



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 455

Pretoria, 7 May
Mei 2003

No. 24851



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GENERAL NOTICE

NOTICE 1354 OF 2003

DEPARTMENT OF SAFETY AND SECURITY

The Minister for Safety and Security intends to make regulations amending the Private Security Industry Regulations, 2002.

The draft regulations are contained in the Schedule to this Notice and are hereby published for general information and comment from interested persons.

Any comment must be submitted to the office of the Director: Private Security Industry Regulatory Authority. The comment must reach the said office not later than four weeks after the date of this *Gazette* at the following address:

The Director
Private Security Industry Regulatory Authority
Private Bag X817
Pretoria
0001

Fax: (012) 3266128

SCHEDULE

PRIVATE SECURITY INDUSTRY AMENDMENT REGULATIONS, 2003

Definitions

1. In this Schedule the expression "the Regulations" means the Private Security Industry Regulations, 2002, promulgated under Government Notice No. R 190 in *Government Gazette* No. 23120, dated 14th February 2002.

Amendment of heading to Regulations

2. The heading to the Regulations is hereby amended by the insertion of the following item after the item "CLEARANCE CERTIFICATES":

"PROHIBITION OF INVOLVEMENT IN SECURITY BUSINESS BY MEMBER OF
THE SERVICE"

Amendment of index to Regulations

3. The index to the Regulations is hereby amended by the insertion of the following item after the item "Clearance certificate: ex-member of an official military, security, police or intelligence force or service 4":

"Prohibition of involvement in security business by member of the Service
4A"

Amendment of regulation 1 of Regulations

4. Regulation 1 of the Regulations is hereby amended -

- (a) by the insertion of the following definition before the definition of "Board":

"'business partner', in relation to a member of the Service, includes -

- (a) any person with whom such member engages in any trade or business;
- (b) any person who acts as a nominee or representative for such member for the purposes of engaging in any trade or business; or
- (c) any person who is obliged to carry out, or carries out, the instructions, directives or requests of such member for the purposes of engaging in any trade or business;" and

- (b) by the insertion of the following definition immediately before the definition of "registration number":

"'immediate family member', in relation to a member of the Service, means -

- (a) his or her spouse, partner or fiancé;
- (b) his or her father, mother, brother, sister, children, step-children or stepparent;
- (c) the brother or sister of his or her spouse or partner;
- (d) the spouse or partner of any of the persons contemplated in paragraph (b); and
- (e) any person sharing the same household as a member of the Service;"

Insertion of regulation 4A in Regulations

5. The following regulation is hereby inserted after regulation 4 of the Regulations:

“Prohibition of involvement in security business by member of the Service

4A. (1) No member of the Service may have shares or any other interest in the ownership of a security business or exercise control, whether directly or indirectly, over the affairs of a security business.

(2) Any member of the Service who has shares or any other interest as contemplated in sub-regulation (1) when this regulation commences, must report this fact in writing to the director without undue delay and lawfully dispose of such shares or other interest within 90 days after the date of such commencement, or within such longer period as the director may allow on the basis of a substantiated written application from such member received within a period of 60 days from the date on which this regulation commences.

(3) No person may directly or indirectly receive or solicit funds or other assets for use in a security business from any member of the Service, and no member of the Service may directly or indirectly provide funds or other assets to any person for use in a security business.

(4) Any member of the Service whose business partner or immediate family member has or acquires shares or any other interest in the ownership of a security business, must without undue delay report this fact in writing to the director and provide such further information in this regard as may be required by the director from him or her.

(5) Any member of the Service who has directly or indirectly provided funds or other assets for use in a security business at any time before the commencement of this

regulation, must without undue delay report this fact in writing to the director and provide such further information as may be required by the director from him or her.

(6) Any person who contravenes or fails to comply with a provision of this regulation, is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.”

Short title and commencement

6. These regulations are called the Private Security Industry Amendment Regulations, 2003, and come into operation on the date of their publication in this *Gazette*.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
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Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
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