

**THE PRIVATE SECURITY REGULATION
AUTHORITY ACT**

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THE PRIVATE SECURITY REGULATION
AUTHORITY ACT

Acts,
8 of 1992,
20 of 1998.

[3rd June, 1992.]

1. This Act may be cited as the Private Security Regulation Authority Act. Short title.

PART I. *Preliminary*

2. In this Act—

Interpreta-
tion.

“Authority” means the Private Security Regulation Authority established in accordance with this Act;

“chairman” means the chairman of the Authority;

“contract security organization” means an organization operating in the Island which provides security services (including security surveys and risk analyses) on a contractual basis, with armed or unarmed security guards, to another organization or person;

“functions” includes powers and duties;

“licensee” means any person who is the holder of a licence issued under this Act;

“private investigator” means a person who performs, on a contractual basis, work involving the search for evidence, facts or information, including surveillance services;

“private security organization” means a contract security organization, private investigator or a proprietary security organization;

“proprietary security organization” means a company, firm or other organization which has in its employ armed or unarmed security guards for the protection of such company, firm or other organization;

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“security guard” means a person employed as such by a contract security organization or proprietary security organization.

PART II. Private Security Regulation Authority

Establishment of the Private Security Regulation Authority.

3.—(1) There is hereby established a body to be called the Private Security Regulation Authority, which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

First Schedule.

(2) The provisions of the First Schedule shall have effect with respect to the constitution of the Authority and otherwise in relation thereto.

Functions of the Authority.

4. The functions of the Authority shall be to regulate the private security industry and, without prejudice to the generality of the foregoing—

- (a) to consider and determine applications under this Act for registration and for licences and the renewal of such licences;
- (b) to monitor the operations of private security organizations;
- (c) to make enquiries and collect information as it may think necessary or desirable for the purpose of carrying out its functions;
- (d) generally to take all such other lawful measures as it may consider necessary or desirable to assist it in carrying out its functions under this Act.

Appointment of secretary and other officers and employees.

5.—(1) Subject to subsection (2), the Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a secretary and such other officers and employees as it thinks necessary for the proper carrying out of the provisions of this Act.

(2) The Authority shall not—

- (a) assign to any post any salary in excess of the prescribed rate without the prior approval of the Minister; or
- (b) make any appointment to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

(3) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government to any office with the Authority and any officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance, and in relation to other rights as a public officer, be treated as continuing in the service of the Government.

(4) In subsection (2) the “prescribed rate” means a rate of fifty thousand dollars per annum or such higher rate as the Minister may, by order, prescribe.

5A. The Authority may, with the approval of the Minister—

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or not; and
- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, in respect of the employees of the Authority and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal representatives of such employees.

Pension scheme, medical benefits, etc.
20/1998
S. 2.

6. The funds of the Authority shall consist of—

- (a) such fees as may be paid to it;
- (b) such sums as may be provided annually by Parliament for the purposes of this Act;
- (c) such other money as may in any manner become

Funds of Authority.

payable to or vest in the Authority in respect of its functions.

Accounts and audit.

7.—(1) The Authority shall keep proper accounts of its transactions and other records in relation to the business of the Authority and shall prepare annually a statement of accounts in a form satisfactory to the Minister being a form which conforms with established accounting principles.

(2) The accounts of the Authority shall be audited by auditors appointed annually by the Authority and approved by the Minister.

(3) The members, officers and employees of the Authority shall grant to the auditors appointed under subsection (2) access to all books, documents, cash and securities of the Authority and shall give to them on request all such information as may be within their knowledge in relation to the operation of the Authority.

(4) Where an auditor is appointed under subsection (2) the auditor's fee shall be paid by the Authority.

Annual report.

8.—(1) Within five months after the end of each financial year or within such longer period as the Minister may in special circumstances approve, the Authority shall cause to be prepared and shall transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year.

(2) The Minister shall cause a copy of the report, together with the annual statement of accounts and the auditor's report thereon, to be laid on the Table of the House of Representatives and of the Senate.

Ministerial directions.

9. The Minister may, after consultation with the chairman, give to the Authority written directions of a general nature as to the policy to be followed by the Authority in the exercise and performance of its functions in relation to matters appearing to him to concern the public interest, and the Authority shall give effect to such directions.

10.—(1) Subject to subsection (2), no person shall operate a private security organization unless that person is the holder of a licence granted under this Act.

Restriction
on private
security
organiza-
tion.

(2) The persons listed in the Second Schedule shall be exempt from the provisions of subsection (1) to the extent specified in that Schedule.

Second
Schedule.

11.—(1) Every application for a licence under this Act shall be made to the Authority in such form and manner as may be prescribed and shall be accompanied by the prescribed application fee.

Licences.

(2) A licence granted under this Act—

- (a) shall remain in force for such period as may be specified therein not exceeding five years and may be renewed from time to time for periods not exceeding five years;
- (b) may be granted subject to such restrictions and on such conditions as may be specified in the licence; and
- (c) shall be subject to the payment of such annual fee as may from time to time be prescribed by the Minister.

(3) Where an application for a licence is refused, any fee paid under subsection (1) shall be refunded to the applicant.

12.—(1) The Authority shall refuse to grant a licence under this Act—

Grounds
for refusal
of licences.

(a) to any individual who—

- (i) is under the age of eighteen years;
- (ii) has had an order in bankruptcy made against him which remains undischarged;

Third
Schedule.

- (iii) has been convicted, during the period of ten years immediately preceding the application, of an offence specified in Part I of the Third Schedule;
 - (iv) the Authority has reasonable cause to believe is incapable by reason of mental or physical disability of carrying out the operations for which the licence is required;
- (b) to any body corporate in respect of which—
- (i) a resolution has been passed or an order has been made by a court of competent jurisdiction for its winding up;
 - (ii) a receiver has been appointed for any of its property;
 - (iii) any of its directors has been convicted of an offence specified in Part I of the Third Schedule; or
 - (iv) it has been convicted, during the period of ten years immediately preceding the application, of an offence in Part II of the Third Schedule;
- (c) in any case where the Authority is satisfied that the applicant is not a fit and proper person to be granted a licence.

(2) Where the Authority refuses to grant a licence on the ground specified in subsection (1) (c), the Authority shall state the reasons therefor and inform the applicant of the right of appeal conferred by section 23.

Cancellation
of
licence.

13.—(1) Subject to section 21, the Authority shall cancel a licence granted under this Act where it is satisfied that—

- (a) the licensee has had an order in bankruptcy made against him which remains undischarged;

- (b) the licensee is incapable by means of mental or physical disability of carrying out the operations usually carried out by a private security organization;
- (c) the licensee knowingly and wilfully gave false information of a material nature in connection with his application for the grant or renewal of his licence;
- (d) the condition upon which the licence was originally granted or renewed can no longer be fulfilled by the licensee; or
- (e) the licensee—
 - (i) is convicted of any offence against this Act or any offence listed in Part I of the Third Schedule;
 - (ii) in the case of an individual, is dead; or
 - (iii) has ceased to carry on the activities for which the licence was granted.

(2) Where the Authority cancels a licence under subsection (1) (other than subsection (1) (e) (iii)) it shall notify the licensee in writing of such cancellation (stating the reasons therefor) and of the right of appeal conferred by section 23.

14.—(1) Every person who is employed as a private security guard or security trainer shall apply to the Authority to be registered under this Act.

(2) Every person who is the holder of a licence to operate the business of a private security organization shall apply to the Authority to be registered under this Act.

(3) Every application for registration shall be made to the Authority in such form and manner as may be prescribed.

Registration
cards.

15. A registration card in respect of every licensee and other person registered under this Act shall be issued by the Authority in the prescribed form within ninety days after the date of registration.

The register.

16.—(1) The Authority shall keep a register of persons licensed and registered under this Act, and shall enter in such register the following particulars—

- (a) the names, addresses and occupations of licensees;
- (b) the names of persons issued with registration cards and the registration number and date of issue of such cards;
- (c) a description of any licence, permit or certificate issued to the licensee pursuant to the Firearms Act;
- (d) the terms and conditions (if any) subject to which a licence is granted.

(2) The register referred to in subsection (1) shall, at all reasonable times, be open to inspection by any person on payment of the prescribed fee.

Registration of
private security
guards.

17.—(1) No person shall be registered as a private security guard, whether armed or unarmed, unless he satisfies the Authority that he has not been convicted, in the ten years immediately preceding his application for registration, of any offence specified in Part I of the Third Schedule.

Third
Schedule.

(2) No person shall be registered under this Act as an armed private security guard unless he has, to the satisfaction of the Authority, successfully completed the prescribed course of training in the management and use of firearms.

(3) No person shall be registered under this Act as an unarmed private security guard unless he has, to the satisfaction of the Authority, successfully completed the prescribed course of training.

18. No person shall be registered under this Act as a security trainer unless he has satisfied the Authority that—

Registration as security trainer.

- (a) he has successfully completed the prescribed course of training; or
- (b) he has been exempted from such prescribed course by virtue of his training or experience.

19.—(1) The Authority shall refuse an application for registration as an armed or unarmed private security guard if it is satisfied that the applicant—

Authority to refuse registration in certain cases.

- (a) is incapable, by reason of mental or physical disability, of carrying out the functions of an armed or of an unarmed private security guard; or
- (b) is not a fit and proper person to be so registered.

(2) Where the Authority refuses an application for registration under this section it shall notify the applicant in writing of such refusal (stating the reason therefor) and of the right of appeal conferred by section 23.

20.—(1) Subject to section 22, the Authority shall cancel the registration of an unarmed private security guard where the Authority is satisfied that—

Cancellation of registration of private security guards.

- (a) the person registered is dead;
- (b) since the registration, the person registered—
 - (i) is suffering from a mental or physical disability which renders him incapable of performing duties as an unarmed security guard; or
 - (ii) has been convicted of any offence listed in Part I of the Third Schedule.

Third Schedule.

(2) Subject to section 22, the Authority shall cancel the registration of an armed security guard where the Authority is satisfied that—

- (a) the person registered is dead;
- (b) any licence, permit or certificate issued under the Firearms Act to the person registered under this Act has been cancelled;
- (c) since his registration, the person registered—
 - (i) is suffering from a mental or physical disability which renders him incapable of performing duties as an unarmed security guard; or
 - (ii) has been convicted of any offence listed in Part I of the Third Schedule.

Third
Schedule.

Temporary
licence or
temporary
registration.

21. Where a person applies for a licence under this Act or for registration as a private security guard, the Authority may, pending its decision issue a temporary licence or registration for such period (not exceeding three months) as the Authority shall specify.

Notification
of intention
to cancel
licence or
registration.

22.—(1) Where the Authority intends to cancel a licence or registration under this Act, the Authority shall by notice in writing to the person concerned—

- (a) specify the reason for the proposed cancellation; and
- (b) require that person to show cause within such time as may be specified in the notice (not being less than fourteen days from receipt of the notice) why the licence or registration should not be cancelled.

(2) If the person notified under subsection (1) fails to show cause as required by that subsection or the cause shown by him is inadequate in the opinion of the Authority, the Authority may by notice in writing to that person, cancel the licence from such date as may be specified in the notice.

(3) In the event of the cancellation, pursuant to this Act, of any licence of a private security organization, all firearms and ammunition owned or used by that organization shall forthwith be handed over to the appropriate authority under the Firearms Act.

(4) Any person whose licence or registration is cancelled pursuant to this section shall, upon receipt of the notice of such cancellation, forthwith return the licence or registration card or both, to the Authority.

23.—(1) Subject to subsection (2) any person aggrieved **Appeals.** by any decision of the Authority in respect of a cancellation of a licence or registration under this Act, or in respect of a refusal to grant or renew such licence or registration may, within sixty days of such decision, appeal to the Minister.

(2) Where an appeal is made under this section, no action shall be taken by the Authority pursuant to section 20 until the appeal has been heard and determined.

(3) Any person making an appeal under this section may either in person or by his representative make oral or written submissions to the Minister.

(4) The Minister shall within fourteen days of the hearing of an appeal under this section deliver his decision in writing.

(5) Any person aggrieved by a decision of the Minister may appeal to the Court of Appeal which shall make such order as it thinks fit.

PART III. *Duty of Licensees*

24. Every licensee under this Act shall forthwith notify the Authority in writing of—

Duty of licensee to notify Authority.

PRIVATE SECURITY REGULATION AUTHORITY

- (a) any dismissal, resignation or retirement of any director or partner in his organization;
- (b) the reasons for any dismissal, resignation, retirement or termination of service of any armed or unarmed private security guard; and
- (c) the names and addresses of any new partner or director in his organization.

Particulars
of employ-
ment.

25. A private security guard shall forthwith notify the Authority in writing of any termination of or change in his employment.

Inspection
of books,
documents,
records.

26.—(1) The Authority may by notice in writing to a licensee—

- (a) specify the books, documents and records to be kept by the licensee under this Act; and
- (b) request any licensee to make available to the Authority for its inspection such books, documents or records (required to be kept pursuant to this subsection) as may be specified in the notice.

(2) Any person who refuses to comply with a request made under subsection (1) shall be guilty of an offence and upon conviction in a Resident Magistrate's Court shall be liable to a fine not exceeding twenty-five thousand dollars and the Authority may thereafter cancel his licence.

Employ-
ment of
private
investiga-
tors or
private
security
guards.

27. No person engaged in the business of providing the professional services of private security guards, shall employ as a private investigator or private security guard any person who is not the holder of a registration card issued pursuant to this Act.

Possession
of firearms
by em-
ployees.

28.—(1) No licensee or other person registered under this Act who employs private investigators or security guards shall allow any private investigators or security guards to

have possession of the firearms of the licensee except where the private investigators or security guards are engaged in lawful execution of their duties.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

PART IV. *Miscellaneous*

29.—(1) Any person who—

Offences.

- (a) operates as a private security organization without being the holder of a valid licence under this Act for that purpose;
- (b) employs as an armed or unarmed security guard any person who is not registered as such under this Act;
- (c) knowingly makes any false declaration or statement of a material nature in any application made under this Act;
- (d) falsely represents himself to be the holder of a valid licence or registration card issued under this Act;
- (e) knowingly hires, employs or otherwise engages the services of any unlicensed private security organization or unregistered private security guard;
- (f) otherwise fails to comply with the provisions of this Act or any regulations made hereunder,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(2) Any private security guard who—

- (a) fails to return, on demand, to his employer or

employer's authorized representative any firearm issued to such private security guard by his employer;

- (b) not being registered under this Act as an armed security guard, carries a firearm in the performance of his duties as a security guard;
- (c) fails to return a registration card to the Authority when required so to do;
- (d) falsely represents himself to be the person named in a registration card issued under this Act; or
- (e) divulges to any person (other than his employer or some other person as directed by his employer or as required by law) any information acquired in the course of his employment which could compromise or endanger the security of any premises owned or occupied by or under the control of any person who is doing business or has done business with the employer of the private security guard,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Certifica-
tion of
convictions.

30. Where any person is convicted of an offence under this Act the Court before which such person is convicted shall certify such conviction to the Authority.

Regula-
tions.

31.—(1) The Minister may make regulations for the purpose of the proper administration of and giving effect to this Act and, without prejudice to the generality of the foregoing, may prescribe—

- (a) forms and procedure for applications for the grant or renewal of licences and registration cards and in relation to appeals under this Act;

- (b) fees for the issue of registration cards and licences and for the renewal of licences;
- (c) courses of training in the management and use of firearms as pre-requisites for registration of armed private security guards;
- (d) courses of training to be pre-requisites for registration of unarmed security guards;
- (e) courses of training to be pre-requisites for certification of security trainers for both armed and unarmed guards.

(2) The Minister may by order amend the First, Second or Third Schedule.

First,
Second
and Third
Schedules.

FIRST SCHEDULE

(Section 3)

Constitution and Procedure of the Authority

Constitution of the Authority.

1.—(1) The Authority shall consist of nine members appointed by the Minister by instrument in writing, being—

- (a) the Permanent Secretary in the Ministry responsible for national security or his nominee and a representative of the Veterinary Division of the Ministry responsible for veterinary services, who shall be *ex officio* members;
- (b) two members who shall be appointed from a panel of six attorneys-at-law nominated by the General Legal Council;
- (c) two members who shall be representatives of an organization recognized by the Minister as representing the private security industry;
- (d) two members who shall be appointed from a panel of six persons nominated by the Private Sector Organization of Jamaica; and
- (e) one member who shall be appointed by the Minister from among persons appearing to the Minister to be suitably qualified for such appointment.

(2) The Minister shall appoint one of the members appointed pursuant to paragraph (b), (c), (d) or (e) to be chairman.

(3) The Minister shall appoint one of the members appointed pursuant to paragraph (b), (c), (d) or (e) to be deputy chairman.

(4) In the case of the absence or inability to act of the chairman the deputy chairman shall exercise the functions of the chairman.

Tenure of office.

2. A member of the Authority shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years from the date of his appointment as the Minister may specify at the time of appointment and every such member shall be eligible for reappointment.

Temporary appointment.

3. Subject to sub-paragraph (3) of paragraph 1 the Minister may, in the case of the absence or inability to act of any member, appoint any person to act temporarily in the place of that member.

Resignations.

4.—(1) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such resignation by the Minister.

(2) Any member, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt

by the Minister of such instrument such member shall cease to be a member of the Authority.

5. If any vacancy occurs in the membership of the Authority such vacancy shall be filled by the appointment of another person as member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Filling of vacancies.

6. The names of all the members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Gazetting of appointments.

7.—(1) The seal of the Authority shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Authority in the presence of the chairman or any other member of the Authority authorized to act in that behalf and the secretary thereof.

Seal and execution of documents.

(2) The seal of the Authority shall be authenticated by the signature of any member authorized to act in that behalf and the secretary.

(3) All documents other than those required by law to be under seal, made by and all decisions of the Authority, may be signified under the hand of the secretary or the chairman or any other member or officer of the Authority authorized to act in that behalf.

8.—(1) The Authority shall meet as often as may be necessary or expedient for the transaction of its business, so, however, that the Authority shall meet at least once every three months and such meetings shall be held at such places and times and on such days as the Authority may determine.

Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Authority, and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members.

(3) The chairman or the person appointed under paragraph 1 (3) shall preside at meetings of the Authority and if both the chairman and that person are absent from a meeting the members present shall elect one of their number to preside at the meetings.

(4) The quorum of the Authority shall be five.

(5) The decisions of the Authority shall be by a majority of votes and in addition to an original vote the chairman or other member presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) A member who is directly or indirectly interested in any matter which is being dealt with by the Authority—

PRIVATE SECURITY REGULATION AUTHORITY

- (a) shall disclose the nature of his interest at a meeting of the Authority; and
- (b) shall not take part in any deliberation or decision of the Authority with respect to that matter.

Power of
Authority
to co-opt.

9.—(1) Subject to sub-paragraph (2), the Authority may, if it thinks fit for the purpose of carrying out its functions, co-opt persons who are not members of the Authority to participate in any proceedings of the Authority in relation to any particular matter.

(2) Any person co-opted pursuant to sub-paragraph (1), shall not be entitled to vote in any proceedings of the Authority.

Protection
of
Authority.

10. No act done or proceeding taken under this Act shall be questioned on the ground—

- (a) of the existence of any vacancy in the membership of or any defect in the constitution of, the Authority; or
- (b) of any omission, defect or irregularity not affecting the merits of the case.

Protection
of members.

11.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member in respect of any act done *bona fide* in the execution or intended execution of this Act.

(2) Where any member is exempt from liability by reason only of the provisions of this paragraph the Authority shall be liable to the extent it would be if that member were an employee or agent of the Authority.

Remunera-
tion of
members.

12. There shall be paid from the funds of the Authority to the chairman and other members of the Authority and to persons co-opted by the Authority under section 6 such remuneration as the Minister may determine.

SECOND SCHEDULE (Section 10 (2))

Persons and institutions exempt from the provisions of the Act so far as it applies to their functioning as private investigators in the course of their work

- (a) Attorneys-at-Law while acting in the practice of their profession; or their employees while acting in the course of their duties as such;
- (b) Accountants while acting in the practice of their profession; or their employees while acting in the course of their duties as such;
- (c) Persons who search for and furnish information—
 - (i) as to the financial credit rating of persons;
 - (ii) to employees as to the qualifications and suitability of their employees or prospective employees; or

(iii) as to the qualifications and suitability of applicants for insurance and indemnity bonds, and who do not otherwise act as private investigators.

THIRD SCHEDULE (Section 12 (1))

PART I

Offences in relation to which the Authority shall refuse to grant licences to individuals

Offences under—

- (a) the Dangerous Drugs Act;
- (b) the Larceny Act;
- (c) the Firearms Act;
- (d) the Public Order Act;
- (e) the Forgery Act;
- (f) the Malicious Injuries to Property Act;
- (g) the Praedial Larceny Act; and
- (h) the following sections of the Offences against the Person Act, that is to say—
 - sections 2, 9, 11, 13—17 (inclusive), 19, 20, 22—26 (inclusive), 28—38 (inclusive), 40, 44—48 (inclusive), 50—51 (inclusive), 53, 56—59 (inclusive), 60—66 (inclusive), 69—70 (inclusive), 74—77 (inclusive), 79.

PART II

Offences in relation to which the Authority shall refuse to grant licences to bodies corporate

Offences under—

- (a) the Companies Act;
- (b) the Corruption Prevention Act;
- (c) the Customs Act;
- (d) the Cruelty to Animals Act;
- (e) the Dangerous Drugs Act;
- (f) the Larceny Act.