

(2 October 2020 – to date)

PRIVATE SECURITY INDUSTRY REGULATION ACT 56 OF 2001

(Gazette No. 23051, Notice No. 77, dated 25 January 2002. Commencement date: 14 February 2002 [Proc. R10, Gazette No. 23120, dated 14 February 2002].)

PRIVATE SECURITY INDUSTRY REGULATIONS, 2002

Government Notice R190 in Government Gazette 23120, dated 14 February 2002. Commencement date:
14 February 2002.

As amended by:

General Notice 362 in Government Gazette 43495 dated 3 July 2020. Commencement date: 2 October 2020
[Refer to Erratum Notice: GNR 1051 in Government Gazette 43759 dated 2 October 2020]

Publisher's note: Regulation 5(2) of GenN 362 states the following: "The operation of regulation 13(3)(d), (e) and (f), (7) and (8)(a), (c) and (d) of the Regulations is suspended for 180 days from the date of their publication in the Gazette, in respect of registered security service providers only."

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

SCHEDULE

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

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

1. Definitions

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

“Board” means the Security Officers' Interim Board established by section 2 of the repealed legislation;

“day” includes Saturdays, Sundays and public holidays;

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

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

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

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

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

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

2. Application for registration as a security service provider

- (1) An application for registration as a security service provider in terms of section 21 of the Act must be submitted to the director on the applicable form as determined by the Authority for this purpose and which may be obtained from the Authority.
- (2) The duly completed and signed application form submitted to the director in the case of an application for registration by a natural person, not applying for registration as a security business, must be accompanied by the following -
 - (a) payment of the following amounts:
 - (i) the relevant application fee;
 - (ii) the amount payable to the Service in respect of the preliminary screening of the applicant by the Service on the basis of the name and identity number of the applicant, as contemplated in paragraph (f), if the applicant requests this procedure and wishes the Authority to submit the request to the Service; and
 - (iii)
 - (aa) before the implementation of the Levies Act, the prescribed amount for a period of at least 1 month, as contemplated in regulation 9(4), published in *Government Gazette* No. 22770 dated 1 November 2001, prescribed in terms of section 18 of the repealed legislation; or
 - (bb) after the implementation of the Levies Act, the applicable levies for a period of at least 1 month as imposed in terms of the Levies Act;
 - (b) an authenticated copy of the first page of the official identity document of the applicant or an authenticated copy of any other official document demonstrating the applicant's identity and South African citizenship;
 - (c) proof to the satisfaction of the Authority that an applicant who is not a South African citizen has permanent resident status in South Africa;
 - (d) an authenticated, recent, clear passport size photograph of the applicant;
 - (e) a clear and complete set of fingerprints of the applicant, taken on the form used by the Service for this purpose, by or in the presence of a member of the Service or by or in the presence of an employee of the Authority designated in writing by the director to perform this function;
 - (f) a properly completed request for preliminary screening by the Service on the basis of the applicant's name and identity number, if the applicant requests such screening, to confirm his or

her criminal record status and the Authority is willing to consider the application in terms of sub-regulation (5);

- (g) original police or other official clearance certificates on the criminal record status of the applicant, where applicable, as contemplated in sub-regulation (6);
 - (h) an original clearance certificate materially satisfying the requirements in regulation 4 of these regulations if the applicant is a person contemplated in section 23(1)(f) of the Act;
 - (i) an original certificate or other proof, acceptable to the Authority, that the applicant has complied with the applicable training requirements contemplated in regulation 3 of these regulations; and
 - (j) a valid undertaking regarding suretyship or guarantee contemplated in sub-regulation (4)(c) if the applicant is a person contemplated in section 21(1)(a)(iii), (iv), (v), (vi) or (vii) of the Act.
- (3) The duly completed and signed application form submitted to the director in the case of an application for registration by a security business, must be accompanied by the following -
- (a) payment of the following amounts:
 - (i) the relevant application fee; and
 - (ii)
 - (aa) before the implementation of the Levies Act, the prescribed amount for a period of at least 2 months, as contemplated in regulation 9(3) item X, published in *Government Gazette* No. 22770 dated 1 November 2001, prescribed in terms of section 18 of the repealed legislation; or
 - (bb) after the implementation of the Levies Act, the applicable levies for a period of at least 2 months as imposed in terms of the Levies Act;
 - (b) duly completed applications for registration as contemplated in subregulation (2), accompanied by all the required supporting documentation, in respect of all persons referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act, if they are not already registered as security service providers;
 - (c) an authenticated copy of the CK1 and CK2 documentation if the applicant is a close corporation;
 - (d) an authenticated copy of the CM1, CM2, CM27 and CM29 documentation if the applicant is a company;

- (e) a list, certified as correct by the duly appointed auditor of the applicant, if the applicant is a company which is not listed publicly, with the names, identity numbers and street addresses of all shareholders of the applicant as at the date when the application for registration is made, or such certified particulars of all shareholders of the applicant who own or control 5% or more of the total shareholding of the applicant if the applicant is a publicly listed company;
 - (f) an authenticated copy of the partnership agreement if the applicant is a partnership;
 - (g) an authenticated copy of the trust deed and the letter of authorisation to the trustees from the Master of the High Court if the applicant is a business trust;
 - (h) an authenticated copy of the documentation establishing the foundation if the applicant is a foundation;
 - (i) an authenticated copy of the documentation or authority in terms of which the applicant is established or functions if it is a body of persons other than that referred to in paragraphs (c), (d), (f), (g) or (h);
 - (j) a tax clearance certificate from the South African Revenue Service, unless the director dispenses with this requirement for a sound reason after obtaining approval from the Council;
 - (k) sufficient information in writing to enable the Authority to ascertain whether the applicant meets the requirements in regard to infrastructure and capacity necessary to render a security service as contemplated in section 23(2)(b) of the Act and regulation 5 of these regulations; and
 - (l) a resolution by the applicant security business, in the form approved by the Authority, to apply for registration as a security service provider.
- (4) The Authority may register an applicant security business as a security service provider if -
- (a) the applicant meets the requirements in respect of infrastructure and capacity contemplated in section 23(2)(b) of the Act and regulation 5 of these regulations, or will meet such requirements when commencing with its business activities in the rendering of a security service;
 - (b) the applicant demonstrates to the satisfaction of the director, through substantiated factual information, that the applicant is likely to commence with its business activities in rendering a security service within a period of 3 months after such registration; and
 - (c) the persons referred to in section 21(1)(a)(iii),(iv), (v), (vi) and (vii) of the Act provide the suretyship or guarantee that the director may deem necessary to ensure compliance with the financial obligations of the applicant towards the Authority.

- (5) The Authority may consider the application for registration as a security service provider by a natural person whose criminal record status has not yet been confirmed through the classification of his or her fingerprints if -
- (a) the applicant's fingerprints have been taken in the manner described in regulation 2(2)(e) of these regulations and have been provided to the Authority; and
 - (b) the Service has performed a preliminary screening on the basis of the applicant's name and identity number and has confirmed the applicant's criminal record status in writing as a result of such screening.
- (6) A person who has immigrated to South Africa during the 10 year period immediately preceding his or her application for registration as a security service provider or who has been resident outside South Africa for an uninterrupted period of at least 1 year during the 10 year period immediately preceding his or her application for registration, must submit an original police or other official clearance certificate on his or her criminal record status from every country outside South Africa where he or she has been resident within the relevant period.
- (7)
- (a) No amount paid to the Authority by an applicant in terms of sub-regulation (2)(a)(i), (2)(a)(ii), (3)(a)(i) or regulation 5(2) of these regulations, is refundable if the application for registration is withdrawn by the applicant or if the application is not approved by the Authority.
 - (b) An amount paid to the Authority as contemplated in sub-regulation (3)(a)(ii) does not affect the liability of the security business in question in respect of payment of the balance of the full applicable amount due in terms of the formula contained in regulation 9(3) as contemplated in sub-regulation (3)(a)(ii), or the balance of the full applicable levies due in terms of the Levies Act, as the case may be.
- (8) A decision of the Authority contemplated in section 23(6) of the Act to register any applicant as a security service provider may only be taken with due regard to the applicable policies and procedures approved for this purpose by the Council and must be contained in a document signed by the director and in which the decision to register the applicant must be recorded as well as the full reasons on which the decision is based.

3. Training requirements for registration as a security service provider

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

- (2) Subject to this regulation, every natural person applying for registration as a security service provider must have successfully completed, at a training establishment accredited in terms of law, at least the training course described and recognized as “Grade E” in terms of the law and policy applied by the Board acting in terms of the provisions of the repealed legislation and the regulations made in terms thereof, or in terms of a prevailing subsequent policy applied by the Authority, as the case may be.
- (3) Subject to this regulation, every person contemplated in section 21(1)(a) (ii), (iii), (iv), (v), (vi) or (vii) of the Act, or a person who intends to render a security service contemplated in paragraph (1) of the definition of security service in section 1(1) of the Act, who applies for registration as a security service provider, must have successfully completed, at a training establishment accredited in terms of law, at least the training course described and recognized as “Grade B” in terms of the law and policy applied by the Board acting in terms of the provisions of the repealed legislation and the regulations made in terms thereof, or in terms of a prevailing subsequent policy applied by the Authority, as the case may be.
- (4) Where an applicant for registration as a security service provider indicates on the application form contemplated in regulation 2(2) of these regulations that after registration the applicant intends to render a security service -
 - (a) in respect of which there is at the date of application a specific requirement regarding training, instruction or qualification in terms of the law and policy applied by the Board acting in terms of the provisions of the repealed legislation and the regulations made in terms thereof, or in terms of a prevailing subsequent policy applied by the Authority, as the case may be, the applicant must submit an original certificate or other proof, acceptable to the Authority, indicating that the applicant meets such requirement, or
 - (b) in respect of which there is not at the date of application a specific requirement regarding training, instruction or qualification as contemplated in paragraph (a) or any other legal provision, and in respect of which compliance with the training requirements contemplated in sub-regulations (2) or (3) would, in the opinion of the Authority, not be appropriate or necessary for registration, the applicant may be registered as a security service provider if the applicant demonstrates to the satisfaction of the Authority that the applicant will be able to render such a security service on the basis of any relevant training, instruction, qualification or experience.
- (5) The Authority may, for the purposes of section 23(1)(c) of the Act, upon good cause shown by an applicant to the satisfaction of the Authority and after payment of the amount as may be determined by the Authority for such purpose, recognize any relevant and adequate training, instruction, qualification or experience of an applicant as equal to or higher than that contemplated in this regulation and issue a document to the applicant to this effect for the purposes of these regulations.

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

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

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

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

- (2) The clearance certificate contemplated in section 23(1)(f) of the Act must be completed in the form contained in the Schedule to these regulations.
- (3) An applicant contemplated in section 23(1)(f) of the Act must, subject to this regulation, submit such clearance certificate from all his or her former employers.
- (4) Where an applicant submits a certificate which does not in the opinion of the director materially satisfy the requirements of sub-regulation (2), or if the director is of the opinion that further enquiry or investigation is necessary, the director may postpone consideration of the application for registration pending rectification of the certificate to the satisfaction of the director, or finalisation of such enquiry or investigation as may be necessary.
- (5) Where an applicant's former employer no longer exists or where it is demonstrated by the applicant to the satisfaction of the Authority that it is not possible or reasonably practical to submit a clearance certificate containing all the required particulars, the Authority may -
 - (a) hold over the application for registration pending further investigation and consideration of the background of the applicant; or
 - (b) if it is reasonable to do so in the circumstances, and after complying with the provisions of regulation 2(8) of these regulations and obtaining the consent of the Council, register the applicant as a security service provider if it considers the applicant a fit and proper person to render a security service.
- (6) The particulars in a clearance certificate must be taken into account to determine whether the applicant is a fit and proper person as contemplated in section 23(1) of the Act.

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

5. Infrastructure and capacity necessary to render a security service

- (1) Every security business applying for registration as a security service provider must, for the purposes of compliance with the provisions of section 23(2)(b) of the Act—
- (a) furnish factually substantiated information in writing to the Authority on the nature and scope, including the geographical area, of the applicant's intended and likely activities in rendering a security service for at least a period of 1 year after commencing with its business activities; and
 - (b) demonstrate, through a declaration with such substantiation as may be necessary, to the satisfaction of the Authority that the applicant will meet the following minimum requirements at the commencement of its business activities in the rendering of a security service, and is likely to continue to meet these requirements for at least 1 year after such commencement –
 - (i) the applicant has at its disposal an administrative office, consisting of at least one room dedicated for this purpose, which must be an immovable structure, situated at a place that is reasonably accessible to the inspectors of the Authority, the clients of the security business and the security officers that are used by it to render a security service, and at which reasonable office hours are maintained;
 - (ii) the applicant's administrative office contains all the equipment which is reasonably necessary for the effective management and administration of the affairs of the security business, on the basis of the information furnished in terms of the provisions of subregulation (1)(a), in accordance with the provisions of the Act, and, without limiting the generality of the aforesaid requirement, is serviced by landline telephone communication which includes a reliable facility to receive and transmit facsimiles, and the office contains a hard copy or electronic filing system for the orderly keeping of all records and documents contemplated in regulation 10 of these regulations;
 - (iii) the applicant's administrative office and internal systems meet any reasonable requirement that the Authority determines in terms of the Act;
 - (iv) the applicant has at its disposal as many administrative offices satisfying the requirements of this regulation, as well as such other premises and physical facilities as may be reasonably necessary, in view of the nature, extent and geographical location of the applicant's activities;

- (v) the affairs of the applicant are managed and controlled by appropriately experienced, trained or skilled persons;
 - (vi) the applicant has at its disposal a sufficient number of registered and appropriately trained and skilled security officers for the rendering of a security service for which it has contracted or is likely to contract;
 - (vii) the security officers used by the applicant in the rendering of a security service are properly controlled and supervised;
 - (viii) the applicant has at its disposal a sufficient number of adequately skilled administrative staff members for the purpose of the administration of the affairs of the applicant in accordance with the provisions of the Act and any other applicable law;
 - (ix) the applicant has at its disposal the financial means to ensure payment of the lawful wages to all the security officers and administrative staff used by it in connection with the rendering of a security service, as well as to ensure compliance with all its other statutory financial obligations;
 - (x) the applicant has all the necessary equipment, including vehicles and properly trained working animals, if applicable in the circumstances, as well as the uniforms, clothing and equipment that must be issued to its security officers in view of the nature of their functions, at its disposal to enable it to render a proper security service for which it has contracted or is likely to contract; and
 - (xi) the applicant is in lawful possession of the firearms and other weapons that are necessary to render the security service in respect of which it has contracted.
- (2) If the Authority deems it necessary to conduct an inspection or any further inspection to establish whether an applicant meets any of the requirements contemplated in sub-regulation (1), the applicant must pay the amount determined by the Authority for this purpose before an inspection will be undertaken.
- (3) If at any time after its registration as a security service provider, a security business fails or refuses at the written request of the director to demonstrate to the satisfaction of the director -
- (a) that it still has at its disposal the infrastructure and capacity on the basis of which it was so registered; or
 - (b) that its current infrastructure and capacity as measured in terms of the criteria contemplated in sub-regulation (1)(b), are reasonably sufficient for the purposes of the current nature and scope of its activities as a security service provider,

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

6. Register of security service providers and related issues

- (1) The register of security service providers, which is kept by the Authority in terms of section 24 of the Act, contains the following particulars:
 - (a) the registration number on the registration certificate issued by the Authority in terms of section 25 of the Act or the number contemplated in regulation 14(3)(a)(i) of these regulations;
 - (b) the date on the registration certificate referred to in paragraph (a);
 - (c) the residential and business or employment address (street address and postal address) and telephone contact particulars of the security service provider;
 - (d) the full first names, surname, identity number, date of birth and citizenship of the security service provider if such provider is a natural person;
 - (e) particulars of the security service or services rendered by the security service provider as well as the category of security service providers into which the provider is classified by the Authority;
 - (f) the name of the security business, every name under which the security business is trading, the branches of the security business, the name of every person referred to in section 21(1)(a) of the Act, as well as the particulars contemplated in regulation 2(3)(e) of these regulations;
 - (g) the name of the employer of a security service provider who is a security officer;
 - (h) particulars of every conviction of improper conduct in terms of the Act and the repealed legislation, every conviction of an offence specified in the schedule to the Act and in the schedule to the repealed legislation, every conviction of an offence in terms of section 38 of the Act and every conviction of an offence in terms of section 35 of the repealed legislation;
 - (i) particulars of firearm licences and permits issued to a security service provider;
 - (j) the particulars contained in the register contemplated in section 13 of the repealed legislation; and
 - (k) any other particulars deemed necessary by the Authority to be included in the register.

- (2) An address of a security service provider contained in the register contemplated in sub-regulation (1) may be used by the Authority for the purposes of serving any document or notice in terms of the Act.

7. Change of name and status of security service provider

- (1) An application to change the name of a registered security business as contained in the register contemplated in regulation 6 of these regulations, including the name under which such business is trading, must be submitted to the director on the form approved for this purpose by 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.
- (2) Notification of a change in the name of a natural person registered as a security service provider must be submitted to the director, within a period of 7 days of the change occurring, on the form approved for this purpose by the Authority, accompanied by the documentation as required in terms of the form as well as the amount determined by the Authority for this purpose.
- (3) A security business which changes its name and trades under or uses such a changed name or trades under any name not contained in the register contemplated in regulation 6 of these regulations, without having received the approval of the Authority as contemplated in sub-regulation (1), or a security service provider who, without sufficient cause, fails to submit the notification form as required in terms of sub-regulation (2), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 6 months.
- (4)
 - (a) An application to change the legal status or the nature of a security business registered as a security service provider must be submitted to the director on the form approved for this purpose by the Authority and must be accompanied by the documentation required in terms of the said form, as well as the amount determined by the Authority for this purpose.
 - (b) An application contemplated in paragraph (a) is considered in terms of the policy and procedure approved by the Authority for this purpose and may be granted on such conditions as determined by the Authority.
- (5)
 - (a) A registered security service provider who wishes to occupy a position contemplated in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in regard to a particular security business must submit an application to the director on the form approved for this purpose by the Authority and the application must be accompanied by the documentation required in terms of the form, as well as the amount determined by the Authority for this purpose.
 - (b) A registered security service provider who assumes a position contemplated in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in regard to a particular security business without

obtaining the approval of the Authority as contemplated in paragraph (a), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 12 months.

8. Change with regard to information submitted to the Authority

- (1) A security service provider -
 - (a) must inform the Authority within 10 days of any change in regard to any information submitted in writing to the Authority in terms of a provision of or an application in terms of the Act, or information previously submitted to the Board in writing in terms of a provision of or an application in terms of the repealed legislation; and
 - (b) must, in the case of a security business, annually during November submit a return to the Authority with the information required on the form approved by the Authority for this purpose.
- (2) The obligations referred to in sub-regulation (1) must be discharged through a notice from the security service provider which is sent by registered post, facsimile transmission, electronic mail, or through a notice which is hand-delivered to an employee of the Authority against a receipt issued by the Authority, or by using some other method approved by the Authority in writing for this purpose.
- (3) Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business in question complies with all the obligations contained in this regulation.
- (4) Any security service provider who contravenes or fails to comply with subregulation (1), or any person contemplated in sub-regulation (3) who contravenes or fails to comply with sub-regulation (3), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 6 months.

9. Certificates of registration, identification and appointment

- (1) The certificate of registration contemplated in section 25 of the Act contains the name and registration number of the security service provider, such further information as the Authority may determine and the seal of the office of the director.
- (2) The certificate of identification contemplated in section 25 of the Act is in the form of a credit card, includes a photograph of the security service provider, contains the name and registration number of the security service provider and such further information as the Authority may determine.
- (3) The certificate of appointment of an inspector of the Authority contemplated in section 31(3) of the Act, must comply with every applicable requirement prescribed in terms of section 334(3)(b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), must contain the statement that the inspector is a peace officer for the national territory of the Republic for the purpose of exercising the powers contemplated in

sections 40, 41, 44, 45, 46, 47, 48, 49 and 56 of the Criminal Procedure Act, and must contain the name and address of the Authority, a photograph of the inspector, the name of the inspector and such further particulars as determined by the Authority.

- (4) The Authority may, on application of a security service provider and after payment of the amount determined by the Authority for this purpose, issue a new certificate of registration or a new certificate of identification to the security service provider if the Authority is satisfied that the original certificate has been materially damaged, has been destroyed, has been lost, when the circumstances contemplated in regulation 7 of these regulations are present, when registration is renewed as contemplated in section 22 of the Act, or when there is some other sound reason for issuing a new certificate.
- (5) A security service provider must always carry his or her certificate of identification when he or she is rendering a security service or wearing the uniform of a security business in public and must immediately produce the certificate when requested to do so by a member of the Service, an inspector of the Authority, a client to whom the security service provider is rendering a security service, a person authorized by such client in writing, or by any other person with a legitimate interest to ascertain the registration status and identity of the security service provider.
- (6) A security service provider who -
 - (a) without sufficient cause fails or refuses to comply with a request contemplated in sub-regulation (5);
 - (b) changes, falsifies information on, defaces, destroys or fails to take reasonable steps to safeguard his or her certificate of registration or certificate of identification; or
 - (c) without a legal ground justifying such conduct, withholds, retains or is in possession of the certificate of registration or certificate of identification of another security service provider,

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

10. Keeping of records and documents

- (1) Every security business must, subject to this regulation, keep all the records and documents concerning the management, administration and other matters relating to the rendering of security service by it.
- (2) Every security business must, subject to this regulation, keep the originals of all records and documents contemplated in this regulation in a secure and orderly manner, available for inspection by the Authority -

- (a) at the administrative office contemplated in regulation 5(1) of these regulations, or if it has more than one administrative office at the relevant office servicing the region or the activities to which the record or documentation relates, or at the office or place approved for this purpose by the director in writing on application by the security business concerned; and
 - (b) for a period of at least 4 years from the date of their coming into existence, unless another legal provision provides for a longer period or the director in writing directs that they be kept for such longer period as the director may determine.
- (3) The records and documents to which this regulation relates must be updated, to the extent that their nature requires or permits it, by the security business in question when any relevant change occurs, as soon as it is reasonably practicable to do so, but in any event not later than 7 days after the change in question.
- (4)
 - (a) Unless otherwise directed in terms of sub-regulation (5), or unless the nature of the record or document or some other applicable legal provision dictates otherwise, all records and documents falling under this regulation may be kept and maintained in an electronic format through the use of an appropriate computer program.
 - (b) A security business which keeps any records or documents in electronic format must ensure that an accurate and correctly dated and marked electronic back-up copy of all such records and documents is separately created and stored at least every day on which it renders a security service and on which a change to the information on the record or document has occurred, or a new record, document or information is added.
 - (c) The electronic back-up copy contemplated in paragraph (b) must be kept safely and available for inspection by the Authority.
- (5) The director may at any time issue a directive to a security business, or to all or any category or class of security businesses, regarding any of the following -
 - (a) the office or other premises where any or all records or documents contemplated in this regulation must be kept;
 - (b) the period for which any such record or document must be kept, which period may be longer than that provided for in sub-regulation (2)(b); or
 - (c) the keeping of any particular records or documents or any other aspect regarding the keeping of records or documents.

- (6) Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business in question complies with all the obligations in terms of this regulation.
- (7) The records and documents that must be kept as contemplated in this regulation, include -
- (a) a list or register with the full first names and surname, identity number, registration number and residential address of every security officer and other person employed by the security business, as well as a list with the full first names, surname, identity number, registration number and residential address of every person who is an official of the security business but who is not in its employ;
 - (b) a list or register with the full first names and surname, identity number, registration number and residential address of every security officer made available or whose services are made available by the security business to another security business or to any person;
 - (c) a register containing full information on the wages and remuneration paid to all security officers and other employees of the security business, as well as all deductions from such wages, materially in the form contained in BCEA 2 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
 - (d) true copies of all payslips in respect of security officers and other employees of the security business, materially in the form contained in BCEA 4 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
 - (e) an attendance register in respect of all security officers and other employees of the security business, materially in the form contained in BCEA 3 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
 - (f) a posting sheet containing the following particulars in respect of every day or part of a day during which the security business renders a security service:
 - (i) the full first names and surname, and the level of accredited security training of every security officer utilised in connection with the rendering of a security service in respect of that day or part thereof;
 - (ii) the registration number of every such security officer;
 - (iii) the name of every client to whom a security service was rendered and the address and place or places where such service was rendered;
 - (iv) the nature of the security service rendered;

- (v) the duration of the security service in hours;
 - (vi) whether a security officer was provided with a firearm or other weapon, and if so, the type of firearm or weapon, its proper identification number if any, as well as information on the legal authority in terms of which the firearm was provided and possessed; and
 - (vii) particulars of ammunition provided to a security officer;
- (g) personnel files on each security officer, employee or official contemplated in paragraphs (a) and (b), containing at least -
- (i) every written contract concluded with such person, as well as a description of the duties or functions of such person;
 - (ii) written particulars of employment as contemplated in section 13 of Sectoral Determination 6: Private Security Sector, South Africa, as published in Government Notice No. R 1250, *Government Gazette* No. 22873 dated 30 November 2001;
 - (iii) a record of all disciplinary steps, including suspension from duty, taken against such person by the security business;
 - (iv) a true copy of official documentation indicating the level of accredited security training and other relevant training of such person; and
 - (v) a record with information on the transfer from one branch or division to another, the promotion and termination of service of such person;
- (h) written contracts entered into with clients of the security business for the purposes of rendering a security service, as well as a list with the names, contact addresses and telephone numbers of all the clients with whom the security business has concluded contracts, whether orally or in writing, for the rendering of a security service, a description of the nature of the service contracted for, the contractual tariff in respect of the rendering of the service, as well as the place or places where the service is to be rendered;
- (i) a register concerning security officers contemplated in paragraph (b), indicating the name and street address of every security business or other person to whom such security officers or their services have been made available, the dates on which this occurred, the financial consideration payable in this regard and the persons responsible to pay any remuneration, reward or fee to the security officers in this regard;

- (j) legal authorisation in the form prescribed by law in respect of the possession and use of firearms and other weapons by the security business and its security officers;
 - (k) documentation indicating full particulars of all deductions and payments which are made to the Authority in terms of the provisions contemplated in section 44(7) of the Act, or in terms of the Levies Act, as the case may be; and
 - (l) all other records or documents which the security business must keep in terms of the Act or any other law applicable to a security business.
- (8) Any security business which contravenes or fails to comply with subregulation (2)(b), (3), (4)(b) or (4)(c) or fails or refuses to comply with a directive contemplated in sub-regulation (5), or any person contemplated in sub-regulation (6) who contravenes or fails to comply with sub-regulation (6), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months.

11. Application for suspension or withdrawal of registration

- (1) Any security service provider may, by submission of the duly completed and signed form approved for this purpose by the Authority and against payment of such an amount as has been determined by the Authority for this purpose, apply to the Authority for suspension or withdrawal of his or her registration as a security service provider.
- (2) If the Authority is satisfied that there is a sound reason for such a step and that there would not be unreasonable prejudice to any person which can be avoided by the refusal of the application for suspension or withdrawal of registration, the Authority may direct that the registration of the security service provider in question be suspended or withdrawn from any date and on such conditions as the Authority may determine, including the payment of any outstanding amounts owed to the Authority, or the conclusion of any enquiry or other legal process.
- (3) In the case of the suspension of the registration of a security service provider in terms of this regulation, no annual amounts in terms of the provisions contemplated in section 44(7) of the Act, or in terms of the Levies Act, are payable to the Authority by the security service provider in respect of the period of suspension.
- (4) A security service provider whose registration has been suspended as contemplated in terms of this regulation may, by submission of the duly completed and signed form approved for this purpose by the Authority and against payment of such an amount as has been determined by the Authority for this purpose, apply to the Authority to uplift the suspension, and the Authority may grant the application on such conditions as the Authority may determine.

12. Specifying of registration numbers and other information on documents

- (1) No security business registered as a security service provider may, after the expiration of a period of 60 days after the promulgation of these regulations, send, deliver, issue, publish or cause to be sent, delivered, issued or published, any document or advertisement, including a document in electronic format, relating to or connected with its position or activities as a security service provider, unless the following has been effected in a clearly legible manner on the front or the first page thereof, as the case may be -
 - (a) the name under which the security business is registered as a security service provider by the Authority, as well as the name under which it trades, as reflected in the register contemplated in regulation 6 of these regulations;
 - (b) the expression "*Registered as a security service provider by the Private Security Industry Regulatory Authority, registration number...*", where the registration number is the number contemplated in regulation 6(1)(a) of these regulations; and
 - (c) the street address and postal address of an administrative office of the security business, a telephone contact and facsimile number of the security business at that office as well as the name and telephone contact number of an official of the security business performing executive or management functions in respect of the security business.
- (2) Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business complies with all the obligations in terms of sub-regulation (1).
- (3) Any security business which contravenes or fails to comply with subregulation (1), or any person contemplated in sub-regulation (2) who contravenes or fails to comply with sub-regulation (2), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 6 months.

13. Uniforms, insignia and badges

(Title substituted by regulation 2(a) of GenN 362 dated 3 July 2020)

- (1) Every security business must, subject to this regulation, provide every security officer in its employ with sufficient, distinctive articles of clothing constituting a standard uniform of that security business if the security officer is required to render a security service as contemplated in paragraphs (a), (c) or (d) of the definition of security service contained in section 1(1) of the Act, unless the security officer only renders a service consisting of the protection or safeguarding of a specific natural person.
- (2) Every security officer contemplated in sub-regulation (1) must wear the uniform provided to him or her when rendering such a security service.
- (3) The uniform contemplated in subregulation (1)-

- (a) must be suitable for use by the security officer in view of the nature of the security service rendered, the circumstances under which the security service is rendered and any other relevant circumstance;
- (b) must have at least 2 badges, prominently attached to the visible portion of the uniform, with the name of the security business employing the security officer clearly legible on them;
- (c) must have a badge, attached to the visible portion of the front top part of the uniform, with the name and registration number of the security officer clearly legible on it;
- (d) must have a badge, which is at least 10 centimetres in length and 1.5 centimetres in height with the words "Private Security" clearly legible on it, prominently attached to the visible portion of each of the front top part and the back top part of the uniform;
- (e) must, subject to subregulation (5) not be identical to, an imitation of, or resemble, or reasonably be capable of being mistaken for that of the South African Police Service, the South African National Defence Force, the Department of Correctional Services or any other law enforcement agency or security service contemplated in section 199 of the Constitution of the Republic of South Africa, 1996; and
- (f) may, subject to subregulations (5) and (6), not be made from fabric or other materials -
 - (i) which are any shade of blue; or
 - (ii) which have a camouflage design or pattern.

(Regulation 13(3) substituted by regulation 2(b) of GenN 362 dated 3 July 2020)

(3A) Any security business which applies for registration must, in the manner determined by the director submit to the Authority, along with its application -

- (a) a design, sketch or photograph of the security business's insignia, emblem, title or symbol whether on a uniform, vehicle or otherwise; and
- (b) a colour sketch or photograph of the security business's uniform, including any variations of the uniform for different categories or classes of security officers or security services to be rendered.

(Regulation 13(3A) inserted by regulation 2(c) of GenN 362 dated 3 July 2020)

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

- (5) Notwithstanding the provisions of subregulation (3), the Authority may permit a security service provider to make use of a uniform which resembles that of a law enforcement agency or security service referred to in subregulation (3)(e), provided the security service provider has also secured the written consent of the accounting officer of the applicable law enforcement agency or security service.

(Regulation 13(5) substituted by regulation 2(d) of GenN 362 dated 3 July 2020)

- (6) A security service provider, when rendering anti-poaching services is exempted from the provisions of subregulation (3)(f)(ii).

(Regulation 13(6) substituted by regulation 2(e) of GenN 362 dated 3 July 2020)

- (7) Every person referred to in sections 21(1)(a)(ii), (iii), (iv), (v), (vi), or (vii) of the Act must take reasonable measures to ensure that the security service provider in question complies with its obligations in terms of subregulation (3).

(Regulation 13(7) substituted by regulation 2(f) of GenN 362 dated 3 July 2020)

- (8) Any security service provider who -

- (a) contravenes or fails to comply with subregulation (1), (2), (3), (3A) or (7), or fails or refuses to comply with a directive contemplated in subregulation (4);
- (b) intentionally or negligently provides any false information in the submission referred to in subregulation (3A);
- (c) without legal justification or the consent referred to in subregulation (5) wears a uniform, badge or insignia which is identical to, an imitation of, or which resembles or is reasonably capable of being mistaken for that of the South African Police Service, the South African National Defence Force, the Department of Correctional Services or any other law enforcement agency or security service referred to in section 199 of the Constitution of the Republic of South Africa, 1996;
- (d) without legal justification provides another person with a uniform, badge or insignia contemplated in paragraph (c),

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.

(Regulation 13(8) substituted by regulation 2(g) of GenN 362 dated 3 July 2020)

13A. Firearms

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

- (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 lawfully provided by his or her employer.
- (3) Any security service provider who –
- (a) requires or permits a security officer employed or made available to that security service provider, to obtain or provide a firearm for the purpose of rendering a security service in the course of his or her employment;
 - (b) requires a security officer employed or made available by that security service provider, or an applicant for a post as a security officer, to have a firearm licence; or
 - (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 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.

(Regulation 13A inserted by regulation 3 of GenN 362 dated 3 July 2020)

14. Transitional and general provisions

- (1) In this regulation, unless the context indicates otherwise -
- “existing security officer” means a person lawfully registered by the Board as a security officer in terms of the repealed legislation and the registration of whom or which was valid on the day immediately preceding the day when the Act came into operation.
- (2) Every existing security officer is, subject to this regulation and the provisions of any other applicable law, deemed to have been registered as a security service provider in terms of section 21 of the Act and is subject to all the provisions of the Act.
- (3)
- (a) An existing security officer who is deemed to have been registered as a security service provider -
 - (i) must, for the purposes of the Act, use the registration number allotted to it by the Board until such time as the Authority changes this number;
 - (ii) must, in the case of a security business, subject to the provisions of any other law, keep all records and documentation of whatever nature relating to the rendering of a security

service by such security business, which are not older than 4 years, securely and orderly as contemplated in regulation 10(1) and (2) of these regulations;

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

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

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

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

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

(6)

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

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

(7)

- (a) Every applicant for registration as a security officer; in terms of the repealed legislation whose application is lodged, or is pending, on the day immediately before the day when the Act comes into operation, must, subject to this sub-regulation, submit a duly completed and applicable application form as contemplated in regulation 2 of these regulations to the Authority to enable the Authority to consider the application in terms of the Act.
 - (b) An applicant contemplated in paragraph (a) must submit the duly completed application form to the Authority within 60 days after the date of promulgation of these regulations, or within such longer period as the Authority may allow for a sound reason.
 - (c) The application for registration by an applicant who does not submit the application form as provided for in this sub-regulation within the period allowed for this or who withdraws the application, lapses, and the Authority will not have to refund any amount paid by the applicant in respect of the application or to take such amount into account when the applicant lodges a new application.
- (8) An applicant for registration pursuant to a notice issued in terms of section 44(6) of the Act who wishes to render a relevant security service from the date determined in the notice, must submit the application to the Authority at least 2 months before the relevant date determined in the notice.
- (9)
- (a) A person using his or her own employees to protect or safeguard merely his or her own property or interests, or persons or property on his or her premises or under his or her control, must, after such employees have become subject to the provisions of the Act in terms of a notice contemplated in section 44(6)(a) of the Act -
 - (i) only use employees registered as security service providers in terms of section 21 of the Act to perform these functions;
 - (ii) before implementation of the Levies Act, comply, with the necessary changes, with the provisions regarding the deduction and paying over of the prescribed amounts in respect of registered security service providers in its employ as provided for in regulation 9(4), published in *Government Gazette* No. 22770 dated 1 November 2001, prescribed in terms of section 18 of the repealed legislation, and, after implementation of the Levies Act, comply, with the necessary changes, with the provisions regarding the deduction and paying over of levies in respect of registered security service providers in its employ, as determined in terms of the Levies Act;
 - (iii) comply, with the necessary changes, with the provisions contained in regulation 10(2), (3), (4), (5), (7)(a), (7)(b), (7)(c), (7)(d), (7)(e), (7)(g), (7)(i), (7)(j) and (7)(k) of these regulations; and

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

(Regulation 14(9)(a)(iv) substituted by regulation 4 of GenN 362 dated 3 July 2020)

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

15. Authoritative text

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.

16. Repeal of regulations

The following regulations are hereby repealed as specified below:

Regulations	Extent of repeal
The regulations contained in Government Notice No. R 797 published in <i>Government Gazette</i> No. 12413 dated 2 April 1990, as amended.	The whole with the exception of regulations 1, 7, 9(1), 9(3) and 9(4).
The regulations contained in Board Notice 46 of 1993 published in <i>Government Gazette</i> No 14767 dated 7 May 1993	The whole.
The regulations contained in Board Notice 87 of 1994, published in <i>Government Gazette</i> No. 15951 dated 9 September 1994.	The whole.

17. Short title and commencement

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

SCHEDULE

**CLEARANCE CERTIFICATE IN TERMS OF SECTION 23(1)(f) OF THE PRIVATE SECURITY INDUSTRY
REGULATION ACT, 2001**

1. Particulars of applicant's former employer

Name of force or service

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

Telephone number _____ Facsimile number _____

E-mail address _____

Postal address

Name, address and telephone number of contact person

2. Particulars of former employee

Full first names and surname of employee

Identity number _____

Passport number _____

Last known address

Former employee's force, service or personnel number

Date of commencement of employment _____

Date of termination of employment _____

Rank at termination of service _____

Capacities in which employed

3. Declaration

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

Signature _____ Date _____

Name _____

Position in force or service _____

Telephone number _____

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

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

Signature of former employee _____

Name _____

Date _____