

SUBSIDIARY LEGISLATION 389.01**PRIVATE GUARDS REGULATIONS**

27th August, 1996

LEGAL NOTICE 160 of 1996, as amended by Legal Notices 54 of 1999, 80 of 2001, 401 of 2004, 425 of 2007, 122 and 328 of 2011, and 66 and 224 of 2012 and Act XXI of 2020.

1. The title of these regulations is the Private Guards Regulations. Citation.

PART I**Preliminary**

2. In these regulations, unless the context otherwise requires: Interpretation.

"Act" means the Private Guards and Community Officers Act; Cap. 389.

"Commissioner" means the Commissioner of Police;

"continuing training course" means any training course as is referred to in regulation 4(2) intended to continue to train and update private guards in the performance of their duties;

"Minister" means the Minister responsible for the Police.

PART II**Qualifications and Training Courses**

3. No person shall be qualified to be licensed as a private guard in accordance with the provisions of the Act unless such person has attained the age of eighteen years.

Qualifications for private guards.
Amended by:
L.N. 54 of 1999;
L.N. 80 of 2001.
Substituted by:
L.N. 401 of 2004.

4. (1) Any person applying for a licence to act as a private guard shall submit to the Commissioner a certificate showing that he has successfully completed such training courses as may be approved in accordance with the provisions of these regulations:

Training courses certification.
Amended by:
L.N. 54 of 1999;
L.N. 401 of 2004;
L.N. 122 of 2011;
L.N. 66 of 2012.

Provided that this provision shall not apply to persons who have completed a period of service with the police, or the armed forces, or the prison services, in Malta or abroad.

(2) Any person applying for a licence to act as a private guard at a place of entertainment or as a specialised private guard shall submit to the Commissioner proof that he has completed a period of five years of service with the police, or the armed forces, or the prison services, in Malta or abroad, or that he has served for a period, or different periods, amounting to no less than five years, as a private guard. The applicant shall be required to provide adequate references attesting to satisfactory performance of his duties during such term:

Provided that the Commissioner may also require any applicant

for a licence to act as a private guard at a place of entertainment or as a specialised private guard to attend a specialised course:

Provided further that the Commissioner may also, particularly where the applicant is not required to attend a specialised course, require the applicant to produce a reference from the Private Guard agency that is currently employing him or, in the event that he is not employed at the time the application is submitted, a reference from the Private Guard agency formerly employing him, attesting to the satisfactory performance of duties.

(3) A private guard shall not qualify to have his licence renewed in accordance with the provisions of article 12(2) of the Act unless he proves to the satisfaction of the Commissioner that during the previous year he had attended a continuing training course or courses of not less than ten hours in the aggregate.

(4) The provisions of subregulation (1) shall not apply to any person who proves to the Commissioner that he had been employed in the provision of private guard services for a continuous period of at least twelve months.

Approved training
courses.
Amended by:
L.N. 425 of 2007;
XXI of 2020.

5. (1) Any person desiring to provide training courses for the purposes of article 23 of the Act shall make an application therefor to the Commissioner.

(2) Such application shall contain the following information:

- (a) the individual or individuals who will be effectively running the courses;
- (b) the duration of the course;
- (c) a detailed breakdown of the syllabus content;
- (d) assessment criteria;
- (e) the premises where training will be provided; and
- (f) such other information as the Commissioner may require.

(3) Having considered an application under subregulation (2) the Commissioner may approve the provision of such training courses.

(4) Such approval shall be valid for a period of one year and may be subject to such terms and conditions as the Commissioner may deem fit to impose and may be withdrawn at any time where:

- (a) any of such terms and conditions or any of the provisions of these regulations has not been complied with; or
- (b) circumstances arise which could have justified a refusal of the application; or
- (c) for any other reason which he may deem appropriate.

(5) Unless withdrawn in accordance with the provisions of subregulation (4) such approval may be renewable from year to year.

(6) Courses approved under this regulation shall as a minimum

provide adequate instruction and training in the topics shown in the First Schedule.

(7) For the purposes of subregulation (3) such courses shall be subject to inspection as the Commissioner may direct.

(8) Any person whose application to provide training courses is approved in accordance with this regulation, shall be authorised to issue any certificate required under regulation 4.

(9) The authorisation under this regulation to a person to provide training courses shall include the authorisation to provide continuing training courses.

(10) Any person authorised to provide training courses under this regulation may not refuse to provide such training to any person seeking to be licensed as a private guard or to attend a continuing training course.

(11) A fee of two hundred and thirty-two euro and ninety-four cents (232.94) shall be payable on application under subregulation (1) and on renewal under subregulation (5).

PART III

Miscellaneous

6. (1) An application for a licence of a private guard agency shall be made to the Commissioner in the form set out in the Second Schedule.

Licence of private
guard agency.
Amended by:
L.N. 425 of 2007;
L.N. 66 of 2012.

(2) There shall be payable to the Commissioner for the issue of a licence of a private guard agency the following application fees:

- (a) an application fee of fifty-eight euro and twenty-three cents (58.23) for the issue of a licence to a person applying to offer his own services as an individual; and
- (b) an application fee of two hundred and thirty-two euro and ninety-four cents (232.94) in any other case.

(3) On the renewal of such licence there shall also be paid to the Commissioner the following fees:

- (a) fifty-eight euro and twenty-three cents (58.23) per annum in the case of a person offering his own services as an individual; and
- (b) in any other case a fee of eleven euro and sixty-five cents (11.65) per annum for every private guard employed, subject to a minimum fee of two hundred and thirty-two euro and ninety-four cents (232.94) and a maximum fee of one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) per annum.

(4) Any person who was licensed as a private guard prior and up to 31st January 2012, and who held such licence for a period of at least six months, may apply for a licence to act as a specialised private guard, insofar as he is in possession of the private guard licence at the time the application is submitted and insofar that the

application is submitted by not later than 30th March 2012. Any such person may also apply for a licence to act as a private guard at a place of entertainment, insofar as such an application is submitted by not later than 30th April 2012. The applicant shall be required to submit a reference from the Private Guard agency that is currently employing him or, in the event that he is not employed at the time the application is submitted, a reference from the Private Guard agency formerly employing him, attesting to the satisfactory performance of duties.

Licence of private guard.
Amended by:
L.N. 425 of 2007;
L.N. 66 of 2012;
L.N. 224 of 2012.

7. (1) An application for a licence of a private guard shall be made to the Commissioner in the form set out in the Third Schedule.

(2) There shall be payable to the Commissioner in relation to a licence of a private guard an application fee of twenty-three euro and twenty-nine cents (23.29) on the issue of such licence and an annual fee of eleven euro and sixty-five cents (11.65) on its renewal.

(3) Licences issued to private guards shall indicate whether the holder is a "Private Guard", a "Private Guard at a Place of Entertainment", a "Specialised Private Guard (driving)" or a "Specialised Private Guard (non-driving)":

Provided that if the holder belongs to more than one Private Guard category, the holder is required to be in possession of only one licence indicating the category/categories of operations. A licence may therefore indicate that a holder may provide services in any one or more of the following categories:

- A Private Guard;
- A Specialised Private Guard (driving);
- A Specialised Private Guard (non-driving);
- A Private Guard at a Place of Entertainment.

(4) The holder of the licence shall have such duties and powers as are assigned by the Act and by these regulations:

Provided that only a specialised private guard (driving) may provide private guard services in relation to the transportation or guarding in transit of property or money.

Indemnity insurance.
Amended by:
L.N. 425 of 2007.

8. (1) Every person who, not being a person who is employed with a private guard agency for the purpose of such employment, is required to be covered by an indemnity insurance in terms of article 21 of the Act, and shall be so covered throughout the currency of the insurance policy as shown hereunder:

- (a) for loss or damage caused by the negligence of such person or any of his employees, to an amount of not less than two hundred and thirty-two thousand and nine hundred and thirty-seven euro and thirty-four cents (232,937.34); such amount shall be net of any excess under the said insurance policy;
- (b) for any loss or damage caused by theft or any attempts thereof committed by such person or any of his

employees, to an amount which is equivalent to the replacement value of the actual theft;

- (c) for death or bodily injury resulting from the negligence of such person or his employee, to an amount of not less than two hundred and thirty-two thousand and nine hundred and thirty-seven euro and thirty-four cents (232,937.34).

(2) The provisions of subregulation (1) shall be without prejudice to any other cover for indemnity insurance which such person may be required to provide in the provision of private guard services.

(3) Unless special circumstances exist, an "insurance company" shall, for the purposes of the said article 21 of the Act, be deemed to be a company licensed under the provisions of the Insurance Business Act.

Cap. 403.

9. (1) Every person licensed as a private guard shall, while on duty, wear such uniform as the Commissioner may from time to time approve:

Wearing of uniforms.
Amended by:
L.N. 122 of 2011.

Provided that the Commissioner may in special circumstances authorise in writing the exemption of a private guard from wearing a uniform as aforesaid.

(2) Such authorisation shall be either in relation to a particular assignment or for a specified period and shall be subject to the express condition that a private guard so authorised shall carry while on duty, and to be shown on demand, the written authorisation and the identity card issued by the Commissioner under these regulations.

(3) Notwithstanding the provisions of sub-regulations (1) and (2), private guards rendering private guard services at a place of entertainment shall not be required to wear a uniform approved by the Commissioner.

10. (1) The Commissioner shall issue an identity card to every person licensed as a private guard. The identity card shall remain the property of the Commissioner.

Identity cards.
Amended by:
L.N. 122 of 2011.

(2) Such card shall bear a photograph of the licensee and shall be valid for a period of five years from the date of its issue. If the licence of the private guard in relation to whom the card was issued is suspended, withdrawn or not renewed the identity card shall be deemed to have expired on the happening of such an event.

(3) The identity card shall be returned to the Commissioner on the expiry of its validity as specified in subregulation (2).

(4) Every person licensed as a private guard shall, while on duty, wear the identity card in a conspicuous place:

Provided that this provision shall not apply to any person authorised to be exempted from wearing a uniform under regulation 9(1) if the Commissioner so authorises in the exemption.

Duties.

Added by:
L.N. 122 of 2011.
Amended by:
L.N. 328 of 2011;
L.N. 66 of 2012.

11. (1) A private guard may not perform duties at a place of entertainment unless he is issued with a private guard at a place of entertainment licence.

(2) A private guard may not perform duties that are considered by the Commissioner to fulfil the criteria of a specialised private guard in accordance with article 6(8) of the Act, unless he is issued with a specialised private guard licence.

(3) Notwithstanding the provisions of sub-regulation (2), a private guard may perform such duties as are therein referred to, without being issued with a specialised private guard licence, until the 30th June 2012.

(4) Notwithstanding the provisions of sub-regulation (1) a private guard may perform such duties as are therein referred to, without being issued with a private guard at a place of entertainment licence, until the 30th June 2012.

Services.

Added by:
L.N. 122 of 2011.
Amended by:
L.N. 328 of 2011;
L.N. 66 of 2012.

12. (1) Any private guard agency providing services in relation to the transportation or guarding in transit of money or property shall make use, during the provision of such services, of armoured vehicles.

(2) Any private guard vehicle transporting or guarding in transit money or property shall be manned by at least two specialised private guards:

Provided that any such vehicle may be manned by private guards who have not been issued with a specialised private guard licence until the 30th June 2012.

FIRST SCHEDULE

[Regulation 5(6)]

*Amended by:
L.N. 122 of 2011;
L.N. 66 of 2012.*

Training Course

Course Objectives	Successful completion of the course will enable a participant to: (a) become a motivated and proficient private guard; (b) recognise the functions and inherent duties and be able to perform such duties in a reliable, effective and well-organised manner.
Methodology	Following closely the provisions contained in the Private Guards and Community Officers Act, and other relevant legislation, a series of interconnected modules introduce the keynote subject-matter, skills required, threats and vulnerabilities. Tuition will include presentations, demonstrations, discussions and participation in project exercises. Quality of direction, tuition and presentation is to be assured through the participation of qualified specialists or acknowledged experts in all the fields of the keynote subjects.
Syllabus	Introduction The Science of Security What is Security Risk? What is probability of Risk? How should security be treated Private guard services as defined in the Private Guards and Community Officers Act.
Basic Skills	Observation Investigation Inquiry Action Controls
Safety	Introduction to Safety Drills Why safety drills? The requirements Familiarisation with procedures organisation's instructions
Interpersonal Skills	Why Teamwork? Co-ordination in security procedures Practical use of teamwork

	Initiative for better work output Good judgement through people at work Introduction to Disaster planning Using available resources Acting in unison to overcome obstacles
Personal Skills	Attributes of a security person Physical and mental qualities Creating effective awareness Action planning
Training Course for Private Guards at Places of Entertainment	
Course Objectives	Successful completion of the course will enable a participant to: (a) address difficult situations, insofar as possible without recourse to physical restraint; (b) exercise minimum use of force in situations where use of force is absolutely necessary. The course also seeks to update participants on the basic principles set out in the Private Guards and Community Officers Act and other matters relating to the Private Guards Sector.
Methodology	Following closely the provisions contained in the Private Guards and Community Officers Act, and other relevant legislation, the modules introduce the keynote subject-matter, skills required, threats and vulnerabilities. Tuition will include presentations, demonstrations, discussions and participation in project exercises. Quality of direction, tuition and presentation is to be assured through the participation of qualified specialists or acknowledged experts in all fields of the keynote subjects.
Syllabus	Private guard services as defined in the Private Guards and Community Officers Act The Science of Security and Risk Conflict Management Training Exercising minimum use of force
Basic Skills	Observation Investigation (assessment of specific situations) Inquiry Appropriate action according to situation Controls
Safety	Safety Drills

	The requirements Familiarisation with Procedures
Interpersonal skills	Negotiating difficult situations
	Training Course for Specialised Private Guards
Course Objectives	Successful completion of the course will enable a participant to: (a) address difficult situations, insofar as possible without recourse to physical restraint; (b) exercise minimum use of force in situations where use of force is absolutely necessary; (c) drive armoured vehicles securely (in the case of applicants for a Specialised Private Guard (driving) licence). The course also seeks to update participants on the basic principles set out in the Private Guards and Community Officers Act and other matters relating to the Private Guards Sector.
Methodology	Following closely the provisions contained in the Private Guards and Community Officers Act, and other relevant legislation, the modules introduce the keynote subject-matter, skills required, threats and vulnerabilities. Tuition will include presentations, demonstrations, discussions and participation in project exercises. Quality of direction, tuition and presentation is to be assured through the participation of qualified specialists or acknowledged experts in all fields of the keynote subjects.
Syllabus	Private guard services as defined in the Private Guards and Community Officers Act The Science of Security and Risk Conflict Management Training Exercising minimum use of force Security Driving (in the case of applicants for a Specialised Private Guard (driving) licence)
Basic Skills	Observation Investigation (assessment of specific situations) Inquiry Appropriate action according to situation Controls
Safety	Safety Drills The requirements Familiarisation with Procedures
Interpersonal skills	Negotiating difficult situations".

SECOND SCHEDULE

(Regulation 6(1))

Private Guards and Community Officers Act

Application for a licence of a Private Guard Agency in terms of article 6

1. Details of Applicant

1.1 Name and Surname

	Business Address / Registered Office
ID / Registration Number	
Name of proposed Private Guard Agency	

2. Details where Applicant is a body of persons

Where the Applicant is a Body of Persons, the following information is to be given regarding the shareholders, directors and partners (and, in the case of Partnerships, their registration number, the registered office of the Partnership and the number of persons employed):

2.1 Name

2.1 Name

	Address / Registered Office
Shareholder / Director / Partner	
ID / Registration Number	
Number of employees	

2.2 Name

	Address / Registered Office
Shareholder / Director / Partner	
ID / Registration Number	
Number of employees	

2.3 Name

Shareholder / Director / Partner
ID / Registration Number
Number of employees

Address / Registered Office

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2.4 Name

Shareholder / Director / Partner
ID / Registration Number
Number of employees

Address / Registered Office

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2.5 Name

Shareholder / Director / Partner
ID / Registration Number
Number of employees

Address / Registered Office

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2.6 Name

Shareholder / Director / Partner
ID / Registration Number
Number of employees

Address / Registered Office

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If the Applicant is a body of persons, the Memorandum and Articles of Association, or the deed creating the body, as the case may be, is to be attached to this application.

3. Details of Secretary and other officers

3.1 Secretary

Name

ID Number

Address

3.2 Other officers

Name

Designation

ID Number

Address

3.2.1 Name

Designation

ID Number

Address

3.2.2 Name

Designation

ID Number

Address

3.2.3 Name

Designation

ID Number

Address

4. Private guard services being applied for

Please tick the appropriate box which indicates the nature of the activities to be carried out:

- a. prevention or detection of intrusion, unauthorised entry or activity, vandalism, or trespass on private property

☐

- b. prevention or detection of fraud or theft, loss, misappropriation or concealment of merchandise, money, bonds, stocks, notes or other documents or papers ☐
- c. control, regulation or direction of the public's movement in private or restricted areas, whether by the use of a vehicle or otherwise to assure the protection of property ☐
- d. protection of individuals from bodily harm ☐
- e. protection of property ☐
- f. provision of persons for the purpose of guarding money or any other property in transit or for the transportation of such money or other property ☐
- g. provision of armoured cars for the transportation of money or other property ☐
- h. private investigative services ☐
- i. provision of security consultancy services ☐
- j. operation of premises offering safe deposit facilities ☐
- k. employment or engagement of an employee to provide private guard services in a prescribed place of entertainment ☐

5. Relevant Working Experience of Applicant and other persons mentioned above.

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6. Details of Employment

6.1 Applicant's present employment

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6.2 Has Applicant ever been employed with the Police, armed forces or the prison services?

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6.3 The cause of the termination of such employment (if applicable).

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7. Financial Status

7.1 If Applicant was previously carrying on any business activity, the financial

statements, or if so required under any other law, the audited financial statements for the last three years are to be attached. (If applicable state year/s which are being attached).

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7.2 The Applicant is to produce with this application a sworn / solemn declaration that he has not been declared bankrupt and that no such bankruptcy proceedings have been commenced.

8. Indemnity Insurance

This application is subject to the condition that an insurance policy in accordance with the provisions of article 21 of the Act is produced to the Commissioner of Police. Any person who does not comply with any of the provisions contained in the said article 21 shall be deemed to be operating without the licence required under the Act.

9. Authorisation for the purpose of article 10(a)(ii) of the Act.

9.1 This authorisation is to be signed by the Applicant, all officers of the Applicant and by any other person having an effective control of the services to be provided by the Applicant.

I hereby authorise the Commissioner of Inland Revenue, the Commissioner of V.A.T. and any Bank Manager to disclose any information that may be required by the Commissioner of Police to ascertain my financial position for the purposes of the Private Guards and Community Officers Act.

9.2 Applicant

Name

Designation

Signature

9.3 Officers of the Applicant

9.3.1 Name

Designation

Signature

9.3.2 Name

Designation

Signature

9.3.3 Name

Designation

Signature

9.3.4 Name

Designation

Signature

9.3.5 Name

Designation

Signature

9.4 Other persons having an effective control

9.4.1 Name

Designation

Signature

9.4.2 Name

Designation

Signature

10. Declaration of Financial Interest

I hereby declare that I have no financial or other interest, (including any other business or economic activity, services provided or employment held) which could in any way conflict with the services to be provided by this Private Guard Agency.

10.1 Applicant's name

Designation

Signature

11. Fee

A fee of is being enclosed.

12. List of Documents

Applicants are to list the documents attached to this application.

1.

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13. Applicant's declaration

I hereby declare that the information contained in this application is, to the best of my knowledge and belief, true and correct, and I undertake that in accordance with the provisions of article 12(1)(c) of the Act, I shall immediately inform the Commissioner of any change in the information herein contained.

13.1 Applicant's name

Designation

Signature

THIRD SCHEDULE

(Regulation 7(1))

Private Guards and Community Officers Act

Application for a licence of a Private Guard in terms of article 6

1. Details of Applicant

1.1 Applicant's Name and Surname

Address

ID Number

Date and Place of Birth

2. Full Details of Working Experience:

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3. Details of Employment

3.1 Applicant's present employment

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3.2 Has Applicant ever been employed with the Police, armed forces or the prison services?

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3.3 The cause of the termination of such employment (if applicable).

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4. Academic, training and other qualifications:

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The Applicant is to produce the relevant academic and training certificates.

5. Financial Status

The Applicant is to produce with this application a sworn/solemn declaration that he has not been declared bankrupt and that no such bankruptcy proceedings have been commenced.

6. Authorisation for the purpose of article 10(a)(ii) of the Act.

I hereby authorise the Commissioner of Inland Revenue, the Commissioner of V.A.T. and any Bank Manager to disclose any information that may be required by

the Commissioner of Police to ascertain my financial position for the purpose of the Private Guards and Community Officers Act.

6.1 Applicant's name

Signature

7. Declaration of Financial Interest

I hereby declare that I have no financial or other interest (including any other business or economic activity, services provided or employment held) which could in any way conflict with my services.

7.1 Applicant's name

Signature

8. Fee

A fee of is being enclosed.

9. List of Documents

Applicants are to list the documents attached to this application.

1.

2.

3.

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7.

10. Applicant's declaration

I hereby declare that the information contained in this application is, to the best of my knowledge and belief, true and correct, and I undertake that in accordance with the provisions of article 12(1)(c) of the Act, I shall immediately inform the Commissioner of any change in the information herein contained.

10.1 Applicant's name

Signature
