L.N. 161 of 1996

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

Local Wardens 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 Prime Minister and of the Minister of Finance, has made the following regulations:—

Citation and commencement.

1. (1) These regulations may be cited as the Local Wardens 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 local wardens in the performance of their duties;

"Minister" means the Minister responsible for the Police.

PART II

Qualifications and Training Courses

Qualifications for local wardens.

3. No person shall be qualified to be licensed as a local warden 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.

Training courses and certification.

4. (1) Any person applying for a licence to act as a local warden 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 local warden shall not qualify to have his licence renewed in accordance with the provisions of subsection (2) of section 12 and of section 17 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 local warden 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 warden agency.

6 (1) An application for a licence of a warden 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 in relation to a licence of a warden 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 local warden employed, subject to a minimum fee of Lm100 and a maximum fee of Lm500 per annum.

Licence of local warden.

7 (1) An application for a licence of a local warden 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 local warden an application fee of Lm10 on application 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 warden 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 50,000; 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 local warden 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.

9. (1) The Commissioner shall issue an identity card to every person licensed as a local warden. The identity card shall remain the property of the Commissioner. Identity cards.

(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 local warden 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 local warden shall, while on duty, wear the identity card in a conspicuous place.

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 local warden; (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 Purpose, Objectives and Outline of the Course Introduction all round Briefings covering Course procedures
The Operating Environment	Introduction to the Private Guards and Local Wardens Act, 1996. Duties and obligations Intorduction to the Local Councils Act with special reference to obligations of Local Council administration. Introduction to other relevant legislation.

The Local Warden	Personal and interpersonal Skills Appearance and Image Communication — Dealing with People — Dealing with the Police — Dealing with other authorities and bodies
The Role of the Local Warden	Street Patrolling Observation Issuing of tickets Investigation Report Writing Court Procedures Parking Offences Litter Offences Other offences Other duties.

SECOND SCHEDULE

(Regulation 6(1))

Private Guards and Local Wardens Act, 1996

Application for a licence of a Warden Agency in terms of sections 6 and 17

1. Details of Applicant

1.1 Name and Surname

ID / Registration Number

Name of proposed Warden 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. Relevant Working Experience of Applicant and other persons mentioned above.

5. Details of Employment

5.1 Applicant's present employment

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

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

6. Financial Status

6.1 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).

6.2 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.

7. 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.

8. Authorisation for the purpose of section 10 (a)(ii) of the Act.

8.1 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.

8.2 **Applicant**

Name _____

Designation _____

Signature _____

8.3 **Officers of the Applicant**

8.3.1 Name _____

Designation _____

Signature _____

8.3.2 Name _____

Designation _____

Signature _____

8.3.3 Name _____

Designation _____

Signature _____

8.3.4 Name _____

Designation _____

Signature _____

8.3.5 Name _____

Designation _____

Signature _____

8.4 Other persons having an effective control

8.4.1 Name _____

Designation _____

Signature _____

8.4.2 Name _____

Designation _____

Signature _____

9. 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 Warden Agency.

9.1 Applicant's name _____

Designation _____

Signature _____

10. Fee

A fee of Lm _____ is being enclosed.

11. List of Documents

Applicants are to list the documents attached to this application.

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

12. 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.

12.1 Applicant's name _____

Designation _____

Signature _____

THIRD SCHEDULE

(Regulation 7(1))

Private Guards and Local Wardens Act, 1996

Application for a licence of a Local Warden in terms of sections 6 and 17

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 sworn a / solemn declaration that he as 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 Lm ___ 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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