

Statutory Instrument No. 65 of 2024

PRIVATE SECURITY SERVICES ACT
(Cap. 21:07)

PRIVATE SECURITY SERVICES (AMENDMENT) REGULATIONS, 2024
(Published on 7th June, 2024)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of regulation 2 of Cap. 21:07 (Sub. Leg.)
3. Amendment of regulation 6 of the Regulations
4. Substitution of Part III of the Regulations
5. Substitution of regulation 18 of the Regulations
6. Substitution of regulation 19 of the Regulations
7. Amendment of regulation 20 of the Regulations
8. Amendment of Schedules 1 and 3 to the Regulations

IN EXERCISE of the powers conferred on the Minister of Defence and Security by section 35 of the Private Security Services Act, the following Regulations are hereby made —

Citation **1.** These Regulations may be cited as the Private Security Services (Amendment) Regulations, 2024.

Amendment of regulation 2 of Cap. 21:07 (Sub. Leg.) **2.** The Private Security Services Regulations (hereinafter referred to as “the Regulations”) are amended in regulation 2 by —

(a) inserting in their correct alphabetical order, the following new definitions —

““close protection services” means a security service that provides physical personal security by a bodyguard to a person at risk of harassment, harm attack;

“electronic security services” means a security service that provides —
(a) manufacturing and sale of security electronic services;
(b) installations, servicing or repairing of security equipment; or
(c) monitoring services of electronic equipment;

“private investigator” means a person who, in a private capacity and for the benefit of another person, investigates the identity, actions, character, background or property of another person;

“private security service provider certificate” means a private security service provider certificate issued under regulation 13;

“security advisory services” means a security service that provides advice on the protection or safeguarding of a person or property or on the use of security equipment or any other type of security service; and

“specialist security services” means a security service that provides services specific to the requirements of the customer and includes cash in transit, locksmith, safe manufacturing and distribution of security equipment.”; and

(b) deleting the definition of the word “security guard certificate”.”

3. Regulation 6 of the Regulations is amended by deleting subregulation (4). Amendment of regulation 6 of the Regulations

4. The Regulations are amended by substituting for Part III, the following new Part — Substitution of Part III of the Regulations

“PART III – Private Security Service Providers

- Eligibility to be a private security service provider
11. A licensee shall not employ or engage any person as a private security service provider unless the person —
- (a) is a citizen or permanent resident of Botswana;
 - (b) has attained the age of 18 years;
 - (c) is not over the age of 65 years;
 - (d) provides two reference letters which shall be from persons of good standing in society;
 - (e) fulfills the requirements for training and testing set out in regulation 18;
 - (f) produces a health certificate from a health practitioner certifying that the person is mentally fit for duty as a private security service provider; and
 - (g) has complied with this Act and other relevant written laws.
- Private security service provider certificate
12. (1) A person who wishes to perform the duties of a private security service provider shall make an application to the Board for a private security service provider certificate, in Form H set out in Schedule 1, and such application shall be accompanied by the fee set out in Schedule 3.
- (2) An application made in accordance with subregulation (1) shall be accompanied by —
- (a) a certified copy of the applicant’s identity card or passport;
 - (b) the applicant’s original set of fingerprints from the Botswana Police Service;
 - (c) two recent passport-size photos of the applicant;
 - (d) a reference from the last employer of the applicant, if the applicant was previously employed; and
 - (e) a letter from the applicant’s prospective employer, confirming the employment offer.
- Issue of private security service provider certificate
13. (1) Where the Board has approved an application under regulation 11, the Board shall issue to the applicant, a private security service provider certificate, in Form I set out in Schedule 1.
- (2) A certificate issued by the Board in accordance with subregulation (1), shall be valid for the period that the private security service provider is employed by the licensee.
- (3) Where a licensee has suspended a private security service provider from employment, the private security service provider shall within a period of seven days, from the date of suspension, surrender to the Board his or her licence for endorsement.
- (4) Where a licensee has terminated the employment of a private security service provider, or a private security service provider terminates his or her employment with the licensee, the licensee shall within 14 days inform the Board of the termination and the Board shall cancel the certificate issued to the private security service provider, as soon as the Board becomes aware of the termination of employment.

Clearance certificate

14. (1) A former member of any Government law enforcement agency or service who wishes to become a private security service provider in terms of these Regulations shall upon making an application to the Board under regulation 12, submit to the Board, a clearance certificate in Form J set out in Schedule 1, and such other information as the Board may, in writing, require.

(2) The Board may postpone consideration of an application for registration as a private security service provider made under regulation 12, pending rectification of a clearance certificate by an applicant where —

- (a) the applicant submits a clearance certificate which does not, in the opinion of the Board, materially satisfy the requirements of subregulation (1); or
- (b) the Board is of the opinion that further enquiry or investigation is necessary.

(3) Where a clearance certificate is rectified by an applicant under subregulation (2), the Board shall consider the applicant's application within seven days of the rectified certificate being submitted to the Board.

Employment of private security service provider with conviction

15. (1) A licensee shall not knowingly employ a person, as a private security service provider who has been convicted of an offence involving moral turpitude or against whom criminal proceedings are pending.

(2) A licensee who contravenes the provisions of subregulation (1), commits an offence and is liable if the licensee is a —

- (a) natural person, to a fine not exceeding P5 000 or to imprisonment to a term not exceeding three months in default of payment; or
- (b) company, to a fine not exceeding P5 000 or to have its licence cancelled by the Board.

Display of identity card

16. (1) A licensee shall issue to a security guard employed by the licensee, a security guard identification card in Form K set out in Schedule 1.

(2) A security guard shall, while on duty, display, on his or her person, the identification card issued to him or her under subregulation (1).

(3) A security guard who contravenes subregulation (2) commits an offence and is liable to a fine not exceeding P5000 or to have his or her security guard certificate cancelled by the Board.”.

Substitution of regulation 18 of the Regulations

5. The Regulations are amended by substituting for regulation 19, the following new regulation —

“Training and testing of private security service providers

19. (1) In accordance with section 5 (b) of the Act, the training institutions accredited by the Botswana Qualifications Authority established under the Botswana Qualifications Authority Act shall formulate a training course.

(2) The training institutions shall submit the training course formulated under subregulation (1) to the Botswana Qualifications Authority for accreditation.

(3) The licensee shall train private security service providers employed by the licensee in accordance with the training course formulated under subregulation (1).

6. The Regulations are amended by substituting for regulation 19, the following new regulation —

"Private security service provider uniform and equipment

19. (1) A licensee shall provide a private security service provider employed by the uniform and licensee with a security equipment.

(2) The uniform and security equipment shall consist of —

- (a) body gear, head gear and foot wear comprising trousers, skirts, shirts, jackets, hats and safety boots;
- (b) handcuffs;
- (c) a baton;
- (d) a whistle; and
- (e) a communication gadget.

(3) The uniform shall bear —

- (a) the name and logo or crest of the licensee affixed to the chest of the outermost piece of the uniform;
- (b) the word "SECURITY GUARD" or "PRIVATE SECURITY", whichever is appropriate, in upper case letters not less than 1.5 centimeters in diameter and in a colour that contrasts with the dominant colour of the uniform —
 - (i) permanently affixed to the chest of the outermost piece of the uniform, and
 - (ii) if the name and logo or crest appears anywhere else on the uniform, in addition to the chest of the outermost piece affixed between two and three centimeters below the name and logo or crest of the licensee; and
- (c) the word "SECURITY", in upper case letters not less than 10 centimeters high and in a colour that contrasts with the dominant colour of the uniform, permanently affixed to the back of the outermost piece of the uniform.

(4) A licensee who fails to provide a private security service provider with a uniform in terms of subregulation (1), commits an offence and is liable if the licensee is a —

- (a) natural person, to a fine not exceeding P5 000 or to imprisonment to a term not exceeding two months in default of payment; or
- (b) company, to have the licence cancelled by the Board.

(5) A licensee who, without legal justification, issues to a private security service provider a uniform, badge or insignia identical to, or which closely resembles a uniform, badge or insignia of the Botswana Defence Force, Botswana Police Service, Botswana Prisons Service or any other Government law enforcement agency or service, in a manner that is calculated to deceive, commits an offence and is liable if the licensee is a —

- (a) natural person, to a fine not exceeding P5 000 and to have his or her certificate cancelled by the Board; or
- (b) company, to a fine not exceeding P5 000 and to have its licence cancelled by the Board.

(6) A private security service provider who, without legal justification, provides another person with a uniform, badge or insignia issued to him or her in terms of this regulation, commits an offence and is liable to a fine not exceeding P5 000 and to have his or her certificate cancelled by the Board."

Substitution of regulation 19 of the Regulations

Amendment of
regulation 20
of the
Regulations

Amendment of
Schedules 1
and 3 to the
Regulations

7. Regulation 20 of the Regulations is amended by substituting for the —
 - (a) words “security guard” wherever they appear in the regulation, the words “private security service provider”; and
 - (b) word “P1 000” appearing therein, the word “P5 000”.
8. The Regulations are amended in —
 - (a) Schedule 1 by substituting Forms H and I, for the following new forms —

“Form H
APPLICATION FOR PRIVATE SECURITY SERVICE PROVIDER CERTIFICATE
(regulation 12)

1. First Name of Applicant:

2. Surname (include maiden surname, where applicable):

.....

3. Date of Birth:

4. Place of Birth:

5. Gender:

6. Nationality:

7. Omang No.: Place of Issue: Expiry date:

8. Passport No.: Place of issue Expiry date:

9. Postal address:

10. Residential address:

11. Contact Telephone No. (s):

12. Email address:

13. Current employer:

14. Employer’s contact details:

Postal address:

Telephone No.: Fax No.:

Email address:

15. Previous employer details:

Name of employer	Employment period	Address of employer

16. Academic information:

Date (Year to year)	Name and address of academic institution	Qualification obtained

17. Have you ever been convicted of a criminal offence: YES/NO

If yes, please give details below:

.....

I,

.....
 (print name in block letters)

Certify that the information supplied on this application form is true and correct. I understand that failure to provide true and correct information could result in the failure of this application.

.....
Signature of Applicant

Thus signed and sworn before me thisday of, 20.....

.....
Commissioner of Oaths

DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION

1. Certified copy of identity card or passport;
2. Original set of fingerprints from the Botswana Police Service;
3. Criminal clearance from a law enforcement agency in the country of origin, in respect of foreign applicants;
4. Two recent passport-size photos of Applicant (not more than a month old);
5. References from the last employers where applicant has been employed; and
6. A letter from the prospective employer confirming the employment offer.
 (NB: Each page should be signed by the applicant at the bottom. The Board may in writing request for additional information during the investigation process).

Form I
PRIVATE SECURITY SERVICE PROVIDER CERTIFICATE
(regulation 13 (1))

1. First Name of Applicant:
 2. Surname:
 3. Designation:
 4. Name of Licensee:
 5. Contact details of Licensee:
 6. Period of employment:
 7. Date of expiry of licence:
- Issued thisday of20,

....."; and
Chairperson of the Board

(b) Schedule 3 by substituting for the words "security guard" appearing therein, the words "private security service provider".

MADE this 20th day of May, 2024.

THOMAS KAGISO MMUSI,
Minister of Defence and Security.