public or any section of the public;

“security equipment” includes a monitoring device as contemplated in section 1 of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992).

## Advertising of security services

2. A security business may only use or authorise an advertisement in respect of the rendering of a security service by it, or by a person used or made available by it, if -

- (a) the rendering of the security service which is advertised, is permitted in terms of the Act and the Levies Act;
- (b) it has the infrastructure and capacity to render the security service which is advertised; and
- (c) the advertisement complies with the standards contemplated in regulation 5(1).

## Advertising of security equipment

3. A security business, or any other person, may only use or authorise an advertisement in respect of the distribution, installation, servicing or repair of security equipment by it or by a person used or made available by it, if -

- (a) such distribution, installation, servicing or repair of the security equipment is permitted in terms of law;

- (b) it has the infrastructure and capacity to perform any function advertised by it; and
- (c) the advertisement complies with the standards contemplated in regulation 5(1).

### **Duties of person publishing an advertisement**

4.(1) No person may publish an advertisement concerning the matters contemplated in regulations 2 or 3, unless the advertisement complies with the standards contemplated in regulation 5(1).

(2) Any person who intends to publish an advertisement concerning the matters contemplated in regulations 2 or 3, must, before such publication takes place, take all reasonable steps necessary in the circumstances to establish whether the requirements contemplated in regulations 2 or 3 have been complied with and whether the advertisement complies with the standards contemplated in regulation 5(1).

### **Standards in respect of advertisements**

5.(1) A person may only use, authorise or publish an advertisement concerning the matters contemplated in regulations 2 or 3, if the advertisement -

- (a) complies with the provisions of every other law, and any code which is legally binding on such person, and the use, authorisation or publication of the advertisement does not constitute a criminal offence, a civil wrong, breach of contract or a violation of the Code of Conduct for Security Service Providers;
- (b) is clearly identifiable as an advertisement;
- (c) fairly and accurately describes the security service, security equipment, or function relating to security equipment, that is referred to in the advertisement;
- (d) does not contain any misrepresentation or any misleading or false visual or audio presentation;
- (e) all descriptions, statements and claims in the advertisement relating to objectively ascertainable facts, are capable of substantiation;
- (f) does not misuse or distort research results or statistical information;

- (g) does not describe any service, equipment or article as "free" where there is any direct, indirect or hidden cost to the consumer;
- (h) does not contain or refer to any testimonial or endorsement, unless it is genuine and related to the personal experience over a reasonable period of the person providing it;
- (i) does not contain false, misleading or unfair references to any guarantee or warranty;
- (j) does not contain any untrue or misleading statement regarding any State law enforcement service established by law;
- (k) does not contain anything that may reasonably be regarded as offensive or calculated to inspire unreasonable or unjustifiable fear or apprehension;
- (l) does not contain anything that may reasonably be regarded as promoting, suggesting, condoning or facilitating unfair discrimination on any grounds, or any kind of wrongful, illegal or lawless conduct;
- (m) contains the name and any trading name of the relevant security business, as well as its registration number as security service provider in terms of the Act; and
- (n) contains the street address and postal address of an administrative office of the relevant 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) If the medium used for the advertisement concerning matters contemplated in regulations 2 or 3 does not include any visual representation that is capable of containing such information, an advertisement does not have to comply with sub-regulation (1)(m) as far as registration numbers are concerned, and with sub-regulation (1)(n).

#### **Duties of certain persons**

6. Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in relation to a security business, must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that a security business using or authorising an advertisement on matters contemplated in regulations 2 or 3, complies with all the provisions contained in these regulations.

**Powers of director**

7. (1) The director may direct any security business or other person –

- (a) not to use, authorise or publish, or not to continue to use or publish, any advertisement on matters contemplated in regulations 2 or 3, if the advertisement, in the opinion of the director, does not materially comply with the standards contemplated in regulation 5(1);
- (b) to only use or publish, or to only continue to use or publish, an advertisement on matters contemplated in regulations 2 or 3, if the changes which are in the opinion of the director necessary for the advertisement to comply with the standards contemplated in regulation 5(1), are effected without undue delay; and
- (c) to furnish the director, within the reasonable time as may be allowed by the director, with substantiation of all descriptions, statements and claims in an advertisement by such security business that relate to objectively ascertainable facts.

(2) A direction contemplated in sub-regulation (1) must be in writing, signed by the director and served on the security business or other person.

**Offences and penalties**

8. Any person who contravenes or fails to comply with a provision of these regulations, or fails to comply with a directive contemplated in regulation 7, is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.

**Authoritative text**

9. 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**

10. These regulation are called the Regulations on the Advertising of the Services of Security Service Providers and of Security Equipment, 2003 and come into operation 30 days after the date of their publication in this *Gazette*.



## SCHEDULE G

### PRIVATE SECURITY INDUSTRY AMENDMENT REGULATIONS, 2003

#### Definitions

1. In this Schedule the expression "the Regulations" means the Private Security Industry Regulations, 2002, promulgated under Government Notice No. R 190 in *Government Gazette* No. 23120, dated 14<sup>th</sup> February 2002.

#### Amendment of heading to Regulations

2. The heading to the Regulations is amended by –

(a) by the insertion after the item "CHANGE OF NAME AND STATUS OF SECURITY SERVICE PROVIDER" of the following item:

"TRANSFER OF STAFF, BUSINESS, EQUIPMENT AND ASSETS OF SECURITY BUSINESS";

(b) the deletion of the item "UNIFORMS, INSIGNIA, BADGES AND FIREARMS" and the insertion after the item "SPECIFICATION OF NUMBERS AND OTHER INFORMATION ON DOCUMENTS" of the following item:

"ISSUING AND POSSESSION OF FIREARMS AND AMMUNITION"; and

(c) the insertion after the item "ISSUING AND POSSESSION OF FIREARMS AND AMMUNITION" of the following item:

"UNIFORMS".

#### Amendment of index to Regulations

3. The index to the Regulations is amended by –

(a) by the insertion after the item "Change of name and status of security service provider .....7" of the following item:

"Transfer of staff, business interests, equipment and assets of security business .....7A"

(b) the deletion of the item "Uniforms, insignia, badges and firearms ..... 13";

(c) the insertion after the item "Specification of registration number and other information on documents ..... 12" of the following items:

"Issuing and possession of firearms and ammunition ..... 13

Uniforms ..... 13A";

and

(d) the insertion after the item "SCHEDULE" of the following item:

"SCHEDULE A: Colour of articles of uniform contemplated in regulation 13A(2)(c), (d) and (e)".

#### **Amendment of regulation 1 of Regulations**

4. Regulation 1 of the Regulations is amended -

(a) by the insertion before the definition of "Board" of the following definition:

"'ammunition' means ammunition as defined in the Firearms Control Act, 2000 (Act No. 60 of 2000);"

(b) by the insertion after the definition of "director" of the following definition:

"'employer of in-house security officers' means a person who is not a security service provider and who uses his or her own employees to protect or safeguard merely his or her own property or other interests, or persons or property on his or her premises or under his or her control;"

(c) by the insertion after the definition of "employer of in-house security officers" of the following definition:

"'immediate family', in relation to a person contemplated in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act, means

(a) his or her spouse, partner or fiancé;

- (b) his or her father, mother, brother, sister, children, step-children, foster children or stepparent;
- (c) the brother or sister of his or her spouse or partner;
- (d) the spouse or partner of any of the persons contemplated in paragraph (b); and
- (e) any person sharing the same household as such a person,"  
and

(d) by the insertion after the definition of "immediate family" of the following definition:

"'firearm' means a firearm as defined in the Firearms Control Act, 2000 (Act No. 60 of 2000);"

### **Insertion of regulation 7A in Regulations**

5. The Regulations are amended by the insertion after regulation 7 of the following regulation:

#### **"Transfer of staff, business interests, equipment and assets of security business**

7A. (1) Any security business which intends to transfer, deliver, cede or delegate, as the case may be, whether directly or indirectly –

- (a) any security officer or the services of any security officer in its employ;
- (b) any contract in terms of which it renders a security service;
- (c) the right to render a security service to another person;
- (d) any obligation on it in terms of a contract providing for the rendering of a security service to another person;
- (e) any right that has been granted to it by another person to do business in the private security industry;
- (f) its goodwill, trademarks or any intellectual property;
- (g) any remuneration, reward, fee or benefit received by, accrued or owing to or anticipated by it in respect of the rendering of a security service;
- (h) any of its security equipment, working animals or firearms;
- (i) any premises owned or leased by it to render a security service or where or from where it manages, controls or administers the rendering of a security service;
- (j) any records or documents kept by it as contemplated in regulation 10(7) of these regulations;

- (k) any of its vehicles, furniture or similar assets or equipment used in connection with the rendering of a security service or the administration of the rendering of a security service;
- (l) any uniform contemplated in regulation 13(1) of these regulations belonging to it; or
- (m) any money belonging to it or held for its credit, in respect of which no true or full consideration is received by it or will probably be received by it within a reasonable time, or which is intended as a loan -

to a person who occupies a position or office contemplated in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in relation to that security business, or a member of the immediate family of such a person, or to any other security service provider, or to an employer of in-house security officers, in terms of any transaction, contract or understanding, must before the transfer, delivery, cession or delegation is effected, submit a notice of this intention to the director, accompanied by an application for approval from the director.

(2) The notice and application contemplated in sub-regulation (1), must be on the applicable form determined by the Authority for this purpose, which may be obtained from the Authority, and must be accompanied by the documentation required in terms of the form as well as the amount determined by the Authority for this purpose.

(3) The provisions of this regulation do not derogate from any other legal provision or requirement applicable to any transfer, delivery, cession or delegation contemplated in sub-regulation (1).

(4) The director may, if it is necessary for the purposes of properly considering an application contemplated in sub-regulation (1), require the security business lodging the application to submit any further relevant information or documentation within the reasonable period specified by the director, and cause an inspection or investigation to be conducted in terms of the Act of such security business, or any security business, person or employer of in-house security officers to which the said transfer, delivery, cession or delegation is intended.

(5) The director must consider an application contemplated in sub-regulation (1) with due regard to the objects and the financial interests of the Authority as well as the public interest, and may approve an application subject to such necessary and reasonable conditions as the director may determine.

(6) The decision of the director regarding an application contemplated in sub-regulation (1) must be communicated in writing to the security business lodging the application within a reasonable time after receipt of the application.

(7) Any security business which transfers, delivers, cedes or delegates, as the case may be, whether directly or indirectly, anything contemplated in paragraphs (a) to (m) of sub-regulation (1) to a person who occupies a position or office contemplated in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in relation to that security business, or a member of the immediate family of such a person, or to any other security service provider, or to an employer of in-house security officers, without having obtained the prior written approval of the director, or which refuses or fails to comply with any condition contemplated in sub-regulation (5), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.

(8) 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 its obligations contemplated in terms of this regulation.

(9) Any person contemplated in sub-regulation (8) who contravenes or fails to comply with sub-regulation (8), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.

(10) Any person who receives anything contemplated in paragraphs (a) to (m) of sub-regulation (1) from a security business which has not obtained the approval of the director as contemplated in this regulation, is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.

(11) This regulation is applicable to every transfer, delivery, cession or delegation contemplated in sub-regulation (1) which takes place after the commencement of this regulation even though it is based on or the result of a transaction, contract or understanding which came into existence before the commencement of this regulation.

(12)(a) Any security business which intends to provide or put up any of its assets as security for money borrowed by it or by a person who



occupies a position or office contemplated in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in relation to that security business from any person, must before providing such security submit a notice of this intention to the director, accompanied by an application for approval from the director.

(b) Sub-regulations (2), (3), (4), (5), (6), (7), (8) and (9) are applicable, with the necessary changes, in regard to paragraph (a)."

### **Substitution of regulation 13 of Regulations**

6. Regulation 13 of the Regulations is amended by the substitution for regulation 13 of the following regulation:

#### **"Issuing and possession of firearms and ammunition**

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

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

(3) Any security service provider who –

- (a) requires or permits a security officer employed or made available by or to that security service provider, to obtain or provide a firearm or ammunition for the purpose of rendering a security service in the course of his or her employment;
- (b) requires a security officer employed or made available by or to that security service provider, or an applicant for a post as a security officer, to have a firearm licence; or
- (c) 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 or ammunition 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 or to both a fine and such imprisonment."

**Insertion of regulation 13A in Regulations**

7. The Regulations are amended by the insertion after regulation 13 of the following regulation:

**“Uniforms**

13A. (1) Every security business must provide every security officer in its employ with a uniform which complies with the requirements in sub-regulation (2), if the security officer renders 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 security service consisting of the protection or safeguarding of a specific natural person.

(2) The uniform contemplated in sub-regulation (1) must -

- (a) consist of sufficient articles of clothing to constitute a proper uniform;
- (b) be suitable for use by the security officer in view of the nature of the security service rendered by him or her, the circumstances under which the service is rendered and any other relevant circumstance;
- (c) as far as every shirt, blouse or dress that forms part of the uniform is concerned, materially be of the colour depicted in item 1 of Schedule A to these regulations;
- (d) as far as every pair of trousers or skirt that forms part of the uniform is concerned, materially be of the colour depicted in item 2 of Schedule A to these regulations;
- (e) as far as every jacket, anorak, pullover, jersey, coat, tie, scarf or item of headgear that forms part of the uniform is concerned, materially be of the colour depicted in item 3 of Schedule A to these regulations;
- (f) have at least 2 badges, prominently attached to the visible part of the uniform, with the name of the security business employing the security officer clearly legible on them, as well as a badge, prominently attached to the front top part of the visible part of the uniform, with the name and registration number of the security officer clearly legible on it; and

- (g) have a badge of which the dimensions are 10 centimeters by 1.5 centimeters, with the words "Private Security" in clearly legible white letters on it, prominently and horizontally attached to the front top part of the visible part of the uniform.

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

(4) The director may direct a security business in writing to change any aspect of the uniform issued to its security officers, within the reasonable period indicated by the director, to the extent that it may be necessary for such uniform to comply with the requirements of sub-regulation (2).

(5) Any person 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) is not a registered security service provider and entitled to render a security service, and, without legal justification, wears a uniform or any badge contemplated in sub-regulation (2); or
- (e) without legal justification provides another person with a uniform or badge contemplated in sub-regulation (2),

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

(6) This regulation comes into operation 150 days after the date of its publication in this *Gazette*.”

#### **Amendment of regulation 14(9)(a)(iv) of Regulations**

8. Regulation 14(9) of the Regulations is amended by the substitution for paragraph (a)(iv) of the following paragraph:

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

#### **Insertion of Schedule A in Regulations**

9. The Regulations are amended by the insertion after the Schedule to the Regulations of Schedule A to these regulations.

#### **Short title and commencement**

10. These regulations are called the Private Security Industry Amendment Regulations, 2003, and come into operation, unless otherwise specified, on the date of their publication in this *Gazette*.

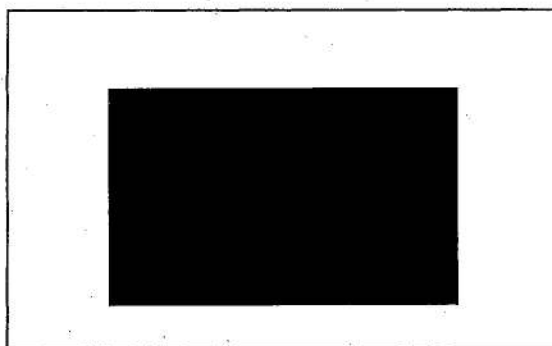
### **SCHEDULE A**

#### **COLOUR OF ARTICLES OF UNIFORM REFERRED TO IN REGULATION 13A(2)(c), (d) and (e) OF THE PRIVATE SECURITY INDUSTRY REGULATIONS, 2002**

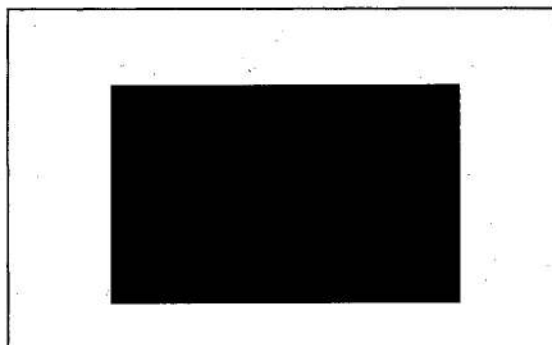
##### **Item 1 (regulation 13A(2)(c):**



**Item 2 (regulation 13A(2)(d):**



**Item 3 (regulation 13A(2)(e):**



**End.**

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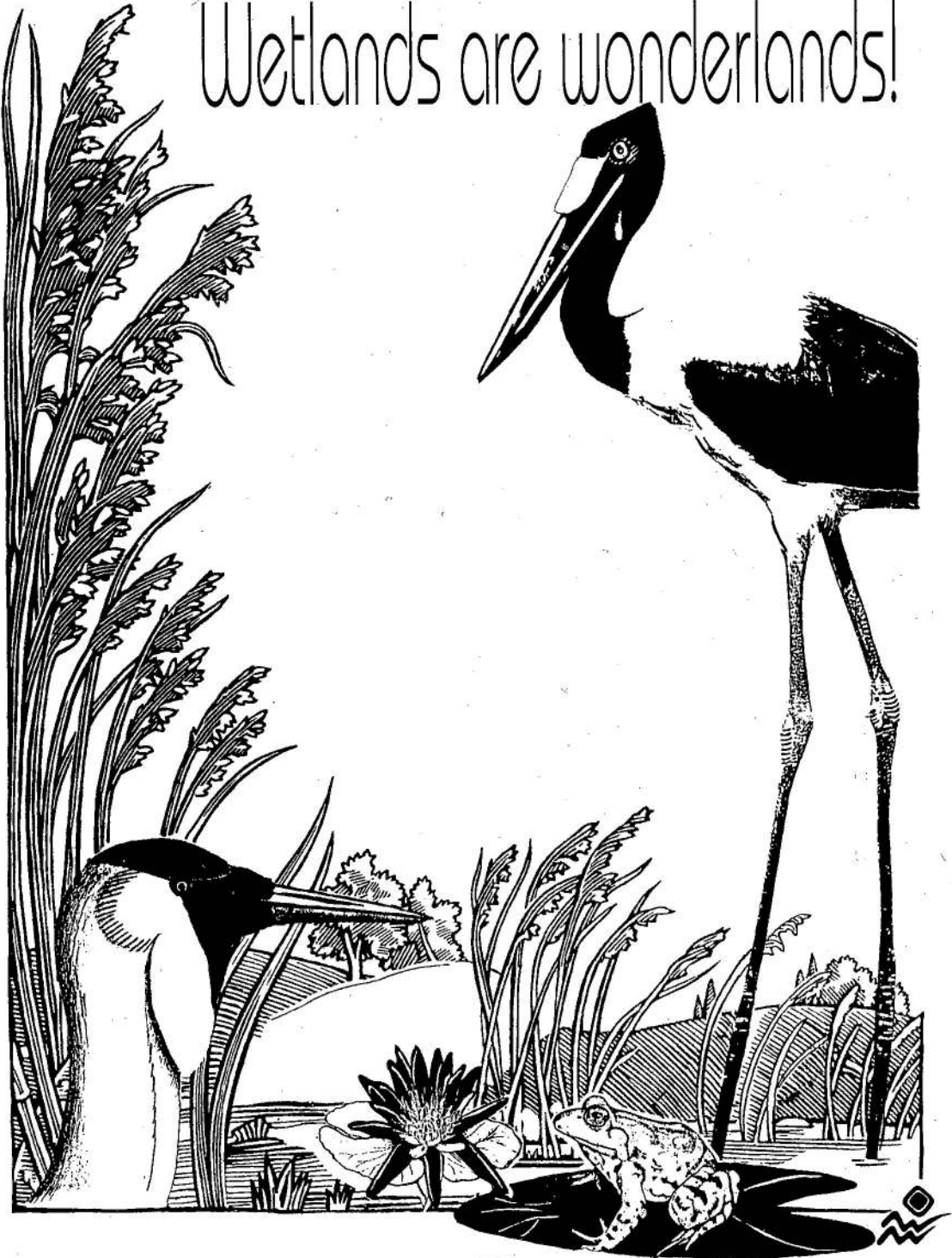
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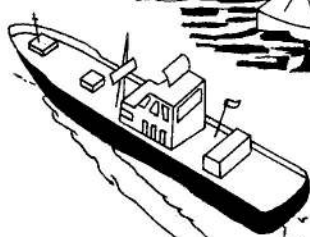
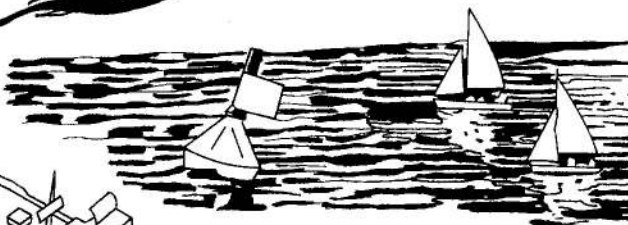
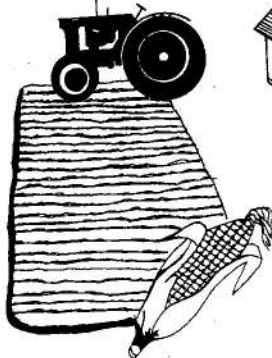
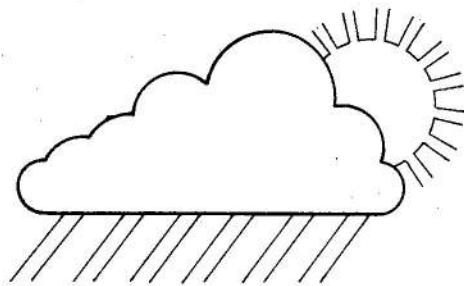
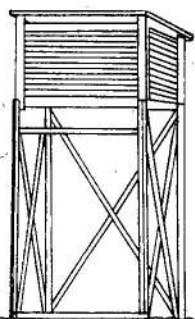
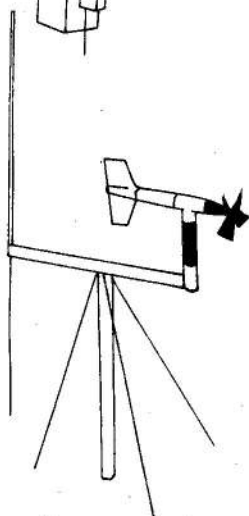
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