L.N. 160 of 1996

PRIVATE GUARDS AND LOCAL WARDENS ACT, 1996 (ACT NO. XIII OF 1996)

Private Guards Regulations, 1996

IN exercise of the powers conferred by section 24 of the Private Guards and Local Wardens Act, 1996, the Minister for Home Affairs with the concurrence of the Minister of Finance has made the following regulations:—

Citation.

1. (1) These regulations may be cited as the Private Guards Regulations, 1996.

(2) These regulations shall come into force on the 27th August, 1996.

PART I

Preliminary

Interpretation.

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

"Act" means the Private Guards and Local Wardens Act, 1996;

"Commissioner" means the Commissioner of Police;

"continuing training course" means any training course as is referred to in paragraph (2) of regulation 4 of these regulations 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

Qualifications for private guards.

3. (1) 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 and satisfies the Commissioner that he has obtained a standard of education equivalent to a school leaving certificate of either a secondary school or a trade school:

Provided that this provision shall not apply to persons who have completed a period of service of at least twenty-five years with the Police or armed forces or the prison services.

(2) The provisions of paragraph (1) of this regulation, insofar as they refer to the standard of education, shall not apply to any person who proves to the Commissioner that on the coming into force of these regulations, he had been employed in the provision of private guard services for a continuous period of at least twelve months.

Training courses and certification.

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.

(2) A private guard shall not qualify to have his licence renewed in accordance with the provisions of subsection (2) of section 12 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.

Approved training courses.

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

(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 Minister may require.

(3) Having considered an application under paragraph (2) above the Minister 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 Minister 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 paragraph (4) of this regulation 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 to these regulations.

(7) For the purposes of paragraph (3) above such courses shall be subject to inspection as the Minister 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 of these regulations.

(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 Lm100 shall be payable on application under paragraph (1) and on renewal under paragraph (5) of this regulation.

PART III

Miscellaneous

Licence of private guard agency.

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 to these regulations.

(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 Lm25 for the issue of a licence to a person applying to offer his own services as an individual; and

(b) an application fee of Lm100 in any other case.

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

(a) Lm25 per annum in the case of a person offering his own services as an individual; and

(b) in any other case a fee of Lm5 per annum for every private guard employed, subject to a minimum fee of Lm100 and a maximum fee of Lm500 per annum.

Licence of private guard.

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 to these regulations.

(2) There shall be payable to the Commissioner in relation to a licence of a private guard an application fee of Lm10 on the issue of such licence and an annual fee of Lm5 on its renewal.

Indemnity insurance

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 section 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 Lm 100,000; 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 Lm100,000.

(2) The provisions of paragraph (1) of this regulation 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 section 21 of the Act, be deemed to be a company licensed under the provisions of the Insurance Business Act.

Cap. 290.

Wearing of uniforms.

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:

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.

Identity cards.

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.

(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 paragraph (2) hereof.

(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 of these regulations if the Commissioner so authorises in the exemption.

FIRST SCHEDULE

(Regulation 5(6))

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 Local Wardens Act, 1996 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 Local Wardens Act, 1996
Basic Skills	Observation Investigation Inquiry Action Controls

B 1404

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

SECOND SCHEDULE

(Regulation 6(1))

Private Guards and Local Wardens Act, 1996

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

1. Details of Applicant

1.1 Name and Surname

ID / Registration Number

Name of proposed Private Guard Agency

Business Address / Registered Office

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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

Shareholder / Director / Partner

ID / Registration Number

Number of employees

Address / Registered Office

2.2 Name

Shareholder / Director / Partner

ID / Registration Number

Number of employees

Address / Registered Office

2.3 Name

Shareholder / Director / Partner

ID / Registration Number

Number of employees

Address / Registered Office

2.4 Name

Shareholder / Director / Partner

ID / Registration Number

Number of employees

Address / Registered Office

2.5 Name

Shareholder / Director / Partner

ID / Registration Number

Number of employees

Address / Registered Office

2.6 Name

Shareholder / Director / Partner

ID / Registration Number

Number of employees

Address / Registered Office

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.

_____

_____

_____

_____

_____

6. Details of Employment

6.1 Applicant's present employment

_____

_____

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

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

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).

_____

_____

_____

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 section 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 section 21 shall be deemed to be operating without the licence required under the Act.

9. Authorisation for the purpose of section 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 Local Wardens Act, 1996.

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. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

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 paragraph (c) of subsection (1) of section 12 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 Local Wardens Act, 1996

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

1. Details of Applicant

1.1 Applicant's Name and Surname

ID Number

Date and Place of Birth

Address

2. Full Details of Working Experience:

3. Details of Employment

3.1 Applicant's present employment

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

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

_____

_____

_____

_____

_____

4. Academic, training and other qualifications:

_____

_____

_____

_____

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 section 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 Local Wardens Act, 1996.

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. _____
4. _____
5. _____
6. _____
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 paragraph (c) of subsection (1) of section 12 of the Act, I shall immediately inform the Commissioner of any change in the information herein contained.

10.1 Applicant's name _____

Signature _____

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