

DEPARTMENT OF POLICE**NOTICE 1003 OF 2022****NOTICE CALLING FOR PUBLIC COMMENT****DRAFT REGULATIONS RELATING TO SECURITY SERVICE PROVIDERS
PROTECTING AND SAFEGUARDING GAME RESERVES**

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

PRETORIA

0001

Street address:

420 Witch-Hazel Avenue
Eco Glades 2 Office Park, Block B
Highveld Ext 70
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E-mail: Regulations@psira.co.za

BH CELE, MP

Minister of Police

Date:

SCHEDULE

DRAFT REGULATIONS RELATING TO SECURITY SERVICE PROVIDERS PROTECTING AND SAFEGUARDING GAME RESERVES

Chapter 1: Definitions, Purpose and interpretation and Application

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PREAMBLE

WHEREAS the Private Security Industry Regulatory Authority is established for purposes of regulating the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself;

AND WHEREAS service providers play an important role in providing protection and safeguarding services to ensure that the persons, property, animals and plants at a game reserve are protected;

AND WHEREAS the Minister of Police deems it necessary to make regulations relating to any matter which in terms of the Act is required or permitted to be prescribed in or in connection with the rendering of security services.

Be it published, therefore, the draft regulations contained in this Schedule for comment by interested persons.

CHAPTER 1

PURPOSE, INTERPRETATION, APPLICATION AND DEFINITIONS

Definitions

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

“Act” means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

“Animals Protection Act” means the Animals Protection Act, 1962 (Act No. 71 of 1962);

“anti-poaching services” means the organised act to counter the poaching of wildlife and illegal wildlife trade carried out by national parks on public land and by private security companies on privately owned land;

“Authority” means the Private Security Industry Regulatory Authority established in terms of section 2 of the Act;

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

“game reserve” means a large area of land where wild animals live safely or are hunted in a controlled way for sport;

“Performing Animals Protection Act” means the Performing Animals Protection Act, 1935 (Act No. 24 of 1935);

“Protection of Personal Information Act” means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

“responsible person” means a person who is registered with the Authority as a security service provider in terms of the Act and is responsible for monitoring security officers protecting and safeguarding persons and property at a game reserve;

“security service provider” means a security service provider in terms of the Private Security Industry Regulations Act, 2001 (Act 56 of 2001);

Purpose and interpretation

2. (1) The purpose of these regulations is to ensure that any person providing or intending to provide security services at any private or public game reserve –
 - (a) is registered with the Authority and trained in line with the Act or any other applicable legislation before rendering anti-poaching protection services;
 - (b) uses the patrolling vehicle as authorised by the relevant person at the game reserve and comply with any applicable law relating to security service providers’ patrolling vehicles;
 - (c) complies with the Act and any law applicable to the private security industry in respect of the use of working animals;
 - (d) use and handle the firearm in a safe, lawful and responsible manner;

- (e) appoints a responsible person for purposes of monitoring security officers performing anti-poaching services; and
- (f) use any security equipment system only for purposes of conducting anti-poaching services and such use must comply with the Protection of Personal Information Act.

(2) These regulations must be interpreted in accordance with their purpose and in a manner consistent with the Act, the Animals Protection Act, the Performing Animals Protection Act, the Firearms Control Act, the Protection of Personal Information Act, the National Road Traffic Regulations, 2000 and any other legislation applicable to security service providers in respect of anti-poaching services.

Application

3. These regulations apply to –

- (a) any person, practising the occupation of security service provider at any private or public game reserve in South Africa for purposes of and in connection with rendering a security service or carrying on business as a security service provider in terms of the Act; and
- (b) any person using his or her own employees as security officers in connection with the protection or safeguarding of a private or public game reserve in South Africa, to the extent provided for in the Act and these regulations.

CHAPTER 2

General functions of the Authority pertaining to persons protecting and safeguarding private or public game reserves

4. The Authority shall for purposes of exercising effective control over persons providing security services at private or public game reserves and in accordance with the Act, these regulations and other applicable laws and international standards develop regulations which -
 - (a) determine and enforce training requirements;
 - (b) encourage and promote efficiency in and responsibility when rendering anti-poaching security services;
 - (c) encourage and promote compliance with existing legislation by security service providers in the anti-poaching sector and ensure that the security service providers in such sector are monitored through regulations; and
 - (d) enter into agreements with or obtain the assistance of any relevant person, institution or organ of state to conduct or assist it in conducting any investigation or perform any function in terms of these regulations.

Obligations of security businesses pertaining to the protection and safeguarding of a private or public game reserve

5. (1) A security business employed to provide security services at a private or public game reserve must -
 - (a) be registered with the Authority and comply with the Act in respect of the occupation of a security service provider;

- (b) ensure that the security officer employed by it to safeguard and protect the game reserve is registered in terms of the Act comply with the Act in respect of the occupation of a security officer;
- (c) ensure that the security officer is trained in terms of the Act and is in possession of a training certificate;
- (d) ensure that the security officer received and completed the required training in respect of anti-poaching as determined by the Authority and in terms of any applicable legislation relating to the anti-poaching training.

Patrol vehicles used by security businesses to patrol within a game reserve

- 6. (1) The security business may make use of a vehicle at or within a game reserve for purposes of patrolling provided that-
 - (a) the patrol by vehicle is authorised by the relevant person at the game reserve;
 - (b) the patrol vehicle is driven or operated only in or around areas that are designated for purposes of performing a security service and areas authorized by the relevant person;
 - (c) the patrol vehicle is not driven or operated in a reckless or negligent manner or in a deliberate or intentional manner disregarding the safety of any person, property, or animal;

The use of working animals by security service providers in the anti-poaching sector

7. (1) In the case where the security business makes use of a working animal to conduct security services at a game reserve for purposes of rendering security services, the security business must ensure that –
- (a) the use of such working animal complies with the Act, the Animals Protection Act, the Performing Animals Protection Act and any other legislation applicable to the private security industry relating to the use of working animals; and
 - (b) the security officer handling the working animal is trained and in possession of the relevant qualification to handle the working animal.

The use or carrying of firearms by security officers at or within a game reserve

8. (1) A security business which provides security services at a game reserve and which requires the use of firearms must comply with the Firearms Control Act in respect of the possession of any firearm and ensure-
- (a) that the security officer using the firearm complies with the provisions of Firearms Control Act and the Act; and
 - (b) that the security officer is provided with and uses the suitable firearm for rendering anti-poaching services.

Appointment of a responsible person

9. (1) A security business that is providing security services at a game reserve may appoint a responsible person for purposes of managing

security officers protecting and safeguarding persons, property or animals at a game reserve, including –

(a) briefing the security officers in respect of their duties at or around the game reserve;

(b) ensuring that they perform their functions as stated in the contract entered into by the security business and game reserve;

(c) ensuring that they perform only functions which fall within their scope of work as the security service provider and that they comply with all applicable laws related to security service providers in the rendering of anti-poaching services.

(2) The responsible person referred to in sub-regulation (1) must be registered and comply with the Act in respect of the occupation of a security service provider.

Use of security equipment

10. (1) A security business that is providing security services at a game reserve may make use of security equipment systems for purposes of monitoring an area or property and persons which they are employed to protect or for purposes of recording activities at a game reserve provided that –

(a) the use of such security equipment complies with the Act;

(b) the monitoring and recording of activities comply with the Act, the Protection of Personal Information Act, the

Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002) and any other applicable legislation relating to the use of security equipment.

CHAPTER 3

GENERAL PROVISIONS

Offences and penalties

11. (1) Any person providing security service in terms of these regulations who –
- (a) is not registered with the Authority and trained in line with the Act or any other legislation relating to anti-poaching services applicable to security service providers;
 - (b) is using the patrolling vehicle at a game reserve for purposes of rendering security services that is not authorised by the relevant person at the game reserve and does not comply with the applicable relating patrol vehicles used by security service providers;
 - (c) is making the use of working animals for purposes of conducting anti-poaching services and such does not comply with the Act, the Animals Protection Act, the Performing Animals Protection Act, and any other laws applicable to the private security industry in respect of working animals;
 - (d) is using firearm to protect and safeguard a game reserve and such firearm is not handled and used in a safe, lawful and responsible manner in terms of the Firearms Control Act; and

- (e) is making use of any security equipment other than for purposes of conducting anti-poaching services.

is guilty of an improper conduct as contemplated in regulation 24 of the Code of Conduct and on conviction liable to penalties as contemplated in regulation 25 of the Code of Conduct.

Transitional Provisions

13. Every person deemed to have been registered as a security service provider and providing security service on behalf of a private or public game reserve, must within a period of 180 days from the date of promulgation of these Regulations, or within such period as the Director may allow on the basis of a substantiated written application by such security service provider within a period of 60 days from the date of promulgation of these Regulations, comply with these regulations.

Short title and commencement

14. These regulations are called Draft Regulations Relating to Security Service Providers Protecting and Safeguarding Game Reserves, 2021, and come into operation, unless otherwise specified, on the date of their publication in the *Gazette*.

DRAFT REGULATIONS RELATING TO THE TRAINING OF SECURITY SERVICE PROVIDERS IN THE PRIVATE SECURITY INDUSTRY MADE UNDER THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO. 56 OF 2001)

The Minister of Police, under section 35 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) and after consultation with the Council of the Private Security Industry Regulatory Authority, hereby intends to make the Regulations in the Schedule.

Any interested or affected persons are invited to submit written comments or representations on the proposed draft Regulations to the office of the Director: Private Security Industry Regulatory Authority within four weeks from the date of publication of this notice in the Gazette at the following address:

Postal address:

The Director
Private Security Industry Regulatory Authority
Private Bag X 817
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B.H CELE, MP

Minister of Police

Date:

SCHEDULE

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PREAMBLE

WHEREAS the private security industry plays an important role in protecting and safeguarding persons and property, and must be characterised by professionalism, transparency, accountability and lawfulness;

AND WHEREAS the Private Security Industry Regulatory Authority is responsible for the regulation of the private security industry and must promote high standards in the training of security service providers and prospective security service providers;

AND WHEREAS the Minister of Police deems it necessary to make regulations relating to the obligatory undergoing of security training by security service providers and ensuring that security service providers and prospective security service providers receive quality training.

Be it published, therefore, the draft regulations contained in this Schedule for comment by interested persons.

CHAPTER 1

Definitions

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

'accreditation' - means the certification by the Authority of a training centre or training instructor contemplated in these regulations as having the capacity, resources, knowledge and experience to fulfil a particular function in the quality assurance system in relation to the training of a security service provider;

'accreditation certificate' means –

- (a) an accreditation certificate issued to a training centre or training instructor by the Authority under regulation 14 (2);
- (b) in relation to an accredited training centre, an accreditation certificate issued thereto by the Authority in terms of these regulations;

'accredited instructor' means means a natural person who trains or intends to train security service providers for various sectors in the private security industry, and includes a facilitator;

'accredited training centre' means any premises used for the purposes of training security service providers;

'Authority' means the Private Security Industry Regulatory Authority established by section 2(1) of the Act;

'External Assessment' means digital assessment coordinated by the Authority for the assessment of prospective and registered security officers for accreditation and certification as security service provider;

'Internal Assessment' means an assessment scheduled and coordinated by security training provider, and includes both formative and summative;

'Committee' means the committee appointed in terms of section 13 of the Act;

'the Act' means the Private Security Industry Regulatory Authority Act 56 of 2001;

"security service provider" means a security service provider in section 1 of the Act;

'training certificate' in relation to a security officer, means a training certificate issued to a security service provider by the Authority after he or she has completed the relevant training;

Purpose

2. The purpose of these regulations is to ensure that –
 - (a) security service providers and prospective security service providers for different categories undergo quality and relevant security training;
 - (b) every person providing security training to security service providers and prospective security service providers is registered and qualified to provide such training; and

- (c) any training centre providing or intending to provide security training is registered and accredited in terms of the Act and any applicable law.

Application

3. These regulations apply to –

- (a) all training centres and instructors providing security training;
- (b) every category of security service provider as contemplated in the Act; and
- (c) all security service providers, whether registered or not registered with the Authority, practicing the occupation of security service provider in rendering a security service or carrying on business in rendering of a security service, or in performing any other act or function which is subject to the Act.

CHAPTER 2 – General Provisions

General functions of the Authority

4. (1) The Authority shall in the carrying out of any duty, the exercise of any power or the performance of any function under or by virtue of a provision of these regulations, in any case where the Authority deems it necessary or expedient, consult with the relevant Committee it has appointed under section 13 (2) of the Act.

(2) The Authority shall, for the purposes of the promoting high quality training of security service providers –

- (a) determine requirements for training levels in respect of different categories of security service providers;

- (b) determine the contents of training courses which the Authority regards as the most suitable training of security service providers for different categories;
- (c) determine the objectives to be achieved in the training of security service providers with regard to any training modules determined by the Authority;
- (d) determine the most suitable time periods for the theoretical and practical training of security service providers for different categories;
- (e) determine the best methods and procedures for the testing and evaluation of trainee security service providers;
- (f) from time to time appoint suitable persons to review and approve Training Modules with respect of relevant categories in the private security industry, which shall contain a clear exposition of the Authority's determinations contemplated in paragraphs (a) to (e), inclusive, of this subregulation;
- (g) from time to time inspect and evaluate any accredited training centre or the methods, conduct or abilities of any accredited training instructor;
- (h) Monitor and verify the quality of training functions performed by persons providing training to security service providers; and
- (i) Appoint persons or bodies entitled by law to set training standards, to formulate, implement or develop training programmes for the private security industry.

Registration of training providers

5. (1) The provisions of Chapter 3 of the Act, read with the Private Security Industry Regulations, 2002 pertaining to registration as a security service

provider apply insofar as reasonably possible to any training provider and instructor in the private security industry.

Accreditation of training centres and training instructors

6. (1) Any person who is providing training or intends providing security training to security service providers must –
- (a) be registered as a security service provider in terms of the Act;
 - (b) be accredited as a training centre or training instructor by the Authority;
 - (c) continuously meet all the criteria for registration and accreditation as determined from time to time by the Authority; and
 - (d) comply with all the obligations a training provider must meet in terms of the rules, standards or criteria determined by the Authority or any other relevant institution.
- (2) An application for accreditation must be completed by the training centre or training instructor in the manner and form required by the Authority, and must include –
- (a) details of the training instructor 's registration number;
 - (b) details of the training centre from whence the training instructor shall carry out the training of security service providers;
 - (c) details of the type, level and scale of training programmes to be provided by the training provider, the standards, part qualifications or qualifications to be offered in relation to those training programmes and evidence that the training provider is competent to conduct those training programmes;

- (d) the location and premises conditions of the training centre, which must meet the requirements set out in these regulations;
 - (e) the application fee as determined by the Authority; and
 - (e) any other documents, certificates or authorisations requested by the Authority, that the training provider is required by law to keep.
- (3) A training instructor making an application for accreditation referred to in sub-regulation (2) must -
- a) have completed the instructor course and practical training determined by the Authority;
 - b) in the case of Recognition of Prior Learning, be in possession of the relevant qualification as determined by the Authority;
- (4) A training instructor may only commence offering training upon the issuance of training certificate by the Authority, for the relevant course.
- (5) Any person who is providing training or intends to provide training as a training instructor to security service providers must, in addition to being registered as a security service provider-
- (a) be accredited by the Authority as a training instructor in respect of the specific training standards or qualifications in relation to which he or she intends to train; and
 - (b) not employ a method or practice that would distort the actual competence or outcomes of the training.
- (6) Any person applying in terms of these regulations as a training centre or training instructor, must furnish such additional particulars in connection with the application as the Authority may determine.

(7) The Authority may reject any application for accreditation of a training centre or training instructor if the training centre at which that training provider or instructor shall conduct the training of security service providers, does not meet the minimum requirements for training centres set out in these regulations.

Chapter 3 – Security Service Providers Specialised Courses

Specialised Courses

Assets-in-Transit

7. Any natural person who is applying for registration as a security service provider or who is registered as a security service provider and is employed and required to perform Asset-in-Transit services, must be in possession of Grade C and Asset-in-Transit training certificate.

Reaction Services

7A. Any natural person who is applying for registration as a security service provider or who is registered as a security service provider and is employed and required to perform Reaction services, must be in possession of Grade C and Reaction services training certificate.

Special Events Security Services

7B. Any natural person who is applying for registration as a security service provider or who is registered as a security service provider and is employed and required to perform Special Events security services, must be in possession of Grade D and special events security service training certificate.

Dog Handlers

7C. (1) Any natural person who is applying for registration as a security service provider and as a dog trainer or dog handler must be in possession of Grade E and be in possession of a DH 1, DH 2, DH 3, DH 4 or DH 5 qualification, whichever is applicable in a particular level or any equivalent dog handler qualification recognised by the Authority.

Firearms

7D. Any natural person who is applying for registration as a security service provider or who is registered as a security service provider and required to use a firearm to perform security services, must be in possession of PSiRA Grade and competency certificate in respect of a particular firearm used.

Chapter 4 – Qualifications for security service providers and requirements for training centres

Determination of Qualifications

8. The Authority shall determine and accredit the qualifications required for security service providers to perform particular types of security services in the private security industry.

Appointment of persons to monitor, assess and audit training of security service providers

9. The Authority may appoint a qualified person or institution for purposes of monitoring and auditing the quality of training functions performed by accredited training providers, including a person or institution to assess the outcomes in respect of standards applicable to training of security service providers.

Guidelines for the evaluation of training centres

10. (1) The Authority shall from time to time compile guidelines for the evaluation and monitoring of security service providers' training centres, based on the minimum criteria set out in the subregulation (2).

(2) The following minimum criteria for the evaluation of training centre shall apply -

- (a) The training centre must only provide security training to security service providers or prospective security service providers,
- (b) the training centre must have, at its disposal an administrative office and training instructors who are suitably qualified in terms of these regulations and whose roles and functions are clearly established in accordance with a clear policy requiring, *inter alia*, continuous self-development and the capacity to inspire confidence in their abilities in trainees;
- (c) the training centre must be able to prove its dedication to the ideal of maintaining and upholding towards the Authority a relationship based on integrity, honesty and willingness to comply with all requirements and laws applicable to it;
- (d) the training modules and programmes that the training centre intends to offer must be scientifically designed and effectively executed;
- (e) the training centre must be able to clearly demonstrate its ability to maintain the required standards and an effective process of selection and admission of trainees;
- (e) the training centre must comply and co-operate with officials or members of the Authority or members of the appointed Committee inspectors conducting inspections and evaluations at its administrative and other facilities;
- (f) The training centres must offer reasonable assistance to persons carrying out the inspections and evaluations in paragraph (e) all reasonable assistance which they require for the effective carrying out of their duties.

- (3) The inspection and evaluation referred to in paragraph (e) and (f) may at any reasonable time be carried out without prior written notice given to the training centre.

Minimum requirements for establishment of Training Centres

11. (1) No person may perform any activity involving the training of security service providers as contemplated in these regulations other than at a training centre that meets the minimum requirements prescribed in this regulation and accredited by the Authority.

- (2) The minimum requirements for a training centre include, but are not limited to, the following-

- (a) adequate classrooms, including facilities for practical training;
- (b) classrooms not exceeding 10 in number, with a capacity to accommodate learners not exceeding 30 per classroom;
- (c) properly furnished and ventilated classrooms to provide for the desired conducive learning space;
- (d) Telephone, Facsimile or Email services;
- (e) computers or laptops;
- (f) filing cabinet;
- (g) tables and chairs; and
- (h) learning aids such as flip charts, black or white board and projector."

Training providers' and instructors' obligations regarding training of security service providers

12. (1) Any person who is registered as a security service provider and providing training in relation to security services through distance learning and/or online -
- (a) must ensure that any course provided through distance education is conducted in consistent with guidelines and requirements issued by the Authority or any other relevant institution;
 - (b) must ensure that the course content for all programmes is readily available and easily accessible to learners;
 - (c) instructors must keep in contact with learners on a regular and timely basis to ensure the quality of instruction and to verify performance and participation status;
 - (d) provide a variety of learning styles and strategies in both content delivery and learning activities;
 - (e) make additional and relevant resources or materials available to all learners for learning and training;
 - (f) identify the most appropriate technologies for programmes content and learning outcomes; and
 - (g) design course or programme layout that is easily readable and has alternate access options for learners with special needs.

Assessments conducted by training providers and instructors

13. (1) Any person who is registered as security service provider and providing training in relation to security services through distance learning and/or including online learning -
- (a) must provide ongoing assessments that measure the learner's understanding of the course content;

- (b) must incorporate various communication methods to receive regular learner feedback to improve and enhance instructional effectiveness;
 - (c) must review the assessments on regular basis for purposes of improving programmes as needed;
 - (d) instructors must ensure that there are effective measures incorporated into online and face-to-face courses design;
 - (e) instructors must keep in contact with learners on a consistent and timely basis to ensure the quality of instruction and verify the learner's performance and participation status;
 - (f) instructors must create course content and assessments that are user-friendly in terms of technology and provide alternate means of access to the course material should there be problems with the learning system; and
 - (g) ensure that all assessed learners register with the Authority for external assessment within fourteen (14) days of completing the internal assessment administered by security training providers.
- (2) All online and/or distance learning courses must have the same course quality standards as courses that are provided face-to-face.
- (3) The Authority may issue guidelines from time to time to promote uniformity in training requirements and methods used to train security service providers in respect of particular sectors.
- (4) An accredited training centre or accredited training instructor must only offer training courses of which the contents substantially comply with the minimum criteria and requirements contemplated in these regulations.

Accreditation Certificates

14. (1) Any person, board, institution or body may submit, to the Authority, an application for accreditation as a training centre or training instructor for the training of security service providers in accordance with the provisions of these regulations.
- (2) The Authority may -
- (a) issue an accreditation certificate to any successful applicant as a training centre or training provider for security service providers, meeting all the requirements in terms of these regulations, an accreditation certificate in the form determined from time to time by the Authority;

Training Certificates

15. (1) An accredited training centre must upon the completion of any course for the training of security service providers, for a particular category and of the examinations or test set for the course, provide the Authority with a course report on the form prescribed by the Authority from time to time.
- (2) The Authority may -
- (a) upon receiving the course report, evaluate such report and if the Authority is satisfied that all the requirements of these regulations have been complied with, allow the learner security service provider to register for the external assessment;
- (b) upon completion of the external assessment issue the security service provider concerned who has, to the satisfaction of the Authority achieved a standard mark of at least fifty per cent (50%) in every theoretical and practical module forming part of the course; and

(c) issue a training certificate in a form determined by the Authority, from time to time, in which the Authority certifies that the security service provider concerned has successfully completed the required training course of the relevant category at the training centre concerned.

(3) The Authority may forward a training certificate to the address provided to it by the training centre in respect of every security service provider concerned in the relevant course report, being either the address of the security service provider or that of the training centre concerned.

Lapsing and Withdrawal of registration and training certificates

16. (1) A registration certificate issued to any security service provider in terms of section 25 of the Act, shall lapse whenever the registration of the security service provider concerned is withdrawn under section 26 of the Act.

(2) A training certificate issued to any security service provider may by written notice to the security service provider concerned be withdrawn by the Authority whenever the security service provider concerned requests the Authority for any reason so to withdraw the certificate."

Notice of Lapsing or withdrawal of certificates

17. The Authority may immediately after the withdrawal by it of any training or accreditation certificate, or the coming to the notice of it of any lapsing of any such certificate, under or by virtue of any provision of these regulations, by written notice to the person or centre concerned, demand the immediate return to the Authority of the relevant certificate."

Chapter 5 – Training Providers obligations and Lapsing, withdrawal of accreditation and certificates

Continuous Learning Development

18. The Authority shall determine the additional or continuous learning development training for various types of security sectors.

Change of address of training provider

19. (1) Any accredited training provider who wishes to change its training centre address and retain its accreditation as a training provider must apply to the Authority, on the form approved for this purpose and accompanied by any documentation and information as may be required, as well as the amount determined by the Authority for this purpose, for approval by the Authority of the change of training centre address and, where applicable, registration of the new training centre.

(2) The application as contemplated in sub-regulation (1) must include the following information –

- (a) the reason for relocation; and
- (b) such details of the new training centre, if it is not already registered, as are required in terms of these regulations.

(3) The Authority may, on receipt of an application for approval to change an address –

- (a) conduct an inspection to determine whether the new training centre meets the minimum requirements set out in these regulations; and
- (b) issue an approval letter acknowledging the change of address and registration of the new training centre.

Obligations of training providers regarding record-keeping

20. (1) A training provider must, for the purposes of these regulations, keep all records concerning the management, administration, and other matters relating to the training of security service providers.

(2) A training provider must keep the original versions of all records referred to in sub-regulation (1) in a secure and orderly manner, available for inspection by the Authority or any person to whom relevant functions of the Authority have been delegated –

(a) at the registered training centre servicing the region in which, or at the registered training centre where the security service provider has received training; and

(b) for a period of at least 4 years from the date the training took place.

(3) The records to which this regulation relates must be updated, to the extent that their nature requires or permits it, by the training provider as soon as it is reasonably practicable to do so, but in any event within 7 days.

(4) Every person referred to in section 20(2) of the Act must take all reasonable practicable steps within his or her powers, capacity or functions to ensure that the training provider in question complies with all the obligations specified in this regulation.

(5) The records that must be kept in accordance with this regulation include a register of security service providers who have undergone training, containing the following particulars –

(a) full details of security service providers trained;

(b) the service provider's registration numbers;

(c) any retraining or evaluation of security service providers; and

- (d) full particulars of the training instructor.

Lapsing and withdrawal of accreditation status

21. (1) An accreditation status of an accredited training centre shall lapse when -

- (a) the training centre is liquidated or otherwise terminates or discontinues the provision of training, whether or not the training centre has notified the Authority thereof; or
- (b) the training centre changes the business address in respect of its premises or the centre ceases to operate for any reason.

(2) The Authority may after prior notice to an accredited training centre and the granting to the training centre of a reasonable opportunity to make representations to the Authority, by written notice addressed to the training centre, withdraw its accreditation certificate with effect from a date stated in the notice, if -

- (a) the Authority is after an inspection and evaluation under regulation 10 (2) and (3) satisfied that -
 - (i) the services of an accredited training instructor at the training centre are not available and that there is no reasonable prospect of its being capable or able to engage such instructor in its employ within a reasonable period of time;
 - (ii) the training centre, in connection with any valid requirement for accreditation, no longer qualifies for accreditation and is for any reason incapable or unable to comply therewith within a reasonable period of time; or

- (b) the Authority, whether any such inspection and evaluation has been conducted or not, on the basis of complaints received by the Authority from trainee security service provider, or from any other persons involved in the security industry or from members of the general public, is satisfied that the centre concerned or instructors employed treat is or are abusing the status and privileges accorded to him or it by accreditation for the achievement of objects, whether beneficial or prejudicial, which are in the opinion of the Authority substantially inconsistent with the objectives of accreditation under these regulations; or
- (c) the registration as a security service provider of any one or more of the directors, members, partners or other owners of the training centre has under section 26 of the Act been withdrawn.”

Lapsing and withdrawal of accreditation certificates

22. (1) An accreditation certificate issued to an accredited training instructor shall lapse –

- (a) when the training instructor is permanently prevented or prohibited to act as instructor under or by virtue of any law or an order or interdict of the High Court; or
- (b) when the training instructor informs the Authority in writing that he intends permanently to terminate or discontinue his profession as instructor.

(2) The Authority may after giving notice to an accredited training instructor and after granting the instructor a reasonable period and opportunity to make representations to the Authority, by written notice addressed to the instructor, withdraw his accreditation certificate with effect from a date stated in the notice if-

- (a) the Authority is after an inspection and evaluation under regulation 10(2) and (3) satisfied that the training instructor, in connection with any valid requirements for accreditation, no longer qualifies for accreditation and is for any reason incapable or unable to comply therewith within a reasonable period of time;
- (b) the Authority, whether any such inspection and evaluation has been conducted or not, on the basis of complaints received by the Authority from trainee security service providers, or from any other persons involved in the security industry or from members of the general public, is satisfied that the instructor concerned is abusing the status and privileges accorded to it by accreditation for the achievement of objects, whether beneficial or prejudicial, which are in the opinion of the Authority substantially inconsistent with the objectives of accreditation under these regulations;
- (c) the registration as security service provider of the training instructor has under section 26 of the Act been withdrawn;
- (d) the training instructor has been found guilty of an offence, or has committed an act or omission which, had he been a registered security service provider, would have led to the withdrawal of his registration under section 26 of the Act."

Chapter 6 - Consequences of lapsing or withdrawal of certificates

23. (1) The lapsing or withdrawal of a training certificate or an accreditation certificate as training instructor or training centre under or in terms of a provision of these regulations shall, subject to sub regulation (2), not be construed as in any manner terminating or otherwise affecting any right, status, privilege, claim, duty, disability or obligation which the security service provider, training instructor or training centre concerned acquired or, became subject to or which accrued to him or it, as a direct or indirect

consequence of his or its having been issued by the Authority with the relevant certificate.

(2) The provisions of subregulation (1) shall not apply to any right, status, privilege, claim, duty, disability or obligation referred to therein which originated or exists solely on the basis of the relationship created in law by the issue of the relevant certificate between the security service provider, training instructor or training centre concerned and the Authority, or which under, in terms of or by virtue of any other law, or contract or other legal arrangement or relationship is terminated or otherwise affected whenever any such lapsing of withdrawal occurs.”

Return of training certificates or accreditation certificates

24. (1) A security service provider, training instructor or training centre shall within a period of one month after having received written notice from the Authority of the withdrawal or lapsing of any training or accreditation certificate issued to him or it under a provision of these regulations, return the relevant certificate personally or by registered or certified post to the Authority.

(2) Any person or, in the case of a training centre referred to in subregulation (1), any director, member, partner or other owner of such centre, who without reasonable cause refuses to return, or fails to take reasonable steps to ensure the return thereof, as the case may be, any relevant certificate referred to in subregulation (1), shall be guilty of an offence in terms of section 38 of the Act.

Chapter 7 – Penal Provisions

Prohibition on certain misleading conduct

25. No person –

- (a) shall establish or manage any institution which is not an accredited training institution under any name or description, or in any other manner, which is calculated to pretend or whereby it is pretended that the institution is an accredited training institution or that the institution is otherwise established or managed with the support, approval or consent of the Authority with a view to the training of security officers;
- (b) who is not an accredited training instructor shall at any institution, whether an accredited training institution or not, or in any other manner, establish, manage or offer any course or program under any name or description, or with any contents, or in any other manner, which is calculated to pretend or whereby it is pretended that the course or program is directed to the training of security officers or of persons who intend to apply for registration as security officers in terms of the Act, or render for valuable consideration advice on such training, or make known in any manner that such a course or program has been established or is managed or offered, of that such advice is offered by him;
- (c) excluding the Authority or any person acting on the authority of the Authority, shall compile, distribute, sell or otherwise make available, or in any manner publish any book, pamphlet, brochure or other document which in any manner pretends to be an instructor's training manual or procedures manual, referred to in these regulations, or a manual for the training of security officers, or similar manual, or which substantially constitutes a manual for any such training or procedures.

Offences and penalties

26. Any person who contravenes or fails to comply with any provision of these regulations is guilty of an offence as contemplated in section 38(4) of the Act, regulation 24 and 25 of the Code of Conduct for Security Service Providers, 2003 and liable on conviction to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment."

Transitional Provisions

27. Every person deemed to have been registered and accredited as a security service training provider, instructor and training centre, must within a period of 18 months 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 service provider within a period of 60 days from the date of promulgation of these Regulations, comply with the requirements of these Regulations.

Transition Period

28. (1) The Security Officers Training Regulations, 1992 made under the Security Officers Act, 1987 (Act No. 92 of 1987) are hereby repealed and shall remain in force to allow time for transition to the new requirements.

(2) The Draft Training Regulations made under the Private Security Regulation Act, 2001 (Act No. 56 of 2001) will become fully applicable within 18 months after its publication in the Gazette or unless otherwise specified.

Short title and commencement

29. These regulations are called the Amendments to the Regulations relating to Training Regulations in the Private Security Industry, and come into operation, unless otherwise specified, on the date of their publication in the *Gazette*

GENERAL NOTICE

No. R.**2020**

(The English Text is the official text of the Regulations)

DRAFT REGULATIONS RELATING TO THE USE OF REMOTELY PILOTED AIRCRAFT SYSTEM IN THE PRIVATE SECURITY INDUSTRY MADE UNDER THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO. 56 OF 2001)

The Minister of Police, under section 35 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) ("the Act") and after consultation with the Council of the Private Security Industry Regulatory Authority, hereby intends to make the Regulations in the Schedule.

Any interested or affected persons are invited to submit written comments or representations on the proposed draft Regulations to the office of the Director: Private Security Industry Regulatory Authority within four weeks from the date of publication of this notice in the Gazette at the following address:

Postal address:

The Director
Private Security Industry Regulatory Authority
Private Bag X 817

PRETORIA

0001

Street address:

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

E-mail: Regulations@psira.co.za

B.H CELE, MP

Minister of Police

Date:

SCHEDULE

Chapter 1: Definitions, Purpose and interpretation and Application

1. Definitions and abbreviations
2. Purpose and interpretation
3. Application

Chapter 2:

4. General functions of the Authority pertaining to security service providers using RPAS to render security services
5. Registration of security service providers
6. Monitoring of security service providers operating RPAS
7. Training of service providers using RPAS
8. Conditions for operating RPAS
9. Reporting incidents relating to RPAS
10. Record-keeping relating to RPAS

Chapter 3: General Provisions

11. Offences and penalties
12. Transitional provisions
13. Short title and commencement

PREAMBLE

WHEREAS the objects of the Private Security Industry Regulatory Authority are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself, in the terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), which includes determining and enforcing minimum standards of occupational conduct in respect of security service providers;

AND WHEREAS the rendering of security services includes the protection or safeguarding of a person or property in any manner, and the use of certain types of equipment by security service providers in the rendering of a security service, including RPAS;

AND WHEREAS the Minister of Police deems it necessary to make regulations relating to the use of certain types of equipment by security service providers and other persons who employ security officers, in or in connection with the rendering of security services and the manufacture, importation, selling, distribution, and possession of security equipment.

Be it published, therefore, the draft regulations contained in this Schedule for comment by interested persons.

CHAPTER 1

PURPOSE, INTERPRETATION, APPLICATION AND DEFINITIONS

1. Definitions

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

“the Act” means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

“Civil Aviation Act” means the Civil Aviation Act, 2009 (Act No. 13 of 2009); and all the regulations made in terms thereof;

“Civil Aviation Authority” means the South African Civil Aviation Authority established in terms of section 71 of the Civil Aviation Act;

“Controlled airspace” means the controlled airspace as defined in Part 1 of the Civil Aviation Regulations;

“Director of Civil Aviation” means the Director of the Civil Aviation appointed in terms of section 85 of the Civil Aviation Act, 2009 (Act No. 13 of 2009);

“Director of PSIRA” means the director of the Authority appointed in terms of section 14(1) of the Act;

“Operator” means operator as defined in section 1 of the Civil Aviation Act;

“Operating Certificate” – means an operating certificate issued by the Director of Civil Aviation authorising an operator of a commercial air transport aircraft to carry out specified air transport operations;

“Remotely Piloted Aircraft System” – means a remotely piloted aircraft system as defined in Civil Aviation Act; and

“Remote Pilot Licence” means the remote pilot licence as defined in Part 1 of the Civil Aviation Regulations

1.2 Abbreviations

“DCA” means the Director of Civil Aviation;

“ROC” means Remotely Piloted Aircraft System Operating Certificate;

“RPAS” means Remotely Piloted Aircraft System;

“RPL” means Remote Pilot Licence;

“SMS” means Safety Management System; and

“SOPs” means Standard Operating Procedures

Purpose and interpretation

2. (1) The purpose of these regulations is to –

(a) determine the requirements and rules for security service providers operating and advertising RPAS for commercial purposes, within the private security industry; and

(b) effectively control and monitor the use of RPAS in the private security industry and ensure that such RPAS are being operated in a lawful manner.

(2) These regulations must be interpreted in accordance with their purpose and in a manner consistent with the Act, the Civil Aviation Act, the Protection of Personal Information Act, 2013 (Act No. 04 of 2013), as amended, and any other law providing for the safe use of remotely piloted aircraft system.

Application

- (a) all security service providers, practising the occupation of security service provider and operating RPAS for commercial purposes, and in connection with rendering a security service or carrying on business as a security service provider, or in performing any other act or function which is subject to the Act; and
- (b) any person using his or her own employees or agents as security officers in connection with operating RPAS as rendering security service, to the extent provided for in the Act and these regulations.

CHAPTER 2

General functions of the Authority pertaining to security service providers using RPAS to render security services

- 4.** The Authority shall for the purpose of regulating security service providers operating RPAS within the private security industry and in accordance with the Act, the Civil Aviation Act and these regulations –
- (a) determine information that must be submitted to the Authority by security service providers, including Any person rendering a security service, operating or involved in operating RPAS;
 - (b) determine conditions under which security service providers may operate or advertise services relating to the use or operation of an RPAS in accordance with the applicable laws;
 - (c) determine guidelines for conducting assessments for security service providers operating RPAS for purposes of ensuring such RPAS are legally operated;
 - (d) monitor security service providers operating RPAS to ensure that such operation is in accordance with all applicable laws;

- (e) keep a register of security service providers and employers of in-house security officers who are licensed to use, or are involved in operating RPAS for rendering security services;
- (f) participate in the activities of other bodies or persons entitled by law to set standards in respect of the use and operation of RPAS; and
- (g) enter into agreements with or obtain the assistance of any relevant person, institution or organ of state to conduct or assist it in conducting any investigation or perform any function in terms of these regulations.

Registration of security service providers

- 5.** (1) Any person who is using or intending to use an RPAS to render security services, must be registered as a security service provider in terms of the Act.
- (2) The provisions of Chapter 3 of the Act, read with the Private Security Industry Regulations, 2002, pertaining to registration as a security service provider apply insofar as reasonably possible to any security service provider using RPAS to render security services.

Monitoring of security service providers operating RPAS

- 6.** (1) A person or security business registered as a security service provider or applying for registration as a security service provider, and using or intending to operate an RPAS for commercial purposes, must provide the Authority with the following particulars –
- (a) a copy of a valid Air Services License issued in terms of the Air Services Licencing Act, 1990 (Act No. 115 of 1990);
 - (b) a copy of a valid ROC, with the operations specification attached thereto, issued by the Civil Aviation Authority;

- (c) a copy of valid Remote Pilot License, issued by the Civil Aviation Authority;
 - (d) a copy of Certificate of Registration issued by the Civil Aviation Authority;
 - (e) a copy of Letter of Approval issued by the Civil Aviation Authority;
 - (f) any other particulars that serve as proof that the operating of the RPAS is authorised for commercial purposes, as the Authority may determine.
- (2) Any security business must, in the application form for registration as security service provider, indicate its intention to operate RPAS, including the areas or site of such operation.
- (3) The Authority shall upon receipt of such an application, inform the Civil Aviation Authority, in respect of the security service providers using or intending to operate RPAS for rendering security services.

Training

7. (1) A security service provider operating or intending to operate a remotely piloted aircraft system must, in addition to Grade C security training, have undergone and completed training on RPAS pilot from a training centre approved and accredited by the Civil Aviation Authority and obtained approval in accordance with the RPAS Regulations.

Conditions for operating RPAS

8. (1) A security service provider may only operate an RPAS under the following circumstances -

- (a) an operator of an RPAS that is registered as security service provider and meets the requirements of the Civil Aviation Regulations, its associated Technical Standards and other applicable laws; and
 - (b) the operation of an RPAS must be in a manner consistent with the approval held as set out in ROC, including the Operations Specification.
- (2) All rules and laws of operating an RPAS must be observed and followed by security service providers before and during the operation of such RPAS, in terms of the Civil Aviation Act and Civil Aviation Regulations.

Reporting incidents relating to RPAS

9. A security service provider must inform the Authority within 10 days of any incident, injury, harm, damage or death caused by an RPAS during the rendering of security services by such security service provider.

Record-keeping relating to RPAS

10. A security service provider must keep a register containing particulars of RPAS being operated, and such information must be made available when requested by the Authority for inspection.

CHAPTER 3

GENERAL PROVISIONS

11. Offences and penalties

- (a) operates an RPAS without completing training in terms of these regulations;
- (b) carries out security services using RPAS under private or recreational provisions as defined in the Civil Aviation Regulations;
- (c) operates or advertises the operation of an RPAS at any stage without meeting the requirements or conditions for operating an RPAS as contemplated in regulation (8);
- (d) fails to obtain authorisation from the relevant person or institution prior to operating an RPAS in a manner, location or duration requiring such authorisation;
- (e) fails to inform the Authority of any incident related the operating of RPAS during the rendering of security service as contemplated in regulation (10);
- (f) fails to keep a register containing particulars of an RPAS as contemplated in regulation (11);

is guilty of an improper conduct as contemplated in regulation 24 of the Code of Conduct and on conviction liable to penalties as contemplated in regulation 25 of the Code of Conduct.

Transitional Provisions

12. Every person deemed to have been registered as a security service provider, using or operating a RPAS, must within a period of 180 days from the date of promulgation of these Regulations, or within such period as the Director of PSIRA may allow on the basis of a substantiated written application by such security service provider within a period of 60 days from the date of promulgation of these Regulations, comply with these regulations.

Short title and commencement

13. These regulations are called Regulations Relating to the use of Remotely Piloted Aircraft System in the Private Security Industry, 2020.