

DEPARTMENT OF POLICE**NOTICE 362 OF 2020****DRAFT AMENDMENT REGULATIONS IN TERMS OF THE PRIVATE
SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO 56. OF 2001)**

The Minister of Police hereby, under section 35 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) makes the Regulations in the Schedule.

BH CELE, MP
Minister of Police

Date:

SCHEDULE

Definition

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, 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."

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

"(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."

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

“(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.”

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

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

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

“(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).”

(g) by the substitution for subregulation (8) of the following subregulation:

“(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.”

Insertion of regulation 13A of the Regulations

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

“Firearms

“13A (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.”

Amendment of regulation 14 of the Regulations

4. Regulation 14 of the Regulations is hereby amended by the substitution for subparagraph (iv) of paragraph (a) of subregulation (9) of the following subparagraph:

“(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. (1) These regulations are called the Private Security Industry Amendment Regulations, 2019, and, subject to subregulation (2), come into operation on the date of their publication in the *Gazette*.

(2) 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.

DRAFT AMENDMENTS TO THE CODE OF CONDUCT MADE UNDER THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO 56. OF 2001)

The Minister of Police, acting under section 28(1) and (6) of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), and after consultation with the Council for the Private Security Industry Regulatory Authority, hereby makes the amendments to the Code of Conduct for Security Service Providers, 2003 contained in the Schedule.



BH CELE, MP

Minister of Police

Date: 01/07/2020

SCHEDULE

Definition

1. In this Schedule, "the Code of Conduct" means the Code of Conduct for Security Service Providers, 2003 published under Government Notice No. 305 in the Government Gazette 24971 of 28 February 2003.

Amendment of regulation 4 of the Code of Conduct

2. Regulation 4 of the Code of Conduct is hereby amended-
 - a. by the insertion after the definition of "equipment" of the following definition:

"**event** means a sporting, recreational, entertainment, cultural, religious, political or similar activities hosted at a stadium or venue;"
 - b. by the insertion after the definition of "event" of the following definition:

"**event security officer** means a person who is deployed by another person or a security business to provide a security service aimed at ensuring order and safety on premises used for sporting, recreational, entertainment, cultural, religious, political or similar activities;"
 - c. by the insertion after the definition of "respondent" of the following definition:

"**Safety Plan** means the safety plan contemplated in sub-regulation 4;"

Substitution of regulation 18 of the Code of Conduct

3. The following regulation is hereby amended-

a. by the substitution of regulation 18 of the Code of Conduct:

18. Security service providers ensuring order and safety on premises used for supporting, recreational, entertainment or similar purposes

(1) A security service provider who has contracted to render a service aimed at ensuring order and safety on premises used for sporting, recreational, entertainment or similar purposes, whether on his or her own or in conjunction with any other person, and any security officer used to render such a service, must act in accordance with all the obligations imposed by the Act and all other applicable legal provisions.

(2) A security service provider contemplated in sub-regulation (1), deploying an event security officer to render security services on or in relation to premises used for sporting, recreational, entertainment or similar purposes, must properly brief such event security officer about the nature and scope of his or her duties and responsibilities, including –

- (a) the expected conduct, behaviour and responsibilities of event security officers towards all people attending the event;
- (b) proper procedures to follow in dealing with emergencies arising during an event;
- (c) the risks to which the event security officers are exposed to;
- (d) the need and importance of complying with all obligations imposed by law on persons rendering services at premises used for sporting, recreational, entertainment or similar event or purposes;
- (e) recognising and dealing with conflict that may occur during an event;

- (f) any records that needs to be completed by event security officers and the manner in which they must be completed;
 - (g) the importance of checking the designated area prior an event and how to check it;
 - (h) the method of assessing and reporting a risk;
 - (i) the types of actions to take when responding to a hazard during an event;
 - (j) any other relevant information that the event security officer is obliged to know relating to his or her functions to be performed at such event;
 - (k) the security officer's powers of arrest or detention of individuals at that event;
 - (l) the security officer's powers of ejection from the premises where the event is held and procedures to be followed;
 - (m) the security officer's powers of confiscation of prohibited and any other dangerous items or weapons;
 - (n) proper procedures for escorting members of the public attending the event;
 - (o) the security officer's authority to search persons and vehicles entering and leaving the premises and procedures to be followed;
 - (p) proper procedures to follow in terms of dealing with illegal or unauthorised entry into restricted or prohibited areas of the premises where an event is taking place; and
 - (q) procedures for interaction with any Venue Operational Centre
- (3) 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;
 - (c) a security service provider which has been contracted to render security service to the extent provided for in the contract, or on a security business which renders such a service.
- (4) Subject to regulation 9, a security service provider must, before rendering a security service, be familiar with the safety plan 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 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 of 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 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 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 to co-ordinate all functions in achieving and maintaining order, safety and security on the premises;
- (s) proper communication procedures and facilities to meet all communication needs in relation to the implementation of the safety plan; and
- (t) the proper briefing of all persons involved in the implementation of the safety plan.

(5) A security service provider must take reasonable steps necessary in the circumstances to ascertain that the requirements regarding security service providers contemplated in sub-regulation (4) are met at all relevant times and must 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.

(6) A security service provider which has been 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 service provider, or which renders or purports to render a security service, whether on its own or in conjunction with any other security service provider –

- (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 plan contemplated in sub-regulation (4);
- (c) may only render a security service in accordance with the Act, this Code, 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 lawfully 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 practical 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 service provider are properly trained, briefed and informed of their duties and all relevant facts;
- (i) must ensure that any security officers used by the security business are trained, briefed or experienced on how to deal with crowds or members of crowds;

- (j) must ensure that any security officers used by the security service provider are properly equipped for performing their functions;
 - (k) must take all reasonably practical steps to ensure that any security officers used by the security service provider 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 service provider; 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.
- (7) An event security officer, whether employed by an owner or organiser or made available by a security service provider, to render a security service on or in relation to premises used for sporting, recreational, entertainment or similar purposes -
- (a) must wear appropriate uniform attire and correct identification that presents a professional image;
 - (b) must not consume alcohol or use illegal drugs while on duty, or be under the influence of alcohol or illegal drugs when reporting for duty;
 - (c) if practicable, must use tact and diplomacy, for example, mediation, conciliatory negotiation or other conciliatory communication, as the first tool to control any conflict;
 - (d) must act in compliance with this Code, the safety and security plan and all lawful instructions;
 - (e) may not abuse or manhandle any person or perform any act which threatens or violates the rights of any person;

- (f) must comply with all applicable laws in performing their functions;
- (g) may not practice any form of unfair discrimination;
- (h) 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;
- (i) 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;
- (j) 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;
- (k) must take active steps within his or her powers and capacity to ensure order, safety and security on the premises;
- (l) 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;

- (m) 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 such circumstances;
 - (n) must permit only authorised persons and vehicles to enter property and monitor entrances and exits at an event;
 - (o) may, upon commencing his or her duty the event security officer conduct pre-match checks of the area in which he or she will be working and notify the peace safety officer of any faulty safety equipment, damaged seating or suspicious articles; and
 - (p) must not solicit, or accept a bribe.
- (8) An event security officer deployed to perform any function aimed at achieving and maintaining order, safety and security of persons and safety and security of their property on premises used for the purposes of attending or participating in a sporting, recreational, entertainment or similar event, must do so in line with the safety plan contemplated in sub-regulation 4, including-
- (a) the exercise of access and exit control;
 - (b) the effecting of bodily or physical searches at a point of entry or exit;
 - (c) the guiding of persons to specific areas or places;
 - (d) the performance of any crowd control functions;
 - (e) 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 of further action in this regard;
 - (f) prevention and detection of fires and firefighting functions and procedures;
 - (g) the performance of patrolling duties or monitoring duties;

- (h) identifying persons committing transgressions, arresting them and taking further appropriate action;
- (i) participation in the activities of a security reaction team;
- (j) the handling of a dog or using of any other working animal;
- (k) effecting personal protection functions; and
- (l) guarding property

(9) The provisions imposing duties on a security service provider contemplated in this Code apply, with necessary changes, to an owner or organiser using its own employees to render a security service referred to in this Code.

(10) 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 practical 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 this Code, complies with all its obligations.

(11) 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 practical 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 this Code applicable to it.

(12) The director may direct any person contemplated in regulation 18 (1), or whom the director has reason to believe is a person contemplated in regulation 18 (1) -

- (a) to submit any information relating to security services rendered at premises used for sporting, recreational, entertainment or similar purposes within such reasonable time as the director stipulates as well as such further information as the director reasonably requires;

- (b) to comply with any duty contemplated in these regulations within such a period as the director stipulates;
 - (c) to take any further 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
 - (d) 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.
- (13) A directive contemplated in sub-regulation (12) must be in writing, signed by the director and served on the security service provider or other person.

Short title and commencement

4. These amendments are called the Amendments to the Code of Conduct, and come into operation, unless otherwise specified, on the date of their publication in the *Gazette*.