

DEPARTMENT OF POLICE

NOTICE 292 OF 2019

Draft 1 – CONFIDENTIAL**NOTICE CALLING FOR PUBLIC COMMENT****DRAFT AMENDMENT REGULATIONS IN TERMS OF THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO 56. OF 2001)**

I, Bhekokwakhe Hamilton Cele, Minister of Police, acting under section 35 of the Private Security Industry Regulation Act, 2001 (Act No 56 of 2001) hereby intend to make amendments to the Private Security Industry Regulations, 2002.

The draft amendments are contained in the Schedule to this Notice and are hereby published for general information and written comment from interested and / or affected persons.

Any written 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:

Postal address:

The Director
Private Security Industry Regulatory Authority
Private Bag X 817

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Street address:

420 Witch-Hazel Avenue
Eco Glades 2 Office Park, Block B
Highveld Ext 70
Centurion

E-mail: Howard.THWANE@psira.co.za

SCHEDULE**DRAFT AMENDMENT REGULATIONS IN TERMS OF THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO 56. OF 2001)**

1. In this Schedule, "the Regulations" means the Private Security Industry Regulations published under Government Notice No. R.190 of 14 February 2002.

Amendment of regulation 13 of the Regulations

2. Regulation 13 of the Regulations is hereby amended-
 - a. by the substitution for the title of Regulation 13 of the following title:

"Uniforms, insignia and badges.-";
 - b. by the substitution for subregulation (3) of the following subregulation:

- “(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 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 not be made from fabric or other materials which are any shade of blue, or which have a camouflage design or pattern.”

- c. by the insertion immediately after subregulation (3) of the following subregulation:

“(3A) Any security business which applies for registration must 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.”

- d. by the substitution for subregulation (5) of the following subregulation:

“(5) Despite 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.”

- e. by the substitution for subregulation (6) of the following subregulation:

“(6) 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).”

- f. by the substitution for subregulation (7) of the following subregulation:

“(7) Any security service provider who –

- (a) contravenes or fails to comply with subregulation (1), (2), (3), (3A) or (6), 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 consents 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.”

Insertion of regulation 13A of the Regulations

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

“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.”

Substitution of regulation 14(9)(a)(iv) of the Regulations

4. The following regulation is hereby substituted for regulation 14(9)(a)(iv) of the Regulations:

“**14(9)(a)(iv)** – comply, with the necessary changes, with the provisions contained in regulation 8, regulation 13 and regulation **13A** of these regulations.”

Short title and commencement

5. These regulations are called the Private Security Industry Amendment Regulations, 2018, and come into operation, unless otherwise specified, on the date of their publication in the *Gazette*.

6. The operation of subregulation 13(3)(d), (e) and (f), subregulation 13(6) and subregulation 13(7)(a), (c) and (d) is suspended for 180 days from

the date of their publication in the *Gazette*, in respect of registered security service providers only.