

DEPARTMENT OF POLICE**NOTICE 2231 OF 2024****NOTICE CALLING FOR PUBLIC COMMENT****DRAFT REGULATIONS RELATING TO SECURITY SERVICE PROVIDERS
RENDERING PRIVATE SECURITY SERVICES IN THE RAILWAY SECTOR**

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:

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The Director
Private Security Industry Regulatory Authority
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PRETORIA

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BH CELE, MP

Minister of Police

Date:

SCHEDULE

DRAFT REGULATIONS RELATING TO SECURITY SERVICE PROVIDERS RENDERING SECURITY SERVICES IN THE RAILWAY INDUSTRY

Chapter 1: Definitions, Purpose and interpretation and Application

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

Chapter 2: Requirements pertaining to the rendering of private security services in the railway sector

4. General functions of the Authority pertaining to persons rendering private security services in the railway sector
5. Security service providers appointed to provide private railway security services on South African railways
6. Prohibition of use or carrying of firearms
7. Security Equipment
8. Reporting incidents to the Authority
9. Conducting Inspections in the railway sector

Chapter 3: General Provisions

10. Offences and penalties
11. Short title and commencement

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 protecting and safeguarding persons and property, including security services rendered at railway stations;

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 –

“Regulator” – means the Railway Safety Regulator established in terms of Section 4 of the National Railway Safety Regulator Act (Act No. 16 of 2002 as amended);

“operator” – means a network operator, train operator or station operator or a combination of two or three of them;

“safety” – means the lack of railway occurrences, fatalities, injuries or damage within railway operations;

“safety management system” – means a written submission, made by an applicant, in support of a safety permit application that describes the applicant’s safety management system and may include any other matters prescribed;

“safety management system report” – means a written submission, made by an applicant, in support of a safety permit application that describes the applicant’s safety management system and may include any other matters prescribed;

“station” – means a facility for passengers to enter or leave a train, including a railway passenger terminal and a passenger halt and may include facilities for passenger modal transfer and commercial activities forming part of the station and also includes any other place that may be prescribed, but excludes that part of the network running through the station;

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

“the Authority” means the Private Security Industry Regulatory Authority.

Purpose and interpretation

2. (1) The purpose of these regulations is to ensure that any person providing or intending to provide private security services on behalf of an operator –
 - (a) is registered with the Authority and trained in line with any applicable legislation;
 - (b) performs security services duties within their powers and in line with any applicable legislation;
 - (c) complies with the Safety Management System procedures, processes, and systems aimed at the management of security;
 - (e) reports any incident that occurs while performing their duties, within the period specified in these regulations; and
 - (d) does not carry or use firearms unless it legally permitted to do so.
- (2) These regulations must be interpreted in accordance with their purpose and in a manner consistent with the Act, the National Railway Regulator Act and any other legislation regulating private security service providers in the railway industry.

Application

3. These regulations apply to –
 - (a) any person, practising the occupation of security service provider in the railway industry, particularly those providing security services for purposes of and in connection with rendering private security service or

carrying on business as a private security service provider in terms of the Act; and

- (b) any person using his or her own employees in connection with the rendering of private security services, to the extent provided for in the Act and these regulations.

CHAPTER 2

Requirements pertaining to the rendering of security services in the railway sector

General functions of the Authority pertaining to persons rendering railway private security services on behalf of operators

- 4. (1) The Authority shall for the purpose of exercising effective control over persons rendering private security services on behalf of operators and in accordance with the Act, these regulations and any other applicable laws –
 - (a) determine the requirements and rules for private security service providers in the railway industry; and
 - (b) 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.

Security service providers appointed to provide private railway security services on South African railways

- 5. (1) The security business appointing any person as a security officer for purposes of performing private security services on railways must ensure that such person –

- (a) is registered with the Authority as security service provider in terms of the Act; and
- (b) has completed security training in terms of the Act and the relevant training prescribed by the Transport Education Training Authority (TETA).

(2) The security business must ensure that the security officer referred to in sub-regulation (1) performs his or her security duties as specified in the contract of employment between the operator and the security business.

Use or carrying of firearms

6. (1) A security business that is appointed by any operator for purposes of providing private railway security services at railway stations, must allow the use or carrying of firearms only in circumstances where the contract of employment between the security business and operator stipulates the need for using or carrying firearms for performing particular duties.

Security Equipment

7. (1) A security business that is appointed by any operator to render private railway security services which requires the use of certain security equipment, must comply with the requirements as prescribed by the Authority.

(2) A person responsible for the use or monitoring of any security equipment utilised by an operator must ensure that he or she reports any fault that occur or may occur and interferes with performing security services to the operator as soon as practically possible.

Reporting incidents to the Authority

8. (1) A security business providing security services on behalf of an operator must report any incident, injury, harm, damage or death of a person occurred during the rendering of security services to the Authority in writing, within a period of 10 days.
- (2) In addition to the provisions of sub-regulation (1), the security business must comply with the National Railway Regulator Act in respect of reporting railway security incidents.

Conducting inspections in the railway sector

9. (1) An inspector of the Authority may, in exercising his or her powers in terms of section 34 of the Act, conduct an inspection in respect of persons providing security services on behalf of operators, for purposes of ensuring compliance with these regulations.

CHAPTER 3

GENERAL PROVISIONS

10. Offences and penalties

- (1) Any person providing security service in terms of these regulations who –
- (a) renders railway security services without being registered in terms of the Act;
 - (b) renders railway security services in terms of these regulations that fall outside his or her powers;
 - (c) fails to comply with the safety management system and safety management system report contemplated in regulation (6);
 - (d) fails to conduct risk assessment contemplated in regulation (7);
 - (e) carries or uses a firearm when providing railway security services without legal authorization;
 - (f) fails to report incidents to the Authority as contemplated in regulation (10);

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

11. Every person deemed to have been registered as a security service provider and providing security service on behalf of a shipping company or at any port facility in South Africa, 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

12. These regulations are called Draft Regulations Relating to Security Service Providers Rendering Private Security Services in the Railway Sector, 2022, and shall come into operation, unless otherwise specified, on the date of their publication in the *Gazette*.

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