

DEPARTMENT OF POLICE**NOTICE 2375 OF 2024****NOTICE CALLING FOR PUBLIC COMMENT****DRAFT AMENDMENTS TO REGULATIONS MADE IN TERMS OF THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO 56. OF 2001)**

I, Bhokokwakhe 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

Amendment of regulation 1 of the Regulations

1. Regulation 1 of the Regulations is hereby amended –

- a. by the insertion before the definition of “Board” of the following definition:

“application for renewal” means an application for renewal of registration certificate as a security service provider in terms of these regulations;

- b. by the insertion after the definition of “Board” of the following definition:

“Compensation for Occupational Injuries and Diseases Act” means the Compensation for Occupational and Diseases Act, 1993 (Act No. 130 of 1993), and any amendments made;

- c. by the insertion after the definition of “director” of the following definitions:

“expiry date” means –

- (a) in the case of a security officer, the last day of the month in every corresponding 24 months when a security officer was originally registered as a security officer in terms of the repealed legislation if such registration is covered by regulation 14(2) of these regulations or as a security service provider by the Authority in terms of the Act; and
- (b) in the case of a security business, the last day of the month in every corresponding 12 months when a security business was originally registered as a security officer in terms of the

repealed legislation if such registration is covered by regulation 14(2) of the Private Security Industry Regulations or as a security service provider by the Authority in terms of the Act;

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

"improper conduct" means improper conduct as defined in the Code of Conduct for Security Service Providers, 2003;

"independent security service provider" means any natural person -

(a) who assists in carrying or conducting the affairs of another security service provider, and who receives or is entitled to receive from such other security service provider, any remuneration, reward, fee or benefit, as regards one or more security services;

(b) who or whose services are directly or indirectly made available by another security service provider to any other person, and who receives or is entitled to receive from any other person any remuneration, reward, fee or benefit for rendering one or more security services

"in-house security" means every person who uses his or her own employees to protect or safeguard merely his or her own property or other interests, or persons or property on his or her premises or under his or her control;

"Performing Animals Protection Act" means the Performing Animals Protection Act, 1935 (Act No. 24 of 1935), as amended;

"registered" with reference to a security officer or a security service provider contemplated in the definition of "expiry date" in

this regulation of which the legal nature or status has changed since the original registration, means the granting of approval by the Authority in terms of the Act in respect of such change;

"renewal of registration certificate" means the granting by the Authority of an applicant's application for renewal of certificate in respect of the same person subject to the person meeting the requirements as contemplated in these regulations;

"Unemployment Insurance Act" means the Unemployment Insurance Act, 2001 (Act No. 63 of 2001), and any amendments made;

"working animal" means a security dog or a horse used to render a security service as contemplated in the Act.

Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations is hereby amended-

Application for registration as security service provider

a. by the insertion immediately after sub-regulation (1) of the following sub-regulation:

1A. The application in sub-regulation (1) may include one or more of the following categories or classes of security services-

- (a) guarding;
- (b) close protection;
- (c) response security;
- (d) assets in transit;
- (e) event security;

(f) manufacturers, importers and distributors of listed equipment defined in the Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002);

(g) private investigators;

(h) security training;

(i) electronic security;

(j) locksmith; or

(k) security advisers.

- b. by the substitution for paragraphs (d) and (e) of sub-regulation (2) of the following paragraphs:

(d) an authenticated, recent, clear passport size photograph of the applicant or digital photo in the format approved by the Authority;

(e) a clear and complete set of fingerprints of the applicant, taken on the form used by the Service for this purpose, by or in the presence of a member of the Service or by or in the presence of an employee of the Authority designated in writing by the director to perform this function, or in any other electronic format or from any other source as approved by the Authority;

- c. by the substitution for subparagraph (i) of paragraph (a) of sub-regulation (3) of the following subparagraph:

(i) the relevant application fee for each category or class of security service as contemplated in sub-regulation 1A; and

- d. by the insertion immediately after paragraph (e) of sub-regulation (3) of the following paragraph:

(eA) Notwithstanding the requirements of sub-regulation (3)(e), a declaration and details as determined by the director in respect of the ownership and or control of the applicant security business of persons who are not South African citizens;

- e. by the insertion immediately after paragraph (l) of sub-regulation (3) of the following paragraphs:

(m) In the case of a business who uses working animals, authorization to use working animals as contemplated in the Performing Animals Protection Amendment Act;

(n) a declaration by the applicant as security business, in the form approved by the Authority, that a member of the Service does not have any interest in the ownership of the business or exercise control, whether directly or indirectly, over the affairs of the security business;

(o) a declaration from the security business whether it is or intend to render a security service outside the borders of the Republic of South Africa and the details of such security services which includes but are not limited to recruitment, training or deployment. and

[(j) a tax clearance certificate from the South African Revenue Service, unless the director dispenses with this requirement for a sound reason after obtaining approval from the Council;

(k) sufficient information in writing to enable the Authority to ascertain whether the applicant meets the requirements in regard to infrastructure and capacity necessary to render a security service as contemplated in section 23(2)(b) of the Act and regulation 5 of these regulations;]

(p) information on Broad Based Black Economic Empowerment (B-BBEE) Status Level and any certification in respect thereof.

[(l) a resolution by the applicant security business, in the form approved by the Authority, to apply for registration as a security service provider.]

(3A) The applicant must submit satisfactory proof of registration that is in compliance with the Unemployment Insurance Act and Compensation for Occupational Injuries and Diseases Act at least 60 days after registration, unless the applicant is not required to register and contribute in terms of these legislation;

(3B) In the case of an applicant as security business who is licenced to possess firearms as contemplated in the Firearms Control Act, the applicant must submit a report in a format prescribed by the Authority within 10 days from the date of registration, detailing the following information

- (i) the number of firearms licenced to the business; and**
- (ii) the respective make and calibre.**

- f. by the substitution for paragraph (b) of sub-regulation (4) of the following paragraph:

- (b) the applicant demonstrates to the satisfaction of the director, through substantiated factual information, that the applicant is likely to commence with its business activities in rendering a security service within a period of 3 months after such registration or have commenced business activities following on from a provisional registration as contemplated in regulation 2A;
- g. by the insertion immediately after paragraph (c) of sub-regulation (4) of the following paragraph:
- (d) The trading name of the business is approved by the Authority for purposes of registration as a security service provider and to be recorded in the register of security service provider as contemplated in section 24 of the Act and regulation 6 of these regulations.
- h. by the substitution for regulation (2) of the following sub-regulation:
- (7) (a) No amount paid to the Authority by an applicant in terms of sub regulation (2)(a)(i), (2)(a)(ii), (3)(a)(i), regulation 5(2) and regulation 2A of these regulations, is refundable if the application for registration is withdrawn by the applicant or if the application is not approved by the Authority.
- i. by the insertion immediately after paragraph (a) of sub-regulation (7) of the following paragraph:

(aA) An amount paid to the Authority by any person intending to register or renew a registration of certificate in

terms of sub regulation (2)(a)(i), (2)(a)(ii), (3)(a)(i), regulation 5(2) and regulation 2A and 6A of these regulations, and an application which is not submitted in support of the amount paid within a period of 3 months, such an amount will be forfeited by the applicant and is not refundable by the Authority.

- h. by the insertion immediately after Regulation (2) of the following regulation:

Provisional registration ✂

2A. (1) An application for provisional registration as security service provider by a security business may be submitted to the director on the applicable form as prescribed by the Authority.

(2) An application for provisional registration referred to in sub-regulation (1) must be accompanied by the following –

- (a) the relevant application fee as prescribed by the Authority;
- (b) furnish factually substantiated information in writing to the Authority on the nature and scope, including the geographical area of the applicant's intended and likely activities in rendering a security service for at least a period of 1 year after the commencing with its business activities; and
- (c) any required supporting documentation prescribed by the Authority in terms of the Act.

(2) An application for provisional registration referred to in sub-regulation (1) is only applicable to new applicants as security businesses and is valid for a period of 6 months.

(3) The Authority may withdraw the provisional registration of a security service provider unless such security service provider –

- (a) is awarded a contract to render security services within a period of 6 months; or
- (b) submits an application for an extension of 6 months to the provisional registration to the Authority prior the lapsing period.

(4) In the case where the security service provider is awarded a contract to render a security service during the period of provisional registration, the security service provider must, within 10 days after being awarded the contract, apply for registration in terms of section 21 of the Act and these Regulations.

(5) The Authority may require any person applying for registration as contemplated in sub-regulation 2(3), to apply for provisional registration first as contemplated in regulation 2A of these regulations.

Amendment of regulation 3 of the Regulations

3. Regulation 3 of the Regulations is hereby amended -

Training requirements for registration as a security service provider

- a. by the deletion of sub-regulation (6) of the following sub-regulation:

[(6) The Authority performs its functions in terms of this regulation after such consultation with the South African Qualifications Authority, the Policing, Security, Legal and Correctional Services Sector Education and Training

Authority, or with any other statutory body, as the Authority may deem necessary.]

Amendment of regulation 4 of the Regulations

4. Regulation 4 of the Regulations is hereby amended -

Clearance certificate: ex-member of any official military, security, police or intelligence force or service

a. by the substitution for paragraph (b) of sub-regulation (5) of the following paragraph:

(a) if it is reasonable to do so in the circumstances, and after complying with the provisions of regulation 2(8) of these regulations **[and obtaining the consent of the Council]** register the applicant as a security service provider if it considers the applicant a fit and proper person to render a security service.

Amendment of regulation 5 of the Regulations

5. Regulation 5 of the Regulations is hereby amended-

Infrastructure and capacity necessary to render a security service

a. by the substitution for sub-paragraph (i) of paragraph (b) of sub-regulation (1) of the following sub-paragraph:

(i) the applicant has at its disposal an administrative office, consisting of at least one room dedicated for this purpose, which must be an immovable structure or moveable structure with fixed or permanent floors, situated at a place that is reasonably accessible to the inspectors of the Authority, the clients of the security business and the security officers that are used by it to render a security service, and at which reasonable office hours are maintained;

(iA) Notwithstanding the requirements in sub-paragraph (i), the Director may determine different requirements in respect of infrastructure.

(ii) the applicant's administrative office contains all the equipment which is reasonably necessary for the effective management and administration of the affairs of the security business, on the basis of the information furnished in terms of the provisions of sub-regulation (1)(a), in accordance with the provisions of the Act, and, without limiting the generality of the aforesaid requirement, is serviced by **[landline]** telephone communication which includes a reliable facility to receive and transmit e-mails**[facsimiles]**, and the office contains a hard copy or electronic filing system for the orderly keeping of all records and documents contemplated in regulation 10 of these regulations;

[(iii) the applicant's administrative office may contain either a landline telephone and /or mobile communication as communication equipment for purposes of conducting business;]

(iii**[v]**) the applicant's administrative office and internal systems meet any reasonable requirement that the Authority determines in terms of the Act;

(iv) the applicant has at its disposal as many administrative offices satisfying the requirements of this regulation, as well as such other premises and physical facilities as may be reasonably necessary, in view of the nature, extent and geographical location of the applicant's activities;

(v[i]) the affairs of the applicant are managed and controlled by appropriately experienced, trained or skilled persons;

(vi[i]) the applicant has at its disposal a sufficient number of registered and appropriately trained and skilled security officers for the rendering of a security service for which it has contracted or is likely to contract;

(vii[i]) the security officers used by the applicant in the rendering of a security service are properly controlled and supervised;

(~~ix~~viii) the applicant has at its disposal a sufficient number of adequately skilled administrative staff members for the purpose of the administration of the affairs of the applicant in accordance with the provisions of the Act and any other applicable law;

(~~ix~~x) the applicant has at its disposal the financial means to ensure payment of the lawful wages to all the security officers and administrative staff used by it in connection with the rendering of a security service, as well as to ensure compliance with all its other statutory financial obligations;

(x[i]) the applicant has all the necessary equipment, including vehicles and properly trained working animals, if applicable in the circumstances, as well as the uniforms, clothing and equipment that must be issued to its security officers in view of the nature of

their functions, at its disposal to enable it to render a proper security service for which it has contracted or is likely to contract; and

(xi[i]) the applicant is in lawful possession of the firearms and other weapons that are necessary to render the security service in respect of which it has contracted.

- b. by the insertion immediately after sub-regulation (1) of the following sub-regulation:

1A. The provisions of sub regulation 1(b) do not apply to a security business applying or provisional registration as contemplated in regulation 2A of these regulations.

Amendment of regulation 6 of the Regulations

6. Regulation 6 of the Regulations is hereby amended-

Register of security service providers and related issues

- a. by the insertion immediately after paragraph (a) of sub-regulation (1) of the following paragraph:

(bA) the provisional registration number on the registration certificate issued by the Authority as contemplated in regulation 6A of these regulations;

- b. by the substitution for paragraph (b) of sub-regulation (1) of the following paragraph:

(a) the date on the registration certificate referred to in paragraph (a) and the date of the renewal of the certificate as contemplated in regulation 6A of these regulations;

- c. by the insertion immediately after Regulation (6) of the following regulations:

Application for renewal of registration certificate 

6A. (1) The registration of a security service provider in terms of the Act lapses, subject to these regulations, on the first day following the expiry date, unless the registration certificate is renewed on or before the expiry date as contemplated in these regulations.

(2) A security service provider who wishes to renew his or her registration certificate, must subject to these regulations, apply to the Authority for the renewal of registration certificate by submission of the duly completed application as determined by the Authority for this purpose.

(3) The application form contemplated in sub-regulation (2) must be submitted to the director, subject to these regulations, not earlier than 60 days and not later than 21 days before the expiry date of the applicant's registration as a security service provider.

(4) The duly completed application form submitted to the director in the case of an application for renewal of certificate by a natural person must be accompanied by the following -

- (a) payment of the relevant application fee;
- (b) an authenticated copy of the first page of the official identity document of the applicant or an authenticated copy of any other official document demonstrating the applicant's identity and South African citizenship;
- (c) an authenticated, recent, clear colour passport size photograph of the applicant or digital photo in the format approved by the Authority;
- (d) proof to the satisfaction of the Authority that an applicant who is not a South African citizen has permanent resident status in South Africa;
- (e) an original certificate or other proof acceptable to the Authority that the applicant complies with the relevant training requirements for registration as a security service provider as contemplated in any regulations made in respect of the obligatory undergoing of security training by security service providers unless the applicant has previously submitted such a certificate or other proof to the Authority;
- (f) a declaration or any other proof of employment within the security industry as determined by the director;
- (g) the original certificate of registration previously issued by the Authority or in the case where the previous certificate has been materially damaged, has been destroyed or lost, an affidavit explaining the circumstances in respect thereof; and

(h) a valid undertaking regarding suretyship or guarantee contemplated in regulation 2(4)(c) of these regulations if the applicant is a person contemplated in section 21(1)(a)(iii), (iv), (v), (vi) or (vii) of the Act, and the applicant has not previously provided such an undertaking which will still be valid when the application for renewal of certificate is considered.

(5) The duly completed application form submitted to the director in the case of an application for renewal of certificate by a security business, must be accompanied by the following

=

(a) a clear description of the security services the applicant wishes its renewal of certificate to be issued for as per the categories or classes of security services as contemplated in sub-regulation 1A;

(b) payment of the relevant application fee, including the application fee for each category or class of registration as contemplated in sub-regulation 1A if the renewal of certificate application includes categories or classes of security services for which the business has not previously been registered for by the Authority;

(c) duly completed applications for renewal as contemplated in regulation 6(3), accompanied by all the required supporting documentation, in respect of all persons referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi), or (vii) of the Act if such person's certificates require renewal.

(d) The registration as security service providers and registration certificates of persons referred to in section 21(1) of the Act, must be valid or have complied with renewal of

registration certificates in respect of their registrations as security service providers prior to their respective expiry dates.

(e) the applicable documentation contemplated in regulation 2(3)(c), (d), (e), (f), (g), (h), (i) and (j) of these regulations unless the documentation has already been submitted to the Authority or unless there has been a change in the content of the documentation since its last submission;

(f) notwithstanding the requirements of regulation 2(3)(e), a declaration and details as determined by the director in respect of the ownership and or control of the applicant security business of persons who are not South African citizens;

(g) a design or photograph of the applicant's insignia, emblem, title or symbol whether on a uniform, vehicle or otherwise;

(h) a photograph of the applicant's uniform, including any variations of the uniform depending on the particular category or class of security services rendered;

(i) a tax clearance certificate not older than 30 days from the South African Revenue Service, unless the director dispenses with this requirement for a sound reason;

(j) In the case of a business who uses working animals, authorization to use working animals as contemplated in the Performing Animals Protection Amendment Act;

(k) a declaration by the applicant security business, in the form approved by the Authority, that a member of the Service does not have any interest in the ownership of the business or exercise control, whether directly or indirectly, over the affairs of the security business;

(l) sufficient information in writing to enable the Authority to ascertain whether the applicant meets the requirements in regard to infrastructure and capacity necessary to render a security service as contemplated in section 23(2)(b) of the Act and regulation 5 of these regulations;

(m) the original certificate of registration previously issued by the Authority or in the case where the previous certificate has been materially damaged, has been destroyed or lost, an affidavit explaining the circumstances in respect thereof; and

(n) a declaration from the security business whether it renders or intend to render a security service outside the borders of the Republic of South Africa and the details of such security services which includes but are not limited to recruitment, training or deployment;

(o) proof of the submission of compliance self-assessments as contemplated in regulation 10(A);

(p) a resolution by the security business, in the form approved by the Authority, to apply for renewal of registration as a security service provider; and

(q) Broad Based Black Economic Empowerment (B-BBEE) Status Level.

(6) An applicant must furnish such additional information and documentation in connection with the application for renewal of certificate within such a period as the Authority may determine.

(7) Despite the provisions of regulation 6(3)(e), the director of the Authority may at any stage before deciding on an application for renewal of certificate of registration, determine that an applicant, or a category or class of applicants, must undergo such assessment of their security training or qualifications as the director may deem necessary for the purposes of properly considering their applications for renewal of certificate(s) and in accordance to the Regulations for the Training of Security Service Providers.

(8) the applicant must submit proof of registration and satisfactory proof that it is in compliance with the Unemployment Insurance Act and Compensation for Occupational Injuries and Diseases Act, within 60 days after registration, if the applicant is required to register and contribute in terms of these legislation;

(9) in the case of an applicant business who is licenced to possess firearms as contemplated in the Firearms Control Act, the applicant must submit a report in a format prescribed by the Authority within 10 days from the date of registration, detailing the following information -

(i) the number of firearms licenced to the business;

(ii) the respective make and calibre;

(iii) the number of firearms lost by, stolen from, transferred or destroyed in terms of the Firearms Control Act during the preceding 12 months from the date of submitting the application for renewal of registration certificate;

(iv) the number of instances and circumstances under which firearms were discharged by a security officer employed or deployed by the applicant security business during the preceding 12 months from the date of submitting the application for renewal of registration;

Consideration of application for renewal of registration certificate

6B. (1) The Authority may, subject to these regulations, renew an applicant's registration certificate as security service provider if the applicant -

- (a) complies with the requirements for registration as security service provider as contemplated in the Act;
- (b) complies with the requirements for renewal as contemplated in these regulations;
- (c) has paid the relevant application fee to the Authority;
- (d) has paid any amount due and payable by the applicant to the Authority in terms of the Act, the Levies Act or any other cause of debt, or entered

- into an agreement with the Authority for the payment or partial payment of any amounts;
- (e) has successfully undergone any assessment determined by the director in terms of regulation 3(6);
 - (f) has submitted compliance self-assessments as contemplated in regulation 11(A) of these regulations and has successfully undergone any desktop compliance inspection as determined by the director; and
 - (g) is, based on the information available to the Authority, likely to comply with the Act and the Levies Act if the registration certificate is renewed.

(2) The Authority must, in the form prescribed and on such conditions as it may determine, issue a new registration certificate in respect of each of the categories or classes of security services in which the security service provider is registered.

(3) The Authority may refuse to renew an applicant's registration certificate if -

- (a) the applicant does not meet the requirements contemplated in sub-regulation (1) or the other requirements in these regulations in respect of the renewal of the registration certificate;
- (b) any of the grounds justifying the suspension of an applicant's registration contemplated in section

26(1) of the Act is present when the application is submitted or considered;

- (c) any of the grounds justifying withdrawal of the applicant's registration contemplated in section 26(4) of the Act is present when the application is submitted or considered;
- (d) the applicant is under investigation or being criminally prosecuted outside the Republic of South Africa or was found guilty of an offence outside the Republic of South Africa which corresponds to an offence specified in the Schedule to the Act, within a period of 10 years immediately before the submission of the application for renewal of a registration certificate;
- (e) when the application is submitted or considered, the applicant has been found guilty of improper conduct within a period of 5 years immediately before submitting the application for renewal of registration certificate or there is an enquiry pending into alleged improper conduct by the applicant;
- (f) the applicant, in the case of a security business, has applied for sequestration or liquidation and the application is still pending or has been granted;
- (g) the applicant, in the case of a security business registered as a company or close corporation is at

the time of the application under consideration for de-registration by the Registrar of Companies or Close Corporations; or

(h) the applicant's registration as security service provider is suspended.

(4) The Authority may, before the renewal of a registration certificate of a security business, cause any inspection to be held which it deems necessary to establish whether the applicant meets the prescribed requirements contemplated in section 23(2)(b) of the Act and regulation 5 of these regulations regarding infrastructure and capacity necessary to render a security service for the particular category or class of security service applied for, against payment by the applicant of the amount determined by the director for this purpose.

(5) An applicant registered as a security officer and who has immigrated to South Africa during the 10 year period immediately preceding his or her application for renewal of certificate of registration or who has been resident outside South Africa for an uninterrupted period of at least 1 year during the 10 year period immediately preceding his or her application for renewal of his or her registration certificate, must submit an original police or other official clearance certificate on his or her criminal record status from every country outside South Africa where he or she has been resident within the relevant period, if these certificates have not been previously submitted to the Authority.

(6) Despite any provision of these regulations, the director may on good cause shown and on grounds which are not in

conflict with the purpose of the Act and the objects of the Authority, and with due regard to the applicable policies and procedures approved by the Council for this purpose -

- (a) extend the period within which an application for renewal of a registration certificate, or any category or class of applications for renewal for a certificate, must be submitted;
- (b) condone the late submission of an application for renewal for a registration certificate;
- (c) grant a reasonable opportunity to an applicant to rectify any defect in an application for renewal of registration certificate;
- (d) grant a specified period to any applicant within which the applicant has to meet the requirements for renewal registration certificate, or extend such a period already granted;
- (e) authorise a deviation from the procedure in respect of the submission and consideration of applications for renewal;
- (f) postpone the consideration of an application, if there is a sound reason for such a step; or
- (g) renew the registration certificate of any applicant.

(7) No amount paid to the Authority by an applicant applying for the renewal of a registration certificate in terms of these regulations are refundable if the application for renewal is

withdrawn by the applicant or if the application is not approved by the Authority.

Effect of submission of application for renewal of registration certificate and extension of period for submission of application

6C. (1) If an application for renewal of a registration certificate has been submitted to the director in terms of these regulations, the registration of an applicant remains valid, subject to the Act and the Levies Act, until the application is decided by the Authority.

(2) If the period within which an application for renewal of a registration certificate must be submitted has been extended in terms of regulation 6B(6)(a), the registration of the security service provider remains valid, subject to the Act and the Levies Act, until the date on which the application for renewal of registration certificate must be submitted to the Authority.

Pending applications for renewal of registration certificate

6D. (1) Every applicant for renewal of registration certificate whose application is lodged, or is pending, on the day immediately before the day when these amended regulations come into operation, must, subject to this sub-regulation, submit a duly completed and applicable application form as contemplated in regulation 6(A) of these regulations to the Authority to enable the Authority to consider the application in terms of the Act and these regulations.

(2) An applicant contemplated in sub-regulation (1) must submit the duly completed application form to the Authority within 60 days after the date of promulgation of these regulations, or within such longer period as the Authority may allow for a sound reason.

(3) The application for renewal of registration certificate by an applicant who does not submit the application form as provided for in this sub-regulation within the period allowed for this, or who withdraws the application, lapses, and the Authority will not have to refund any amount paid by the applicant in respect of the application or to take such amount into account when the applicant lodges a new application.

Refusal to grant application for renewal of registration certificate

AB

6E. (1) If the Authority decides to refuse an application for renewal of a registration certificate, a notice from the director to this effect must be served on applicant and the applicant's registration as a security service provider lapses subject to the Act, on the date of such notice.

(2) An applicant who feels aggrieved by a decision of the Authority to refuse the application for renewal of registration certificate may appeal against such decision as though there has been a refusal by the Authority to register the applicant as a security service provider as contemplated in section 30(1)(a) of the Act.

(3) Pending a decision on an appeal lodged in terms of sub-regulation (2), an applicant may not render a security service unless the prior written approval of the director has been

obtained, which may be granted on such conditions, including conditions on the payment of the applicable prescribed amounts or levies to the Authority in terms of the applicable legislation, as the director may deem appropriate in the circumstances.

(4) A security service provider whose application for renewal of registration certificate has been refused or registration has lapsed must forthwith return to the Authority any certificate of registration if it has not been handed in as contemplated in regulation 9A(3)(g) in the case of a security officer or 9A(4)(n) and all certificate(s) of identification issued in terms of Section 25 of the Act and regulation 9(3A) of these regulations.

(5) A security service provider who contravene or fails to comply with sub regulations (4) is guilty of an offence and subject to the penalties as contemplated in Section 38 (3) (iii) of the Act.

Determination of application fees for renewal of registration certificates

6F. (1) The director may, with the concurrence of the Council and subject to the provisions of the Levies Act, determine the application fees as contemplated in regulations 6B (4)(a) and 6B (5)(b) and may also determine different fees with reference to different categories or classes of applicants and certificates contemplated in section 25 of the Act issued in respect thereof.

Amendment of regulation 7 of the Regulations

7. Regulation 7 of the Regulations is hereby amended-

Change of name and status of security service provider

- a. by the insertion immediately after Regulation (7) of the following regulation:

Information to be submitted by security service providers NB

7A. (1) A security service provider must, in the case of a security business, on or before 1 March of each year -

- (a) provide the Authority with information on any accident as defined in the Compensation for Occupational Injuries and Diseases Amendment Act, 1997 (Act No. 61 of 1997) and the circumstances relating to the injury, illness or death of an employee;
- (b) provide the Authority with information relating to the number of people with disabilities, as defined in the Employment Equity Act, 1998 (Act No. 55 of 1998) as amended, employed as well as the nature of their employment; and
- (c) a description of its Broad Based Black Economic Empowerment (B-BBEE) Status Level and any certification in respect thereof.
- (2) In the case of a security business who is licenced to possess firearms as contemplated in the Firearms Control Act, 2000 (Act No. 60 of 2000) -

- (a) details of practical training undergone by security officers issued with firearms; and
- (b) details of any briefing session attended by security officers issued with firearms on the relevant legal aspects and procedures and of their legal duties regarding the possession, carrying, safekeeping and use of firearms and ammunition.
- (c) inform the director of the Authority within 10 days after the discharge of a firearm by a security officer, providing the particulars within the knowledge of the security business and includes –
 - (i) the name and registration number of the security officer discharging the firearm;
 - (ii) details of the training and competency of the security officer;
 - (iii) a copy of the permit or legal authorization issued by the security business to the security officer to be in possession of the firearm;
 - (iv) full particulars of the firearm and ammunition;
 - (v) the date, time, place and circumstances pertaining to the discharge of the firearm;
 - (vi) particulars of any damage, injury or death caused by the discharge of the firearm;

- (vii) the date, time, place and details of the police station where the case was reported, including the case reference number from the police station; and
- (viii) any further relevant facts regarding the incident.
- (3) submit a declaration from the security business whether it is rendering, or intends to render a security service, outside the borders of the Republic of South Africa and the details of such security services which includes -
- (a) the recruitment, training, hiring out, sending or deployment of other persons to render a security service outside the Republic; and
- (b) details of any firearms used in the rendering of security services outside of the Republic.
- (4) report information of any criminal complaints and investigations relating to the security business or any information that is known by the security business on any criminal complaints or investigations of any of its security officers that were reported by any person to the South African Police Service and the details of the complaint or allegations, case reference number and police station.
- (5) Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi), or (vii) of the Act must take all practical steps within his or her powers, capacity or functions to ensure that the security business complies with all the obligations in terms of this regulation.
- (6) Any security business or person contemplated in sub-regulation (2) who -

- (a) contravenes or fails to comply with a provision of this regulation; and
- (b) intentionally or negligently provides any false information in complying or purportedly complying with any duty provided for in this regulation;

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 8 of the Regulations

8. Regulation 8 of the Regulations is hereby amended-

Change with regard to information submitted to the Authority

- a. by the substitution for paragraph (b) of sub-regulation (1) of the following paragraph:
 - (b) must, in the case of a security business, annually during **[November]** March submit a return to the Authority with the information required on the form approved by the Authority for this purpose.

Amendment of regulation 9 of the Regulations

9. Regulation 9 of the Regulations is hereby amended-

Certificates of registration, identification and appointment

- a. by the substitution for sub-regulation (1) of the following regulation:

9.(1) The certificate of registration contemplated in section 25 of the Act, renewal of certificate for registration or certificate of provisional registration must contain the name and registration number of the security service provider, or such further information as the Authority may determine and the seal of the office of the director.

b. by the insertion immediately after sub regulation (1) of the following sub regulation:

(1A) The certificate contemplated in regulation 9 (1) may be in an electronic format as approved by the Authority and may be accessible on the Authority's website and other digital platforms as the Authority may determine, and used as proof of registration or provisional registration by security service providers.

c. by the substitution for sub regulation (2) of the following sub regulation:

(2) The certificate of identification contemplated in section 25 of the Act is in the form of a credit card, includes a photograph of the security service provider, contains the name and registration number of the security service provider, the name of the security business who employs the security officer and such further information as the Authority may determine.

d. by the insertion immediately after sub regulation (2) of the following sub regulation:

(2A) The certificate of identification contemplated in sub regulation (2) must be applied for by the security business who employ a security officer within a period of 10 days after such

employment in the prescribed manner and after payment of the relevant application fee as prescribed by the Authority.

(2B) In the case of an independent security service provider, the application contemplated in sub-regulation (2) must be applied for by such independent security service provider directly to the Authority.

(2C) A person contemplated in section 21(1)(a)(iii), (iv), (v), (vi) or (vii) of the Act must ensure compliance with the obligation as contemplated in sub regulation 2A.

([4]3) The certificate of appointment of an inspector of the Authority contemplated in section 31(3) of the Act, must comply with every applicable requirement prescribed in terms of section 334(3)(b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), must contain the statement that the inspector is a peace officer for the national territory of the Republic for the purpose of exercising the powers contemplated in sections 40, 41, 44, 45, 46, 47, 48, 49 and 56 of the Criminal Procedure Act, and must contain the name and address of the Authority, a photograph of the inspector, the name of the inspector and such further particulars as determined by the Authority.

([5]4) The Authority may, on application of a security service provider and after payment of the amount determined by the Authority for this purpose, issue a new certificate of registration or a new certificate of identification to the security service provider if the Authority is satisfied that the original certificate has been materially damaged, has been destroyed, has been lost, when the circumstances contemplated in regulation 7 of these regulations are present, when registration is renewed as contemplated in

section 22 of the Act, or when there is some other sound reason for issuing a new certificate.

~~([6]5)~~ A security service provider must always carry his or her certificate of identification when he or she is rendering a security service or wearing the uniform of a security business in public and must immediately produce the certificate when requested to do so by a member of the Service, an inspector of the Authority, a client to whom the security service provider is rendering a security service, a person authorized by such client in writing, or by any other person with a legitimate interest to ascertain the registration status and identity of the security service provider.

- d. by the insertion immediately after paragraph (b) of sub regulation (6) of the following paragraph:

(bA) is a person contemplated in section 21(1)(a)(iii), (iv), (v), (vi) or (vii) of the Act and who did not ensure compliance with the obligation as contemplated in sub regulation (2A); or

Amendment of regulation 10 of the Regulations

10. Regulation 10 of the Regulations is hereby amended-

Keeping of records and documents

- a. by the insertion immediately after paragraph (k) of sub-regulation (7) of the following paragraph:

(kA) In the case of a business who is licensed to possess firearms as contemplated in the Firearms Control Act, a register with the details of –

(a) the number of firearms licenced to the business;

(b) the respective make and calibre;

(c) the number of firearms lost by, stolen from, transferred or destroyed in terms of the Firearms Control Act;

(d) the number of instances and circumstances under which firearms were discharged by a security officer employed or deployed by the applicant security business; and

- b. by the insertion immediately after sub-regulation (8) of the following regulation:

Compliance self-assessment by security businesses

- 10A.** (1) A security business registered with the Authority must conduct a formal compliance self-assessment on an annual basis in the format provided by the Authority.
- (2) The compliance self-assessment referred to in sub regulation 10A(1) must be submitted to the Authority within a period of 10 days.
- (2) Despite the provision of sub-regulation (2), the director may on good cause shown extend the period within which a compliance self-assessment must be submitted.

- (3) The compliance self-assessment must be signed by the responsible official of the business providing his or her full names and surname and the official capacity within the business on all pages of the compliance self assessment report.
- (4) Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business in question comply with all the obligations contained in these regulations.

Amendment of regulation 12 of the Regulations

12. Regulation 12 of the Regulations is hereby amended-

Specifying of registration numbers and other information on documents

a. by the substitution for paragraphs (a) and (b) of sub regulation (1) of the following paragraphs:

- (a) the name under which the security business is registered as a security service provider by the Authority or provisional registration as contemplated in regulation 2A, as well as the name under which it trades, as reflected in the register contemplated in regulation 6 of these regulations;
- (b) the expression "*Registered as a security service provider by PSiRA, registration number...*", where the registration number is the number contemplated in regulation 6(1)(a) of these

regulations, or in the case of a security service provider contemplated in regulation 2A of these regulations, the expression "Provisionally registered as a security service provider by the PSiRA, provisional registration number..." and

Amendment of Regulation 14 of the Regulations

14 Transitional and general provisions

- a. by the substitution for paragraphs (iv) of sub regulation (9)(a) of the following paragraphs:

(iv) comply, with the necessary changes, with the provisions contained in regulation 2, regulation 3, regulation 4, regulation 5, regulation 6, regulation 7, regulation 8, regulation 9, regulation 10, regulation 12 and regulation 13 of these regulations. (include all the relevant amendments where an employer of in-house needs to comply with as per these amendments)

Short title and commencement

18. (1) These regulations are called the Private Security Industry Amendment Regulations, 2022 and come into operation on

SCHEDULE**CLEARANCE CERTIFICATE IN TERMS OF SECTION 23(1)(f) OF THE
PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001****1. Particulars of applicant's former employer****Name of force or service**

Street address of head office (including city, province and country)

**Telephone
number****Facsimile
number**

E-mail address

Postal address

Name, address and telephone number of contact person

2. Particulars of former employee**Full first names and surname of employee**

Identity number

Passport number

Last known address

Former employee's force, service or personnel number

Date of commencement of employment

Date of termination of employment

Rank at termination of service

Capacities in which employed

Reason for termination of employment

3. Declaration

I, the undersigned, declare that the information provided on this form is true and correct and that I have the necessary authority to provide the information.

Signature _____ **Date** _____

Name _____

Position in force or service _____

Telephone number _____

4. Consent by former employee to former employer to furnish personal information relating to employment record and matters related thereto.

I, the undersigned, hereby give consent to my former employer contemplated in this form to provide the information relating to my employment record and related issues provided for in this form, to the Private Security Industry Regulatory Authority.

Signature of former employee _____

Name _____

Date _____