

Private Security Industry Regulation Act 56 of 2001¹

[ASSENTED TO 15 JANUARY 2002]	[DATE OF COMMENCEMENT: 14 FEBRUARY 2002]
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(English text signed by the President)

published in

GG 23051 of 25 January 2002

commencement

(see s. 45 of this Act)

provisions	date	refer to
whole Act	14 February 2002	Proc R10 in GG 23120 of 14 February 2002

as amended

by	with effect from	refer to
Prevention and Combating of Corrupt Activities Act 12 of 2004	27 April 2004	s. 37 of Act 12 of 2004
Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007	16 December 2007	s. 72 of Act 32 of 2007
Prevention and Combating of Trafficking in Persons Act 7 of 2013	9 August 2015	s. 50 of Act 7 of 2013 ; Proc R32 in GG 39078 of 7 August 2015
General Intelligence Laws Amendment Act 11 of 2013	29 July 2013	s. 54 of Act 11 of 2013 ; Proc 32 in GG 36714 of 29 July 2013

also amended

by	with effect from	refer to
Private Security Industry Regulation Amendment Act 18 of 2014	a date to be proclaimed - see PENDLEX	s. 43 of Act 18 of 2014
General Intelligence Laws Amendment Act 37 of 2024	a date to be proclaimed - see PENDLEX	s. 52 of Act 37 of 2024

ACT

To provide for the regulation of the private security industry; for that purpose to establish a regulatory authority; and to provide for matters connected therewith.

[NB: The long title has been substituted by [s. 41](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

Preamble

WHEREAS the adequate protection of fundamental rights to life and security of the person as well as the right not to be deprived of property, is fundamental to the well-being and to the social and economic development of every person;

AND WHEREAS security service providers and the private security industry in general play an important role in protecting and safeguarding the aforesaid rights;

AND WHEREAS every citizen has the right to freely choose an occupation, including the occupation of security service provider;

AND WHEREAS it is necessary to achieve and maintain a trustworthy and legitimate private security industry which acts in terms of the principles contained in the Constitution and other applicable law, and is capable of ensuring that there is greater safety and security in the country;

[NB: The Preamble has been amended by [s. 42](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

BE IT ENACTED THEREFORE, by the Parliament of the Republic of South Africa, as follows:-

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[NB: The Index has been amended by [s. 40](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

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CHAPTER 1 DEFINITIONS (s 1)

1 Definitions

[NB: Definitions of 'Civilian Secretariat', 'National Treasury' and 'Public Finance Management Act' have been inserted, the definitions of 'company', 'Levies Act', 'locksmith', 'Minister', 'organ of state', 'security business' and 'security service provider' have been substituted, the definition of 'National Commissioner' has been deleted and the definitions of 'security officer' and 'security service' have been amended by [s. 1](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(1) In this Act, unless the context indicates otherwise-

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

'business trust' means a trust created for the purpose of making a profit through the combination of capital contributed by the beneficiaries of the trust and through the administration or management of the capital by trustees or a person acting on behalf of the trustees, for the benefit of the beneficiaries;

'chairperson' means the chairperson of the Council;

'close corporation' means a close corporation within the meaning of the Close Corporations Act, 1984 ([Act 69 of 1984](#));

'code of conduct' means the code of conduct contemplated in section 28;

'committee' means a committee appointed in terms of section 13;

'company' means a company within the meaning of the Companies Act, 1973 ([Act 61 of 1973](#));

'Council' means the Council established by section 6;

'councillor' means a member of the Council as contemplated in section 6;

'director' means the director of the Authority appointed in terms of section 14 (1);

'employ', with regard to a security officer, includes the employment, controlling or making available of the security officer or his or her services or assistance, as contemplated in the definition of 'security officer';

'inspector' means a person appointed as an inspector in terms of section 31;

'Levies Act' means the Private Security Industry Levies Act;

'locksmith' means a person who, for the benefit of another person, engages in any activity or business which is related to the opening, closing or engaging of locking mechanisms of any nature, by means of a specialised device;

'Minister' means the Minister for Safety and Security;

'National Commissioner' means the National Commissioner contemplated in [section 6 \(1\)](#) of the South African Police Service Act, 1995 ([Act 68 of 1995](#));

'organ of State' means an organ of State as defined in [section 239](#) of the Constitution ([Act 108 of 1996](#)), but does not include the Security Services referred to in section 199 of the Constitution;

'person' includes-

- (a) a natural person;
- (b) a partnership;
- (c) a business trust;
- (d) a foundation;
- (e) any company or close corporation incorporated or registered in terms of any law; and
- (f) any other body of persons corporate or unincorporate;

'premises' means any site, place or location regardless of whether it is or forms part of any temporary or permanent structure, building, vessel, vehicle or aircraft;

'prescribe' means prescribe by regulation;

'private investigator' means a person who, in a private capacity and for the benefit of another person, investigates the identity, actions, character, background or property of another person, without the consent of such a person, but does not include-

- (a) auditors, accountants, attorneys, advocates or forensic scientists conducting investigations which fall within the normal and reasonable course and scope of their professional functions;
- (b) internal investigators conducting normal and reasonable investigations into employee misconduct;
- (c) internal investigators conducting investigations which a business, other than an investigating business, may undertake in the course and scope of its normal and reasonable endeavours to safeguard its security, strategic, operational or business interests;

Provided that no person is excluded from the definition of a private investigator if he or she conducts any investigation which falls within the exclusive function of the State;

'private security industry' means the industry conducted by security service providers;

'property' means any movable, immovable or intellectual property, or any right to such property;

'register', with regard to a security service provider, means entering the name of a security service provider in the register contemplated in section 24;

'regulation' means a regulation made in terms of section 35;

'security business' means, subject to subsection (2), any person who renders a security service to another for remuneration, reward, fee or benefit, except a person acting only as a security officer;

'security equipment' means-

- (a) an alarm system;
- (b) a safe, vault or secured container;
- (c) a satellite tracking device, closed circuit television or other electronic monitoring device or surveillance equipment;
- (d) a device used for intrusion detection, access control, bomb detection, fire detection, metal detection, x-ray inspection or for securing telephone communications;
- (e) a specialised device used to open, close or engage locking mechanisms; or
- (f) a specialised device used to reproduce or duplicate keys or other objects which are used to unlock, close or engage

locking mechanisms;

'security officer' means any natural person-

- (a) (i) who is employed by another person, including an organ of State, and who receives or is entitled to receive from such other person any remuneration, reward, fee or benefit, for rendering one or more security services; or
 - (ii) who assists in carrying on 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 renders a security service under the control of another security service provider and who receives or is entitled to receive from any other person any remuneration, reward, fee or benefit for such service; or
- (c) 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;

'security service' means one or more of the following services or activities:

- (a) protecting or safeguarding a person or property in any manner;
- (b) giving advice on the protection or safeguarding of a person or property, on any other type of security service as defined in this section, or on the use of security equipment;
- (c) providing a reactive or response service in connection with the safeguarding of a person or property in any manner;
- (d) providing a service aimed at ensuring order and safety on the premises used for sporting, recreational, entertainment or similar purposes;
- (e) manufacturing, importing, distributing or advertising of monitoring devices contemplated in section 1 of the Interception and Monitoring Prohibition Act, 1992 ([Act 127 of 1992](#));
- (f) performing the functions of a private investigator;
- (g) providing security training or instruction to a security service provider or prospective security service provider;
- (h) installing, servicing or repairing security equipment;
- (i) monitoring signals or transmissions from electronic security equipment;
- (j) performing the functions of a locksmith;
- (k) making a person or the services of a person available, whether directly or indirectly, for the rendering of any service referred to in paragraphs (a) to (j) and (l), to another person;
- (l) managing, controlling or supervising the rendering of any of the services referred to in paragraphs (a) to (j);
- (m) creating the impression, in any manner, that one or more of the services in paragraphs (a) to (l) are rendered;

'security service provider' means a person who renders a security service to another for a remuneration, reward, fee or benefit and includes such a person who is not registered as required in terms of this Act;

'security training' means any training, instruction or qualification required in terms of any law before a person may be registered as a security service provider or allowed to render a particular security service;

'serve', in relation to any document or notice required in terms of this Act to be served on any person, means to send such a document or notice by post to the current business, employment or residential address as reflected in the records of the Authority, or to deliver, or to offer to deliver, a copy of the document or notice personally to such person, or at such person's employment or residential address to any person who is apparently over the age of 16 years who resides or is employed at such address;

'Service' means the South African Police Service, established by [section 5](#) of the South African Police Service Act, 1995 ([Act 68 of 1995](#));

'this Act' includes the regulations and the code of conduct for security service providers.

(2) The Minister may, after consultation with the Authority and as long as it does not prejudice the achievement of the objects of this Act, by notice in the *Gazette*, exempt any service, activity or practice or any equipment or any person or entity from any or all the provisions of this Act.

[NB: Sub-s. (2) has been substituted by s. 1 (p) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

CHAPTER 2 **PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY (ss 2-19)**

2 Establishment of Private Security Industry Regulatory Authority

(1) A juristic person to be known as the Private Security Industry Regulatory Authority, is hereby established.

(2) The head office of the Authority is situated in Pretoria.

[NB: S. 2 has been substituted by [s. 2](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

3 Objects of Authority

The primary objects of the 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, and for that purpose, subject to this Act, to-

- (a) promote a legitimate private security industry which acts in terms of the principles contained in the Constitution and other applicable law;

[NB: Para. (a) has been substituted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

- (b) ensure that all security service providers act in the public and national interest in the rendering of security services;

[NB: Para. (b) has been substituted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

- (c) promote a private security industry which is characterized by professionalism, transparency, accountability, equity and accessibility;

[NB: Para. (c) has been substituted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(d) promote stability of the private security industry;

[NB: Para. (d) has been substituted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(e) promote and encourage trustworthiness of security service providers;

[NB: Para. (e) has been substituted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(f) determine and enforce minimum standards of occupational conduct in respect of security service providers;

[NB: Para. (f) has been substituted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(g) encourage and promote efficiency in and responsibility with regard to the rendering of security services;

[NB: Para. (g) has been substituted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(h) promote, maintain and protect the status and interests of the occupation of security service provider;

[NB: Para. (h) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(i) ensure that the process of registration of security service providers is transparent, fair, objective and concluded timeously;

[NB: Para. (i) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(j) promote high standards in the training of security service providers and prospective security service providers;

[NB: Para. (j) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(k) encourage ownership and control of security businesses by persons historically disadvantaged through unfair discrimination;

[NB: Para. (k) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(l) encourage equal opportunity employment practices in the private security industry;

[NB: Para. (l) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(m) promote the protection and enforcement of the rights of security officers and other employees in the private security industry;

[NB: Para. (m) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(n) ensure that compliance with existing legislation by security service providers is being promoted and controlled through a process of active monitoring and investigation of the affairs of security service providers;

[NB: Para. (n) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(o) protect the interests of the users of security services;

[NB: Para. (o) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(p) promote the development of security services which are responsive to the needs of users of such services and of the community;

[NB: Para. (p) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(q) promote the empowerment and advancement of persons who were historically disadvantaged through unfair discrimination in the private security industry.

[NB: Para. (q) has effectively been deleted by s. 3 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

[NB: Sub-s. (3) has been amended by s. 3 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

4 Functions of Authority

The Authority must take steps to achieve its objects with the means at its disposal and may, subject to this Act and any other law, for the purpose of achieving its objects-

(a) exercise such powers and perform such duties as may be given or assigned to the Authority in terms of this Act or any other law;

(b) enquire into and report to the Minister on any matter concerning the objects of the Authority;

[NB: Para. (b) has been substituted by s. 4 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(c) advise the Minister on any matter deemed by the Authority to be necessary or expedient to be considered by the Minister in connection with the provisions of this Act or the Levies Act, or the application thereof, and on any other matter relating to security services which has been referred by the Minister to the Authority for the advice and recommendations of the Authority;

[NB: Para. (c) has been substituted by s. 4 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(d) conduct an ongoing study and investigation of the rendering of security services and practices of security service providers in order to identify shortcomings in this Act and the Levies Act, or any policy or rule made in terms thereof, and to deal with any evasion, abuse or violation of the procedures or principles contained in this Act or the Levies Act, or any policy or rule made in terms thereof;

(e) institute legal proceedings and defend or oppose any legal proceedings against the Authority;

[NB: Para. (e) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(f) receive and consider applications for registration and renewal of registration as security service provider and grant or renew registration to applicants who comply with the requirements for such registration or renewal of registration in terms of this Act;

[NB: Para. (f) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(g) suspend or withdraw the registration status of a security service provider in terms of this Act;

[NB: Para. (g) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(h) take such steps as may be necessary to develop and maintain standards and regulate practices in connection with the occupation of security service provider, and persons pursuing or intending to pursue such occupation;

[NB: Para. (h) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(i) gather information relevant to the occupation of security service provider in connection with persons who are security service providers or who are applying for registration as such;

[NB: Para. (i) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(j) take steps to protect and assist security officers and other employees against or in regard to acts, practices and consequences of exploitation or abuse;

[NB: Para. (j) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(k) take such steps as may be expedient or necessary in connection with the training of security service providers and prospective security service providers to ensure a high quality of training and in particular with regard to-

- (i) the accreditation and withdrawal of the accreditation of persons and institutions providing security training;
- (ii) the monitoring and auditing of the quality of training functions performed by accredited persons;
- (iii) the participation in the activities of other bodies or persons entitled by law to set standards in respect of training of security service providers or bodies entitled to formulate, implement or monitor skills development plans for the private security industry;
- (iv) the appointment of persons to monitor and assess achievements or outcomes in respect of standards applicable to training;
- (v) the determination and accreditation of qualifications required by security service providers to perform particular types of security services; and
- (vi) the taking of reasonable steps to verify the authenticity of training certificates presented by persons for the purposes of this Act;

[NB: Para. (k) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(l) cause its work to be performed by persons employed or appointed by it in terms of this Act;

[NB: Para. (l) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(m) develop and maintain a computerised data base with information required for the proper performance of its functions;

[NB: Para. (m) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(n) establish and manage branch offices;

[NB: Para. (n) has been substituted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(o) provide or disseminate information promoting and encouraging compliance with this Act, the Levies Act and the code of conduct, by security service providers;

[NB: Para. (o) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(p) provide information to the users, prospective users or representatives of users of security services regarding the compliance of security service providers with the provisions of this Act and the Levies Act;

[NB: Para. (p) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(q) establish a guarantee fund for the private security industry which is managed in the prescribed manner;

[NB: Para. (q) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(r) in the prescribed manner establish a complaints office to receive, process, refer or deal with complaints regarding the quality of service rendered by security service providers;

[NB: Para. (r) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(s) furnish information required by any department or any organ of State for the purposes of its official functions;

[NB: Para. (s) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(t) receive, expend and generally administer funds;

[NB: Para. (t) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(u) open accounts with any banking or other financial institution approved by the Treasury;

[NB: Para. (u) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(v) invest money with financial institutions registered in terms of any law;

[NB: Para. (v) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(w) determine, charge and collect fees as provided for in this Act or in respect of any service rendered by the Authority or any object made available by the Authority;

[NB: Para. (w) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(x) acquire or hire movable or immovable property, or hypothecate, let, sell or otherwise dispose of movable or immovable property of the Authority;

[NB: Para. (x) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(y) accept donations with the approval of the Minister;

[NB: Para. (y) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(z) raise finance from other sources in the course of normal business;

[NB: Para. (z) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(aa) manage and safeguard its assets;

[NB: Para. (aa) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(bb) determine minimum internal control systems for security businesses, including but not limited to, accounting and

reporting procedures and any other procedures or systems;

[NB: Para. (bb) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(cc) become a member of an association or organisation which seeks to promote any matter in which the Authority has an interest;

[NB: Para. (cc) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(dd) establish relations with or enter into co-operation agreements with bodies or offices regulating the private security industry in other countries, or bodies representing such regulators;

[NB: Para. (dd) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(ee) conduct, or cause to be conducted, hearings, investigations and inquiries with regard to any matter falling within the scope of its functions;

[NB: Para. (ee) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(ff) enter into contracts including insurance agreements;

[NB: Para. (ff) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(gg) enter into agreements with or obtain the assistance of any department or organ of State to conduct or assist it in conducting any investigation or performing any other function in terms of this Act or the Levies Act;

[NB: Para. (gg) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(hh) cooperate with any person or body in the performance of an act which the Authority by law is permitted to perform; and

[NB: Para. (hh) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(ii) generally perform any act that contributes to the attainment of its objects.

[NB: Para. (ii) has effectively been deleted by s. 4 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

5 Governance of Authority

(1) The Authority is governed and controlled by the Council contemplated in section 6, in accordance with this Act.

(2) The Authority acts through the Council and all acts of the Council are regarded as acts of the Authority.

[NB: A sub-s. (2A) has been inserted by s. 5 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(3) The Authority must be impartial in the performance of its functions and must ensure that in the taking of decisions or other steps, it complies with all legal requirements for just administrative action.

(4) The Authority must otherwise perform its functions in terms of this Act and the Levies Act and in accordance with such guidelines and policy directions as may be issued by the Minister from time to time by notice in the *Gazette*.

[NB: Sub-s. (4) has been substituted by s. 5 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(5) A guideline or policy direction issued by the Minister in terms of this section, may be amended, withdrawn or substituted by the Minister, by notice in the *Gazette*.

[NB: Sub-s. (5) has been substituted and a sub-s. (6) has been added by s. 5 (c) and (d) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

6 Establishment and constitution of Council and appointment of councillors

The Council for the Authority is hereby established and consists of the following councillors:

(a) a chairperson;

(b) a vice-chairperson; and

(c) three additional councillors,

appointed by the Minister in consultation with Cabinet.

[NB: S. 6 has been renumbered to sub-s. (1) and sub-ss. (2), (3) and (4) have been added by s. 6 (a) and (b) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(a) is not a citizen of or does not have permanent resident status in the Republic;

[NB: Para. (a) has been substituted by s. 7 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(b) (i) has a direct or indirect financial or personal interest in the private security industry; or

(ii) represents or is a member of a body representing the interests of employers or employees in the private security industry or security officers or any security business;

(c) is not a fit and proper person to hold office as a councillor;

[NB: Para. (c) has been deleted by s. 7 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(d) is an un-rehabilitated insolvent; or

[NB: Para. (d) has been substituted by s. 7 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(e) has not obtained such a security clearance by the State Security Agency as may have been determined by the Minister.

[Para. (e) substituted by [s. 53 of Act 11 of 2013](#) (wef 29 July 2013).]

[NB: Para. (e) has been substituted and a para. (f) has been added by s. 7 (c) and (d) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX. Para. (e) has subsequently been substituted by [s. 51 of the General Intelligence Laws Amendment Act 37 of 2024](#), a provision which will be put into operation by proclamation. See PENDLEX.]

8 Terms and conditions of office, vacation of office and payment of remuneration and allowances

(1) A councillor is, subject to this section, appointed for a period not exceeding three years, on such terms and conditions as the Minister may determine in a letter of appointment.

[NB: Sub-s. (1) has been substituted by s. 8 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(2) A councillor is eligible for reappointment upon the expiry of his or her term of office, for a period not exceeding two additional terms, if he or she continues to meet the requirements for such appointment in terms of this Act.

[NB: Sub-s. (2) has been substituted by s. 8 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(3) A councillor vacates office when-

- (a) he or she becomes subject to any disqualification referred to in section 7;
- (b) he or she has been absent from three consecutive meetings of the Council without leave of the Council;
- (c) he or she is removed from office in terms of subsection (4); or
- (d) his or her written resignation is accepted.

[NB: A para. (e) has been added and a sub-s. (3A) has been inserted by s. 8 (b) and (c) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(4) A member of the Council may at any time be suspended or removed from office by the Minister if there is a sound reason therefor.

(5) If a councillor ceases to hold office the Minister must, with due regard to section 7, within a reasonable time appoint a person to fill the vacancy for the unexpired portion of the former councillor's term of office.

[NB: Sub-s. (5) has been substituted by s. 8 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(6) A councillor, or a member of a committee appointed by the Council, who is not an employee of the Authority or an officer or employee in the Public Service, may be paid from the funds of the Authority such remuneration and allowances as the Council may determine with the concurrence of the Minister.

[NB: Sub-s. (6) has been substituted by s. 8 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(7) The remuneration and allowances referred to in subsection (6) may differ according to different offices held by councillors or other persons or the different functions performed by them.

[NB: Sub-s. (7) has been deleted and a sub-s. (8) has been added by s. 8 (e) and (f) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

9 Functions of Council and chairperson

[NB: The heading has been substituted by s. 9 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(1) The Council-

- (a) must take steps to achieve the objects of the Authority contemplated in section 3 and to ensure performance of the duties of the Authority;
- (b) must oversee and exercise general control over the performance of the functions of the Authority and of the activities of the persons appointed by it to perform the work of the Authority; and
- (c) may by notice in the *Gazette* make rules, subject to the provisions of this Act and the Levies Act, regarding-
 - (i) the good management of the affairs of the Council and the effective execution of its functions; and
 - (ii) any matter necessary or expedient for the proper performance of the functions of the Authority.

[NB: Para. (c) has been amended and a sub-s. (1A) has been inserted by s. 8 (b) and (c) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(2) The chairperson-

- (a) may, subject to ratification by the Council, exercise any power of the Council or fulfil any of its duties;

[NB: Para. (a) has been deleted by s. 9 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

- (b) must prepare the agenda of meetings of the Council;

- (c) must sign the minutes of meetings of the Council;

- (d) must provide strategic direction to the director and the Council;

[NB: Para. (d) has been substituted by s. 9 (e) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

- (e) may attend meetings of the senior management of the staff of the Authority; and

[NB: Para. (e) has been deleted by s. 9 (f) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

- (f) must establish and maintain liaison with the Secretariat for Safety and Security to ensure transformation in the Private Security Industry.

[NB: Para. (f) has been substituted and a sub-s. (3) has been added by s. 9 (f) and (g) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

10 Accountability of Council

(1) The Council is accountable to the Minister for the performance of its functions and must-

- (a) supply the Minister with such information and particulars as the Minister may in writing require in connection with the functions of the Authority or any other matter relating to the Authority;
- (b) as soon as may be reasonably practicable after the end of each financial year, but in any event within three months of the end of the financial year, supply the Minister with a copy of-

- (i) the annual report on the activities of the Authority and the Council; and
- (ii) the audited financial statements contemplated in section 18 (1), including any notes to the financial statements and the audit opinion of a duly appointed auditor contemplated in section 18 (2); and

- (c) table a copy of the annual report contemplated in paragraph (b) (i) in Parliament and present such further reports to Parliament as Parliament may request.

[NB: Sub-s. (1) has been substituted and a sub-s. (1A) has been inserted by s. 10 (a) and (b) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(2) For the purposes of this section, the annual report contemplated in subsection (1) (b) (i), must contain a fair account

of the regulatory activities of the Authority, information on any other matter required by the Minister in writing, and information on any matter which it is necessary or expedient to bring to the attention of the Minister.

[NB: Sub-s. (2) has been deleted by s. 9 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

11 Ministerial supervision of Authority

If the Council or the Authority cannot or does not maintain an acceptable standard in the fulfilment of one or more of its functions in terms of this Act or the Levies Act, the Minister may intervene by taking any appropriate step to ensure proper fulfilment of that function, including—

- (a) issuing a directive to the Council or the Authority, describing the extent of the failure and stating the steps required to remedy the situation;
- (b) assuming responsibility for the relevant function or duty to the extent necessary—
 - (i) to maintain an acceptable standard; or
 - (ii) to prevent the Council, the Authority or any person appointed by the Council or the Authority, from taking any action which is prejudicial to the objects of the Authority; and

[NB: Sub-para. (ii) has been substituted by s. 11 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

- (c) dissolving the Council and appointing a new Council.

[NB: Paras. (d) and (e) have been added by s. 11 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

[NB: S. 11 has been amended by s. 11 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

12 Meetings and conflict of interests

(1) (a) The first meeting of the Council must be held on such date and at such a time and place as the Minister may determine.

(b) All meetings of the Council thereafter must be held on such dates and at such times and places as the chairperson may determine in consultation with the Council.

[NB: A para. (c) has been added by s. 12 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(2) (a) The chairperson may at any time convene a special meeting of the Council and must also convene such a meeting at the written request of the Minister.

[NB: Para. (a) has been substituted by s. 12 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(b) If at least three councillors request a special meeting in writing, the chairperson must convene such a meeting within seven days after receiving the request.

[NB: A para. (c) has been added by s. 12 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(3) The quorum for any meeting of the Council is a simple majority of the councillors in office at the time.

[NB: Sub-s. (3) has been substituted by s. 12 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(4) (a) Subject to subsection (3), a decision of the Council is taken by resolution agreed to by the majority of councillors at any meeting of the Council.

(b) In the event of an equality of votes regarding any matter, the chairperson has a casting vote in addition to his or her deliberative vote.

(5) The procedure at a meeting of the Council must be determined by the chairperson in consultation with the Council, and any decision in this regard must be taken after due consideration of transparency and fairness: Provided that the law generally applicable to meeting procedures in South Africa must apply in the absence of a determination or agreement on the procedure to be followed.

(6) The chairperson may, after consultation with the Council, require the director or a deputy director contemplated in section 14 (1) and allow any person to attend any meeting of the Council on such conditions as the chairperson may determine.

(7) A decision taken by the Council or an act performed in terms of that decision, is not invalid merely by reason of—

- (a) any irregularity in the appointment of a councillor;

- (b) a vacancy on the Council;

[NB: Para. (b) has been substituted by s. 12 (e) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

- (c) the fact that any person was not entitled to sit as councillor at the time the decision was taken; or

[NB: Para. (c) has been substituted by s. 12 (f) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

- (d) the fact that a councillor is guilty of an act or omission justifying his or her removal from office,

[NB: Para. (d) has been deleted by s. 12 (g) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

if such decision was taken by a majority of councillors present at the time and entitled so to sit, and those councillors at the time constituted a quorum in terms of subsection (3).

(8) A councillor may not attend, vote at, participate in or influence any meeting or decision of the Council, if the councillor has a conflict of interests which may reasonably be seen to preclude the councillor from performing the relevant function in a fair, unbiased and proper manner.

(9) When the chairperson is absent or is unable to perform functions as chairperson or whenever the office of the chairperson is vacant, the vice-chairperson must act as chairperson during such absence or incapacity or until a chairperson is appointed.

(10) (a) If both the chairperson and the vice-chairperson are absent or unable to perform the functions of the chairperson, the Council must appoint any other member to act as chairperson during such absence or incapacity.

(b) If both the office of the chairperson and that of the vice-chairperson are vacant, the Minister must appoint any other person to act as chairperson until a chairperson or vice-chairperson is appointed.

13 Committees to assist Council

(1) The Council may appoint one or more committees consisting of one or more councillors, or one or more councillors and one or more other persons, or one or more other persons to advise or assist the Authority in relation to any matter referred to it by the Council and to report on that matter to the Council.

[NB: Sub-s. (1) has been substituted by s. 13 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(2) The Council may establish committees representing different sectors, disciplines or interests in the private security industry to advise it regarding the regulation of the private security industry.

[NB: Sub-s. (2) has been substituted by s. 13 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(3) The Council may designate a person as the chairperson of any committee if such committee consists of more than one member.

(4) A committee must perform its functions subject to the provisions of this Act, the Levies Act and any directives of the Council.

[NB: Sub-s. (4) has been substituted by s. 13 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(5) The Council is not legally bound to accept any recommendation made by a committee.

[NB: A sub-s. (6) has been added by s. 13 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

14 Staff of Authority

(1) The Council must appoint a suitably qualified and experienced person as the director of the Authority, as well as three deputy directors, on such conditions and terms as may be determined by the Council.

[NB: Sub-s. (1) has been substituted and sub-ss. (1A), (1B) and (1C) have been inserted by s. 14 (a) and (b) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(2) The director and deputy directors of the Authority must, subject to the Council's direction and control-

(a) establish administrative structures and divisions necessary for the performance of the functions of the Authority, which must include an office of the director, a finance and administration division, a law enforcement division and a training and communication division;

(b) manage the day to day operations of the Authority and the execution of its financial and administrative, law enforcement, training, communication and other functions;

(c) ensure that the functions of the Authority are performed in terms of this Act and the Levies Act;

[NB: Para. (c) has been substituted by s. 14 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(d) manage, control and oversee the staff of the Authority as well as the performance of their functions;

(e) report to the Council on the performance and functioning of the Authority;

(f) prepare the business plan of the Authority; and

[NB: Para. (f) has been substituted by s. 14 (e) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(g) perform any other function assigned to them by the Council.

[NB: Sub-s. (2) has been amended by s. 14 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(3) The director and deputy directors of the Authority may in writing, with the approval of the Council, delegate any of their powers, and assign any of their duties, to a staff member of the Authority.

[NB: Sub-s. (3) has been substituted and a sub-s. (3A) has been inserted by s. 14 (f) and (g) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(4) (a) The director of the Authority may appoint, subject to this Act and to the general or special directions of the Council, the staff of the Authority that may be necessary to perform the work arising from or connected with the Authority's functions in terms of this Act and the Levies Act.

[NB: Para. (a) has been substituted by s. 14 (h) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(b) The director must in the appointment of staff provide for the advancement of persons historically disadvantaged by unfair discrimination, with the aim that its staff, when viewed collectively, must represent a broad cross-section of the population of the Republic and must generally apply equal employment opportunity practices.

[NB: Para. (b) has been deleted by s. 14 (i) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(c) Staff members of the Authority may not have any financial interest in the private security industry and must successfully undergo such security clearance check conducted by the State Security Agency, as may be determined by the Council if this is relevant in respect of their work.

[Para. (c) substituted by [s. 53 of Act 11 of 2013](#) (wef 29 July 2013).]

[NB: Para. (c) has been substituted by s. 14 (j) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX. Para. (c) has subsequently been substituted by [s. 51 of the General Intelligence Laws Amendment 1Act 37 of 2024](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(5) Staff appointed in terms of this section may either be appointed as employees or in terms of a contract for a fixed period.

[NB: Sub-s. (5) has been deleted by s. 14 (k) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

(6) The terms and conditions of service of the Authority's staff and their remuneration, allowances, subsidies and other service benefits must be determined by the Council from time to time.

[NB: Sub-s. (6) has been substituted, a sub-s. (7) has been added and a s. 14A has been inserted by ss. 14 (l) and (m) and 15 respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

15 Delegation of powers and assignment of duties by Council

(1) Subject to subsection (5), the Council may assign any of its functions or duties and delegate any of its powers, except the power to make rules, to its chairperson or to any committee appointed in terms of section 13.

(2) The Council is neither divested of any power nor relieved of any duty it may have delegated or assigned.

(3) Any delegation or assignment-

- may be made subject to any conditions determined by the Council;
- may be given together with the power to sub-delegate or further assign, subject to such conditions as may be determined; and
- must be communicated to the delegatee or assignee in a written notice which contains sufficient particulars of the matters being delegated or assigned and of the conditions attached thereto.

(4) The Council may at any time amend or revoke a delegation or assignment in terms of subsection (1), or withdraw any decision made by the delegatee or assignee with regard to a delegated or assigned matter and decide the matter itself, unless the decision by the delegatee has conferred a right on a third party.

(5) The Minister may in a notice addressed to the Council prohibit, limit, or impose conditions regarding the-

- delegation of any power of the Council; or
- assignment of any duty of the Council.

[NB: S. 15 has been repealed by [s. 16](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

16 Funds of Authority

(1) The funds of the Authority consist of money from any legitimate source, received by or which has accrued to the Authority in terms of this Act or any other law.

(2) The Authority must use its funds for defraying the expenditure incurred in the achievement of its objects and the performance of its functions in terms of this Act and the Levies Act.

[NB: S. 16 has been substituted and a s. 16A has been inserted by ss. 17 and 18 respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

17 Bookkeeping and financial statements

(1) The Authority must keep such accounting records as are necessary to reflect the transactions and financial state of affairs of the Authority.

(2) The Authority must, in respect of each financial year of the Authority, make out financial statements and cause such statements to be audited by a registered accountant and auditor contemplated in section 18 (2).

(3) The financial statements referred to in subsection (2) must-

- be prepared in accordance with generally accepted accounting practice as determined by the South African Institute of Chartered Accountants;
- by means of figures and a descriptive report, explain all matters and information material to the financial affairs of the Authority; and
- include-
 - a balance sheet dealing with the assets and liabilities of the Authority;
 - an income statement or any similar financial statement dealing with the income and expenditure of the Authority; and
 - a statement of cash flows.

[NB: S. 17 has been repealed by [s. 19](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

18 Auditing

(1) The accounting records and annual financial statements of the Authority must be audited annually by persons appointed by the Council.

(2) No person may be appointed in terms of subsection (1), unless he or she is registered in terms of the Public Accountants' and Auditors' Act, 1991 ([Act 80 of 1991](#)), as an accountant and auditor engaged in public practice.

[NB: S. 18 has been repealed by [s. 19](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

19 Financial year

The financial year of the Authority is a year ending on 31 March.

[NB: S. 19 has been repealed by [s. 19](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

CHAPTER 3 REGISTRATION AS SECURITY SERVICE PROVIDER (ss 20-27)

20 Obligation to register and exemptions

(1)(a) No person, except a Security Service contemplated in [section 199](#) of the Constitution ([Act 108 of 1996](#)), may in any manner render a security service for remuneration, reward, a fee or benefit, unless such a person is registered as a security service provider in terms of this Act.

(b) A Security Service contemplated in section 199 of the Constitution may use persons employed by them and who are not registered as security service providers to render a security service.

[NB: Sub-s. (1) has been substituted by s. 20 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(2) A security business may only be registered as a security service provider-

- if all the persons performing executive or managing functions in respect of such security business are registered as security service providers; and

[NB: Para. (a) has been substituted by s. 20 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

- in the case of a security business which is a company, close corporation, partnership, business trust or foundation, if every director of the company, every member of the close corporation, every partner of the partnership, every trustee of the business trust, and every administrator of the foundation, as the case may be, is registered as a security service provider.

[NB: A para. (c) has been added and sub-ss. (2A), (2B) and (2C) have been inserted by s. 20 (d) and (e) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(3) Any contract, whether concluded before or after the commencement of this Act, which is inconsistent with a provision contained in subsections (1), (2) or section 44 (6), is invalid to the extent to which it is so inconsistent.

(4) The invalidity of a contract as contemplated in subsection (3), does not affect the applicability of any provision of this Act or the Levies Act.

(5) The Minister may, after consultation with the Authority, by notice in the *Gazette* exempt any security service provider or security service provider belonging to a category or class specified in the notice, either generally or subject to such conditions as may be specified in the notice, from the operation of any provision of this Act.

[NB: Sub-s. (5) has been substituted, a sub-s. (6) has been added and a s. 20A has been inserted by ss. 20 (f) and (g) and 21 respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

21 Application for registration

(1) An application for registration as a security service provider must be made to the Authority in the prescribed manner and must be accompanied by-

- (a) a clear and complete set of fingerprints taken in the prescribed manner-
 - (i) of the applicant, if the applicant is a natural person;
 - (ii) if the applicant is a security business, of every natural person performing executive or managing functions in respect of such security business;
 - (iii) of each director, if the applicant is a company;
 - (iv) of each member, if the applicant is a close corporation;
 - (v) of each partner, if the applicant is a partnership;
 - (vi) of each trustee, if the applicant is a business trust; and
 - (vii) of each administrator or person in control, if the applicant is a foundation.
- (b) the application fee as determined by the Authority; and

[NB: Para. (b) has been substituted and paras. (bA), (bB) and (bC) have been inserted by s. 22 (a) and (b) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

- (c) any other document or certificate required in terms of this Act or by the Authority to be submitted with an application for registration.

(2) Any person applying in terms of subsection (1) for registration as a security service provider, must furnish such additional particulars in connection with the application as the Authority may determine.

(3) If the Authority is of the opinion that the provisions of this Act have been complied with in respect of an application referred to in subsection (1), it may grant such application and register the applicant as a security service provider.

[NB: A s. 21A has been inserted by [s. 23](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

22 Renewal of registration

The Minister may prescribe procedures and principles in respect of periodic applications for the renewal of registration by registered security service providers and the conditions and requirements for the granting of such applications.

[NB: S. 22 has been substituted by [s. 24](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

23 Requirements for registration

(1) Any natural person applying for registration in terms of section 21 (1), may be registered as a security service provider if the applicant is a fit and proper person to render a security service, and-

- (a) is a citizen of or has permanent resident status in South Africa;
- (b) is at least 18 years of age;
- (c) has complied with the relevant training requirements prescribed for registration as a security service provider;
- [NB: Para. (c) has been substituted by s. 25 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]
- (d) was not found guilty of an offence specified in the Schedule within a period of 10 years immediately before the submission of the application to the Authority;
- [NB: Para. (d) has been substituted by s. 25 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]
- (e) was not found guilty of improper conduct in terms of this Act within a period of five years immediately before the submission of the application to the Authority;
- (f) submits a prescribed clearance certificate, together with such other information as the Authority may reasonably require, if the applicant is a former member of any official military, security, police or intelligence force or service in South Africa or elsewhere;
- (g) is mentally sound;
- (h) is not currently employed in the Public Service in circumstances where such registration may conflict with a legislative provision applicable to the applicant;

[NB: Para. (h) has been substituted by s. 25 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

- (i) has paid the relevant application fee; and
- (j) is not a person referred to in subsection (5).

(2) A security business applying for registration as a security service provider in terms of section 21 (1), may be so registered only if-

- (a) every natural person referred to in section 20 (2) complies with the requirements of subsection (1) and is not an unrehabilitated insolvent; and
- (b) such security business meets the prescribed requirements in respect of the infrastructure and capacity necessary to render a security service.

[NB: A para. (c) has been added by s. 25 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which

will be put into operation by proclamation. See PENDLEX.]

(3) The Authority may cause any inspection to be held which it deems necessary to establish whether an applicant meets the requirements contemplated in subsection (2) (b), against payment by the applicant of an amount determined by the Authority for this purpose.

(4) The Authority may refuse the registration of any person who-

- (a) at the time of submission or consideration of the application, is under State investigation in respect of an offence specified in the Schedule or who is being criminally prosecuted in respect of such an offence; or
- (b) was convicted of an offence specified in the Schedule more than 10 years immediately before the submission of the application for registration to the Authority.

[NB: Sub-s. (4) has been substituted by s. 25 (e) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(5) Despite any provision to the contrary, a person in the permanent employ of the Service, the State Security Agency, the South African National Defence Force or the Department of Correctional Services may not be registered as a security service provider whilst so employed.

[Sub-s. (5) substituted by [s. 53 of Act 11 of 2013](#) (wef 29 July 2013).]

[NB: Sub-s. (5) has been substituted by [s. 51](#) of the General Intelligence Laws Amendment [Act 37 of 2024](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(6) Despite the provisions of subsections (1) and (2), the Authority may on good cause shown and on grounds which are not in conflict with the purpose of this Act and the objects of the Authority, register any applicant as a security service provider.

24 Register of security service providers

The Authority must keep a register in which it must enter the name and prescribed particulars of every security service provider registered in terms of this Act.

25 Registration and identification certificates

The Authority must, in the form prescribed and on such conditions as it may determine, issue a certificate of registration to any person and a certificate of identification to any natural person, registered as a security service provider.

26 Suspension, withdrawal and lapsing of registration

(1) If there is a *prima facie* case of improper conduct in terms of this Act, or of the commission of an offence referred to in the Schedule, against a security service provider, the Authority may suspend the registration of the security service provider-

- (a) pending the conclusion of an investigation or enquiry by the Authority into the alleged improper conduct; or
- (b) pending the conclusion of the criminal investigation by the State into the offence in respect of that security service provider, or a determination by the prosecuting authority or the finalisation of criminal proceedings in regard to the offence.

[NB: Sub-s. (1) has been substituted and a sub-s. (1A) has been inserted by s. 26 (a) and (b) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(2) The Authority may suspend the registration of a security business if any of the grounds contemplated in subsection (1) pertain to a natural person referred to in section 20 (2).

[NB: Sub-s. (2) has been substituted by s. 25 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(3) The effect of a suspension of registration is that the security service provider whose registration is suspended may not render any security service, unless the prior written permission of the Authority has been obtained, but during the period of such suspension the security service provider is still bound by all the obligations of a registered security service provider provided for in this Act and in the Levies Act.

[NB: Sub-s. (3) has been substituted by s. 25 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(4) The Authority may, subject to section 5 (3), withdraw the registration of a security service provider by written notice served on the security service provider if-

- (a) the security service provider has furnished to the Authority information in or in connection with the application for registration which is false;

[NB: Para. (a) has been substituted by s. 26 (e) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

- (b) there was some material irregularity in the registration of the security service provider concerned;
- (c) the registration was granted in error or on the basis of incorrect information furnished by any person, including any department or organ of State, to the Authority;
- (d) at any time after registration, the security service provider-
 - (i) is found guilty of an offence specified in the Schedule;
 - (ii) is found guilty of improper conduct in terms of this Act;
 - (iii) is no longer a fit and proper person to render a security service; or
 - (iv) does not comply with one or more of the requirements for registration referred to in section 23 (1) (a), (b), (g), (h) and (j), or in section 23 (2);

- (e) in the case of a security business, the registration of a person referred to in section 20 (2) is withdrawn in terms of paragraphs (a), (b), (c) or (d); or
- (f) in the case of a security business, any of the persons referred to in section 20 (2) is for any other reason not registered as a security service provider.

[NB: Sub-s. (4) has been amended by s. 26 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(5) The registration of a security service provider lapses if it is not renewed as contemplated in section 22.

[NB: Sub-s. (5) has been substituted and a sub-s. (5A) has been inserted by s. 26 (f) and (g) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(6) Whenever the registration of a security service provider is suspended or withdrawn in terms of this Act or the Levies Act, or if it lapses, the security service provider must forthwith return to the Authority the certificate of identification or the certificate of registration, as the case may be, issued in terms of section 25.

(7) The Authority may on application by a security service provider suspend or withdraw the registration of that security service provider in such circumstances and on such conditions as may be prescribed.

(8) The Authority may uplift the suspension of the registration of a security service provider if there is reason to do so.

[NB: Sub-ss. (9) and (10) have been added by s. 26 (h) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

27 Application for court order in respect of a security service provider

(1) The Authority may by way of application on notice of motion apply to a court for an order-

- (a) interdicting any security service provider from rendering a security service for such a period as the court may determine, if the security service provider is contravening a provision of this Act or if the activities or intended activities of the security service provider might seriously harm the national or the public interest or the interests of any category of persons; or
- (b) compelling a security service provider to comply with a provision of this Act.

(2) The court having jurisdiction in respect of an application in terms of subsection (1), is any division of the High Court of South Africa within whose area of jurisdiction the security service provider concerned is resident, employed or carries on business.

CHAPTER 4 PROPER CONDUCT AND APPEAL (ss 28-30)

28 Code of conduct

(1) The Minister must, after consultation with the Council, prescribe a code of conduct for security service providers which contains sufficient procedures and rules of evidence for its enforcement.

(2) The code of conduct is legally binding on all security service providers, irrespective of whether they are registered with the Authority or not and, to the extent provided for in this Act, on every person using 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.

[NB: Sub-s. (2) has been substituted by [s. 27](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(3) The code of conduct must contain rules-

- (a) that security service providers must obey in order to promote, achieve and maintain-
 - (i) a trustworthy and professional private security industry which acts in terms of the law applicable to the members of the industry;
 - (ii) compliance by security service providers with a set of minimum standards of conduct which is necessary to realise the objects of the Authority; and
 - (iii) compliance by security service providers with their obligations towards the State, the Authority, consumers of security services, the public and the private security industry in general; and
- (b) to ensure the payment of minimum wages and compliance with standards aimed at preventing exploitation or abuse of employees in the private security industry, including employees used to protect or safeguard merely the employer's own property or other interests, or persons or property on the premises of, or under the control of the employer.

(4) The code of conduct must be drawn up with due regard to-

- (a) the objects of the Authority; and
- (b) the different categories or classes of security service providers, different types of security services and any other factor meriting differentiation not amounting to unfair discrimination.

(5) The code of conduct may provide for different penalties in respect of different categories or classes of security service providers or other persons who employ a security officer.

(6) (a) The code of conduct drawn up in terms of subsection (1) must first be published by the Minister in the *Gazette* with a notice indicating that the Minister intends to issue such a code and inviting interested persons to submit to the Minister within a stated period, but not less than four weeks from the date of publication of the notice, any objections to or representations concerning the proposed code of conduct: Provided that, if the Minister after the expiry of that period decides on any alterations of the proposed code as a result of any objections or representations, it is not necessary to publish such alterations for further comment.

(b) The provisions of paragraph (a) apply with regard to any amendment of the code of conduct.

(7) (a) A code of conduct comes into operation on a date determined by the Minister in the *Gazette*.

(b) The Minister may for the purposes of paragraph (a) determine different dates in respect of different categories or classes of security service providers.

29 Improper conduct proceedings against security service providers

(1) Improper conduct proceedings may, in the prescribed manner, be instituted by the Authority against a security service provider or other person who employs a security officer, on account of an allegation of improper conduct, whether such improper conduct was allegedly committed within or outside the borders of the Republic.

(2) The person presiding at improper conduct proceedings may, on good grounds, conduct or proceed with such proceedings in the absence of the security service provider concerned.

30 Appeal against decisions

(1) Any person aggrieved by-

- (a) the refusal by the Authority to grant his or her application for registration as a security service provider;
- (b) the suspension or withdrawal of his or her registration as a security service provider by the Authority; or
- (c) a finding against him or her, of improper conduct in terms of this Act, or the punishment imposed in consequence of the finding,

may within a period of 60 days after service of the notification of the relevant decision contemplated in paragraph (a), (b) or (c), appeal to an appeal committee.

(2) An appeal committee contemplated in subsection (1) is appointed by the Minister for every appeal and consists of-

(a) a person with not less than five years' experience as an attorney, advocate or magistrate, who is the presiding officer; and may also include

(b) two other persons if it is considered appropriate by the Minister.

[NB: Para. (b) has been substituted, sub-s. (2) has been amended and a sub-s. (2A) has been inserted by s. 28 (b), (a) and (c) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(3) Every person serving as a member of an appeal committee must be independent from the Authority and may have no personal interest in the private security industry or in the affairs of an appellant.

(4) The procedure in connection with the lodging and prosecution of an appeal in terms of this section must be prescribed.

[NB: Sub-s. (4) has been substituted by s. 28 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(5) The amounts payable by an appellant to the Authority in respect of the reproduction of records and related matters in the lodging and prosecution of an appeal must be prescribed.

[NB: Sub-s. (5) has been substituted by s. 28 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(6) The appeal committee hearing an appeal in terms of this section may confirm, set aside or vary the decision or substitute for such decision any other decision which in the opinion of the appeal committee ought to have been taken and direct the Authority to do everything necessary to give effect to the decision of the appeal committee.

(7) A member of the appeal committee may be paid such remuneration and allowance as the Minister may, from time to time, determine with the concurrence of the Minister of Finance.

[NB: A sub-s. (8) has been added by s. 28 (e) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

CHAPTER 5 MONITORING AND INVESTIGATION (ss 31-34)

31 Appointment of inspectors

(1) (a) Subject to the provisions of this Act, the Council must appoint inspectors as staff members of the Authority in terms of this Act.

(b) The provisions of section 14 apply, with the necessary changes, to the appointment of such inspectors.

(2) Any person appointed in terms of this section must perform functions in terms of this Act and any other law, subject to the direction and control of the director.

(3) The director must furnish every inspector with a certificate in the prescribed form to the effect that he or she has been so appointed and is deemed by virtue of section 34 (3) of this Act to be a peace officer.

(4) An inspector must at the request of any interested person produce the certificate when performing a function in terms of this Act.

(5) The Council, or the director if he or she has been authorised generally or specifically by the Council, may, if it is considered necessary in the circumstances to acquire special expertise or to augment the capacity of the Authority temporarily, appoint any person, who is not in the full-time employment of the Authority, as an inspector for a particular inspection or to assist an inspector with a particular inspection.

[NB: Sub-s. (5) has been substituted by s. 29 of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(6) A person appointed in terms of subsection (5), for the purpose of an inspection, has the same powers and duties as an inspector contemplated in subsection (1) and the provisions of subsections (3) and (4) and section 14 apply, with the necessary changes, to such a person.

(7) When performing any function in terms of this Act, an inspector may be accompanied by and utilise the services of an assistant, an interpreter or any member of the Service.

32 Code of conduct for inspectors

(1) The Council must draw up a code of conduct for inspectors which is legally binding on all the inspectors employed by it.

(2) The code of conduct must contain rules relating to compliance by inspectors with a set of minimum standards of conduct which is necessary to realize the objects of the Authority.

(3) The code of conduct must provide for penalties for a contravention of the code of conduct.

[NB: A sub-s. (4) has been added by s. 30 of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

33 Inspection of security service providers

(1) An inspector may, subject to any direction of the director, carry out an inspection of the affairs or any part of the affairs of a security service provider, of any other person who employs a security officer, or of a person whom the director has reason to believe is a security service provider or employs a security officer.

(2) An inspector who carries out an inspection in terms of this section must, on completion of the inspection, compile a report of the inspection, provide a copy thereof to the relevant security service provider or other person contemplated in subsection (1) and submit the original to the director.

34 Powers of inspectors relating to security service providers

(1) In order to carry out an inspection of the affairs of a security service provider or another person contemplated in section 33, an inspector may at any reasonable time-

(a) without prior notice, enter any premises-

(i) occupied by or used in connection with the rendering of a security service by a security service provider or another person contemplated in section 33;

- (ii) which the director has reason to believe are occupied by or used in connection with the rendering of a security service by a security service provider or another person contemplated in section 33; or
- (iii) where or from where a security service is rendered or the director has reason to believe that such a service is rendered;

[NB: Sub-para. (iii) has been substituted and para. (a) has been amended by s. 31 (b) and (a) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

- (b) use any applicable equipment which has not been prohibited by the Council during such inspection and conduct such inspection, examination and investigation as may be necessary for the purpose of monitoring or enforcing compliance with this Act or the Levies Act;
- (c) use any computer system or equipment on the premises which is or appears to be utilised for the control or administration of the rendering of a security service, or require reasonable assistance from any person on the premises to use that computer system to-
 - (i) access any data contained in or available to that computer system relating to matters contemplated in paragraph (d);
 - (ii) reproduce any record from that data; and
 - (iii) seize, against the issue of a receipt, any output from that computer for examination and copying;
- (d) require from any person on the premises who is in control of the premises or appears to be performing managerial, supervisory, administrative or clerical functions relating to the rendering of a security service, at such a reasonable time and place as may be determined by the inspector-
 - (i) to disclose information, either orally or in writing, on any matter relating to the compliance with the provisions of this Act or the Levies Act, by the security service provider or other person contemplated in section 33, concerned;
 - (ii) to produce to the inspector all or any records or documentation relating to the activities of the security service provider or other person contemplated in section 33, and pertaining to such a period as may be determined by the inspector, including but not limited to-
 - (aa) a list with the names and identity numbers of all security officers and other employees of the security service provider or other person contemplated in section 33 concerned, as well as a list with the names and identity numbers of all persons who are officials of the security service provider or other person contemplated in section 33, but who are not its employees;
 - (bb) the wage register, payroll, pay-slips or other similar documentation in respect of such security officers, officials and employees;
 - (cc) time-sheets and attendance registers reflecting the hours of work of such security officers, officials and employees;
 - (dd) posting sheets indicating the places where such security officers have been or are utilised in connection with a security service, the nature of such service, whether the security officers are in possession of any firearm or other weapon or have been provided with any firearm or other weapon by anyone and any legal authorisation regarding such a firearm;
 - (ee) documentation indicating the level of security training of such security officers and officials;
 - (ff) personnel files of such security officers, officials and employees;
 - (gg) contracts entered into between the security service provider or other person contemplated in section 33, and such security officers, officials and employees;
 - (hh) documentation pertaining to deductions and payment of amounts by the security service provider or other person contemplated in section 33, to the Authority; and
 - (ii) documentation pertaining to any contract between the security service provider or other person contemplated in section 33, and a client;
- (e) search the premises for any records or documentary information contemplated in paragraph (d);
- (f) open any room, strongroom, safe, cabinet or other container which the inspector suspects contains any record or document relating to the affairs of the security service provider or other person contemplated in section 33, or cause it to be opened;
- (g) inspect or examine any record or document contemplated in paragraph (d), or other article or object on or in the premises used or which appears to be used in connection with the rendering of a security service by the security service provider or other person contemplated in section 33 concerned and request information about any such document, article or object from any person contemplated in paragraph (c);
- (h) make copies or extracts from any record or document contemplated in paragraph (d) or, against the issue of a receipt by the inspector, seize a record, document or object if the inspector has reason to believe that it can serve as evidence at any improper conduct proceedings or any other inquiry in terms of this Act.

(2) Any person from whose possession any item contemplated in subsection (1) has been removed, or who otherwise to the satisfaction of the director or an inspector proves a right of ownership or possession in respect thereof, may during normal office hours be permitted by the director or inspector to investigate or examine the item in question, or extracts from any such record or document, under circumstances necessary to protect the integrity of the item in question.

(3) (a) An inspector in respect of any provision of this or any other law applicable to security service providers is deemed to have been appointed as a peace officer by the Minister of Justice in terms of [section 334](#) of the Criminal Procedure Act, 1977 ([Act 51 of 1977](#)), for the national territory of the Republic, and 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, 1977.

(b) An inspector may use the powers in terms of this subsection only to serve the purposes of this Act and matters incidental thereto.

[NB: Para. (b) has been substituted by s. 31 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(4) A member of the Service or an inspector may demand the production of the registration and identification certificate contemplated in section 25, by any person purporting to be a security service provider.

(5) Any member of the Service has all the powers conferred on an inspector in terms of this Act and the Levies Act.

[NB: A sub-s. (6) has been added by s. 31 (d) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

CHAPTER 6 GENERAL PROVISIONS (ss 35-45)

35 Regulations

(1) The Minister may make regulations relating to—

- (a) any matter which in terms of this Act is required or permitted to be prescribed;
- (b) the registration by the Authority of security service providers;
- (c) the periodic applications for renewal of registration and the conditions upon which such applications are to be granted;
- (d) the obligatory undergoing of security training by security service providers;
- (e) ensuring the quality of training as contemplated in section 4 (k) or any other law, in respect of security service providers and prospective security service providers;
- (f) the uniform, insignia and registration and identification certificates of security service providers;
- (g) the types of uniforms, distinctive badges or buttons which may not be supplied to or worn by a security service provider;
- (h) (i) the procedure for the institution and conduct of improper conduct proceedings or any other inquiry in terms of this Act;
 - (ii) the appointment, powers and duties of presiding officers and other officials in respect of such proceedings or any other inquiry in terms of this Act;
 - (iii) the attendance by a security service provider or any witness, of improper conduct proceedings or any other inquiry in terms of this Act;
 - (iv) cost orders with regard to improper conduct proceedings;
 - (v) the procedure for the payment and collection of fines imposed in respect of improper conduct;
 - (vi) competent findings and other appropriate orders in respect of improper conduct;
 - (vii) the confirmation, review or substitution of any finding, punishment or other order contemplated in subparagraph (vi), or the setting aside thereof, by the Authority;
- (i) the establishment, management and functioning of a guarantee fund for the private security industry;
- (j) the establishment and operation of a complaints office as contemplated in section 4 (r);
- (k) the compulsory keeping of records and documents concerning the management, administration and other matters relating to the rendering of a security service and the format for keeping the records and documents, including the premises where the records and documents must be kept available;
- (l) the types of information which security service providers must furnish to the Authority;
- (m) the issuing, possession and use of firearms and other weapons by security service providers;
- (n) the safe-keeping and disposal of records, documents and other objects seized in terms of this Act;
- (o) the training, registration, use, treatment, transportation and general care of working animals by security service providers and other persons who employ security officers, in or in connection with rendering a security service, as well as the registration of training centres with regard thereto;
- (p) the information to be furnished by security businesses to consumers or prospective consumers of security services;
- (q) the advertising of the services of security service providers and of security equipment;
- (r) the use of certain types of equipment by security service providers in the rendering of a security service;
- (s) the manufacture, importation, selling, distribution and possession of security equipment;
- (t) the limited engaging by the Authority of the services of consultants, when it is necessary to make use of such services;
- (u) generally, any matter which it is necessary or expedient to prescribe for the attainment or better attainment of the objects of this Act or the performance of the functions of the Authority.

(2) Different regulations may be made in terms of subsection (1) with reference to different categories or classes of security service providers.

(3) Regulations made in terms of subsection (1) may, in respect of any contravention thereof or failure to comply therewith, prescribe as a penalty a fine or imprisonment for a period not exceeding 24 months.

[NB: S. 35 has been substituted by [s. 32](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

36 Provision of information to Authority

[NB: The heading has been substituted by s. 33 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

(1) A member of the Service must, at the request of the Authority, furnish the Authority with information regarding any previous conviction of a person applying in terms of section 21 for registration as a security service provider.

(2) A person in the employ of the State must, subject to any applicable law, at the request of the Authority furnish the Authority with such information as may be needed by the Authority in order to perform its functions in terms of this Act and the Levies Act.

[NB: Sub-ss. (3), (4) and (5) have been added and a s. 36A has been inserted by ss. 33 (b) and 34 respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

37 Preservation of confidentiality

No person may disclose to any other person any information obtained by him or her in the performance of any function in terms of this Act and which relates to the personal, financial or business affairs of any person or which may be prejudicial to the performance of the functions of the Authority, except—

- (a) to the extent to which it may be necessary for the proper administration or application of the provisions of this Act or the Levies Act;
- (b) to the extent that this Act or any other applicable law authorises or compels such disclosure;
- (c) with the consent of the Minister; or

(d) to the extent that it is necessary for the purposes of pending legal proceedings relating to a matter dealt with in this Act or the Levies Act.

38 Offences and penalties

(1) Any person who-

- (a) falsely represents himself or herself to be an inspector; or
- (b) interferes with, resists, obstructs, hinders or delays an inspector, other person lawfully accompanying an inspector or a member of the Service in the performance of any function in terms of this Act or the Levies Act,
[NB: Para. (b) has been substituted by s. 35 (a) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

(2) Any security service provider or other person referred to in section 33, who-

- (a) refuses or fails to comply with any request of an inspector or member of the Service in terms of section 34;
- (b) without lawful excuse refuses or fails to answer a question put to him or her by an inspector or a member of the Service; or
- (c) makes any statement to an inspector or a member of the Service which is materially false or produces any document to an inspector or member of the Service which is false in any material respect,
[NB: A para. (d) has been added by s. 35 (b) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

(3) Any person who-

- (a) contravenes or fails to comply with section 20 (1) or section 26 (3);
- (b) contravenes or fails to comply with section 26 (6) or 37;
- (c) in any application, inquiry, improper conduct proceedings, appeal or other proceedings in terms of this Act or the Levies Act, wilfully furnishes information or makes a statement which is false in any material respect;
- (d) fails to keep a prescribed record or document or fails to keep a prescribed record or document at premises as required in terms of this Act or the Levies Act;
- (e) advertises security services to be rendered by a person who is not registered in terms of this Act or whose registration is suspended in terms of this Act or the Levies Act;
- (f) holds himself or herself out as a registered security service provider whilst he or she is not registered or such registration is suspended;
- (g) knowingly or without the exercise of reasonable care contracts for the rendering of security services contrary to a provision of this Act or the Levies Act;
- (h) in any manner threatens, or commits an act which is calculated to obstruct or unduly influence a councillor or a staff member of the Authority in the performance of his or her functions in terms of this Act or the Levies Act; or
- (i) commits an act which is calculated to hinder, impede or obstruct any investigation in terms of this Act or the Levies Act,

is guilty of an offence and-

- (i) on a first conviction of a contravention referred to in paragraph (a), is liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment;
[NB: Sub-para. (i) has been substituted by s. 35 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]
- (ii) on a second or subsequent conviction of a contravention referred to in paragraph (a), is liable to a fine or to imprisonment for a period not exceeding ten years, or to both a fine and such imprisonment;
[NB: Sub-para. (ii) has been substituted by s. 35 (c) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]
- (iii) on a conviction of a contravention referred to in paragraph (b), (c), (d), (e), (f), (g), (h), or (i), is liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.
[NB: Sub-para. (iii) has been substituted and a sub-s. (3A) has been inserted by s. 35 (c) and (d) respectively of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), provisions which will be put into operation by proclamation. See PENDLEX.]

(4) Any person who contravenes or fails to comply with any other provision of this Act or any provision of the Levies Act, is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.

39 Extra-territorial application of Act and jurisdiction

(1) Any act constituting an offence in terms of this Act and which is committed outside the Republic by any security service provider, registered or obliged to be registered in terms of this Act, is deemed to have been committed in the Republic.

(2) Any offence in terms of this Act is, for the purpose of determining the jurisdiction of a court to try the offence, deemed to have been committed-

- (a) at the place where it was actually committed;
- (b) at the place where the accused is resident; and
- (c) at the place where the accused conducts his or her business.

[NB: S. 39 has been repealed by [s. 36](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

40 Limitation of liability

The Minister, someone acting under the authority of the Minister, the Authority, a councillor contemplated in section 6, or any person in the employ of the Authority or performing functions in terms of this Act or the Levies Act, is not personally liable in respect of the *bona fide* exercise of a power or performance of a duty in terms of a provision of this Act or the Levies Act, if such exercise or performance was not grossly negligent.

41 Delegation of powers by Minister

(1) The Minister may upon such conditions as he or she may deem fit, delegate any of the powers conferred upon him or her by this Act, except the power mentioned in sections 1 (2), 6, 8, 20, 28, 30 or 35 to the National Commissioner or a member of the Service designated by the National Commissioner.

(2) No delegation of any power prevents the exercise of such power by the Minister.

[NB: S. 41 has been repealed by [s. 36](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation.]

42 Act binds State

This Act binds the State.

43 Amendment and repeal of laws

The Security Officers Act, 1987 ([Act 92 of 1987](#)), is hereby repealed, with the exception of its provisions, including the regulations, relating to the deduction and payment of annual amounts, the funding of the Security Officers' Interim Board and the imposition of criminal and other sanctions relating thereto.

44 Transitional provisions

(1) In this section-

- (a) '**repealed legislation**' means the Security Officers Act, 1987 ([Act 92 of 1987](#));
- (b) '**Board**' means the Security Officers' Interim Board established by section 2 of the repealed legislation.

(2) With effect from the date of commencement of this Act-

- (a) all assets, rights, obligations, duties and liabilities of the Board vest in the Authority and are deemed to have been acquired or incurred by the Authority, as the case may be, in terms of the provisions of this Act;
- (b) anything done or any decision or steps taken by the Board in terms of a provision of the repealed legislation is deemed to have been done or taken by the Authority, as the case may be, in terms of the corresponding provisions of this Act;
- (c) any regulation or a code of conduct made or drawn up in terms of the repealed legislation and in force immediately before the commencement of this Act, remains in force to the extent that it is compatible with this Act, until amended, abolished or replaced in terms of this Act;
- (d) any reference in any law or document to the Board must be construed as a reference to the Authority;
- (e) all proceedings which were pending before a court between the Board and any person or appeals pending before the Minister in terms of the repealed legislation, must continue as between the Authority and such person and must be disposed of as if this Act had not been enacted, unless the interests of justice require otherwise.

(3) As soon as possible after the commencement of this Act the Authority must, on application by any person, against payment of such amount as may be determined by the Authority, effect all such changes or endorsements on any document that was issued by the Board or which reflects a transaction to which the Board was a party immediately prior to such commencement, as are necessary, to give effect to this section.

(4) Any criminal proceedings, improper conduct proceedings or appeals against decisions of the Board instituted in terms of the repealed legislation and which has not been finalised at the commencement of this Act, must be dealt with and finalised as if such legislation had not been repealed.

(5) The Registrar of Deeds concerned must make entries or endorsements in or on any relevant register, title deed or other document in the Registrar's office or submitted to the Registrar, which may be necessary in order to give effect to the provisions of subsection (2) (a) and no office fee or other charge is payable in respect of any such entry or endorsement.

(6) (a) Any category or class of security service providers which was not obliged to be registered as security officers in terms of the repealed legislation immediately before the commencement of this Act, will not be subject to the provisions of this Act or the Levies Act, until such date² as the Minister may determine by notice in the *Gazette*.

(b) A notice contemplated in paragraph (a) may specify different dates in respect of different categories or classes of security service providers and must be published at least 180 days before any such date specified therein.

(7) All provisions of the repealed legislation relating to the deduction and payment of annual amounts, the funding of the Board and the imposition of criminal and other sanctions relating thereto, including all relevant regulations, remain in force to provide for the funding of the Authority, until they are repealed by the implementation of the relevant provisions of the Levies Act.

(8) The provisions of section 20 of the repealed legislation and the regulations made in relation thereto remain in force, with the necessary changes, as if the legislation had not been repealed, until a code of conduct for security service providers and provisions providing for the enforcement thereof come into operation.

[NB: A s. 44A has been inserted by [s. 38](#) of the Private Security Industry Regulation Amendment [Act 18 of 2014](#), a provision which will be put into operation by proclamation. See PENDLEX.]

² 1 March 2003 - GN 1027 in GG 23679 of 26 July 2002

45 Short title and commencement

This Act is called the Private Security Industry Regulation Act, 2001, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Schedule TABLE OF OFFENCES

[Schedule amended by [s. 36 \(1\)](#) of [Act 12 of 2004](#) (wef 27 April 2004), substituted by [s. 68](#) of [Act 32 of 2007](#) (wef 16 December 2007) and amended by [s. 48](#) of [Act 7 of 2013](#) (wef 9 August 2015).]

High treason.

Sedition.

Sabotage.

Terrorism.

Public violence.

Arson.

Malicious damage to property.

Intimidation.

Rape or compelled rape as contemplated in section 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.

Murder.

Robbery.

Culpable homicide involving the use of a firearm or any form of intentional violence.

Kidnapping.

Assault with the intention to cause serious bodily harm.

Sexual assault, compelled sexual assault or compelled self-sexual assault as contemplated in section 5, 6 or 7 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.

Any sexual offence against a child or a person who is mentally disabled as contemplated in Part 2 of Chapter 3 or the whole of Chapter 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.

Any offence under Chapter 2, except section 9 (3), of the Prevention and Combating of Trafficking in Persons Act, 2013.

Child stealing.

Fraud.

Forgery or uttering of a forged document knowing it to have been forged.

Breaking or entering any premises, whether in terms of common or statutory law, with the intention to commit an offence.

Theft, whether in terms of common law or statutory law.

Receiving stolen property knowing it to have been stolen.

Extortion.

Defeating the ends of justice.

Perjury, whether in terms of common law or statutory law.

An offence referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004.

An offence involving the illicit dealing in dependence-producing substances.

Any offence in terms of statutory law involving an element of dishonesty.

Any offence in terms of the Domestic Violence Act, 1998 ([Act 116 of 1998](#)).

Any offence in terms of the Explosives Act, 1956 ([Act 26 of 1956](#)).

Any offence in terms of the Regulation of Foreign Military Assistance Act, 1998 ([Act 15 of 1998](#)).

Any offence in terms of legislation pertaining to the control over the possession and use of firearms and ammunition.

Any offence in terms of the Interception and Monitoring Prohibition Act, 1992 ([Act 127 of 1992](#)).

Any offence in terms of the Intelligence Services Act, 1994 (Act 38 of 1994).

Any offence in terms of the Protection of Information Act, 1982 ([Act 84 of 1982](#)).

Crimen injuria.

Any offence in terms of statutory law involving cruelty to an animal.

Any offence in terms of any law relating to illicit dealing in or possession of precious medals or precious stones.

Any offence in terms of statutory law punishable by a period of imprisonment exceeding two years without the option of a fine.

Any conspiracy, incitement or attempt to commit any of the above offences.

PENDLEX: Private Security Industry Regulation Act 56 of 2001 after amendment by the Private Security Industry Regulation Amendment Act 18 of 2014

Index - item 14A

Disqualifications for appointment as director and deputy directors

Index, item 15 - deleted

Index - item 16

Finances of Authority

Index - item 16A

Annual report

Index - items 17, 18 and 19 - deleted

Index - item 20A

Exemption Advisory Committee

Index - item 21A

Categories of security businesses

Index - item 36A

Security services rendered outside Republic

Index, items 39 and 41 - deleted**Index - item 44A**

Transitional provisions relating to the Private Security Industry Regulation Amendment Act, 2014

Long title

To provide for the regulation of the private security industry; for that purpose to establish a regulatory authority; to provide for the appointment of the director and deputy directors for the Authority; to provide for cooperation with the Civilian Secretariat for Police; to provide for the finances and accountability of the Authority; to provide for limitation on foreign ownership; to provide for the establishment and functions of the Exemption Advisory Committee; to regulate security services rendered outside the Republic; to empower the Minister to make regulations for the transportation of cash and other valuables; to provide for offences and penalties; and to provide for matters connected therewith.

Preamble - para before the first para

WHEREAS national security is paramount and needs to be approached in a holistic and pro-active manner;

AND WHEREAS it is essential that the private security industry operates in a manner that contributes to the safety and security of communities and in particular consumers of private security services, but also in a manner that does not prejudice or threaten national security;

Preamble first para

AND WHEREAS the adequate protection of fundamental rights to life and security of the person as well as the right not to be deprived of property, is fundamental to the well-being and to the social and economic development of every person;

Section 1 (1) - definitions

'Civilian Secretariat' means the national Civilian Secretariat for the Police Service established in terms of [section 4 \(1\)](#) of the Civilian Secretariat for Police Service Act, 2011 ([Act 2 of 2011](#));

'company' means a company within the meaning of the Companies Act, 2008 ([Act 71 of 2008](#));

'Levies Act' means the Private Security Industry Levies Act, 2002 ([Act 23 of 2002](#));

'locksmith' means a person, including an apprentice employed by a locksmith, who, for the benefit of another person, engages in any activity or business which is related to-

- (a) designing and managing master key systems;
- (b) installing, maintaining, repairing and changing the combinations of safes, vaults and safety deposit boxes;
- (c) maintaining key code records;
- (d) cutting keys and duplicating existing keys; or
- (e) opening, closing or engaging of locking mechanisms of any nature, by means of a specialised device in any manner;

'Minister' means the member of the Cabinet responsible for policing;

'National Commissioner' - deleted

'National Treasury' means the National Treasury established by section 5 of the Public Finance Management Act;

'organ of state' means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996, but does not include the Security Services referred to in section 199 of the Constitution;

'Public Finance Management Act' means the Public Finance Management Act, 1999 ([Act 1 of 1999](#));

'security business' means, subject to section 20 (5) any person who renders a security service to another for remuneration, reward, fee or benefit, except a person acting only as a security officer;

'security officer', para (a)

- (i) who is employed by another person, including an organ of state, subject to section 20 (1) (a) and (b) and who receives or is entitled to receive from such other person any remuneration, reward, fee or benefit, for rendering one or more security services; or
- (ii) who assists in carrying on or conducting the affairs of another security service provider, and who receives or is entitled to receive from such other security service provider, or any other person, any remuneration, reward, fee or benefit, as regards one or more security services;

'security service', para (e)

manufacturing, assembling, possessing, selling, purchasing, or advertising of listed equipment contemplated in [section 1](#) of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 ([Act 70 of 2002](#)), authorised by the Minister of Justice and Constitutional Development under section 45 (2) and section 46 (1) (a) (ii) of that Act;

'security service', para (k)

making a person or the services of a person available, whether directly or indirectly, for the rendering of any service referred to in paragraphs (a) to (j), (l) and (IA), to another person;

'security service', para (l)

managing, controlling or supervising the rendering of any of the services referred to in paragraphs (a) to (j) and (IA);

'security service', para (IA)

protecting or safeguarding of cash or goods with a high value, including precious metals or jewellery when transported on a public road, except when transported by a person at his or her own account, or by the South African National Defence Force or in the case of transport by escort of the Service;

'security service', para (m)

creating the impression, in any manner, that one or more of the services in paragraphs (a) to (IA) are rendered;

'security service provider' means a person who renders a security service to another for remuneration, reward, fee or benefit and includes such a person who is not registered as required in terms of this Act;

Section 1 (2) - deleted

Section 2 - Establishment of Private Security Industry Regulatory Authority

A juristic person to be known as the Private Security Industry Regulatory Authority, is hereby established.

Section 3 - words preceding para (a)

The primary objects of the 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 for that purpose, subject to this Act, to-

Section 3 (a)

ensure a legitimate private security industry which-

- (i) acts in terms of the principles contained in the Constitution and other applicable law;
- (ii) is characterised by ethical conduct, accessibility, accountability, transparency, equity, professionalism and stability; and
- (iii) protects and serves the interests of members of the public who use or are affected by the security services;

Section 3 (b)

determine and enforce minimum standards of occupational conduct in respect of security service providers;

Section 3 (c)

ensure that the process of registration of security service providers is transparent, fair, objective and concluded timeously;

Section 3 (d)

promote high and uniform standards in the training of security service providers and prospective security service providers;

Section 3 (e)

promote the protection and enforcement of the rights of security officers and other employees in the private security industry;

Section 3 (f)

ensure that compliance with existing legislation by security service providers is being promoted and controlled through a process of active monitoring and investigation of the affairs of security service providers; and

Section 3 (g)

promote awareness amongst the public and the private security industry on the functions and role of the Authority and the industry.

Section 4 (b)

enquire into and report to the Minister, through the Council, on any matter concerning the objects of the Authority;

Section 4 (c)

advise the Minister, through the Council, on any matter deemed by the Authority to be necessary or expedient to be considered by the Minister in connection with the provisions of this Act, or the Levies Act, or the application thereof, and on any matter relating to security services which has been referred by the Minister to the Authority for the advice and recommendations of the Authority;

Section 4 (e)

receive and consider applications for registration and renewal of registration as security service provider and grant or renew registration to applicants who comply with the requirements for such registration or renewal of registration in terms of this Act;

Section 4 (f)

establish and manage offices for the Authority in every province;

Section 4 (g)

provide or disseminate information promoting and encouraging compliance with this Act, the Levies Act and the code of conduct, by security service providers;

Section 4 (h)

provide information to the users, prospective users or representatives of users of security services regarding the compliance of security service providers with the provisions of this Act and the Levies Act;

Section 4 (i)

in the prescribed manner establish a complaints office to receive, process, refer or deal with complaints regarding unlawful or unethical conduct by security service providers;

Section 4 (j)

determine, charge and collect fees as provided for in this Act or in respect of any service rendered by the Authority or any object made available by the Authority;

Section 4 (k)

determine minimum internal control systems for security businesses, including but not limited to, accounting and reporting procedures and any other procedures or systems;

Section 4 (l)

conduct, or cause to be conducted, hearings, investigations and inquiries with regard to any matter falling within the scope of its functions;

Section 4 (m)

enter into agreements with or obtain the assistance of any department or organ of state to conduct or assist it in conducting any investigation or performing any other function in terms of this Act or the Levies Act; and

Section 4 (n)

take such steps as may be expedient or necessary in connection with the training of security service providers and prospective security service providers to ensure a high quality of training and in particular with regard to-

- (i) the accreditation and withdrawal of the accreditation of persons and institutions providing security training;
- (ii) the monitoring and auditing of the quality of training functions performed by accredited persons;
- (iii) the participation in the activities of other bodies or persons entitled by law to set standards in respect of training of security service providers or bodies entitled to formulate, implement or monitor skills development plans for the private security industry;
- (iv) the appointment of persons to monitor and assess achievements or outcomes in respect of standards applicable to training;
- (v) the determination and accreditation of qualifications required by security service providers to perform particular types of security services; and
- (vi) the taking of reasonable steps to verify the authenticity of training certificates presented by persons for the purposes of this Act.

Section 5 (2A)

The Public Finance Management Act applies to the Council and the Authority.

Section 5 (4)

The Authority must otherwise perform its functions in terms of this Act, the Levies Act and the Public Finance Management Act.

Section 5 (5)

(a) The Authority must perform its functions in accordance with such guidelines and policy directions as may be issued by the Minister from time to time by notice in the *Gazette*.

(b) A guideline or policy direction issued by the Minister in terms of this section, may be amended, withdrawn or substituted by the Minister, by notice in the *Gazette*.

Section 5 (6)

Whenever members of the Council are unable to agree on a material financial, governance or operational issue which cannot be resolved by the Council, the Minister must mediate between the parties.

Section 6 (2)

Subject to section 7, a member of the Council for the Authority must be a fit and proper person with due regard to his or her experience, conscientiousness and integrity to be entrusted with the responsibilities of the office concerned.

Section 6 (3)

The members of the Council must, when viewed collectively be persons who are suited to serve on the Council by virtue of their qualifications, experience and expertise in the fields of finance, law and governance.

Section 6 (4)

The Minister must report to Parliament on the appointment of councillors, as well as their qualifications, experience and expertise.

Section 7 (a)

is not a citizen of the Republic;

Section 7 (c) - deleted

Section 7 (d)

is an unrehabilitated insolvent;

Section 7 (e)

has not obtained such a security clearance by the State Security Agency as may have been determined by the Minister; or

Section 7 (f)

has been convicted of a criminal offence, or who is subject to a pending criminal prosecution.

Section 8 (1)

A councillor is, subject to this section, appointed for a period not exceeding five years, on such terms and conditions as the Minister may determine in a letter of appointment, provided that all members of the Council serve on a part-time basis.

Section 8 (2)

A councillor is eligible for reappointment upon the expiry of his or her term of office, for a period not exceeding two years, if he or she continues to meet the requirements for such appointment in terms of this Act.

Section 8 (3) (e)

he or she is no longer a fit and proper person as required in section 6 (2).

Section 8 (3A)

When a councillor becomes subject to any disqualification referred to in section 7 or is absent from three consecutive meetings of the Council, the chairperson, vice-chairperson or acting chairperson contemplated in section 12 (10), as the case may be, must inform the Minister in writing within a reasonable time, but before the next meeting of Council, of such disqualification or absence.

Section 8 (5)

If a councillor ceases to hold office the Minister must, with due regard to sections 6 (2) and 7, within six months appoint a person to fill the vacancy.

Section 8 (6)

A councillor, or a member of a committee appointed by the Council referred to in section 13 (1), who is not an employee of the Authority or an officer or employee in the Public Service, may be paid from the funds of the Authority such remuneration and allowances as the Minister may determine with the concurrence of the Minister of Finance.

Section 8 (7) - deleted

Section 8 (8)

The Authority is responsible for all legitimate costs of Council including the remuneration for the Council secretary.

Section 9 - heading

Functions of Council, chairperson and secretary

Section 9 (1) (c) - words preceding subpara (i)

must, in consultation with the Minister, by notice in the *Gazette* make rules, subject to the provisions of this Act, the Levies Act and the Public Finance Management Act regarding-

Section 9 (1A)

In formulating the rules referred to in subsection (1) (c), cognisance must be taken of the principles relating to improvement of service delivery, quality of training and integrity as applicable to the public administration.

Section 9 (2) (a) - deleted

Section 9 (2) (d)

must provide strategic direction to the Authority through the Council; and

Section 9 (2) (e) - deleted

Section 9 (2) (f)

must maintain a working relationship with the Civilian Secretariat to cooperate on policing and policy matters related to the private security industry.

Section 9 (3)

(a) The Council must, after obtaining the advice of the Department of Public Service and Administration and in consultation with the Minister, appoint a suitably qualified person to act as Council secretary.

(b) The Council secretary must be accountable to the chairperson and the Council.

(c) The Council secretary must manage any administrative matters and the correspondence of the Council and any committee appointed in terms of section 13 (1) or established in terms of section 13 (2), including-

- (i) acting as a link and liaising between the Council and the Authority;
- (ii) facilitating communication between the-
 - (aa) Council and the Authority;
 - (bb) Council and the Minister; and
 - (cc) Council and Parliament;
- (iii) developing rules for the Council and ensuring compliance with legislation by the Council;
- (iv) assisting the Council in the development of its annual plan;
- (v) providing administrative support to the Council in the preparation of all reports and other documentation of the Council;
- (vi) preparing the agenda and all documents for the Council meetings and dissemination thereof;
- (vii) taking minutes and keeping records of all decisions of the Council;
- (viii) facilitating and providing relevant advice required by the Council;
- (ix) facilitating the submission of reports and other documents of the Authority to Council; and
- (x) executing any other task assigned by the Council.

Section 10 (1)

The Council is accountable to the Minister for the performance of its functions and must supply the Minister with such information and particulars as the Minister may in writing require in connection with the functions of the Authority or any other matter relating to the Authority.

Section 10 (1A)

The Council must submit a report to the Minister-

- (a) on any matter required by the Minister under subsection (1) and on any matter necessary or expedient to bring to the attention of the Minister; and
- (b) at least once a quarter in connection with the activities of the Authority, including-
 - (i) the number of security service providers registered, sold, transferred, liquidated, suspended, dormant, merged, deaccredited and prosecuted;
 - (ii) the number of security officers registered, including category and functions;
 - (iii) the details of training undertaken by registered security officers and training institutions;
 - (iv) the number of training institutions registered, sold, transferred, liquidated, suspended and dormant;
 - (v) the number of firearms registered to, lost by, stolen from, transferred by security businesses or destroyed in terms of the Firearms Control Act, 2000 ([Act 60 of 2000](#));
 - (vi) instances in which firearms were discharged by a security officer in the performance of his or her duties causing death or injury;
 - (vii) information of criminal complaints and investigations relating to security service providers reported to the Service by the Authority;
 - (viii) the number of meetings of the Council;
 - (ix) a report in terms of the Public Finance Management Act; and
 - (x) a monthly report on-
 - (aa) the financial performance of the Authority; and

(bb) any deposits or withdrawals relating to any investment account of the Authority and the reasons therefor.

Section 10 (2) - deleted

Section 11 - words preceding para (a)

If the Council or the Authority cannot or does not maintain an acceptable standard in the fulfilment of one or more of its functions in terms of this Act, the Levies Act and the Public Finance Management Act, the Minister may intervene by taking any appropriate step to ensure proper fulfilment of that function, including-

Section 11 (b) (ii)

to prevent the Council, the Authority or any person appointed by the Council or the Authority, from taking any action which is prejudicial to the objects of the Authority;

Section 11 (d)

taking such corrective measures as required by the circumstances in the period whilst there is no appointed Council; and

Section 11 (e)

the interim appointment of a person or persons meeting the requirements contemplated in section 6 (2) to ensure the continuity of the affairs of the Authority: Provided that the interim appointment may not exceed six months.

Section 12 (1) (c)

The Council must meet at least once every quarter.

Section 12 (2) (a)

The chairperson may at any time convene a special meeting of the Council.

Section 12 (2) (c)

The chairperson must convene a special meeting if so directed by the Minister.

Section 12 (3)

The quorum for any meeting of the Council is three councillors.

Section 12 (7) (b)

a vacancy on the Council; or

Section 12 (7) (c)

the fact that any person was not entitled to sit as councillor at the time the decision was taken.

Section 12 (7) (d) - deleted

Section 13 (1)

Subject to section 8 (6), the Council may appoint one or more *ad hoc* committees consisting of-

- (a) one or more councillors;
- (b) one or more councillors and one or more other persons; or
- (c) one or more other persons,

to advise or assist the Authority in relation to any matter referred to it by the Council and to report on that matter to the Council.

Section 13 (2)

The Council must establish committees representing different sectors, disciplines or interests in the private security industry to advise it regarding the regulation of the private security industry, provided that no remuneration or allowances as contemplated in section 8 (6) may be paid to a member of a committee established in terms of this subsection.

Section 13 (4)

A committee must perform its functions subject to the provisions of this Act, the Levies Act, the Public Finance Management Act and any terms of reference prescribed by the Council.

Section 13 (6)

The Council must report to the Minister on the appointment of the committees and the costs pertaining to such appointment.

Section 14 (1)

The Council must through a transparent process appoint, in consultation with the Minister a director of the Authority, as well as three deputy directors, who are-

- (a) citizens of the Republic; and
- (b) fit and proper persons,

with due regard to their qualifications, experience, conscientiousness and integrity, to be entrusted with the responsibilities with regard to their respective offices.

Section 14 (1A)

Appointments made under subsection (1) must be on such terms and conditions as may be determined by the Council and taking into account the principles relating to improvement of service delivery, quality of training and integrity as applicable to the public administration.

Section 14 (1B)

The fixed establishment, the number and grading of posts of the Authority must be approved by the Council in consultation with the Department of Public Service and Administration and with the concurrence of the Minister.

Section 14 (1C)

The Minister must report the appointment of the director and deputy directors to Parliament.

Section 14 (2) - words preceding para (a)

The director of the Authority must, subject to subsection (1B)-

Section 14 (2) (c)

ensure that the functions of the Authority are performed in terms of this Act, the Levies Act and the Public Finance Management Act;

Section 14 (2) (f)

prepare the strategic and annual performance plan of the Authority in accordance with the Public Finance Management Act; and

Section 14 (3)

The director of the Authority may in writing, with the approval of the Council, delegate any of his or her powers, and assign any of his or her duties, to a staff member of the Authority.

Section 14 (3A)

A standing delegation made under subsection (3) must be reviewed annually by the Council.

Section 14 (4) (a)

The director of the Authority must appoint, subject to this Act and to the general directions of the Council, the staff of the Authority that may be necessary to perform the work arising from or connected with the Authority's functions in terms of this Act, the Levies Act and the Public Finance Management Act.

Section 14 (4) (b) - deleted**Section 14 (4) (c)**

Staff members of the Authority-

- (i) may not have any financial interest in the private security industry; and
- (ii) must successfully undergo such security clearance check conducted by the State Security Agency, as may be determined by the Council if this is relevant in respect of their work.

Section 14 (5) - deleted**Section 14 (6)**

The terms and conditions of service of the Authority's staff and their remuneration, allowances, subsidies and other service benefits must be determined by the Council, in consultation with the Minister.

Section 14 (7)

A vacancy in the offices of the director and deputy directors must be filled within six months.

Section 14A - Disqualifications for appointment as director and deputy directors

A person may not be appointed as a director or deputy director if such person-

- (a) is not a citizen of the Republic;
- (b) (i) has a direct or indirect financial or personal interest in the private security industry; or
(ii) represents, or is a member of a body representing the interests of employers or employees in the private security industry or security officers or any security business;
- (c) is an unrehabilitated insolvent;
- (d) has not obtained such a security clearance by the State Security Agency as may have been determined by the Minister;
- (e) has been convicted of a criminal offence, or who is subject to a pending criminal prosecution; or
- (f) is not a fit and proper person.

Section 15 - repealed**Section 16 - Finances of Authority**

(1) The Authority is financed from-

- (a) registration fees, levies or moneys from any legitimate source which have accrued to the Authority in terms of this Act, the Levies Act or any other law; and
- (b) money that may be appropriated by Parliament, where necessary, appropriate and justifiable.

(2) The Council must, subject to the Public Finance Management Act and section 16A-

- (a) account for money received or paid on account of the Authority; and
- (b) cause the necessary accounting and other related records to be kept.

(3) The records referred to in subsection (2) (b) must be audited by the Auditor-General.

(4) The director must report to the Council in respect of the financial affairs, including any investment account of the Authority, on a monthly and quarterly basis and as and when required.

(5) The Council is the accounting authority for the Authority.

Section 16A - Annual report

(1) The Council must prepare and submit to the Minister, through the accounting officer designated by the Minister, an annual report in terms of section 55 (1) (d) of the Public Finance Management Act.

(2) The annual report referred to in subsection (1) must include the following documents:

- (a) The audited financial statements prepared in terms of the Public Finance Management Act;
- (b) the Auditor-General's report prepared in terms of the Public Finance Management Act; and
- (c) a report on the activities of the Authority undertaken during the year to which the audit relates including matters-
 - (i) referred to in sections 10 (1A), 26 (9) and 32 (4);
 - (ii) pertaining to the exemptions granted or refused and the reasons therefor; and

(iii) pertaining to any investment account of the Authority, including any deposits or withdrawals and reasons therefor.

(3) The director must publish, including in a medium accessible to the public, the annual report, financial statements and audit report on those statements once tabled in Parliament.

Sections 17, 18 and 19 - repealed

Section 20 (1)

(a) No person, except a Security Service contemplated in section 199 of the Constitution of the Republic of South Africa, 1996, may in any manner render a security service for remuneration, reward, a fee or benefit, unless such a person is registered as a security service provider in terms of this Act.

(b) A Security Service contemplated in section 199 of the Constitution of the Republic of South Africa, 1996, may use persons employed by them and who are not registered as security service providers to render a security service.

(c) A security business may not use the services of a person who is not registered in terms of this Act to render a security service.

Section 20 (2) (a)

if all the persons performing executive or managing functions in respect of such security business are registered as security service providers, unless such person is exempted in terms of this Act;

Section 20 (2) (c)

if at least 51 per cent of the ownership and control is exercised by South African citizens.

Section 20 (2A)

Despite subsection (2) (c), the Minister may, taking into account the security interests of the Republic, prescribe by regulation a different percentage of ownership and control in respect of different categories of the security business contemplated in section 21A.

Section 20 (2B)

The Minister must prescribe by regulation the verification of ownership and control of security businesses.

Section 20 (2C)

Any regulation contemplated in subsection (2A) or (2B) must be-

- (a) published in the *Gazette* for public comments; and
- (b) submitted to the National Assembly for approval before promulgation.

Section 20 (5)

The Minister may, after taking into consideration the recommendations of the Exemption Advisory Committee referred to in section 20A, by notice in the *Gazette* exempt any-

- (a) security service provider or security service provider belonging to a category or class specified in the notice, either generally or subject to such conditions as may be specified in the notice, from the operation of any provision of this Act; or
- (b) service, activity, practice, equipment, person or entity from any provision of this Act, as long as it does not prejudice the achievement of the objects of this Act.

Section 20 (6)

The Minister must take a decision within 90 days of receipt of the application for exemption contemplated in this Act, and in the case of refusal provide the applicant with reasons within 30 days of the date of receipt of a request for reasons.

Section 20A - Exemption Advisory Committee

(1) The Exemption Advisory Committee is hereby established.

(2) The Committee consists of a representative of the-

- (a) Authority;
- (b) Civilian Secretariat;
- (c) Department of Home Affairs;
- (d) Service;
- (e) Department of Trade and Industry; and
- (f) State Security Agency, appointed by the Minister.

(3) The representative of the Civilian Secretariat must be a legally qualified person and must chair the Committee.

(4) The Committee must make recommendations to the Minister in respect of exemptions referred to in section 20 (5).

(5) The Minister may prescribe procedural matters and the factors to be considered in relation to the function of the Committee referred to in subsection (4).

(6) The regulations referred to in subsection (5) must be tabled in the National Assembly for scrutiny and adoption-

- (a) within six months of promulgation of this Act; and
- (b) thereafter at least 30 days before promulgation of the regulations, while it is in session or after the commencement of the next ensuing session.

Section 21 (1) (b)

the application fee as determined by the Council;

Section 21 (1) (bA)

a certified copy of a valid identity document of a person referred to in paragraph (a);

Section 21 (1) (bB)

a design, sketch or photograph of the security service provider's insignia, emblem, title or symbol whether on a uniform, vehicle or otherwise; and

Section 21 (1) (bC)

a colour sketch or photograph of the security service provider's uniform.

Section 21A - Categories of security businesses

(1) The Authority may register a security business meeting the requirements in sections 21 and 23 under any one or more of the following categories:

- (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 70 of 2002](#));
- (g) private investigators;
- (h) security training;
- (i) electronic security;
- (j) locksmiths; or
- (k) security advisers.

(2) The Minister may, by notice in the *Gazette*, determine additional categories of security businesses.

(3) The Authority must determine training standards in respect of the categories referred to in subsection (1).

(4) A notice referred to in subsection (2) must be tabled in Parliament for notification within-

- (a) 14 days if Parliament is in session; or
- (b) 14 days after the next ensuing session if Parliament is not in session.

Section 22 - Renewal of registration

(1) The Minister must prescribe, through regulations, procedures in respect of the renewal of registration by registered security service providers and the conditions and requirements for the granting of such applications.

(2) (a) The registered security service provider must apply for the renewal of the relevant category of registration within the period determined by the Minister by notice in the *Gazette*.

(b) Different periods may be determined in terms of paragraph (a) in respect of different categories of security businesses for registration.

(c) If an application for the renewal of registration has been lodged within the period contemplated in subsection (2), the registration remains valid until the application is decided.

(3) An application for renewal of a registration contemplated in subsection (1) must, in addition to any requirement in terms of this Act, be accompanied by-

- (a) a certified copy of the existing registration certificate; and
- (b) such other information as may be prescribed.

(4) The registration of any security service provider, who fails to apply for the renewal of registration before the end of the period determined by the Minister in terms of subsection (2), lapses, subject to compliance with section 26 (5).

(5) The Authority must process an application for renewal within six months of receipt thereof.

Section 23 (1) (c)

has complied with the relevant prescribed training requirements in respect of any particular category referred to in section 21A;

Section 23 (1) (d)

was not found guilty of an offence specified in the Schedule;

Section 23 (1) (h)

is not currently employed in the public administration in circumstances where such registration may conflict with a legislative provision applicable to the applicant;

Section 23 (2) (c)

such security business furnishes information on the nature, scope and activities of the security business with reference to the categories referred to in section 21A (1).

Section 23 (4)

The Authority may refuse the registration of any person who at the time of submission or consideration of the application, is under State investigation in respect of an offence specified in the Schedule or who is being criminally prosecuted in respect of such an offence.

Section 26 (1)

The Authority must suspend the registration of a security service provider if there is a *prima facie* case of-

- (a) improper conduct in terms of this Act; or
- (b) the commission of an offence referred to in the Schedule.

Section 26 (1A)

The Authority may suspend the registration of a security service provider if-

- (a) the security service provider fails to comply with the obligation to pay the levy in terms of section 4 of the Levies Act; or
- (b) the security service provider fails to comply with any other provision of this Act.

Section 26 (1B)

The registration of a security service provider may be suspended subject to the provisions of the Promotion of Administrative Justice Act, 2000 ([Act 3 of 2000](#)).

Section 26 (2)

The Authority may suspend the registration of a security business if any of the grounds contemplated in subsection (1) pertain to a person referred to in section 20 (2).

Section 26 (3)

The effect of a suspension of registration is that the security service provider whose registration is suspended may not render any security service, but during the period of such suspension the security service provider is still bound by all the obligations of a registered security service provider provided for in this Act and in the Levies Act.

Section 26 (4) - words preceding para (a)

The Authority must, subject to section 5 (3) and the provisions of the Promotion of Administrative Justice Act, 2000 ([Act 3 of 2000](#)), withdraw the registration of a security service provider by written notice served on the security service provider if-

Section 26 (4) (a)

the security service provider has furnished to the Authority information in connection with the application for registration which is false;

Section 26 (5)

Subject to the provisions of the Promotion of Administrative Justice Act, 2000 ([Act 3 of 2000](#)), the registration of a security service provider lapses if-

- (a) it is not renewed as contemplated in section 22; or
- (b) the amount payable for levies in terms of section 2 of the Levies Act is not paid to the Authority within three months of the date of suspension of the registration of the security service provider concerned, unless the Authority determines otherwise.

Section 26 (5A)

If the registration of a security service provider has lapsed in terms of subsection (5) the Authority must publish a notice in the *Gazette*, indicating-

- (a) the name of the security service provider;
- (b) the period after which the registration has lapsed;
- (c) the reason for the lapsing of registration; and
- (d) the effect of the lapsing of registration.

Section 26 (9)

The Authority, through the Council, must report any suspension or withdrawal of registration made in terms of subsection (7) and any upliftment of suspension of registration made in terms of subsection (8) to the Minister within 30 days of the suspension, withdrawal or upliftment.

Section 26 (10)

The Authority must include any report referred to in subsection (9) in its annual report.

Section 28 (2)

The code of conduct is legally binding on all security service providers to the extent provided for in this Act, on every person using 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.

Section 30 (2) - words preceding para (a)

An appeal committee contemplated in subsection (1) is appointed by the Minister and consists of-

Section 30 (2) (b)

two other persons if considered appropriate by the Minister.

Section 30 (2A)

(a) An appeal committee is appointed to function on a part-time basis for a period not exceeding three years on such terms and conditions as determined by the Minister.

(b) A member of the appeal committee may resign by notice in writing to the Minister.

Section 30 (4)

The procedure in connection with the lodging and prosecution of an appeal in terms of this section must be prescribed by the Minister through regulations.

Section 30 (5)

The amounts payable by an appellant to the Authority in respect of the reproduction of records and related matters in the lodging and prosecution of an appeal must be prescribed by the Minister through regulations.

Section 30 (8)

All costs related to the appeals procedure must be borne by the Authority.

Section 31 (5)

(a) The director may, if it is considered necessary in the circumstances to acquire special expertise or to augment the capacity of the Authority temporarily, appoint any person who is not in the full-time employment of the Authority to assist an inspector with a particular inspection.

(b) Any appointment made in terms of paragraph (a) must be reported on quarterly by the Council to the Minister and must be included in the annual report referred to in section 16A.

Section 32 (4)

The Authority must include information on any penalties imposed under subsection (3) in the annual report.

Section 34 (1) (a) - words preceding subpara (i)

without prior notice, subject to subsection (6), enter any premises-

Section 34 (1) (a) (iii)

where, or from where, a security service is rendered or the director has reason to believe that such a service is rendered;

Section 34 (3) (b)

An inspector may use the powers in terms of this subsection only to serve the purposes of this Act.

Section 34 (6)

An inspection of private dwellings may only be carried out when authorised by a warrant issued by a competent court.

Section 35 - Regulations

(1) The Minister may make regulations relating to any matter which-

- (a) in terms of this Act is required or permitted to be prescribed; and
- (b) generally is necessary or expedient to prescribe for the attainment or better attainment of the objects of this Act or performance of the functions of the Authority.

(1A) The Minister must make regulations relating to-

- (a) the requirements in respect of the infrastructure and capacity necessary for a security business to render a security service;
- (b) the registration by the Authority of security service providers, including the procedures in relation to the suspension, withdrawal and lapsing of registration;
- (c) the procedures in respect of renewal of registration and the conditions upon which such applications are to be granted;
- (d) the obligatory undergoing of security training by security service providers in respect of the different categories referred to in section 21A (1);
- (e) ensuring the quality of training as contemplated in section 4 (n) or any other law, in respect of security service providers and prospective security service providers;
- (eA) guidelines in respect of insignia, emblem, title or symbol whether on a uniform, vehicle or otherwise;
- (f) the registration and identification certificates of security service providers;
- (g) the types of uniforms, insignia, emblem, title, symbol, distinctive badges or buttons which may not be supplied to, used or worn by a security service provider;
- (h) (i) the procedure for the institution and conduct of improper conduct proceedings or any other inquiry in terms of this Act;
 - (ii) the appointment, powers and duties of presiding officers and other officials in respect of such proceedings or any other inquiry in terms of this Act;
 - (iii) the attendance by a security service provider or any witness, of improper conduct proceedings or any other inquiry in terms of this Act;
 - (iv) cost orders with regard to improper conduct proceedings;
 - (v) the procedure for the payment and collection of fines imposed in respect of improper conduct;
 - (vi) competent findings and other appropriate orders in respect of improper conduct;
 - (vii) the confirmation, review or substitution of any finding, punishment or other order contemplated in subparagraph (vi), or the setting aside thereof, by the Authority;
- (i) the establishment, management and functioning of a guarantee fund for the private security industry;
- (j) the establishment and operation of a complaints office as contemplated in section 4 (r);
- (k) the compulsory keeping of records and documents concerning the management, administration and other matters relating to the rendering of a security service and the format for keeping the records and documents, including the premises where the records and documents must be kept available;
- (l) the types of information which security service providers must furnish to the Authority;
- (lA) the types of information which security service providers must furnish to the Authority when rendering a security service outside the Republic;
- (m) the issuing, possession and use of firearms and other weapons by security service providers;
- (n) the safe-keeping and disposal of records, documents and other objects seized in terms of this Act;
- (o) the training, registration, use, treatment, transportation and general care of working animals by security service providers and other persons who employ security officers, in or in connection with rendering a security service, as well as the registration of training centres with regard thereto;
- (p) the information to be furnished by security businesses to consumers or prospective consumers of security services;
- (q) the advertising of the services of security service providers and of security equipment;
- (r) the use of certain types of equipment by security service providers in the rendering of a security service;
- (s) the manufacture, importation, selling, distribution and possession of security equipment;
- (sA) minimum standards applicable to security service providers responsible for the safe transportation of cash or goods with a high value, including precious metals or jewellery;
- (sB) minimum standards for the provision of security services at national key points as referred to in [section 1](#) of the National Key Points Act, 1980 ([Act 102 of 1980](#));
- (t) the limited engaging by the Authority of the services of consultants, when it is necessary to make use of such services.

(2) Different regulations may be made in terms of subsection (1) or (1A) with reference to different categories or classes of security service providers.

(3) Regulations made in terms of subsection (1) or (1A) may, in respect of any contravention thereof or failure to comply therewith, prescribe as a penalty a fine or imprisonment for a period not exceeding five years.

(4) The Minister must, after consultation with the Council, issue guidelines or policies in relation to the governance of the

Authority within six months of the commencement of this Act and thereafter as and when required.

(5) Any regulation made under this section must be tabled in Parliament for consideration.

Section 36 - heading

Provision of information

Section 36 (3)

The Authority must inform the Registrar as defined in [section 1](#) of the Firearms Control Act, 2000 ([Act 60 of 2000](#)), at the time of any new registration, suspension, sale, transfer, liquidation, merger, lapsing or termination of the registration or ownership of a security service provider or any other material change or reason that would necessitate the licensing, relicensing or disposal of firearms in the possession of such security service provider.

Section 36 (4)

The Registrar mentioned in subsection (3) must, at the written request of the director, submit a list of all firearms registered to a particular security service provider, to the Authority within 30 days of the request being made.

Section 36 (5)

The Authority must report to Parliament in its annual report information provided by the Authority to the Registrar in terms of subsection (3).

Section 36A - Security services rendered outside Republic

(1) Any person who, within the Republic, recruits, trains, hires out, sends or deploys any other person to provide a security service outside the Republic must-

- (a) provide to the director on a quarterly basis such information as may be prescribed regarding such recruitment, training, hiring out, sending or deployment or nature of the security service within the prescribed time limits; and
- (b) comply with the provisions of this Act.

(2) A person referred to in subsection (1) may not engage in any activity, or render any assistance, that is prohibited in terms of the Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act, 2006 ([Act 27 of 2006](#)), or the Regulation of Foreign Military Assistance Act, 1998 ([Act 15 of 1998](#)).

(3) Any person who-

- (a) is employed by another person from outside the Republic, and
- (b) is deployed from the Republic to perform armed guarding services outside the Republic,

must at least two weeks before the deployment inform the Authority of such deployment in the prescribed manner.

(4) The information referred to in subsection (3) must be submitted by the Authority to the State Security Agency within seven days of receipt of the notification.

Section 38 (1) (b)

interferes with, resists, obstructs, hinders or delays an inspector, any other person lawfully accompanying an inspector or a member of the Service in the performance of any function in terms of this Act or the Levies Act;

Section 38 (2) (d)

- (i) allows the use of any insignia, emblem, title or symbol whether on uniform or vehicle or otherwise; or
- (ii) allows the use of any uniform, which corresponds or can be confused with any uniform, insignia, emblem, title or symbol used by the South African National Defence Force, the Service or a municipal police service,

Section 38 (3) (i) (i)

in the case of a natural person, on a first conviction of a contravention referred to in paragraph (a), (e), (f), (g) or (h) is liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment, and in the case of a juristic person, to a fine;

Section 38 (3) (i) (ii)

in the case of a natural person, on a second or subsequent conviction of a contravention referred to in paragraph (a), (e), (f), (g) or (h) is liable to a fine or to imprisonment for a period not exceeding ten years, or to both a fine and such imprisonment, and in the case of a juristic person, to a fine;

Section 38 (3) (i) (iii)

in the case of a natural person, on a conviction of a contravention referred to in paragraph (b), (c), (d) or (i), is liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment, and in the case of a juristic person, to a fine.

Section 38 (3A)

Any person who fails to comply with the provisions of section 36A (1) or (3) is guilty of an offence and is liable-

- (a) in the case of a natural person, on a first conviction, to a fine or to imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment, and in the case of a juristic person, to a fine; or
- (b) in the case of a natural person, on a second or subsequent conviction, to a fine or to imprisonment for a period not exceeding 15 years, or to both a fine and such imprisonment, and in the case of a juristic person, to a fine.

Sections 39 & 41 - repealed

Section 44A - Transitional provisions relating to Private Security Industry Regulation Amendment Act, 2014

(1) In this section '**Amendment Act**' means the Private Security Industry Regulation Amendment Act, 2014.

(2) (a) Any category or class of security service providers which was not obliged to be registered as such in terms of this Act, immediately before the commencement of the Amendment Act, will not be subject to the provisions of this Act or the Levies Act until such date as the Minister may determine by notice in the *Gazette*.

(b) From the date of commencement of the Amendment Act, all new applications for registration must be made in accordance with the requirements of the Amendment Act.

(c) A notice contemplated in paragraph (a) may specify different dates in respect of different categories or classes of security service providers and must be published at least 180 days before any such date specified therein.

(3) The Minister must, within a period of two years from the commencement of the Amendment Act, make regulations that must be made under this Act, as amended by the Amendment Act.

(4) The chairperson and councillors who have been appointed before the commencement of the Amendment Act shall remain in these positions until their services have been terminated in terms of the provisions of this Act: Provided that such chairperson and councillors must obtain a security clearance to the level required by the Minister if not yet acquired before the commencement of the Amendment Act.

(5) Should the Minister re-appoint any councillor who is serving at the time when the Amendment Act commences, the total period of the contract of such a councillor may, when the original appointment is taken into account, not exceed seven years and such councillor must contribute to the requirement of section 6 (3).

(6) Subject to subsection (4), from the commencement of the Amendment Act all members of the Council may only serve on a part-time basis.

(7) The secretary for the Council must be appointed within six months of the commencement of the Amendment Act, and until the appointment of such secretary, the director must ensure that the necessary secretarial services are provided to the Council.

(8) As from the date of commencement of the Amendment Act, the post of the director and the deputy directors must be filled in accordance with section 14 and taking into account section 14A, but the current incumbents of the respective posts will continue to hold office until the respective posts are filled in terms of section 14.

(9) The Exemption Advisory Committee as contemplated in section 20A must be appointed by the Minister before the commencement of the Amendment Act.

(10) An appeal committee as contemplated in section 30 (2A) must be appointed before the commencement of the Amendment Act.

(11) A regulation that prohibits the use of any uniform, insignia, emblem, title, symbol, distinctive badge or button used by security service providers which was not in contravention of the Act must provide for a reasonable period, which period may not be less than 18 months from the promulgation of such regulation, for the phasing out of the use of the particular uniform, insignia, emblem, title, symbol, distinctive badge or button.

(12) The fixed establishment of the Authority referred to in section 14 (1B) must be determined within 24 months of the commencement of the Amendment Act and the Minister must report any delay in the process to Parliament.

(13) The Authority through the Council must submit quarterly progress reports to the Minister on its readiness and progress made in respect of the implementation of the Levies Act and the renewal of registration.

(14) The Minister must report, on a quarterly basis, to Parliament on the progress made in the implementation of the Amendment Act.

(15) The implementation of section 20 (2) (c) with regard to a security business that is registered as a security service provider at the commencement of the Amendment Act must be done in accordance with legislation promoting and protecting investment in the Republic and the Republic's international trade obligations.

Schedule - expression

Any offence in terms of the Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act, 2006 ([Act 27 of 2006](#)).

Schedule - expressions

Any offence in terms of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 ([Act 70 of 2002](#)).

Any offence in terms of the Intelligence Services Act, 2002 ([Act 65 of 2002](#)).

Any offence of trafficking in persons as defined in [section 1](#) of the Prevention and Combating of Trafficking in Persons Act, 2013 ([Act 7 of 2013](#)).

Any offence of torture as defined in the Prevention and Combating of Torture of Persons Act, 2013 ([Act 13 of 2013](#)).

Any offence referred to in Part I or Part II of Schedule I to the Implementation of the Rome Statute of the International Criminal Court Act, 2002 ([Act 27 of 2002](#)).

Any offence in terms of the Explosives Act, 2003 ([Act 15 of 2003](#)).

PENDLEX: Private Security Industry Regulation Act 56 of 2001 after amendment by the General Intelligence Laws Amendment Act 37 of 2024

Section 7 (e)

has not obtained such a security clearance by the South African Intelligence Agency as may have been determined by the Minister;

Section 14 (4) (c)

Staff members of the Authority may not have any financial interest in the private security industry and must successfully undergo such security clearance check by the South African Intelligence Agency, as may be determined by the Council if this is relevant in respect of their work.

Section 23 (5)

Despite any provision to the contrary, a person in the permanent employ of the Service, the South African Intelligence Agency, the South African Intelligence Service, the South African National Defence Force or the Department of Correctional Services may not be registered as a security service provider while so employed.
