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DEPARTMENT OF POLICE

NOTICE 242 OF 2017



PSIRA
Private Security Industry Regulatory Authority

ANNUAL FEES

**PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY ACT 56 OF 2001 AND
SECURITY OFFICERS ACT NO. 92 OF 1987**

**PUBLICATION OF AMENDMENT TO THE REGULATIONS MADE UNDER THE SECURITY
OFFICERS ACT (ACT NO. 92 OF 1987)**

The Private Security Industry Regulatory Authority, with the concurrence of the Minister of Police, under sections 43 and 44(7) of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001) read with section 32(1) of the Security Officers Act, 1987 (Act 92 of 1987), made the Regulations in the Schedule hereto.

PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY

SCHEDULE**AMENDMENT OF THE REGULATIONS MADE UNDER THE SECURITY OFFICERS ACT, 1987 (ACT 92 OF 1987)****Definitions**

1. In this Schedule-

(a) "the Act" means the Security Officers Act, 1987 (Act 92 of 1987);

(b) "the Authority" means the Private Security Industry Regulatory Authority established in terms of section 2(1) of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001) and has the same meaning as the "Board" as defined in section 1 of the Act;

(c) "the Regulations" means the regulations published by Government Notice No. R.797 in *Government Gazette* No. 12413 of 2 April 1990, as amended; and

(d) "year" means a twelve month period commencing on 1 April and ending on 31 March.

Commencement

2. The Regulations contained in this Schedule will come into effect on 01 April 2017

Amendment of regulation 1 of the Regulations

3. Regulation 1 of the Regulations is hereby amended-

(a) by the substitution for the definition of "prescribed amount" of the following definition:

"prescribed amount" in regard to a security business registered as such means the sum of the applicable amounts contemplated in regulation 9 (3), and in the case of any person registered as a security officer, but not a security business, the amount contemplated in regulation 9 (4);

(b) by the deletion of the definition of "prescribed fees"; and

(c) by the deletion of the definition of "Registrar of the Board".

Substitution of regulation 7 of the Regulations

4. The following regulation is hereby substituted for regulation 7 of the Regulations:

"Payment of prescribed amounts and related matters

7. (1) Every security business must, on or before the 15th day of each calendar month, furnish to the Board a document signed or authenticated by a responsible person acting on behalf of such security business, being a return containing, in respect of every security officer employed, used, deployed, engaged or made available by it during that month or any part of that month, their full names, identity numbers, contact telephone numbers, registration numbers allocated in terms of section 11 (3) of the Act, the period of their service during that month, and the geographic area or areas of such service.
- (2) A registered security business must pay to the Board that portion of the prescribed amount as is referred to in regulation 9(3)(a) and 9(3)(b), in accordance with sub-regulation (3).
- (3) (a) The prescribed amount for any year must, subject to this sub-regulation, be paid to the Board before or on 07 May of the year concerned.
- (b) In the case of a security business becoming registered in terms of section 11 of the Act on or after 1 April in a given year, the prescribed amount in respect of that year must be paid to the Board on or before the last day of the month during which the security business was so registered.
- (c) Where a security business increases in size to the point where it falls into a different category, as contemplated in regulation 9(3)(a), the supplementary amount which becomes due must be paid to the Board on or before the last day of the month in which the security business falls into a different category.
- (4) A security business must pay to the Board that portion of the prescribed amount arrived at in accordance with regulation 9 (3)(c), within three (3) days after the end of the calendar month in respect of which it is due.
- (4A) (a) A security business must pay to the Board an amount equal to the prescribed amount referred to in regulation 9(4), for every security officer employed, used, deployed or made available by that security business to render a security service during April in a given year, to the Board on or before 07 May of the year concerned.
- (b) In respect of security officers not employed, used, deployed or made available by a security business to render a security service during April in a given year, but who become employed, or are used, deployed or made available by a security business to render a security service in any later month in a given year, the security business must pay to the Board, on or before the last day of such later month in that year, an amount equal to the prescribed amount referred to in regulation 9(4), for every such security officer.
- (c) Any person who or which is not a security business but who employs, uses or deploys a security officer, must pay to the Board an amount equal to the prescribed amount referred to in regulation 9(4), for every security officer so employed, used or deployed during April in a given year, to the Board on or before 07 May of the year concerned.

- (d) In respect of security officers who become employed, or are used or deployed by any person who or which is not a security business, to render a security service in any month other than April in a given year, such person must pay to the Board, on or before the last day of such later month in that year, an amount equal to the prescribed amount referred to in regulation 9(4), for every such security officer.
- (e) A security officer who renders a security service in any year but who is not employed, used, deployed or made available by a security business or any other person liable for payment in terms of sub-regulations (a), (b), (c) or (d) above, must pay to the Board an amount equal to the prescribed amount referred to in regulation 9(4), on or before 07 May of each year.
- (5) Nothing in this regulation prevents a written agreement being entered into between the Board and any security business regarding the method and date of payment of the prescribed amount.
- (6) Any amounts paid in accordance with the requirements of the Regulations are not refundable.
- (7) Any security business which fails to pay to the Board, within the period allowed for such payment—
 - (a) the prescribed amount payable in terms of this regulation;
 - (b) the prescribed amount payable in terms of an agreement referred to in sub-regulation (5); or
 - (c)
 - (d) an amount deducted by it in terms of section 18 (4) (a) of the Act,must pay to the Board-
 - (a) the unpaid amount referred to above;
 - (b) interest on the unpaid amount at the rate determined from time to time in terms of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975); and
 - (c) a penalty arrived at by calculating ten (10) per cent of that sum arrived at by adding to the unpaid amount the interest accrued thereon to date of calculation of the penalty:

Provided that if the Board is satisfied that the failure to pay or pay over any amount in terms of this regulation was not due to an intent to evade or postpone payment or otherwise evade obligations in terms of this regulation or the Act, it may remit the whole or part of the penalty imposed in terms of paragraph (c) of this sub-regulation.

- (8) Any amount of interest and any penalty owing to the Board in terms of sub-regulation (7) will be regarded as part of the prescribed amount as contemplated in section 18 (1) and section 18 (2) of the Act.

- (9) Any security business which—
- (a) fails to provide the Board with the return contemplated in sub-regulation (1) within the period allowed;
 - (b) fails to provide the Board with a return that materially complies with the requirements contained in sub-regulation (1);
 - (c) intentionally or negligently submits a return to the Board which is false or misleading in any material respect;
 - (d) fails to provide to the Board, within the period allowed, the additional information required by the Board in terms of sub-regulation (3) (d); or
 - (e) fails to deduct an amount as contemplated in section 18 (4) (a) of the Act from the remuneration of a security officer that it should have deducted,
- will be guilty of an offence and on conviction liable to a fine not exceeding R100,000.00.
- (f) A conviction for an offence in terms of these regulations shall not exempt the security business convicted from the payment of any penalty or interest payable in accordance with the provisions of these regulations.
- (9A) Notwithstanding the provisions of sub – regulation (9), any security business which intentionally or negligently (a) fails to submit a return to the Board disclosing security officers employed to evade payment of prescribed annual fees or (b) submits a return to the Board which is false or misleading in relation to the number of security officers employed,
- (i) will be liable to a penalty not exceeding an amount equal to double the amount of the prescribed annual fees referred to in paragraph (a) or the difference “determined” between the amount of annual fees that were due and payable by the security business to the Board and the amount the security business has paid to the Board in case of paragraph (b)
 - (ii) will be a subject of an investigation by the Board to check into the security business’ reporting as required in terms of sub – regulation (1) for the preceding 3 years. Any non-compliance found, the Board may levy penalties not exceeding the amount equal to double the amount of the prescribed fees or the determined difference for every year of failure to disclose as prescribed.
- (9AA) The envisaged investigation under (9A) will assist the Board to determine the appropriate percentage of penalty, in relation to whether,
- (a) the non- disclosure was substantial
 - (b) the non-disclosure was intentional
- (10) Any director, member, owner, partner, trustee, administrator or manager, according to the case, of a security business—

- (a) who fails to take all reasonable steps to ensure that the security business of which he or she is a director, member, owner, partner, trustee, administrator or manager, according to the case—
 - (i) complies with an obligation in terms of sub-regulation (1);
 - (ii) complies with an obligation in terms of sub-regulation (3) (d);
 - (iii) complies with an obligation in terms of section 18 (4) (a) of the Act to deduct an amount from the remuneration of a security officer; or
 - (iv) does not contravene a provision of sub-regulation (9); or
- (b) who intentionally or negligently submits a return referred to in sub-regulation (1) to the Board or allows such a return to be submitted to the Board on behalf of the security business in question, which is false or misleading in any material respect,

will be guilty of an offence and on conviction be liable to a fine not exceeding R100,000.00 or to imprisonment for a period not exceeding twenty four (24) months.

Substitution of regulation 9 of the Regulations

5. The following regulation is hereby substituted for regulation 9 of the Regulations:

“Prescribed amounts.—

9(1)

(2)

(3) The prescribed amount contemplated in section 18 (1) of the Act must, in the case of a security business registered as a security service provider, be determined by adding together the amounts contemplated in paragraphs (a) or (b), as the case may be, and (c) below:

- (a) the amount specified in **Schedule A** applicable to the category in which the security business falls, per year, provided that if a security business increases in size to the point where it falls into a different category at any date during a year, it shall be liable to pay the difference between the amount already paid and the amount applicable to the category in which it then falls; or
- (b) in the case of a security business becoming registered in terms of section 11 of the Act on or after 1 April in a given year, one twelfth of the applicable amount referred to in sub-regulation (a), multiplied by the number of months in that year in which the security business was registered, commencing in the month during which the security business was so registered, and ending in March; and

- (c) the amount specified in **Schedule B** per calendar month or any part thereof, multiplied by the number of security officers employed, used, deployed or made available to render a security service during each calendar month or any part thereof.
- (4) The prescribed amount contemplated in section 18 (1) of the Act, in the case of a person registered as a security officer, but not acting as a security business, is the amount specified in **Schedule C** per year, regardless of the date on which the security officer is registered as such.

SCHEDULE A

Category of security business	Applicable fee per year
Large (>800 security officers employed)	R37,200.00
Medium (201 to 800 security officers employed)	R26,600.00
Emerging Small (101 to 200 security officers employed)	R12,800.00
Small (51 to 100 security officers employed)	R8,150.00
Smaller A (21 to 50 security officers employed)	R6,300.00
Smaller B (0 to 20 security officers employed)	R5,900.00

SCHEDULE B

Category of security business	Applicable fee per month for each security officer employed
Large (>800 security officers employed)	R2.40
Medium (201 to 800 security officers employed)	R2.40
Emerging Small (101 to 200 security officers employed)	R2.40
Small (50 to 100 security officers employed)	R2.40
Smaller A (21 to 49 security officers employed)	R2.40
Smaller B (0 to 20 security officers employed)	R2.40

SCHEDULE C

Category of person	Applicable fee per year
Security officer (other than a car guard)	R84.00