



PSIRA
Private Security Industry Regulatory Authority

**DIRECTIVE FOR SECURITY SERVICE
PROVIDERS AND EMPLOYERS OF IN-
HOUSE SECURITY RENDERING
SECURITY SERVICES IN AN
ENVIRONMENT WHERE THERE IS
PROTEST ACTION**

Issued in terms of Section 4 of the Private Security Industry
Regulation Act 56 of 2001.

1. Introduction

The purpose of the Private Security Industry Regulation Act, 2001 is to provide for the regulation of the private security industry; for that purpose, to establish a regulatory Authority; and to provide for matters connected therewith. The primary object of the Authority is to regulate the private security industry and to exercise effective control over the practice of the occupation of security service providers in the public and national interest and the interest of the private security industry itself.

In addition, the objects of the Authority include, *inter alia*, the following:

- 1.1 promote a legitimate private security industry which acts in terms of the principles contained in the Constitution and other applicable law;
- 1.2 ensure that all security service providers act in the public and national interest in rendering security services; and
- 1.3 determine and enforce minimum standards of occupational conduct in respect of security service providers.

In terms of section 4 of the Private Security Industry Regulation Act, 2001 the Authority must take steps to achieve its objects and may, subject to the Act and any other law, for the purpose of achieving its objects, take steps to develop and maintain standards and regulate practices in connection with the occupation of the security service provider.

This policy directive applies to all security service providers contracted to protect and safeguard property and persons, as well as employers of in-house security officers and must also be read and interpreted in conjunction with the following statutes, prescripts and notices:

- The Constitution, 1996;
- The Private Security Industry Regulation Act (Act 56 of 2001)
- The Code of Conduct for Security Service Providers, 2003
- Any other regulations made in terms of the Private Security Industry Regulation Act, 2001;

- The Regulations of Gatherings Act 205 of 1993;
- The Criminal Procedure Act 51 of 1977
- The draft NEDLAC Accord and/or Code of Good Practice on industrial action and picketing;
- SAPS National Instruction 4 of 2014 on Public Order Police: Crowd Management during Public Gatherings and Demonstrations; and
- SAPS Standard Operating Procedures.

2. Legal position

The Private Security Industry Regulation Act 56 of 2001 defines security service as follows –

- a) Protecting or safeguarding;
- b) ...
- c) ...
- d) Providing a service aimed at ensuring order and safety on the premises used for sporting, recreational, entertainment or similar purposes

The above is a selection of only the relevant activities that constitute a security service. It is clear from the definition of security service that crowd management other than that which is employed at sporting, recreational, entertainment or similar purposes, is not covered by the Act.

Crowd management in relation to protests, contests or criticism in a public space is an activity regulated in terms of the Regulations of Gatherings Act 205 of 1993. Section 9 of the said Act deals with management of gatherings and protests and is the provision that empowers members of the police force to deal with gathered crowds. The latter Act regulates gatherings that express any form of protest, contest or criticism in a public space.

However, the private security industry is mandated by a client to protect and safeguard persons and property, irrespective of the role of the South African Police Service (SAPS) and or other policing agencies in terms of the Regulations of Gatherings Act, 1993. In the presence or absence of the SAPS in dealing with protest action, the private security industry will still have a mandate in terms of

its contractual obligations to the client. The private security industry involved in rendering security services must comply with the Private Security Industry Regulation Act and regulations made in terms thereof.

3. Directives

The purpose of this directive is to ensure proper and legal crowd management in an environment of where there are gatherings, demonstrations, picketing and protests. These directives withdraw all directives previously issued and must be observed in the application of this section:

- 3.1 Security service providers must respect the Bill of Rights as set out in chapter 2 of the Constitution, 1996 and in particular respect that everyone has the right to freedom of speech and assemble peacefully to demonstrate, picket and present petitions. A security service provider may not take a view of the merits of demonstrations or protests over its contractual agreement to protect and safeguard persons or property of the client or employer.
- 3.2 A security service provider's contractual agreement with a client is limited to protecting and safeguarding persons and property of the client and may not enter into an agreement to deal with demonstrations or protest action as contemplated in the Regulations of Gatherings Act 205 of 1993.
- 3.3 Security service providers must at all times conform to their terms of contract in their role to protect and safeguard the property and persons at the premises and may not be directly involved in dealing with demonstrations or protest action or dispersal of crowds as this is the function of the SAPS.
- 3.4 Security service providers must report any demonstrations or protest action to the South African Police Service without delay. This includes information gathered in respect of possible demonstrations or protest action or during any demonstrations or protest action and includes knowledge of any objects/weapons in the hands of demonstrators or protesters that may cause serious injury to persons or damage to property.

- 3.5 Security service providers must also report all incidents of demonstrations or protest action to the Authority where security officers are involved, irrespective of the nature of the occurrence.
- 3.6 A security service provider must, on arrival of the SAPS, hand over operational control and command to the SAPS. A security service provider must, within its ability, render all reasonable assistance and co-operation to the members of the SAPS to enable them to perform any function in terms of the Regulations of Gatherings Act 205 of 1993 and any National Instructions issued by the SAPS on crowd management and public order policing.
- 3.7 Where possible, a security service provider must attempt to identify and diffuse any possible conflict in rendering a security service through its own assessment of the security risk, before it escalates into violence, and play a pro-active role in protecting and safeguarding persons or property through defensive measures (static barriers, etc.).
- 3.8 Any dispersal of crowds must only be done by members of the South African Police Service, who are trained in crowd management and equipped with the relevant crowd management equipment to do so.
- 3.9 A security service provider is not allowed to use or employ unregistered or untrained security officers in the execution of the contract for rendering security services. It is the duty of the security service provider to verify compliance with registration and training with the Authority before employment / deployment of security officers. The same applies to any security services sub-contracted by the security service provider.
- 3.10 All security service providers deployed must at all times carry their PSiRA identity cards as contemplated in section 25 of the PSIR Act. In terms of regulation 9, security officers must immediately produce the cards when a person who has a legitimate interest to ascertain the

registration status and identity of the security officers request them to do so.

- 3.11 Security service providers must provide free of charge all equipment (including protective clothing and gear) for self-defence necessary for the security officer to render a security service at a client's premises or location where demonstrations or protest action is taking place.
- 3.12 Security service providers must receive training in the manner to protect persons and property in an environment where demonstrations and protest action is taking place.
- 3.13 In protecting and safeguarding persons or property in an environment where there is demonstrations and protests, security service providers are only permitted to use less lethal equipment and is restricted from the use or issuing of equipment not authorised by the Authority that have a propensity of placing their own lives and/or those of others at risk. This includes any firearms, paintball guns, knives, spears, pangas, sticks (except batons), canes, whips, sjamboks, any flammable substances and any liquid, foam or similar substance that can be sprayed or extruded to cause injury to persons or damage to property.
- 3.14 Any equipment may only be used to the extent necessary to protect and safeguard persons or property, for self-defence and subject to prevailing circumstances. In the case of the use of force, the degree of force must be proportional to the seriousness of the situation and the threat posed in terms of situational appropriateness and reasonable in the circumstances.
- 3.15 Subject to paragraph 3.14 above, any use of force must be documented and reported to the South African Police Service and the Authority.
- 3.16 In terms of regulation 13 of the Private Security Industry Regulations, 2002, all security officers deployed must wear uniforms that are sufficient and distinctive and must be –

- Suitable for the nature of security service rendered; and
- Must have 2 badges, prominently attached to the uniform, with the name of the security business employing the security officer clearly legible on it as well as a badge, attached to the front part of the uniform, with the name and registration number of the security officer legible on it.

3.17 Security service providers may not wear uniform, badge, insignia or any protective gear identical to or resembling a uniform, badge, insignia or protective gear of the SAPS or any other law enforcement agencies.

I, Manabela Sameul Chauke, the Director of Private Security Industry Regulatory Authority, hereby acting in terms of the Private Security Industry Regulation Act 56 of 2001 and regulations made in terms thereof, issue this directive for immediate execution and compliance. Any failure to comply with the directive, may result in prosecution in terms of the Code of Conduct for Security Service Providers, 2003.

Dated on the 12th day of June 2017.



DIRECTOR