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**No. 3 of 2001**

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**First Session Sixth Parliament Republic of Trinidad  
and Tobago**

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**HOUSE OF REPRESENTATIVES**

**BILL**

**AN ACT to regulate the licensing and operation of  
private security agencies, the employment of  
security officers and matters incidental thereto.**

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THE PRIVATE SECURITY AGENCIES BILL, 2001

**Explanatory Note**

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to regulate the licensing and operation of private security agencies and the employment of security officers by these agencies.

Part I of the Bill contains preliminary matters, most specifically the interpretation of terms used in the Bill.

Part II of the Bill, which comprises of clauses 3 to 11 addresses matters in respect of the application, issue and revocation of a licence. In particular:

Clause 3 prohibits the operation of an agency without a valid licence.

Clauses 4 and 5 set out the procedure to be followed in applying for or renewing a licence.

Clause 6 confers on the Minister the power to refuse to issue or renew a licence, such refusal and reasons to be in writing.

In addition, this Part sets out, in clause 9, a comprehensive procedure to be followed by an authorised officer when seeking to enter and inspect the offices of an agency. Furthermore, in accordance with the provisions of clause 10, the Minister may suspend a licence where an inspection has revealed a breach of this or any other written law.

Part III of the Bill comprises clauses 12 to 17 and proposes to regulate the appointment of security officers. In particular:

Clause 12 sets out the eligibility criteria for an appointment as a security officer.

Clause 13—15 address all matters pertinent to the application and issue of a precept while clause 16 sets out the powers of precepted security officers.

Part IV of the Bill, at clauses 18 to 21 inclusive, provides for the termination of employment of security officers.

Part V of the Bill, at clauses 22 to 25 inclusive, speaks to trade union matters, and in particular, it proposes the right of security officers to form or join a trade union or association (clause 22) and the protection of the law where such right is exercised (clause 23).

Part VI addresses certain miscellaneous matters, not least of which is the power of the Minister to make regulations for giving effect to the provisions of the Bill.

## **BILL**

AN ACT to regulate the licensing and operation of private security agencies, the employment of security officers and matters incidental thereto.

[ , 2001]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:—

**1.** This Act may be cited as the Private Security Short title Agencies Act, 2001.

## PART I

## PRELIMINARY

Interpretation

**2. In this Act—**

“Commissioner” means the Commissioner of Police;

“dispute” means any dispute between an employer and security officer connected with the employment or suspension from employment, or reinstatement of a security officer and includes a dispute connected with the salaries and terms and conditions of employment of security officers;

“employer” means the owner or manager of a private security agency;

“Minister” means the Minister to whom responsibility for National Security is assigned;

Chap. 15:01

“Police Service” means the Police Service established under the Police Service Act;

“precept” means a certificate issued under the hand of the Commissioner authorising the security officer named therein to act as a constable;

“precepted security officer” means a security officer to whom a precept has been issued;

Act No. 35 of 1995

“private security agency” or “agency” means a sole trader, firm, partnership or body corporate registered or continued under the Companies Act, 1995, which employs security officers for the protection of persons and property, including its employees and property or the installation

of electronic security systems and monitoring services and is approved for that purpose by the Minister;

“security officer” or “officer” means a person who is employed by an agency for the protection of persons and property or the installation and monitoring of electronic security systems.

## PART II

### LICENCES

**3.** (1) Subject to subsection (2) no person shall, after the commencement of this Act, operate a private security agency without first obtaining a licence from the Minister so to do. Prohibition on the operation of an agency without a licence

(2) The owner of an agency, operating immediately before the commencement of this Act shall, within ninety days from the date of commencement of this Act, apply for a licence.

(3) Subject to subsection (2) an agency may continue to operate until the application is determined.

(4) A licence shall be issued subject to conditions stipulated therein.

**4.** (1) An application for the issue of a licence to operate a private security agency shall be made to the Minister on the prescribed form and shall be accompanied by— Application for issue of licence

(a) a valid Police Certificate of Character, and where the applicant is a body corporate, a valid Police Certificate of Character in respect of each Director;

(b) a certified copy of the Certificate of Incorporation where the applicant is a body corporate and certified copies of other documents issued by the Companies' Registry in respect of the applicant's incorporation;

- (c) a certificate from the Board of Inland Revenue that there are no outstanding taxes, interest or penalties payable by the applicant;
  - (d) a certificate from the National Insurance Board that the applicant is registered as an employer under the National Insurance Act and that there are no outstanding amounts payable under that Act by the applicant; and
  - (e) a VAT Clearance Certificate, where the applicant is VAT registered.
- (2) The Minister may grant conditional approval to the applicant for a period not exceeding sixty days pending the applicant's submission of a—
- (a) certificate from an insurance company that the applicant has a valid public liability insurance policy issued by that insurance company, with coverage for an amount of not less than five hundred thousand dollars, such insurance coverage to include liability for damages caused by or arising out of a security officer's execution of his duty or any act of negligence on his part in the execution of his duty;
  - (b) certificate from an insurance company that there is in force in relation to every security officer employed by the applicant, a policy of insurance issued by that insurance company insuring or indemnifying the applicant against the maximum amount of its potential liability in accordance with any written law, in respect of any injury sustained by, or death of, a security officer in the discharge of his duties.

(3) Where a policy of insurance is cancelled, it shall be the duty of the insurance company to notify the Minister.

(4) An insurance company that fails to notify the Minister shall be liable on summary conviction to a fine of two hundred and fifty thousand dollars and the matter shall also be referred to the Supervisor of Insurance for such action as the Supervisor deems appropriate.

5. (1) A licence shall be renewable every two years Application for renewal of a licence from its date of issue.

(2) An application for the renewal of a licence to operate a private security agency shall be made to the Minister in the manner prescribed by section 4.

(3) Where an application for renewal is made more than two months prior to the expiry date of the existing licence, the validity of the licence shall continue until the application is determined.

(4) Where an application for renewal of a licence is not made in accordance with the provisions of subsection (2), the licence shall lapse on the expiry date and until such licence is renewed, the Agency shall cease all operations.

6. Where the Minister refuses to issue or renew a Refusal to grant or renew licence a licence, he shall inform the applicant, giving his reasons therefore, in writing.

7. (1) On approval of an application for a licence or Licence fee renewal of a licence the applicant shall pay a licence fee to the Revenue Officer of the county in which the

registered office of the agency is located, in accordance with the following criteria:

- (a) agencies that are VAT registered shall pay a licence fee of fifty thousand dollars;
- (b) agencies that are not VAT registered shall pay a licence fee of twenty-five thousand dollars.

(2) The Minister may, by Order, subject to negative resolution of Parliament, amend the fee prescribed in subsection (1).

Licence to be issued  
by Minister

**8.** (1) Upon receiving proof of payment of the licence fee, the Minister shall issue a licence to the applicant.

(2) The licence shall be in the form prescribed and shall be displayed in public view.

Inspection of  
premises

**9.** (1) Subject to subsection (3), the Minister may authorise, in writing, a police officer of the rank of Inspector or above (hereinafter referred to as “the authorised officer”), to enter an agency at any time, with the consent of the employer, and inspect or search the agency and vehicles, examine books, records and other documents and interview the owner of the agency, security officers and other members of staff for the purpose of determining whether there has been a violation of this Act or any other written law.

(2) Where, during the course of the inspection or search it appears to the authorised officer that there has been a violation of the Act or any other written law, he may seize and take away any of the books, records, documents, papers or things and retain them until they are produced in any proceedings, but where such books, records, documents, papers or things are necessary for the continued operation of the agency, the authorised officer shall be required to make copies of any books, records, documents, papers or things and return the originals to the agency.

(3) Where it is shown to the magistrate, on sworn information, in writing, that—

- (a) admission to any agency has been refused or refusal is apprehended or that an application for admission would defeat the object of entry; and
- (b) there is reasonable ground for entry into the premises for the purpose of an inspection or search,

the magistrate may, by warrant under his hand, authorise entry.

(4) Every warrant issued under this section shall continue in force until the purpose for which the entry is required has been satisfied.

(5) The authorised officer may inspect or search, if necessary with the assistance of a police officer, any building, vehicle, receptacle or place for books, records, documents, papers or things which may afford evidence of a violation of any provision of this Act or any other written law.

(6) A person who—

- (a) hinders, molests or interferes with an authorised officer in doing anything that he is authorised by this section to do or attempts to hinder, molest or interfere with an authorised officer in doing any such thing; and
- (b) any person who, unless he is reasonably unable to do so, fails or refuses to do anything he is required under this section to do,

is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for three years.

Suspension of licence **10.** (1) Where, an inspection conducted pursuant to the provisions of section 9, reveals evidence of a contravention of this Act or any other written law whereby charges are laid against the employer, a security officer, or other member of staff, the Commissioner shall submit a written report to the Minister within fourteen days of charges being laid.

(2) Upon such report being made, the Minister shall give the agency the opportunity of being heard and may, if he deems such action to be reasonable in the circumstances, suspend the licence and the agency shall cease operations forthwith.

Operating without licence **11.** A person who operates an Agency without a licence or after a licence has been suspended commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.

### PART III

#### SECURITY OFFICERS

Qualifications for employment of security officers **12.** (1) A person who—

- (a) is a citizen or resident of Trinidad and Tobago;
- (b) is over eighteen years of age;
- (c) is of sound health, as evidenced by a certificate issued by a registered medical practitioner;
- (d) passes a drug test for any of the dangerous drugs listed in the schedule to the Dangerous Drugs Act;
- (e) is of good character, as evidenced by a valid Police Certificate of Character; and
- (f) successfully completes the programme of training approved by the Commissioner,

shall be eligible for employment as a security officer.

(2) The eligibility requirements for employment as a security officer may be amended from time to time, by the Minister.

**13.** (1) An application for a precept for a security officer shall be made to the Commissioner by an employer on the form prescribed and on payment by the employer, of the prescribed fee.

(2) The application shall be accompanied by evidence that the security officer has—

- (a) satisfied the requirements of section 12(1);
- (b) been employed by the agency for not less than six months; and
- (c) successfully completed the precept examination as administered by the Commissioner.

**14.** (1) Upon receipt of the application in accordance with section 13, the Commissioner may issue a precept to the security officer subject to any conditions stipulated therein.

(2) A precept shall be issued in relation to the agency employing the security officer and is not transferable.

(3) The grant and revocation of a precept shall be at the sole discretion of the Commissioner.

**15.** (1) Where a precept has been issued to a security officer, the employer may apply to the Commissioner for a Firearm User's Employee's Certificate in the name of the security officer on payment, by the employer, of the prescribed fee.

(2) A Firearm User's Employer's Certificate is renewable annually upon application being made to the Commissioner and on payment of the prescribed fee.

(3) Where an application for renewal of a Firearm User's Employee's Certificate is received more than two

months prior to the expiry date of the existing certificate, the validity of that certificate shall continue until the application is determined.

(4) Subject to subsections (2) and (3) all other matters pertaining to firearms shall be governed by the provisions of the Firearms Act.

Chap. 16:01

Powers of precepted security officers

**16.** (1) A precepted security officer, while engaged in the performance of his duties and in respect only of those persons and property for which he is responsible, shall have such power, authority, privilege and immunity and be liable for his actions in the same manner, as a constable in the Police Service.

(2) Subject to the general order and direction of the Minister, the Commissioner shall have the supreme command and superintendence over a precepted security officer.

Equipment

**17.** (1) A security officer shall be provided with a badge, baton and manual describing the powers and duties of a security officer.

(2) The badge shall be evidence of the position held by a security officer and shall be displayed by him when exercising the duties of his office.

## PART IV

### TERMINATION OF EMPLOYMENT

Resignation

**18.** A security officer may resign his appointment on giving his employer one month's prior notice in writing of his intention to resign.

Notice of termination of employment of security officer

**19.** (1) Where the employment of a security officer is terminated, whether by resignation, dismissal or otherwise, the employer shall, within one month of such termination, so inform the Commissioner and the reason therefor.

(2) Any employer who fails to report the termination of employment of a security officer and the reason therefor is liable on summary conviction to a fine of five thousand dollars.

**20.** (1) Where the employment of a security officer is terminated, whether by resignation, dismissal or otherwise, all powers and duties vested in him as a security officer shall immediately cease, and he shall, within fourteen days thereafter, deliver to his employer any articles of appointment which may have been supplied to him for the execution of his duties.

(2) The precept and Firearm User's Employee's Certificate in the name of the security officer shall be delivered up by the officer's former employer to the Superintendent of the Division in which the agency is located.

(3) Any person who contravenes this section is liable on summary conviction to a fine of five thousand dollars.

**21.** (1) When a security officer dies, any person in possession of any articles of appointment issued to the deceased for the execution of his duties shall, within twenty-one days after the officer's death, deliver such items to the deceased's employer or to the Superintendent of the Division in which the agency is located.

(2) Any person who, contravenes this section is liable on summary conviction of a fine of two thousand five hundred dollars.

## PART V

### TRADE UNION MATTERS

**22.** Security officers may form an association which may be registered as a trade union or join an existing association or trade union.

**23.** (1) An employer shall not dismiss a security officer, adversely affect his employment or alter his position to his prejudice by reason only of the circumstances that the security officer—

- (a) is an officer, delegate or member of a trade union or association;
- (b) is entitled to the benefit of an order or award under the Industrial Relations Act;
- (c) has appeared as a witness or has given any evidence in a proceeding under the Industrial Relations Act; or
- (d) has absented himself from work without leave after he has made an application for leave for the purpose of carrying out his duties as an officer or delegate of a trade union or association and the leave has been unreasonably refused or withheld.

(2) An employer shall not—

- (a) make the employment of a person subject to the condition that he shall not join a union or association or that he shall relinquish trade union or association membership;
- (b) dismiss or otherwise prejudice a security officer by reason of union membership or because of participation in union or association activities outside working hours;
- (c) with intent to dissuade or prevent the security officer from becoming such officer, delegate or member or from so appearing or giving evidence, threaten to dismiss the security officer or to affect adversely his employment or to alter his position to his

prejudice by reason of the circumstance that the security officer is, or proposes to become, an officer, delegate or member of a trade union or association or that the security officer proposes to appear as a witness or to give evidence in any proceeding under the Industrial Relations Act.

(3) An employer who contravenes subsection (1) or (2) is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year and the magistrate making the order for conviction may also order that the security officer be reimbursed any wages lost by him and direct that, notwithstanding any rule of law to the contrary, the security officer be reinstated in his former position or in a similar position.

(4) In any proceedings for an offence under subsection (3), if all the facts and circumstances constituting the offence, other than any specific intent, are proved the defendant may be convicted unless he proves that he did not have the specific intent in question.

(5) Subject to subsection (3), nothing in this section shall be construed so as to compel any employer, in the absence of agreement to the contrary, to pay or compensate any security officer for any time not spent in performance of the duties of his employer.

**24.** A trade union or association and an employer <sup>Collective agreements</sup> may enter into agreements in respect of salary and terms and conditions of service subject to the provisions of Parts IV and V of the Industrial Relations Act. Chap. 88:01

**25.** Where a dispute arises between a security officer <sup>Dispute procedure</sup> and an employer, the employer, security officer, trade union or association may report the dispute to the Minister of Labour and, on the report being made, the



Passed in the Senate this    day of                    , 2001.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*

No. 3 of 2001

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FIRST SESSION

**SIXTH PARLIAMENT**

REPUBLIC OF  
TRINIDAD AND TOBAGO

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**BILL**

AN ACT to regulate the licensing and operation of private security agencies, the employment of security officers and matters incidental thereto.

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Received and read the

First time.....

Second time.....

Third time.....

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