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THE PRESIDENCY

No. 594 **8 October 2021**

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 18 of 2014: Private Security Industry Regulation Amendment Act, 2014

DIE PRESIDENSIE

No. 594 **8 Oktober 2021**

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Wet No. 18 van 2014: Wysigingswet op die Regulering van die Private Sekuriteitsbedryf, 2014

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 23 September 2021)

ACT

To amend the Private Security Industry Regulation Act, 2001, so as to amend certain definitions; to provide for additional powers of the Minister; to provide for the appointment of the director and deputy directors for the Authority; to provide for cooperation with the Civilian Secretariat for Police; to provide for the finances and accountability of the Authority; to provide for limitation on foreign ownership; to provide for the establishment and functions of the Exemption Advisory Committee; to regulate security services rendered outside the Republic; to empower the Minister to make regulations for the transportation of cash and other valuables; to provide for offences and penalties; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 56 of 2001

1. Section 1 of the Private Security Industry Regulation Act, 2001 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of “business trust” of the following definition:

“**‘Civilian Secretariat’** means the national Civilian Secretariat for the Police Service established in terms of section 4(1) of the Civilian Secretariat for Police Service Act, 2011 (Act No. 2 of 2011);”

(b) by the substitution for the definition of “company” of the following definition:

“**‘company’** means a company within the meaning of the Companies Act, [1973 (Act No. 61 of 1973)] 2008 (Act No. 71 of 2008);”

(c) by the substitution for the definition of “Levies Act” of the following definition:

“**‘Levies Act’** means the Private Security Industry Levies Act, 2002 (Act No. 23 of 2002);”

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

 (Engelse teks deur die President geteken)
 (Goedgekeur op 23 September 2021)

WET

Tot wysiging van die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001, ten einde bepaalde omskrywings te wysig; voorsiening te maak vir bykomende bevoegdhede van die Minister; voorsiening te maak vir die aanstelling van die direkteur en adjunkdirekteure vir die Owerheid; voorsiening te maak vir samewerking met die Burgerlike Sekretariaat vir Polisie; voorsiening te maak vir die finansies en aanspreeklikheid van die Owerheid; voorsiening te maak vir beperking van buitelandse eienaarskap; voorsiening te maak vir die instelling en werksaamhede van die Vrystellingsadvieskomitee; sekuriteitsdienste wat buite die Republiek gelewer word, te reguleer; die Minister te bemagtig om regulasies uit te vaardig vir die vervoer van kontant en ander waardevolle goedere; voorsiening te maak vir misdrywe en strawwe; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 56 van 2001

1. Artikel 1 van die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (hierna die Hoofwet genoem), word hierby gewysig— 5
- (a) deur die volgende omskrywing na die omskrywing van “beteken” in te voeg: 5
 “ **‘Burgerlike Sekretariaat’** die nasionale Burgerlike Sekretariaat vir die Polisie diens ingestel ingevolge artikel 4(1) van die ‘Civilian Secretariat for Police Service Act, 2011’ (Wet No. 2 van 2011);”;
- (b) deur die omskrywing van “maatskappy” deur die volgende omskrywing te 10
 vervang:
 “ **‘maatskappy’** ’n maatskappy ooreenkomstig die bedoeling van die Maatskappywet, [1973 (Wet No. 61 van 1973)] 2008 (Wet No. 71 van 2008);”;
- (c) deur die omskrywing van “Minister” deur die volgende omskrywing te 15
 vervang:
 “ **‘Minister’** die [Minister vir Veiligheid en Sekuriteit] lid van die Kabinet verantwoordelik vir die polisie;”;

- (d) by the substitution for the definitions of “locksmith” and “Minister” of the following definitions:
- “**locksmith**” means a person, including an apprentice employed by a locksmith, who, for the benefit of another person, engages in any activity or business which is related to **[the]**— 5
- (a) designing and managing master key systems;
- (b) installing, maintaining, repairing and changing the combinations of safes, vaults and safety deposit boxes;
- (c) maintaining key code records;
- (d) cutting keys and duplicating existing keys; or 10
- (e) opening, closing or engaging of locking mechanisms of any nature, by means of a specialised device in any manner;
- “**Minister**” means the **[Minister for Safety and Security]** member of the Cabinet responsible for policing;”;
- (e) by the deletion of the definition of “National Commissioner”; 15
- (f) by the insertion, after the definition of “National Commissioner” of the following definition:
- “**National Treasury**” means the National Treasury established by section 5 of the Public Finance Management Act;”;
- (g) by the substitution for the definition of “organ of state” of the following definition: 20
- “**organ of [state] state**” means an organ of **[State] state** as defined in section 239 of the Constitution of the Republic of South Africa **[(Act No. 108 of 1996)]**, 1996, but does not include the Security Services referred to in section 199 of the Constitution;”;
- (h) by the insertion after the definition of “property” of the following definition: 25
- “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);”;
- (i) by the substitution for the definition of “security business” of the following definition: 30
- “**security business**” means, subject to **[subsection (2)]** section 20(5) any person who renders a security service to another for remuneration, reward, fee or benefit, except a person acting only as a security officer;”;
- (j) by the substitution for paragraph (a) of the definition of “security officer” of the following paragraph: 35
- “(a) (i) who is employed by another person, including an organ of **[State] state**, subject to section 20(1)(a) and (b) and who receives or is entitled to receive from such other person any remuneration, reward, fee or benefit, for rendering one or more security services; or 40
- (ii) who assists in carrying on or conducting the affairs of another security service provider, and who receives or is entitled to receive from such other security service provider, or any other person, any remuneration, reward, fee or benefit, as regards one or more security services;”;
- (k) by the substitution for paragraph (e) of the definition of “security service” of the following paragraph: 45
- “(e) manufacturing, **[importing, distributing]** assembling, possessing, selling, purchasing, or advertising of **[monitoring devices]** listed equipment contemplated in section 1 of the **[Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992)]** Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002), authorised by the Minister of Justice and Constitutional Development under section 45(2) and section 46(1)(a)(ii) of that Act;”;
- (l) by the substitution for paragraphs (k) and (l) of the definition of “security service” of the following paragraphs: 50
- “(k) making a person or the services of a person available, whether directly or indirectly, for the rendering of any service referred to in paragraphs (a) to (j) **[and], (l) and (lA)**, to another person; 60
- (l) managing, controlling or supervising the rendering of any of the services referred to in paragraphs (a) to (j) **[and (lA)]**;”;

- (d) deur die omskrywing van “Nasionale Kommissaris” te skrap;
- (e) deur die volgende omskrywing na die omskrywing van “Nasionale Kommissaris” in te voeg:
 “**‘Nasionale Tesourie’** die Nasionale Tesourie ingestel by artikel 5 van die Wet op Openbare Finansiële Bestuur;”;
- (f) deur paragraaf (a) in die omskrywing van “sekuriteitsbeampte” deur die volgende omskrywing te vervang:
 “(a) (i) wat deur ’n ander persoon, met inbegrip van ’n staatsorgaan, behoudens artikel 20(1)(a) en (b) van die Wet, in diens gehou word om een of meer sekuriteitsdienste te lewer en wat van sodanige ander persoon enige besoldiging, vergoeding, fooi of voordeel ontvang of daarop geregtig is om dit te ontvang; of
 (ii) wat help om die sake van ’n ander sekuriteitsdiensverskaffer te behartig of te bedryf, en wat van sodanige ander sekuriteitsdiensverskaffer, of enige ander persoon, enige besoldiging, vergoeding, fooi of voordeel met betrekking tot een of meer sekuriteitsdienste ontvang, of daarop geregtig is om dit te ontvang;”;
- (g) deur die omskrywing van “sekuriteitsbesigheid” deur die volgende omskrywing te vervang:
 “**‘sekuriteitsbesigheid’**, behoudens [subartikel (2)] artikel 20(5), enige persoon wat ’n sekuriteitsdiens vir besoldiging, vergoeding, fooi of voordeel aan ’n ander lewer, behalwe ’n persoon wat slegs as ’n sekuriteitsbeampte optree;”;
- (h) deur paragraaf (e) in die omskrywing van “sekuriteitsdiens” deur die volgende paragraaf te vervang:
 “(e) vervaardiging, [invoer, verspreiding] montering, besit, verkoop, aankoop of advertering van [meeluisterapparate] gelyste toerusting bedoel in artikel 1 van die [Wet op die Verbod op Onderskepping en Meeluistering, 1992 (Wet No. 127 van 1992)] Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002 (Wet No. 70 van 2002), gemagtig deur die Minister van Justisie en Staatkundige Ontwikkeling kragtens artikel 45(2) en artikel 46(1)(a)(ii) van daardie Wet;”;
- (i) deur paragrawe (k) en (l) van die omskrywing van “sekuriteitsdiens” deur die volgende paragrawe te vervang:
 “(k) beskikbaarstelling van ’n persoon of die dienste van ’n persoon, hetsy regstreeks of onregstreeks, vir die lewering van enige diens bedoel in paragrawe (a) tot (j) [en], (l) en (lA), aan ’n ander persoon;
 (l) bestuur of beheer van of toesighouding oor die lewering van enige van die dienste in paragrawe (a) tot (j) en (lA) bedoel;”;
- (j) deur die volgende paragraaf na paragraaf (l) in die omskrywing van “sekuriteitsdiens” in te voeg:
 “(lA) beskerming of beveiliging van kontant of waardevolle goedere, met inbegrip van edelmetale of juweliersware wanneer dit op ’n openbare pad vervoer word, behalwe wanneer dit deur ’n persoon op sy of haar eie verantwoordelikheid, of deur die Suid-Afrikaanse Nasionale Weermag, vervoer word, of in die geval van vervoer met begeleiding van die Diens;”;
- (k) deur paragraaf (m) in die omskrywing van “sekuriteitsdiens” deur die volgende paragraaf te vervang:
 “(m) die skep[.] op enige wyse van die indruk dat een of meer van die dienste in paragrawe (a) tot [(l)] (lA) gelewer word;”;
- (l) deur die omskrywing van “sekuriteitsdiensverskaffer” deur die volgende omskrywing te vervang:
 “**‘sekuriteitsdiensverskaffer’** ’n persoon wat ’n sekuriteitsdiens teen besoldiging, vergoeding, [fooi] gelde of ’n voordeel aan ’n ander lewer en sluit sodanige persoon in wat nie geregistreer is soos ingevolge hierdie Wet vereis word nie;”;