

Register

12. The Registrar shall keep a register in which he shall enter the names and prescribed particulars of each Private Security Officer or Private Security Guard whose application under section 9 has been approved and he shall regularly update such register.

Cancellation of registration

13. The Board may cancel the registration of a Private Security Officer or Private Security Guard on the ground that -

- (a) in the case of a natural person, if at any time after his registration-
 - (i) he is found guilty of an offence involving dishonesty or use of dangerous weapons;
 - (ii) he suffers from mental incapacity as defined by the Mental Health law;
 - (iii) he suffers from habitual drunkenness or from narcotics addiction or dependence; or
 - (iv) he acts contrary to the code of conduct drawn up pursuant to this Act.
- (b) in the case of a partnership, if the partner withdraws from the partnership or commits a crime; or
- (c) in the case of a company if the company is not qualified to be registered as a company or if it commits a crime.

Certificate of registration to be returned on withdrawal of registration

14. (1) Where the registration of a Private Security Officer is withdrawn under section 13 or 17, the Private Security Officer shall, within 30 days of receiving the notice of the withdrawal of the registration, return to the Registrar the certificate of registration issued to him under section 11 for purposes of cancellation.

(2) A person who contravenes subsection(1) commits an offence and is liable on conviction to a fine not exceeding M10,000 or to imprisonment for a period not exceeding 5 years

Annual fees

15. (1) A person registered under section 9 (3) shall pay to the Registrar an annual fee prescribed by the Minister.

(2) If a Private Security Officer fails to comply with the provisions of subsection (1), the Board may suspend his registration as a Private Security Officer until he pays the prescribed fee.

(3) Where the amount to be paid under subsection (2) is not received within three months of the date of suspension of the registration of the Private Security Officer concerned, the Board shall cancel registration of that Private Security Officer.

Exhibition of a certificate of registration

16. (1) Every Private Security Officer shall exhibit in a conspicuous place in any premises in which he carries on business, a certificate of registration issued to him under subsection(1) of section 11 or a certified copy of such certificate issued under subsection (2) of that section.

(2) A Private Security Officer who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding M2,000, or to imprisonment for a period not exceeding 1 year or both.

Disciplinary Powers of the Board

17. (1) The Board shall have power to enquire into any complaint, charge or allegation against a Private Security Officer or Private Security Guard, or into an improper or disgraceful conduct whether or not in regard to such persons profession or calling, or whether or not prescribed as constituting improper or disgraceful conduct.

(2) The Board may, after the inquiry done pursuant to subsection (1) -
(a) caution or reprimand a Private Security Officer or a Private Security Guard; or

(b) suspend a Private Security Officer or Private Security Guard for any period from serving in any capacity in which he is registered ; or

(c) cancel the registration of a Private Security Officer or Private Security Guard under this Act and order the removal of his name from the register.

Power of the Board with regard to obtaining evidence and the conduct of proceedings

18. (1) For the purpose of an inquiry under section 17, the Board shall have the following powers:

(a) to hear, receive and examine evidence on oath;

(b) to summon any person to attend the inquiry to give evidence or produce any document, book, record or any other thing in his possession and to examine him as a witness or require him to produce any document, book, record or any other thing in his possession or power;

(c) to admit or exclude the public or any member of the public from the inquiry; and

(d) to compensate any person summoned to attend the inquiry for reasonable expenses incurred by the person in attending the inquiry.

(2) A summons for attendance of a witness before the Board or for the production of any book, record, document or any other thing shall be in the prescribed form and be signed by the Chairman, and served by registered post or in the same manner as it would be served if it were a subpoena issued by a subordinate court.

Penalty for failure to give evidence

19. (1) A person who, being summoned on to attend as a witness to produce a book, record, document or any other thing in any inquiry under section 18-

(a) fails without reasonable cause to attend and give evidence at the time and place specified in the summons;

(b) refuses or neglects to produce a book, record, document or any other thing; or

(c) refuses or neglects to answer any question put to him by the Board,

commits an offence and is liable on conviction to a fine not exceeding M4000.00 or to imprisonment for a period not exceeding 2 years or both.

(2) A witness shall, in respect of any evidence given by him before the Board, be entitled to the same privileges to which he would be entitled when giving evidence before a court of law.

Legal practitioner to be present

20. In an inquiry under section 17, the complainant and the person whose conduct is subject to an inquiry may be represented by a legal practitioner throughout the inquiry.

Decision of the Board

21. (1) The Registrar shall cause a copy of any decision made under section 17 to be served upon the person concerned, either personally or by registered post addressed to the registered address of the person concerned.

(2) The Registrar shall not remove the name of a Private Security Officer or Private Security Guard from the register before a period of one month from the date of service of the decision of the Board made under section 17 has expired.

Application to have name restored

22. (1) A person whose name has been removed from the register under this Act may apply to the Board for the restoration of his name.

(2) The Board may, in its discretion and after such inquiry and subject to such conditions as it may consider desirable approve or, refuse the application to restore the name.

(3) If the Board approves an application made under subsection (1), it shall direct the Registrar to restore the name of the applicant to the register.

Appeal to the Minister

23. (1) A person aggrieved by-
- (a) the refusal by the Board to grant an application for registration as a Private Security Officer or Private Security Guard;
 - (b) the withdrawal by the Board of registration as a Private Security Officer or Private Security Guard; or
 - (c) any other findings of the Board at the inquiry

may, within 30 days after he has been notified of the decision referred to in paragraph (a), (b) or (c), appeal against such decision to the Minister.

- (2) the Minister may, within 30 days of the lodging of the appeal, confirm, set aside or vary the decision of the Board.

Rights of a police officer

24. (1) A police officer may at all reasonable times and without a search warrant-
- (a) enter upon or enter any premises or any other place, where he reasonably suspects that an offence under this Act is being committed by a person performing a function of a Private Security Officer or Private Security Guard on any premises or place;
 - (b) require a Private Security Officer or Private Security Guard to identify himself and to give proof of his registration as a Private Security Officer or Private Security Guard to the police officer; or
 - (c) examine any book, record, document or any other thing in the possession of that person or make extracts from copies of such document, book, record or thing.

(2) A person who wilfully obstructs or resists the police officer in exercising his functions pursuant to this Act commits an offence and is liable on conviction to a fine not less than M5,000 but not exceeding M10,000 or to imprisonment for a period not less than 2 years but not exceeding 10 years or both.

Regulations

25. (1) The Minister may make regulations required or permitted to be prescribed by this Act or necessary or convenient to be prescribed for giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Minister may make regulations-

- (a) prescribing fees payable in respect of registration as a Private Security Officer or Private Security Guard;
- (b) prescribing the procedure for appeals;
- (c) in respect of training of Private Security Guards;
- (d) prescribing the uniform of Private Security Guards.

NOTE

1. Act No.25 of 1967
2. Proclamation.78 of 1957
3. Act No .19 of 1977
4. Notice No. 7 of 1964