

DEPARTMENT OF POLICE**NOTICE 1129 OF 2022**

(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:

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The Director
Private Security Industry Regulatory Authority
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PRETORIA

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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

3. These regulations apply to –

- (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;