

No. 12 of 2004.

Security (Protection) Industry Act 2004.

Certified on: 4/1/2005.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 12 of 2004.

Security (Protection) Industry Act 2004.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Security (Protection) Industry Act 2004,

Being an Act relating to the control of the security industry and for related purposes,
MADE by the National Parliament to come into operation in accordance with a notice
in the National Gazette by the Head of State, acting with and in accordance
with, the advice of the Minister.

PART 1. – PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3C (qualified rights) of the *Constitution*, namely –

- (a) the right to freedom from arbitrary search and entry conferred by Section 44; and
- (b) the right to freedom of employment conferred Section 48; and
- (c) the right to privacy conferred by Section 49,

of the Constitution, is a law that is made for the purpose of giving effect to the public interest in public safety, public order and public welfare.

(2) For the purposes of Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*, it is hereby declared that this Act related to a matter of national interest.

2. INTERPRETATION.

(1) In this Act, unless the contrary intention appears –

“**approved training institute**” means an institution established or approved by the Authority under Section 39;

“**Authority**” means the Security Industries Authority established by Section 4;

- “Board”** means the Board of Complaints established by Section 57;
- “Chairman”** means the Chairman of the Council as provided for under Section 9;
- “Class A licence”** means a security operators Class A licence granted under Section 40;
- “Class B licence”** means a security operators Class B licence granted under Section 40;
- “Class C licence”** means a security operators Class C licence granted under Section 40;
- “Code of Conduct”** means a Code of Conduct made under Section 62;
- “Council”** means the Security Industries Council established by Section 7;
- “Court”** means the National Court;
- “disciplinary point”** means a disciplinary point awarded against a licensee by the Board as a record of breached and/or contravention of a provision of this Act or a condition of a licence or permit or a disciplinary offence for which a penalty may be ordered or disciplinary action taken against a holder of licence or licensed security officer or licensed security guard in accordance with a system of disciplinary points established by a Code of Conduct under Section 62;
- “holder of licence”** means a holder of a Class A, B or C licence;
- “holder of permit”** means a licensed security guard or licensed security officer;
- “licence”** means a –
- (a) security operators Class A licence; or
 - (b) security operators Class B licence; or
 - (c) security operators Class C licence; or
- granted under Section 40;
- “licensed security guard”** means a security guard for whom a permit is granted under Part 3;
- “licensed security officer”** means a security officer for whom a permit is granted under Part 3;
- “member”** means a member of the Council;
- “permit”** means a permit granted under Section 26;
- “Registrar”** means the Registrar appointed under Section 20(2);
- “security equipment”** means such equipment, other than a firearm, used by a holder of a licence or permit or required by a person to be installed at his premises or property, for purposed of security services;

“security guard” means a person who provides or performs security guard duties;

“security guard services” means security services involving provision of security guard, bodyguard or guard dog services;

“security officer” means a person who provides or performs security officer duties;

“security services” means all manner, form and description of the provision of security services provided in relation to the safety and protection of person or property, and, without limiting the generality of the foregoing, includes –

- (a) the following services: –
 - (i) provision of security, guard or bodyguard services;
 - (ii) guard dog services including dog breeding, husbandry and management;
 - (iii) armoured fleet services and management;
 - (iv) cash-in transit services;
 - (v) property or building security management services;
 - (vi) security consultancies or high delivery services as may be determined by the Council; and
- (b) the provision of systems of security services including –
 - (i) electronic or computer controlled security systems and monitoring; or
 - (ii) fire, burglar or monitored and local alarm systems; or
 - (iii) such other systems as the Council may determine as a security service; and
- (c) the use of such security equipment other than firearm for the purpose of providing security services;

“Sheriff” means the Sheriff appointed under Section 2 of the *Sheriff Act 1973*;

“this Act” includes the Regulations.

(2) For the purposes of this Act, unless the contrary intention appears –

- (a) “security officer duties” includes all or any of the following: –
 - (i) security guard duties as specified in Paragraph (b);
 - (ii) overseeing the order, safety, protection or the wellbeing of a person or property by means including guarding, protecting or escorting, of a person or property, patrolling routes, venues, premises or locations, manning entrances, sites, gates and buildings with the use of instruments of restraint, firearm, radio or such other security equipment or instrument;

- (iii) providing escort duties in relation to conveyance of payroll or cash transfers;
 - (iv) providing assistance to the Sheriff in the execution of processor or such other duties as are requested by the Sheriff;
 - (v) manning and operating of security equipment;
 - (vi) such other duties as are otherwise specified in this Act, authorised under a permit or as prescribed; and
- (b) “security guard duties” include all or any of the following:-
- (i) overseeing the order, safety, protection or the well-being of a person or property by means including guarding, protecting or escorting, of a person or property, patrolling routes, venues, premises or locations, manning entrances, sites, gates or property without the use of firearm except with such security instrument are as approved by the Authority to be held by the security guards;
 - (ii) providing services of a guard dog in the provision of control and security of a person or property, venue or site;
 - (iii) any other incidental or ancillary duty as a consequence to the carrying out of or the performance of the duties referred to in Subparagraphs (i) and (ii);
 - (iv) such other duties as are specified as security guard duties in this Act or as are prescribed.

3. APPLICATION.

- (1) Subject to Subsection (2), this Act binds the State.
- (2) Section 42 does not apply to the following State Services: –
 - (a) the Police Force;
 - (b) the Papua New Guinea Defence Force;
 - (c) the Correctional Service,

in respect of their carrying out, providing or engaging in providing security services in the course of performance of their functions and responsibilities as such State Services.

PART 2. – ADMINISTRATION.

Division 1.

Security Industries Authority.

4. ESTABLISHMENT OF SECURITY INDUSTRIES AUTHORITY.

(1) The Security Industries Authority is hereby established.

(2) The Authority –

(a) is a corporation with perpetual succession; and

(b) shall have a seal; and

(c) may acquire, hold and dispose of property.

(3) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Authority affixed to a document and shall presume that it was duly affixed.

5. FUNCTIONS OF THE AUTHORITY.

(1) The functions of the Authority are –

(a) to grant licences and permits under this Act; and

(b) to fix minimum standards of training applicable to holders of licences and permits, respectively; and

(c) to establish, provide or approve training institutions and facilities or permit such training institutions or facilities as it may approve to conduct training or to be used for training for the purpose of training of persons who intend to perform security officer duties or security guard duties; and

(d) to approve any equipment other than firearms used by a holder of a licence or permit or required by a customer to be installed on his premises or property; and

(e) to ensure that the holder of a licence or permit operates or carries out his duties or performs his functions in accordance with the terms and conditions of the licence or permit and subject to the provisions of this Act; and

(f) to formulate a Code of Conduct governing the disciplinary matters and work ethnics within the Industry; and

(g) to undertake such other functions and exercise such powers as may be conferred on it by this Act or any other law.

(2) In carrying out its functions, the Authority shall uphold and promote the public interest in public safety, public order and public welfare having regard to the need to attain efficiency and quality in the delivery of security services.

6. POWERS OF THE AUTHORITY.

The Authority has, in addition to the powers specifically conferred on it by this Act or any other law, power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

Division 2.***Security Industries Council.*****7. ESTABLISHMENT OF THE SECURITY INDUSTRY COUNCIL.**

There is established a Security Industries Council.

8. FUNCTIONS, ETC., OF THE COUNCIL.

The functions of the Council are –

- (a) to carry out the functions, manage the affairs and exercise the powers which are vested in, or delegated to the Authority; and
- (b) to do such thing as may be incidental to or consequential upon the exercise of its powers or the discharge of its functions under this Act; and
- (c) otherwise to control the regulation of the security industry.

9. MEMBERSHIP OF THE COUNCIL.

(1) The Council shall consist of the following members –

- (a) the Commissioner of Police *ex officio* or his nominee who shall be the Chairman; and
- (b) two members to represent the security industry elected by the holders of licences; and
- (c) one member to represent the licensed security officers and licensed security guards elected by themselves; and
- (d) one member to represent the rural, mining and manufacturing industry nominated by the Papua New Guinea Employers Federation; and
- (e) one member to represent the general insurance industry nominated by the Papua New Guinea Insurance Council; and
- (f) one member to represent the Papua New Guinea Trade Union Congress nominated by the Congress; and
- (g) one member to represent the Papua New Guinea Council of Churches nominated by the Council; and
- (h) the Sheriff *ex officio* or his nominee.

(2) Subject to Subsections (3) and (5), the members referred to in Subsection (1)(b) to (g) inclusive –

- (a) shall be appointed by the Minister by notice in the National Gazette; and
- (b) shall be appointed for a term of three years; and
- (c) are eligible for reappointment; and
- (d) shall hold office on such terms and conditions as are determined by the Council.

(3) For avoidance of doubt, in appointing the members referred to in Subsection (1)(b) to (g), the Minister shall not reject a person elected or nominated in accordance with Subsection (1) for membership of the Council.

(4) The nominee referred to in Subsection (1)(a) shall be a Deputy Commissioner of Police.

(5) In respect that –

- (a) the members of the Council referred to in Subsection (1)(b) and (c) cannot be elected and appointed before the granting of licences and permits; and
- (b) in accordance with this Act licences and permits fall to be granted by the Authority,

therefore, for the purpose of enabling the granting of licences and permits and thereby facilitating the appointment of the members of the Council under Subsection (1)(b) and (c), it is declared as follows: –

- (c) for a period of one year on and from the coming into operation of this Act the members of the Council referred to in Subsection (1)(a), (d), (e), (f), (g) and (h) fully constitute the Council; and
- (d) during the period referred to in Paragraph (c), the Authority shall consider and may grant application for licences and permits; and
- (e) the Authority shall otherwise carry out the functions of the Council as required during that period.

10. FILLING OF VACANCIES.

Where there is a vacancy in the membership of the Council (other than a vacancy in the offices referred to in Section 9(1)(a) and (h))–

- (a) in respect to the offices referred to in –
 - (i) Section 9(1)(b) and (c), the persons licensed under this Act shall elect a person; and
 - (ii) Section 9(1)(d) to (g), the bodies or persons specified therein shall nominate a person,

to fill the vacancy; and

- (b) the appointment shall be made in accordance with Section 9 and the person so appointed shall hold office, subject to this Act, for the balance of his predecessor's term of office.

11. LEAVE OF ABSENCE OF MEMBERS.

The Chairman may grant leave of absence to a member on such terms and conditions as the Chairman determines.

12. VACATION OF OFFICE.

(1) A member, other than an *ex officio* member, may resign from office in writing signed by him and delivered to the Minister.

(2) Where a member, other than an *ex officio* member, dies, resigns his office or is otherwise terminated in accordance with this section, his office becomes vacant.

(3) Where a member, other than an *ex officio* member –

- (a) becomes permanently incapable of performing his functions; or
- (b) is absent, except with the written consent of the Chairman in accordance with Section 11, from three consecutive meetings of the Council; or
- (c) fails to comply with Section 16; or
- (d) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (e) is convicted of an offence under this Act or an offence under any other law punishable by a penalty of a fine of not less than K100.00 or by a term of imprisonment for three months or longer, and, as a result of the conviction, is sentenced to death or imprisonment,

the Minister shall terminate his appointment.

13. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.

The exercise of a power or the performance of a function of the Council is not invalidated by reason of there being a vacancy in the membership of the Council.

14. CALLING OF MEETINGS.

(1) The Council shall meet as often as the business of the Council requires, and at such times and places as the Chairman directs.

(2) Where he receives a written request to do so by not less than four members, the Chairman shall convene a meeting of the Council within 14 days, provided that at least three working days' notice has been given to every Council member.

(3) For the purposes of Subsection (1), the Chairman shall give to every member at least 14 days' notice of a meeting.

15. MEETINGS OF THE COUNCIL.

(1) At a meeting of the Council –

- (a) six members constitute a quorum; and
- (b) the Chairman shall preside but if the Chairman is absent, the members present shall appoint, from among their own number, a Chairman for that meeting; and
- (c) matters arising shall be decided by a majority of the votes of the members present and voting; and
- (d) the person presiding has a deliberative vote and in the event of an equality of votes on any matter, the person presiding shall adjourn the matter to be considered at a subsequent meeting.

(2) The Council shall cause minutes of its meetings to be recorded and kept.

(3) Subject to this Act, the procedures of the council are as determined by the Council.

16. DISCLOSURE OF INTEREST BY MEMBERS.

(1) A member who has a direct or indirect personal or pecuniary interest in a matter being considered or about to be considered by the Council otherwise than as a member of, and in common with the other members of, and incorporated company consisting of not less than 25 persons, shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(2) A disclosure under Subsection (1) shall be recorded in the minutes of the Council and the member –

- (a) shall not take part, after the disclosure, in any deliberation or decision of the Council in relation to the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision in relation to that matter except with the express authority of the Council.

17. COMMITTEE.

(1) The Council may, from time to time, establish committees of the Council on such matters as the Council considers necessary.

(2) The Council shall appoint at the pleasure of the Council such number of persons as it determines, including persons who are not members of the Council, to be members of a Committee.

(3) The functions, powers and procedures of a Committee shall be as determined by the Council.

18. DELEGATION.

The Council may, by written instrument, delegate to any person, including a member of a Committee, all or any of its powers and functions under this Act (except this power of delegation).

19. REPORTS.

(1) The Council shall furnish to the Minister –

(a) on or before 15 March in each year, a report on the progress and performance of the Authority for the previous year ending 31 December; and

(b) such other reports as are requested by the Minister,

In relation to the functions of the Authority.

(2) As soon as practicable after receiving the report referred to in Subsection (1)(a), the Minister shall forward the report to the Speaker for presentation to the Parliament.

Division 3.***Registrar and Other Staff.*****20. REGISTRAR.**

(1) There is established an office of Registrar to the Authority.

(2) The Registrar –

(a) shall be appointed by the Council by notice in the National Gazette; and

(b) shall be appointed for a term not exceeding three years; and

(c) is eligible for re-appointment; and

(d) shall be employed under a written contract on such terms and conditions as are determined by the Authority.

21. FUNCTIONS OF THE REGISTRAR.

The Registrar –

(a) is the Secretary to the Council; and

(b) shall carry out and perform the functions and duties required of him under this Act or by the Authority.

22. STAFF.

The Registrar may, with the consent of the Council, employ such other persons as are necessary to assist him in his duties and to provide secretarial services to the Council.

23. CONSULTANTS.

The Council may, from time to time –

- (a) after consultation with the Registrar; and
- (b) within the limit of funds lawfully available for the purpose; and
- (c) on such terms and conditions as are fixed by the Council,

Engages such consultants as, in the opinion of the Council, are necessary for the purposes of the Authority.

24. PUBLIC SERVICE RIGHTS.

Where an officer or employee of the Public Service is appointed to be Registrar or a member of the staff, his service as a Registrar or as a member of the staff shall be counted as service in the Public Service for the purpose of determining his rights (if any) in respect of –

- (a) leave of absence on grounds of illness; and
- (b) furlough or pay instead of furlough (including pay to dependents on death of the officer).

25. REGISTERS.

(1) The Registrar shall establish and maintain –

- (a) a Register of Permits and Licences; and
- (b) a Register of Disciplinary Points.

(2) The Registrar shall enter –

- (a) in the Register of Permits and Licences, the application for permits and licences, copies of all permits and licences issued any other prescribed information; and
- (b) in the Register of Disciplinary Points, the findings of the Board in relation to a disciplinary point ordered to be recorded against a holder of a licence or permit.

(3) The Registrar shall, at reasonable times –

- (a) make available the Registers referred to in Subsection (1) for inspection; and
- (b) allow copies of entries in the Registers referred to in Subsection (1) to be made,

on payment of the prescribed fee.

PART 3. – CARRYING OUT, ENGAGING IN OR RECEIVING SECURITY SERVICE.

Division 1.

Permits.

26. AUTHORITY MAY GRANT PERMITS.

(1) The Authority may, in accordance with this Act, grant or refuse an application under Section 30 for a permit.

(2) The type of permit that may be granted under Subsection (1) and any condition to which that permit is subject are as prescribed.

(3) A permit is subject to such conditions (if any) as are specified in the permit and allows a holder of a licence, specified in the permit, to employ a person specified in the permit, to provide or perform security officer duties or security guard duties as is specified in the permit.

(4) A permit is valid –

(a) only in respect of –

(i) the holder of a licence; and

(ii) the person to be employed; and

(iii) the carrying out or providing for either security officer duties or security guard duties by the person to be employed as specified in the permit; and

(b) for the period specified in the permit; and

(c) provided that it has not been cancelled under Section 34.

(5) The Authority may, by written notice at any time, vary or revoke any condition or impose new or additional conditions in the permit.

(6) A permit issued under this section is not transferable in respect of the holder of licence or the person in respect of whom the permit was granted or the occupation as specified in the permit.

27. RESTRICTION ON GRANT OF PERMIT.

No permit may be granted for a person to be employed to provide or perform security officer duties or security guard duties unless the person is sufficiently trained as a security officer or security guard, as the case may be, to the satisfaction of the Authority.

28. DUTIES OF A LICENSED SECURITY OFFICER AND LICENSED SECURITY GUARD.

A –

- (a) licensed security officer may carry out, perform or provide security officer duties; and
- (b) licensed security guard may carry out, perform or provide security guard duties,

and where the duties carried out, performed or provided are not authorized in accordance with the conditions specified in the permit or the provisions of this Act, disciplinary action may be brought against the licensed security officer or licensed security guard, as the case may be, in accordance with the provisions of this Act.

29. SPECIAL DUTIES OF A LICENSED SECURITY OFFICER AND LICENSED SECURITY GUARD IN RELATION TO MAINTENANCE OF ORDER, CROWD CONTROL AND CONFLICT RESOLUTION.

A licensed security officer or licensed security guard shall –

- (a) maintain order and discipline with firmness, but with no more restriction or force than is required for security of a person or safe custody of property, to which he is assigned to guard or protect; and
- (b) in controlling crowds, seek to influence them through leadership and endeavour to enlist willing co-operation or, if circumstances permit, enlist police assistance; and
- (c) at all times treat conflicting parties with due regard to the encouragement of self-respect and a sense of personal responsibility and attempt to resolve conflict through negotiation or mediation.

30. APPLICATION FOR PERMIT.

(1) Subject to this Act, every holder of a licence, prior to engaging a person to carry out, perform or provide security officer duties or security guard duties shall make an application for a permit to the Authority.

(2) An application under Subsection (1)–

- (a) shall be lodged with the Registrar; and
- (b) shall be in the prescribed form; and
- (c) shall be accompanied by evidence of skills and standards as required under Sections 31 and 32 and such other particulars as are prescribed or as the Authority may require; and
- (d) shall be accompanied by the prescribed fee; and
- (e) shall state that the application is made by the holder of licence in respect of employment of a person, to carry out, perform or provide security officer duties or security guard duties, as the case may be.

31. REQUIREMENT AS TO SKILLS OF A SECURITY OFFICER.

(1) The person for whom the holder of a licence applies under Section 30 for a permit shall satisfy the Authority that he possesses the required skills and standards necessary to carry out, perform or provide security officer duties.

(2) The required skills referred to in Subsection (1) are –

- (a) possession of a certificate by an approved training institution or a written reference showing completion of training, or experience as a security guard in –
 - (i) skills of dog handling; and
 - (ii) control and operation of various security systems including use of radio communications and equipment; and
 - (iii) conveyance of cash in transit; and
 - (iv) negotiation, mediation or dispute settlement skills; and
 - (v) skills in relation to crowd control; and
- (b) such other skills as may be prescribed or as the Authority may require.

(3) The required standards referred to in Subsection (1) are –

- (a) possession of a certificate from a medical practitioner certifying the person's health and physical fitness; and
- (b) possession of a certificate by an approved training institution showing completion of a basic course of training in relation to the basic rights of person under Division III.3 (Basic Rights) of the *Constitution* and duties of private citizen in relation to effecting of arrests under the *Arrest Act 1977*, and
- (c) possession of a reference by a Commissioner for Oaths declaring that the person is disciplined, has self-control and exercise restraint; and
- (d) possession of a certificate by the Police certifying that the person has no criminal record; and
- (e) such other standards as may be prescribed or as the Authority may require.

32. REQUIREMENT AS TO SKILLS OF A SECURITY GUARD.

(1) The person for whom the holder of a licence applies under Section 30 for a permit shall satisfy the Authority that he possesses the required skills and standards necessary to carry out, perform or provide security guard duties.

(2) The required skills referred to in Subsection (1) are –

- (a) possession of a certificate by an approved training institution or a written reference showing completion of training, or certifying experience as a security guard in –

- (i) conflict resolution or negotiation, mediation or dispute settlement skills; and
- (ii) skills in relation to crowd control; and
- (iii) skills of dog handling; and
- (b) such other skills as may be prescribed or as the Authority may require.
- (3) The required standards referred to in Subsection (1) are –
 - (a) possession of a certificate from a medical practitioner certifying the person's health and physical fitness; and
 - (b) possession of a certificate by the Police certifying that the person has no criminal record; and
 - (c) possession of a certificate by an approved training institution showing completion of course of training in relation to the basic rights of persons under Division III.3 (Basic Rights) of the *Constitution* and on the use of force in self defence.

33. AUTHORITY NOT TO ISSUE PERMIT.

Where the Authority is satisfied that the person for whom the holder of a licence applied for a permit under Section 30 does not possess the skills or standards required under Sections 31 or 32, the Authority may –

- (a) refuse to issue a permit; or
- (b) cancel a permit already issued.

34. CANCELLATION OF PERMIT.

- (1) Where the Authority is satisfied that –
 - (a) an application for a permit under Section 30 contained information that was false or misleading in a material particular; or
 - (b) there has been a contravention of any condition of a permit; or
 - (c) the financial position of the holder of a licence is such that it is unable to meet the terms and conditions of employment of licensed security officers or licensed security guards in its employ; or
 - (d) a licensed security officer or licensed security guard –
 - (i) is convicted of an offence against this Act or under any other law punishable by a term of imprisonment for two years or longer; or
 - (ii) is found guilty on a complaint for which a penalty of the cancellation of permit by the Board is recommended; or
 - (iii) failed to comply with any provision of this Act,

the Authority may cancel the permit.

(2) Where the Authority is satisfied that officers of a corporate body referred to in Section 43(1)(b) and Section 44(1)(b), or an individual, as holders of a licence to employ persons under permits granted, are not fit and proper persons to continue to employ the persons under such permits, the Authority may cancel the permits so granted.

(3) Where a permit is proposed to be cancelled under this section, the Authority shall give written notification of such proposed cancellation to the concerned holder of a licence who –

- (a) is financially incapable under Subsection (1)(c); or
- (b) employs a licensed security officer or licensed security officer or licensed security guard in respect of whose permit is cancelled,

and the permit shall cease to valid on the expiry of 14 days from the date of notification.

35. RENEWAL OF PERMIT.

(1) A holder of a licence who employs a licensed security officer or licensed security guard, as the case may be, may, not more than 40 days before the expiration of a permit, or any renewal thereof, in respect of that licensed security officer or licensed security guard, as the case may be, apply to the Authority for renewal of the term of the permit.

(2) An application under Subsection (1) shall be –

- (a) lodged with the Registrar; and
- (b) in the prescribed form; and
- (c) accompanied by the prescribed fee.

(3) The Authority shall obtain from the Registrar or the Board or the holder of a licence who is applying for the renewal of the permit, reports on –

- (a) the work performance of the licensed security officer or licensed security guard, as the case may be, in carrying out the duties authorised by the permit or as provided for under this Act; and
- (b) the disciplinary records of and points incurred by a licensed security officer or licensed security guard, as the case may be, as kept in the Register of Disciplinary Points.

(4) Where the reports required under Subsection (3) are satisfactory, the Authority shall renew the permit by the issue of a new permit for a further period as specified in the permit.

36. TERMINATION OF EMPLOYMENT.

(1) Notwithstanding the provisions of any other law or of any term or condition of any contract or agreement, a holder of a licence shall terminate the employment of a licensed security officer or licensed security guard, as the case may be, who is in his

employ, within 14 days of notification in writing by the Authority to the holder of the licence that a permit issued in respect of employment of that person has been cancelled under Section 34.

(2) A holder of a licence who, under Subsection (1), terminates the employment of a licensed security officer or licensed security guard, as the case maybe, shall inform the Authority of that termination within 14 days by notice in writing.

(3) Where for any other reason the employment of a licensed security officer or licensed security guard is terminated, the holder of a licence employing that licensed security officer or licensed security guard, as the case may be, shall inform the Authority of that termination within 14 days by notice in writing.

Division 2.

Training and Testing.

37. TRAINING.

(1) Subject to Subsection (3) and (4), Regulations may prescribe –

- (a) minimum qualifications or such other requirements for employment of persons intending to carry out, perform or provide security officer duties or security guard duties; and
- (b) particulars concerning the types of training that may be provided to persons by holders of licences for purposes of engaging persons to carry out, perform or provide security officer duties, or security guard duties; and
- (c) training on dog handling and care of dogs, and the situations in which dogs may be used; and
- (d) training on use of security equipment; and
- (e) tests as to standards or skills required to be possessed by persons applying to carry out, perform or provide security officer duties or security guard duties.

(2) A person shall not be disqualified for employment or from entry into training as a security officer or security guard, for the reason only that he is illiterate and no Regulation may be made specifying illiteracy of a person as a ground for disqualification for purpose of employment or training as a security officer or security guard, as the case may be.

(3) For the purposes of this section, taking of tests to fulfil the requirements as to standards or skills specified under Sections 31 and 32 shall include giving of such oral testing as is considered appropriate by the Authority to an illiterate person for purposes of his entry into employment or training as a security officer or security guard, as the case may be.

38. PERIODIC TRAINING.

(1) Where the Authority is satisfied that a licensed security officer or licensed security guard –

- (a) exhibits deficiency in respect of any of the required skills or standards referred to in Sections 31 and 32; or
- (b) suffers from lack of physical fitness; or
- (c) lacks skills newly introduced; or
- (d) would gain from such further training as the Authority considers appropriate,

the Authority may, after notifying the holder of a licence who employs the licensed security officer or licensed security guard, require the licensed security officer or licensed security guard, as the case may be, to attend such periodic training as the Authority recommends.

(2) The holder of licence referred to in Subsection (1), shall release the specified licensed security officer or licensed security guard in its employ from active duties to attend such periodic training at such places, times and for such durations as is directed by the Authority.

(3) Where a licensed security officer or licensed security guard attends periodic training as directed under Subsection (2), such attendance shall be regarded as ordinary duty for the purpose of his employment and shall not suffer any loss of credit or employment benefit.

39. TRAINING INSTITUTIONS, ETC.

The Authority may –

- (a) establish; or
- (b) approve,

An institution or institutions for the purpose of conducting training in the skills and standards specified under Sections 31 and 32 in respect of persons –

- (c) who intend to make application to carry out, provide or perform security officer duties or security guard duties as the case may be; or
- (d) as directed by Council to undergo periodic training as required under Section 38.

Division 3.***Licences.*****40. AUTHORITY MAY GRANT LICENCES.**

(1) The Authority may, in accordance with this Act, grant or refuse an application under Section 42 for a –

- (a) Class A licence; or
- (b) Class B licence, or
- (c) Class C licence.

(2) As Class A licence is subject to such conditions (if any) as are specified in the licence and authorizes its holder to carry out, engage in or provide all manner and description of security services to others for reward and for this purpose to –

- (a) employ such security personnel including security officers and security guards in accordance with Part 3; and
- (b) apply for firearms for itself, or to be issued to an appropriately trained security officer in its employ for the purpose of armed escort or patrol at such locations and times as are approved by the Authority; and
- (c) provide such security assistance as is required by the Sheriff; and
- (d) provide services relating to conveyance of payroll or cash-in-transit; and
- (e) operate or control security systems and equipment.

(3) A Class B licence is subject to such conditions (if any) as are specified in the licence and authorizes its holder to carry out, engage in or provide security guard service to others for reward and for this purpose to –

- (a) employ security guards in accordance with Part 3; and
- (b) keep and handle such dogs as the Authority may approve for purposes of providing guard dog services.

(4) A Class C licence is subject to such conditions (if any) as are specified in the licence and permits its holder to be a security guard employer authorizing the holder to employ such number of security guards being not less than six to perform security guard duties only for the employer.

41. TERMS, ETC., OF LICENCE.

(1) Provided that it has not been cancelled under Section 46, a licence granted under Section 40 is valid –

- (a) only in respect of –
 - (i) the person to whom the licence is issued; and
 - (ii) the class granted; and
- (b) for the period specified in the licence.

(2) The Authority may, by written notice at any time, vary or revoke any condition or impose new or additional conditions in the licence.

(3) A licence under Section 40 is not transferable in respect of the class or the person to whom it is issued.

42. APPLICATION FOR LICENCE.

(1) Subject to this Act, a person who wishes to carry out, provide or engage in providing –

- (a) full security service of every kind, form or description to others for reward shall make application for a Class A licence; and
- (b) security guard services to other for reward shall make application for a Class B licence,

to the Authority.

(2) Subject to this Act, a person who requires provision of security guard services for himself, provided that –

- (a) the number of persons he intends to employ number no less than six persons; and
- (b) the persons he intends to employ perform security guard duties,

shall make application for a Class C licence to the Authority

(3) An application under Subsections (1) or (2)–

- (a) shall be lodged with the Registrar; and
- (b) shall be in the prescribed form; and
- (c) shall be accompanied by such particulars as are required for the class of licence applied for or any of the particulars as prescribed or as the Authority may required; and
- (d) shall be accompanied by the prescribed fee; and
- (e) shall specify the class of licence applied for.

43. EXPERIENCE, ETC., REQUIRED FOR ISSUE OF CLASS A LICENCE.

(1) An applicant for a Class A licence shall satisfy the Authority that –

- (a) the applicant possess the necessary capabilities and experience which meet the requirements and conditions imposed on a holder of a Class A licence under this Act; and
- (b) where the applicant is –
 - (i) a corporate person, every director, secretary, or a chief executive officer of that corporate body; or
 - (ii) an individual or firm, that individual or partner,

is a fit and proper person.

(2) The required capabilities and experience referred to in Subsection (1) are: –

- (a) demonstrated ability that the applicant has the capacity to discharge the duties and obligations required on the holder of Class A licence including the capacity to –

- (i) meet the terms and conditions of employment of persons intending to perform security officer duties or security guard duties; and
 - (ii) provide or arrange for such training as to skill or standards required under Sections 31 and 32 in respect of persons intending to apply for security officer or security guard permits;
- (b) such other capabilities or experience in respect of any special type of security service that is to be provided as may be prescribed or as the Authority may determine.

44. EXPERIENCE, ETC., REQUIRED FOR ISSUE OF CLASS B LICENCE.

- (1) An applicant for a Class B licence shall satisfy the Authority that –
- (a) the applicant possesses the necessary capabilities and experience which meet the requirements and conditions imposed on a holder of a Class B licence under this Act; and
 - (b) where the applicant is –
 - (i) a corporate person, every director, secretary, or a chief executive officer of that corporate body; or
 - (ii) an individual or firm, that individual or partner is a fit and proper person.
- (2) The required capabilities and experience referred to in Subsection (1) are: –
- (a) demonstrated ability that the applicant has the capacity to discharge the duties and obligations required on the holder of a Class B licence including the capacity to –
 - (i) meet the terms and conditions of employment of persons intending to perform security guard duties; and
 - (ii) provide or arrange for such training as to skills or standards required under Section 32 in respect of persons intending to apply for security guard permits;
 - (b) such other capabilities or experience in respect of any special type of security guard service that require to be provided as may be prescribed or as the Authority may require.

45. EXPERIENCE, ETC., REQUIRED FOR ISSUE OF CLASS C LICENCE.

A applicant for issue of a Class C licence shall satisfy the Authority that the applicant has the capability to –

- (a) meet the terms and conditions of employment of persons intending to perform security guard duties; and

- (b) provide or arrange for such training as to skills or standards required under Section 32 in respect of persons intending to apply for security guard permits.

46. CANCELLATION OF LICENCE.

(1) Where –

- (a) the Authority is satisfied that –
 - (i) an application for a licence contained information that was false or misleading in a material particular; or
 - (ii) there has been a contravention of any condition of the licence; or
 - (iii) the financial position of the holder of a licence is insufficient to maintain the required standards of service or effectively discharge or exercise the duties as required under the licence or under this Act; or
 - (iv) the holder of a licence fails to comply with this Act; or
- (b) the holder of a licence –
 - (i) is convicted of an offence against this Act or under any other law punishable by a term of imprisonment for two years or longer and, as a result of the conviction, is sentenced to death or imprisonment; or
 - (ii) is found guilty on a complaint for which the penalty of cancellation of a licence is recommended by the Board; or
- (c) the holder of a licence ceases to carry out, provide or ceases to require security services,

the Authority may cancel the licence.

(2) Where the Authority is satisfied that officers of a corporate body referred to in Section 43(1)(b) and Section 44(1)(b) or an individual or a partner to whom a licence has been granted are not fit and proper persons to continue to hold a licence, the Authority may cancel the licence.

(3) The Authority shall give written notification of any proposed cancellation of a licence under this section to the holder of the licence and the licence shall cease to be valid on the expiry of 14 days from the date of notification.

47. RENEWAL OF LICENCE.

(1) A holder of a licence, may, not more than 40 days before the expiration of the licence, or of any renewal thereof, apply to the Authority for renewal of the term of the licence.

(2) An application under Subsection (1) shall be –

- (a) lodged with the Registrar; and

- (b) in the prescribed form; and
- (c) accompanied by the prescribed fee.

(3) In consideration of an application under Subsection (1), the Authority shall obtain from the Registrar or Board reports on the performance or the conduct of the holder of a licence in respect of its compliance with the provisions of this Act, or the terms and conditions imposed, or the delivery or receipt of security services as authorised, by the licence.

(4) Where the reports required under Subsection (3) are satisfactory, the Authority shall renew the licence by the issue of a new licence for a further period as is specified in the licence.

Division 4.

Duration and fees.

48. DURATION OF LICENCES AND PERMITS.

A licence or permit may be issued annually biannually or for such other periods as may be determined by the Authority.

49. FEES.

(1) The fees or charges payable in respect of applications for and grant of licences and permits are as prescribed.

(2) In fixing the amount of fees or charges payable under Subsection (2), the following matters shall be taken into consideration: –

- (a) the ability of holders of licence or permits to pay costs of such fees or charges as are determined;
- (b) the costs of carrying out the functions of the Authority and the payment to the Authority of such fees or charges as determined to defray the expenditure of the Authority.

PART 4. – OFFENCES..

50. UNLICENSED PERSONS OPERATING OR RECEIVING SECURITY SERVICES.

Subject to this Act, a person, other than a holder of a licence who carries out, performs, provides, engages in providing, or receives security services, is guilty of an offence.

Penalty: A fine not exceeding K1000.00

Default penalty: A fine not exceeding K100.00

51. PROHIBITION OF EMPLOYMENT OF PERSONS WITHOUT PERMIT.

Subject to this Act, a holder of a licence who employs a persons unless a permit –

(a) has been granted and is still valid; or

(b) has been applied for,

in respect of that person to carry out, provide or perform security officer duties or security guard duties, as the case may be, is guilty of an offence.

Penalty: A fine not exceeding K1000.00

52. PROVIDING FALSE INFORMATION IN APPLICATIONS.

A person, who knowingly provides or make a false or misleading information or statement in an application for a licence under Section 42 or permit under Section 30, is guilty of an offence.

Penalty: In the case of an application for a licence, a fine not exceeding K1000.00.

In the case of an application for a permit, a fine not exceeding K100.00.

PART 5. – DISCIPLINARY ACTION.

Division 1.

General.

53. DEFINITIONS.

In this Part, unless the contrary intention appears –

“**complaint**” means a complaint authorized to be made under this Act;

“**licensee**” means a holder of a licence or a licensed security officer or licensed security guard;

“**Chairman**” means the Chairman of the Board of Complaints.

54. INITIATING OF COMPLAINTS.

(1) Any person may lodge a complaint with the Authority against a licensee for improper conduct.

(2) The Authority may initiate a complaint against a licensee for improper conduct.

55. COMPLAINTS PROCEDURE.

(1) A complaint lodged with, or initiated by, the Authority under Section 54 shall be considered and determined by the Authority, unless it decides that a further inquiry in respect to that complaint is necessary.

(2) Where the Authority decides under Subsection (1) that a further inquiry in respect of a matter on a complaint is necessary, it shall refer the complaint to the Board to hold an inquiry and determine the complaint in accordance with Section 61.

56. NOTIFICATION OF INQUIRY.

Where a complaint lodged or initiated under Section 64, is referred to the Board under Section 55(2), the Board shall hold an inquiry after giving notice to the licensee concerned of the matters to be inquired into and of the time and place at which the inquiry is to be held.

Division 2.

Board of Complaints.

57. BOARD OF COMPLAINTS.

(1) A complaints committee of the Council to be known as the “Board of Complaints” is hereby established.

(2) The Board shall comprise –

(a) the Chairman; and

- (b) such number of persons (including persons who are not members of the Council) as the Council may appoint.

58. CHAIRMAN OF THE BOARD.

(1) The Chairman referred to in Section 57 shall be appointed by the Council from amongst their own number and shall preside at meetings of the Board.

(2) Where the Chairman is unable to preside at any meeting of the Board, the members present shall elect a Chairman from amongst their own number who shall preside at that meeting.

59. FUNCTIONS OF THE BOARD.

(1) The Board shall inquire into any complaint against a licensee of improper conduct referred to it under Section 55.

(2) Where after an inquiry into a complaint referred to it under Section 55, the Board considers that institution of prosecutions or proceedings in respect of a matter on a complaint is necessary, it shall make recommendation to that effect to the Authority.

60. POWERS AND PROCEDURES OF THE BOARD.

(1) The Board may –

(a) by notice summon –

- (i) the licensee against whom the complaint was made to appear before the Board to answer the complaint and show cause why action should not be taken under Section 61; and
- (ii) any other person whom the Board requires to appear before the Board to give evidence on any matter in relation to the subject matter of the inquiry; and

(b) examine any witness on oath or affirmation.

(2) When inquiring into complaints of improper conduct, the Board shall observe the rules of natural justice and follow such procedures as are prescribed.

61. POWER OF THE BOARD TO IMPOSE PENALTIES.

(1) Where –

(a) a licensee appears in response to a summons; or

(b) a licensee fails to appear in response to a summons,

under Section 60, the Board shall proceed to hear and determine the matter of the complaint to which the summons relates.

(2) Where, after an inquiry, the Board is of the opinion that a licensee has been guilty of improper conduct, it may impose one or more of the following penalties: –

- (a) make a finding of improper conduct as a licensee;
- (b) admonish or reprimand the licensee;
- (c) order the suspension of the licence or permit for such period as the Board thinks fit;
- (d) order the cancellation of the licence or permit;
- (e) order that the licensee take such actions as are necessary to rectify any mistake or wrong done as a result of the improper conduct the subject of the complaint;
- (f) make an order for award of such number of disciplinary points against a licensee.

62. CODE OF CONDUCT.

Regulations may prescribe a Code of Conduct governing –

- (a) improper conduct that is a disciplinary offence committed by a licensee; and
- (b) procedures under which a Board may find that a licensee has committed a disciplinary offence; and
- (c) a system of recording of disciplinary points which may be incurred by a licensee where he is found guilty by the Board in respect of a complaint made against him; and
- (d) penalties for breach of disciplinary offences; and
- (e) enforcement of the disciplinary point system.

63. BOARD TO ADVISE AUTHORITY AND REGISTRAR OF DECISIONS.

(1) Where the Board makes an order under Section 61 to suspend or cancel a licence or permit, it shall so advise the Authority, which shall –

- (a) suspend the licence or permit, as the case may be, for the period specified in the order; or
- (b) cancel the licence or permit, as the case may be.

(2) Where the Board makes an order under Section 61 for award of a penalty of disciplinary points against a licensee, it shall so advise the Registrar who shall record such number of disciplinary points as awarded against the licensee in the Register of disciplinary points.

64. DISCIPLINARY ACTIONS NOT TO ABATE.

Notwithstanding that proceedings have commenced or are pending or are completed against a licensee in respect of –

- (a) an offence under this Act or any other law; or

(b) a breach of a provision of a law,

committed by licensee for which he suffers or may suffer, a penalty, the Authority or the Board –

(c) may, where an act or omission complained of against a licensee constitutes improper conduct under this Act, take such action as the circumstances permit including disciplinary action or cancellation of permit; or

(d) shall, where the disciplinary proceedings for alleged improper conduct against a licensee have commenced but have not been completed, continue and complete such proceedings in accordance with the provisions of this Act for dealing with disciplinary matters and may impose such penalty in accordance with its findings,

in addition to any other penalty suffered by or that may be imposed against, the licensee.

Division 3.

Review of Decision of Board.

65. APPLICATION FOR REVIEW OF DECISION OF BOARD.

(1) There shall be no right of appeal of a decision of the Board under this Act except on an application for a review made under Subsection (2).

(2) A licensee who is aggrieved by a decision of the Board may apply to the Court for a review of the decision by the Board.

66. SECURITY FOR COSTS OF REVIEW.

(1) Where an application is made to the Court for review of a decision of the Board under Section 65, the Board may apply for security for costs to be given by the applicant apply for review.

(2) The Court may, on application by the Board under Subsection (1) order that the applicant instituting the application for review under Section 65 pay into Court such sum as the Court determines as security for costs of defending the application for review.

(3) Proceeding shall not be heard on a review under Subsection (1) unless security for costs is paid.

PART 6. – FINANCES.

67. APPLICATION OF AUDIT ACT.

The accounts of the Authority shall be audited in accordance with Part VIII of the *Audit Act 1989*.

68. FUNDS OF THE AUTHORITY.

(1) The funds of the Authority shall consist of any monies appropriated by law for the purpose of carrying out or giving effect to this Act and any monies received in accordance with law, including –

- (a) all monies received by the Authority for services provided by the Authority; and
- (b) all monies received by the Authority as fees or charges in respect of application for and grant of permits and or licences; and
- (c) all other monies received by the Authority in exercise and performance of its duties and functions.

(2) The monies of the Authority may be expended only –

- (a) in payment or discharge of expenses, obligations and liabilities of the Authority; and
- (b) in payment of the remuneration and allowances of members of the Council and of the officers and employees of the Authority; and
- (c) for such other purposes that are consistent with the functions of the Authority as the Council, after consultation with the Registrar, may determine.

69. PENALTY PAYMENTS OR FINES TO BE PAID TO THE AUTHORITY FUND.

All penalty payments or fines imposed and collected under this Act in respect of a contravention of any provision of this Act shall be paid into the funds of the Authority and shall be applied to defray the costs and expenses of carrying out of the functions of the Authority.

PART 7. – MISCELLANEOUS.**70. USE OF DOGS.**

(1) A dog shall not be used –

- (a) in the training of dog handling skills; or
- (b) in the carrying on of the business of security services involving guard dog services,

as authorised under this Act unless the dog is registered in accordance with the Animal Act (Chapter 329).

(2) For the purposes of Part V of the *Animals Act 1952* –

- (a) a holder of licence who carries out or conducts the business of security services involving guard dog services; or
- (b) a person or a body who carries out or conducts training in dog handling skills,

under whose care there is a dog, is deemed to be the owner of that dog.

(3) Subject to Subsections (4) and (5) an act of a person referred to in Subsection (2)(a) or (b), in relation to his handling, treatment or care of a dog, shall not be deemed to be act of cruelty to animals as defined under Part VI of the *Animals Act 1952* where the dog is handled, treated or cared for in the course of –

- (a) giving of instruction of dog handling skills to persons intending to carry out, perform or provide security officer duties or security guard duties; or
- (b) conducting or carrying out of the business of security services involving guard dog services,

(4) Subsection (3) applies where the dog's handling, treatment or care given or applied –

- (a) is consistent with the practice or the purposes of training on dog handling skills; or
- (b) does not breach a condition of a licence relating to the treatment and care of dogs.

(5) Subsection (3) does not apply where ill treatment, harm or injury caused to a dog is intentional.

71. RESTRICTION ON ISSUE OF FIREARM.

(1) In this section, “the Registrar” means the Registrar of firearms as appointed under the *Firearms Act 1978*.

(2) Subject to Subsection (3), a licence for a firearm shall not be issued to any person licensed under this Act.

(3) Where for the purposes of providing securing services –

- (a) there exists circumstances which justifies a need for the carrying or use of a firearm by a holder of a Class A Licence or a security officer under its employ; and
- (b) the Authority confirms the circumstances referred to in Paragraph (a) in relation to the need to carry or use a firearm,

the holder of a Class A licence may apply to the Registrar for the issue of a firearm licence to it or a security officer under its employ.

(4) Where the Registrar receives an application under Subsection (3), he shall consider the application and the circumstances referred to in Subsection (3) and if he is of the opinion that –

- (a) the circumstances justify the need of a firearm, grant a licence for a firearm; and
- (b) the circumstances does not justify the need of a firearm, refuse to grant a licence for a firearm.

72. PROCEDURE.

(1) Prosecution of offences against this Act may be instituted –

- (a) by a member of the Police Force; or
- (b) by the Authority, where the Commissioner for Police grants approval to the Authority to institute prosecutions.

(2) A fine imposed on a person under any provision of this Act constitutes a debt due from that person to the Authority and may be recovered by the Authority by way of civil proceeding in a Court of appropriate jurisdiction.

73. AUTHORISED OFFICERS.

(1) The Authority may, by notice in the National Gazette, appoint persons to be authorized officers for the purpose of this Act.

(2) An authorized officer may, at all reasonable times enter and inspect any premises where the holder of a licence carries on security services, or in any part of the premises of a holder of a permit.

(3) An authorized officer may require any person to give information, or to produce any document, register or thing, in his possession or under his control relating to the activities or the conduct of the affairs of a holder of a licence or the performance of duties and conduct of affairs of the holder of a permit, in relation to carrying out of security services.

74. APPROVAL OF SECURITY EQUIPMENT.

(1) Any security equipment including any security system controlled or monitored by electronic or computer devices other than firearms –

- (a) used by a holder of a licence or permit; or
- (b) required by a person to be installed at his premises or property, for purposes of security services,

must be approved by the Authority before it is used or installed.

Penalty: A fine not exceeding K500.00

(2) Unless otherwise approved, security equipment referred to in Subsection (1) must comply with such requirement or conditions as the Authority may determine in respect to the use of that particular equipment.

75. EXEMPTIONS.

Subject to this section, Section 42 and Section 50 do not apply –

- (a) to a person who is a member of the –
 - (i) Defence Force; or
 - (ii) Police Force; or
 - (iii) Correctional Services,

In respect of his carrying out, providing, engaging in providing or receiving fully security services, or security guard services in the course of his performance of his duty as such member; or

- (b) to a person in respect of his receipt of security guard services where such a service is provided to that person by a domestic servant in the course of performing his duty as such servant being engaged by that person.

76. ANNUAL RETURN.

On or before 31 March in each year, a holder of a licence shall submit to the Council an annual return for the year ending 31 December preceding showing the following:-

- (a) total number of persons employed at year commencement, by trade or occupation;
- (b) total number of persons recruited as trainees during the year, by trade or occupation;
- (c) total number of security officers or security guards for which permits had been granted at year end;
- (d) total number of trainee security officers or trainee security guards at the year end and commencement;
- (e) total number of permits terminated during the year; total number of trainee security officers or trainees completing training during the year;

- (f) total number of disciplinary actions taken against the holders of permits;
- (g) such other information as prescribed.

77. REGULATIONS.

The Head of State, acting on advice, may make Regulations, not inconsistent with this Act, prescribing all matters that are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing –

- (a) fees and charges in respect of applications and the grant of licences and permit.
- (b) penalties of fines for offences against the Regulations.

PART 8. – REPEAL AND TRANSITIONAL.

78. REPEAL.

The Commercial Agents Act 1981 is repealed.

79. PERSONS CARRYING OUT, PERFORMING, PROVIDING OR RECEIVING SECURITY SERVICES BEFORE COMMENCEMENT DATE.

A person, who –

- (a) immediately before the coming into operation of this Act, was carrying out, engaging in, performing, providing or receiving security services; and
- (b) within six months of that coming into operation, makes application for a licence under Section 42,

may continue to carry out, engage in, perform, provide or receive security services without a licence until the application is determined.

80. PERSONS CARRYING OUT, PERFORMING OR PROVIDING SECURITY OFFICER DUTIES OR SECURITY GUARD DUTIES BEFORE COMMENCEMENT DATE.

A person who –

- (a) immediately before the coming into operation of this Act, employed a person who carries out, provides or performs security officer duties or security guard duties; and
- (b) within six months of that coming into operation, makes an application for a permit under Section 30 in respect to the person employed,

may continue to employ the person who carries out, performs or provides security officer duties or security guard duties without a permit until the application is determined.