

CHAPTER 367

PRIVATE GUARD COMPANIES ACT

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SCHEDULE
FORMS

CHAPTER 367

PRIVATE GUARD COMPANIES ACT

1986 No. 23. **An Act to regulate and provide for the licensing of private guard companies which must be wholly owned by Nigerians and other matters ancillary thereto.**

[15th December, 1986]

Commence-
ment.

PART I.—LICENSING OF PRIVATE GUARD COMPANIES

Private guard
companies to
be licensed.

1. (1) As from the commencement of this Act, no organisation shall perform the service of watching, guarding, patrolling or carrying of money for the purpose of providing protection against crime unless the organisation concerned—

- (a) is registered as a company under or pursuant to the Companies and Allied Matters Act;
- (b) has applied for and has been granted a licence by the Minister in accordance with the provisions of this Act; and
- (c) is wholly owned by Nigerians in accordance with the Schedule to the Nigerian Enterprises Promotion Act.

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(2) Notwithstanding subsection (1) of this section, where on the coming into operation of this Act any company is

carrying on private guard business in Nigeria, such company may apply within 6 months thereafter to be licensed but shall cease to carry on private guard business of any description in Nigeria after the expiration of 12 months from the coming into operation of this Act unless, prior to the expiration of the said period such company, being a registered company, is licensed to continue the particular class or classes of private guard business in respect of which application had been made by the company concerned.

2. (1) An application for a licence shall be made in writing through the licensing authority to the Minister in the manner and giving such particulars as specified in Form A in the Schedule to this Act.

Application
for licence.

(2) The Minister may, before considering any such application, require from the applicant—

- (a) further evidence, as the Minister may specify, concerning the good character, competence and integrity of any director or other person responsible for or in charge of the operation of the company concerned;
- (b) where Alsatian or other guard dogs are to be employed in the services of the company, sufficient evidence that all existing regulations relating to animal health and certification have been complied with; and
- (c) such further information as the Minister may specify.

(3) An application for a licence shall be accompanied by such fee as the Minister may prescribe.

(4) An application for a licence shall be accompanied by a statement setting out the conditions of service (including salaries) of the employees or prospective employees of the company making the application.

3. The Minister may grant a licence as specified in Form B in the Schedule to this Act to the applicant if he is satisfied that the grant is justified having regard to national security and the public interest.

Granting of
licence to
operate.

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Nature and effect of licence to operate.

4. (1) A licence granted by the Minister under the provisions of section 3 shall be valid and operative for two years from the date of issue.

(2) Any such licence shall specify the number of offices, branches or other places of business which the company is permitted to maintain.

(3) A licence may be suspended or revoked by the Minister at any time if he is satisfied that the company holding the licence is unsuitable to continue to hold such licence.

(4) A licence may be suspended or revoked by the Minister at any time where in his opinion the ownership or control of, or any controlling interest in, the company to which the licence relates has passed to any other company or organisation which is generally unsuitable to be considered for the grant of such licence.

Registered address.

5. (1) Every company licensed under this Act shall on the day it is registered notify the licensing authority in writing of the addresses of all its branches in Nigeria, so however that a postal box address or a private mail bag address shall not by itself satisfy the obligation imposed on the company under this subsection.

(2) Notice of any change in the registered address of the company or of the address of any branch thereof shall be given by the company within 14 days thereof to the licensing authority who shall cause same to be recorded.

(3) If a company carries on business without complying with the requirements of this section, it and every officer thereof shall be liable to a fine of ₦500.

Licence to be displayed.

6. Immediately upon the receipt of a licence under section 3 of this Act, the company shall cause it to be displayed in a conspicuous place in its office, and for this purpose duplicate licences may be issued where the company carries on business in more than one place.

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7. Subject to section 36(3), no company licensed to operate under this Act shall employ any person unless an approval has been granted as specified in Form C in the Schedule to this Act for the person to be employed in such company.

Employees to be approved.

8. (1) Application for an approval to which section 7 relates shall be made through the licensing authority to the Minister in writing accompanied by such fee as may be prescribed and by the particulars specified in Form D in the Schedule to this Act.

Application for employee's approval.

(2) The Minister may before considering any application, require from the applicant—

(a) further evidence, as the Minister may specify, concerning the good character, competence and integrity of the applicant; and

(b) such further information as the Minister may specify.

9. (1) An approval to which section 7 relates shall authorise the applicant to be employed by the company specified in such approval.

Nature and effect of employee's approval.

(2) An approval granted under section 7 shall specify the kind of work which the applicant is authorised to perform.

(3) An approval granted under section 7 may be withdrawn by the Minister at any time if he is satisfied that the person concerned is unsuitable to continue to be so employed.

(4) Upon the withdrawal of an approval granted under section 7, every identification card issued to that employee shall cease to be valid and shall forthwith be surrendered to the Minister.

10. (1) Upon the grant of an approval under section 7, the Minister shall authorise the company to issue or cause to be issued an identity card to the employee containing the photograph and personal description and details of the employee in such form as the Minister may determine.

Issue of identity card.

(2) The employee shall carry the identity card at all times when on duty on behalf of the company by which he is employed.

(3) The employee shall produce the identity card for inspection at any time upon request being made therefor by any police officer or to any person with whom he has dealings when carrying out his duties as aforesaid.

Renewal of licence and revocation.

11. (1) The holder of a licence to which section 3 relates may, not more than three months before the expiry thereof, apply in accordance with the provisions of this Act for a new licence to take effect from the expiry of the current licence.

(2) Where the holder of a licence aforesaid fails to renew such licence within the specified period, then the licence shall stand revoked upon its expiry and such holder shall thereupon cease to operate as a private guard company.

Replacement of lost licences.

12. (1) Where a licence issued under this Act is lost or defaced or is otherwise not in a fit state to be used as a licence, the licensee may apply to the licensing authority for a duplicate licence.

(2) Every application by the licensee for a duplicate licence shall be accompanied by the prescribed fee and such particulars as the Minister may prescribe.

(3) In this section, "licence" means a licence issued pursuant to section 3 of this Act and "licensee" shall be construed accordingly.

Restriction on grant of licence or approval.

13. (1) The licensing authority shall not grant any licence or approval under the provisions of this Act if any director of the company or the person applying for approval—

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(a) has been found guilty of a criminal offence under the Penal Code, the Criminal Code, the Firearms Act, the Explosives Act or the Robbery and Firearms (Special Provisions) Act, by a court or tribunal of competent jurisdiction in Nigeria or of an offence of a similar nature elsewhere;

(b) has been sentenced to any period of imprisonment for an offence involving fraud, theft or a breach of trust, whether in Nigeria or elsewhere;

(c) has been dismissed, discharged or otherwise removed on disciplinary grounds from the Nigeria Police Force, the Armed Forces of the Federation, the Nigerian Prisons Service, the Special Constabulary, the Fire Services or Customs Preventive Service or any such similar law enforcement agency or service whether in Nigeria or elsewhere;

(d) is a person in respect of whom the Minister is satisfied that it is contrary to public interest or the interest of national security that he should be a director or be approved for employment under the provisions of this Act;

(e) is not a citizen of Nigeria.

(2) Where any person approved under the provisions of this Act is convicted of any offence referred to in subsection (1) of this section or is sentenced to a period of imprisonment, it shall be the duty of the registrar of the court concerned to notify the licensing authority thereof and the licensing authority shall withdraw the approval granted to the person.

PART II.—CONTROL AND ADMINISTRATION

14. (1) Every company shall—

(a) keep complete records, in a form prescribed by the Minister, of all persons employed from time to time in carrying on of the business of the company and of each other work undertaken; and

(b) file with the licensing authority, upon application for a new licence to replace a licence that is expiring or, in any event not later than the last day during the month of January in each year, a return showing—

(i) the address of each office or other place of business in which it carried on its business during the immediately preceding calendar year,

Records and annual returns.

(ii) the name and address of each employee of the company during the immediately preceding calendar year, and

(iii) such other information as may from time to time be prescribed by the Minister.

(2) Every company shall, whenever requested to do so by the licensing authority make all records required to be kept under this Act available to the licensing authority for inspection.

Company not entitled to fees, etc. unless licensed.

15. No company shall be entitled to sue for or recover or retain any commission, fee gain or reward for any service performed by the company unless at the time of performing that service the company was the holder of the relevant licence under this Act.

Uniforms to be approved.

16. (1) No employee of any company holding a licence to which section 1 relates, shall wear, carry or bear any uniform, cap, badge, accoutrement or other identification mark unless such uniform, cap, badge, accoutrement or other identification mark has first been approved for use by the Minister in writing.

(2) The Minister shall not approve any article under subsection (1) of this section if in his opinion that article has any resemblance to a similar article used by the Nigeria Police Force, the Prisons Service, the Armed Forces of the Federation, Customs Preventive Service or any other uniformed service in Nigeria.

Prohibition of firearms, etc.

17. No person approved under the provisions of this Act shall bear or possess any firearm or ammunition in the course of his duties.

Training syllabus to be approved.

18. No company licensed under the provisions of this Act shall train or order persons to be trained except the training syllabus and instruction notes have first been approved for use by the Minister.

19. (1) There shall, for the purposes of this Act, be a licensing authority for private guard companies, who shall be an officer in the Ministry for which the Minister has responsibility or such other public officer as may be designated in that behalf by the Minister.

Licensing authority for private guard companies.

(2) The powers conferred on the Minister under this Act (including the power to grant a licence to a private guard company under section 3 of this Act) may, without prejudice to the exercise of any such power by the Minister, be exercisable by the licensing authority if so authorised either generally or specially in that behalf by the Minister and the expression "licensing authority" wherever used in this Act shall be construed accordingly.

PART III.—PROHIBITED ACTIVITIES, OFFENCES, PENALTIES, ETC.

20. No company licensed under this Act shall act as a collector of debts or advertise itself or hold itself out as undertaking to collect debts for any other person, either with or without remuneration.

Licensees not to act as debt collectors.

21. No company licensed under this Act shall at any time, whether by agreement with any Police authority or otherwise, act as a member of the Nigeria Police Force or perform the duties of a constable or other police officer or any other law enforcement agents.

Acting as police officer prohibited.

22. No person engaged in any business or employment in a private guard company shall use the expression "private detective" in connection with such business or employment or hold himself out in any manner as a private detective.

Expression "private detective" prohibited.

23. No company or employee thereof who is or has been licensed or approved under this Act shall divulge to anyone, except as is legally authorised or required, any information acquired in the course of his duties under this Act.

Information confidential.

24. (1) Any person who—

Offences.

(a) for the purpose of securing an approval under the provisions of this Act makes any statement or provides

any information which he knows to be false or does not have reason to believe the same to be true; or

- (b) acts as the employee of any company when he or that company has not been licensed or approved under the provisions of this Act; or
- (c) fails to carry while on duty, or to produce in accordance with section 10 of this Act, any identity card issued to him under that section; or
- (d) wears, carries or bears any article which he is not authorised to wear, carry or bear under section 16 of this Act; or
- (e) bears or possesses any firearm or ammunition contrary to the provisions of section 17 of this Act,

shall be guilty of an offence.

(2) Any person approved or any company licensed under the provisions of this Act who—

- (a) supplies or offers to supply to any other person any firearm, ammunition, tear gas or similar manufactured weapon; or
- (b) collects or offers or attempts to collect, or directly or indirectly engages in the business of collecting debts or claims of any kind, shall be guilty of an offence.

25. Any company which publishes or causes to be published (whether in a newspaper or by radio or television or otherwise) any advertisement relating to or in connection with its business (other than an advertisement relating solely to the recruiting of staff) without specifying therein the name as appearing in the licence and the registered address of such company shall be guilty of an offence.

26. Any company which or any approved employee who sells, disposes of or delivers, lets out, hires or rents its licence, approval or identity card to any other person or permits any other person to use its licence, approval or identity card shall be guilty of an offence.

Advertisement as to name and address.

Private guard company not to sell or dispose of its licence.

27. Any employee who, when exercising or carrying on the functions of his employment, enters without lawful authority upon any premises shall be guilty of an offence.

Unlawful entry.

28. Any company which by any false, misleading or deceptive statement, representation or promise or by any wilful concealment of a material fact, induces or attempts to induce any person to enter into an arrangement or contract in connection with its business as such shall be guilty of an offence.

Misrepresentations.

29. Any company which or any employee who directs, authorises or permits any person to exercise any of the functions of a company or approved employee when the person is not an approved person under this Act shall be guilty of an offence.

Company not to direct any person to carry out any function for which the company is not licensed.

30. Any company which knowingly employs in any capacity whatsoever in its business a person who has been refused approval under this Act or whose approval has been cancelled unless the approval has subsequently been restored shall be guilty of an offence.

Company not to employ persons in respect of whom approval is refused or cancelled.

31. (1) No person shall by virtue of being approved have any power or authority which he would not have if this Act had not been made.

Approval not to confer special powers.

(2) Any person who in any way—

- (a) suggests or implies that by virtue of his approval he may exercise any power or authority which in fact he could not exercise if this Act had not been made; or
- (b) uses or attempts to use his approval and employment to exercise or as entitling him to exercise any such power or authority,

shall be guilty of an offence.

32. (1) Where a person commits an offence under this Act he shall, subject to subsection (2) of this section, be liable on conviction therefor—

Penalty for offences.

(a) in the case of an individual, to a fine of ₦400 or imprisonment for 12 months or to both such fine and imprisonment; and

(b) in the case of a body (whether corporate or unincorporate), to a fine of not less than ₦5,000.

(2) Where any person commits an offence under this Act relating to firearms, he shall be punished as prescribed under the Firearms Act or any other relevant enactment.

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Offences by bodies corporate and unincorporate.

33. Where an offence under this Act is committed by a body corporate or firm or other association of individuals—

(a) every director, manager, secretary or other similar officer of the body corporate;

(b) every partner or officer of the firm;

(c) every person concerned in the management of the affairs of the association; or

(d) every person purporting to act in any such capacity as aforesaid,

shall severally be guilty of that offence and liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence in an individual capacity unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

General power to revoke licences.

34. The Minister may revoke the licence of any company or any approval given in respect of an employee of a company under the provisions of this Act where such company or person contravenes any of the provisions of this Act.

PART IV.—SUPPLEMENTARY

Regulations.

35. The Minister may make regulations generally for the purpose of giving effect to the provisions of this Act.

Interpretation, exemption, etc.

36. (1) In this Act, unless the context otherwise requires—

“approved” means a person approved by the Minister under section 7 to be employed by a private guard company;

“company” or “private guard company” means any company incorporated in Nigeria and licensed under the provisions of this Act to provide such services as are permitted under section (1) of this Act;

“employee” means a person employed by a private guard company under the provisions of section 7 of this Act;

“firearms” has the meaning assigned to it by the Firearms Act;

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“identity card” means any identity card issued pursuant to section 10 of this Act;

“licence” means any licence issued under section 3 of this Act and “licensee” shall be construed accordingly;

“licensing authority” means the Minister or as the case may require, an officer appointed under section 19(1);

“Minister” means the Minister of Internal Affairs.

(2) Any reference in this Act to any section, Part or Schedule not otherwise identified is a reference to that section, Part or Schedule of this Act.

(3) This Act shall not be construed as requiring any of the following persons to hold a licence under or to observe any of the conditions of this Act, that is to say—

(a) any legal practitioner while acting in the ordinary course of his profession or any of his employees while acting in the ordinary course of his employer’s profession;

(b) any inspector, guard, watchman or other person employed to do inspecting, guarding, watching or inquiry work for one employer only (such employer not being a private guard company) in respect of inspecting, guarding, watching or inquiry work done for that employer for the protection of persons or property arising out of the functions or business exercised or carried on by that employer; or

(c) any person whose duties when employed by a private guard company consist of no more than clerical or secretarial work, the giving of information over the telephone on request on matters obtained from existing records of the company or the receipt in the office

of the company of moneys payable to that company in the ordinary course of its business.

(4) The Minister may by order published in the Federal Gazette exclude to the extent prescribed therein any person or class of persons whether corporate or unincorporate from the operation of this Act.

Short title. 37. This Act may be cited as the Private Guard Companies Act.

SCHEDULE

FORMS

*FORM A Section 2(1)

PRIVATE GUARD COMPANIES ACT CAP. 367

APPLICATION FOR LICENCE TO FUNCTION AS A PRIVATE GUARD COMPANY

1. Name of Company
2. Registration particulars, that is—
 - (a) Memorandum and Articles of Association
 - (b) Certificate of Registration
 - (c) Present address of registered office
 - (d) Present addresses and locations of branch offices in Nigeria.
3. (a) Names and addresses of all the current directors;
 - (b) Occupation of the directors;
 - (c) Names and addresses of the shareholders;
 - (d) Name of the auditors (audited accounts of the company should be attached);
 - (e) Name of the Legal Adviser/Solicitors to the company;
4. Details of persons to be responsible for operations of company (whether as directors or otherwise)—
 - (a) Surname
 - (b) Other names
 - (c) Previous names (if any)
 - (d) Date of birth
 - (e) Place of birth

- (f) Present residential address
(not box number)
- (g) All places of residence within last preceding three years:
.....
.....
- (h) Present occupation
- (i) All previous occupation
(including employer, date and duration of each occupation)
- (j) Present nationality
- (k) Offences (if any) committed in Nigeria or elsewhere

5. I have/have not previously been employed in the Nigeria Police Force, the Nigerian Prisons Service or the Armed Forces of the Federation, the Special Constabulary, the Fire Service, the Customs Preventive Service or any such similar law enforcement agency or service whether in Nigeria or elsewhere (*delete inapplicable word or words*).

6. If previously employed in the Nigeria Police Force, the Prisons Service, the Armed Forces of the Federation, the Special Constabulary, the Fire Service, the Customs Preventive Service or such similar law enforcement agency or service in Nigeria or elsewhere, state—

- (a) the Service, Force or Agency in which applicant was employed
- (b) the period of such employment
- (c) the reason for termination of such employment

STATUTORY DECLARATION

I/We of
do solemnly and sincerely declare that the particulars given above are true, and I/We make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act.

.....
Signatures of Declarants

DECLARED at this day of 19.....

Before me

Commissioner for Oaths/Notary Public

*Form A to be repeated in respect of each director or other person concerned.

Private Guard Companies Act

FORM B Section 3

PRIVATE GUARD COMPANIES ACT (CAP. 367)

No.

LICENCE TO OPERATE AS A PRIVATE GUARD COMPANY IN RESPECT OF
..... LIMITED

WHEREAS by section 1(1)(b) of the Private Guard Companies Act it is provided that no organisation shall function as a Private Guard Company unless such organisation is licensed as a Private Guard Company by the Minister:

AND WHEREAS the Minister is satisfied from information supplied to him by the aforesaid Limited of that the organisation has complied with the requirements of the Private Guard Companies Act relating to the licensing of the company as a Private Guard Company:

NOW, THEREFORE, the aforesaid company is hereby licensed with effect from the date hereunder written as a Private Guard Company pursuant to the provisions of section 3 of the Private Guard Companies Act.

DATED at this day of 19.....

.....
Minister/Licensing Authority

FORM C Section 7

PRIVATE GUARD COMPANIES ACT (CAP. 367)

APPROVAL IN RESPECT OF A PRIVATE GUARD COMPANY EMPLOYEE:

MR No.

THIS IS TO CERTIFY that the afore-mentioned person has been approved pursuant to the provisions of section 7 of the Private Guard Companies Act as an employee in the employment of the Limited

DATED at this day of 19.....

.....
Minister/Licensing Authority

Private Guard Companies Act

FORM D Section 8(1)

PRIVATE GUARD COMPANIES ACT (CAP. 367)

APPLICATION FOR APPROVAL TO BE EMPLOYED
BY A PRIVATE GUARD COMPANY

Name of Company

LICENCE NUMBER

DATE OF ISSUE OF LICENCE

TWO PASSPORT
PHOTOGRAPHS OF
APPLICANT

1. Full names of applicant
(Surname)

.....
(Other names)

2. Previous names (If any)

3. Date of birth

4. Place of birth

5. Schools attended

6. Qualifications and dates on which obtained

7. Nationality

8. Present occupation

9. Occupation(s) within last preceding 3 years

10. I have/have not previously been employed in the Nigeria Police Force, the Prisons Service or the Armed Forces of the Federation, the Special Constabulary, the Fire Service, the Customs Preventive Service or any such similar law enforcement agency or service whether in Nigeria or elsewhere (delete inapplicable word or words)

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11. If previously employed in the Nigeria Police Force, the Nigerian Prisons Service, the Armed Forces of the Federation, the Special Constabulary, the Fire Service, the Customs Preventive Service or such similar law enforcement agency or service in Nigeria or elsewhere, state:—

- (a) the Service, Force or Agency in which applicant was employed
(b) the period of such employment
(c) the reason for termination of such employment

12. I have never been convicted of a criminal offence in Nigeria or elsewhere or I have been convicted of the following offences (state all offences of which applicant has been convicted).

.....
.....
.....

13. I possess the following firearms and ammunition:—

.....
.....
.....

STATUTORY DECLARATION

I of do solemnly and sincerely declare that the particulars given above are true, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act.

Signature of Declarant

DECLARED at this day of 19.....

Before me Commissioner for Oaths/Notary Public

Private Guard Companies Act

FINGERPRINTS OF APPLICANT

Table with 10 columns for fingerprints: 5, 4, 3, 2, L.T.P., R.T.P., 2, 3, 4, 5

Note.—The application should be accompanied by two signed references from a Judge, Magistrate, Notary Public, Legal Practitioner or Justice of the Peace.

Signature

Designation

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Private Guard Companies Act

PRIVATE GUARDS COMPANIES ACT

CHAPTER 367

SUBSIDIARY LEGISLATION

No Subsidiary Legislation