

BILL No. 38 of 2009

Thursday 29th October, 2009

**PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.**

29th October, 2009.

The following Bill which will be introduced in the National Assembly is published for general information.

S. E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 38 of 2009

PRIVATE SECURITY SERVICES (REGULATION) BILL 2009

ARRANGEMENT OF SECTIONS

SECTION

**PART 1
PRELIMINARY**

1. Short title and commencement.
2. Interpretation.

PART II
CONTROLLING AUTHORITY

3. Controlling Authority.
4. Functions and powers of the Controlling Authority.

PART III
LICENSING OF PRIVATE SECURITY AGENCIES

5. Requirement of licence to commence or carry on the business of private security service.
6. Persons not eligible for licence.
7. Application for licence and registration.
8. Grant of licence.
9. Renewal of licence.
10. Cancellation or suspension of licence.
11. Conditions for commencement of operation and engagement of supervisors.
12. Permission to use firearms, etc.
13. Register, accounts, etc., to be maintained by private security agencies.
14. Inspection of licence, etc.
15. Appeals.

PART IV
PRIVATE SECURITY GUARDS AND SUPERVISORS

16. Eligibility for being a private security guard or a supervisor.
17. Photo-identity cards and uniforms.
18. Prohibition of disclosure of information to unauthorized person.

PART V
MISCELLANEOUS

19. Furnishing of statistics and returns.
20. Punishment for contravention of certain provisions.
21. General penalty.
22. Offences by body corporate.
23. Indemnity.
24. Power to amend the Schedule.
25. Power to make regulations.

SCHEDULE - FORMS.

A BILL
Intituled

AN ACT to provide for the regulation and control of private security services and for matters connected therewith or incidental thereto.

A.D. 2009

Enacted by the Parliament of Guyana:-

PART I
PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Private Security Services (Regulation) Act 2009 and shall come into force on the date the Minister may, by order, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires –

Cap. 16:01.

- (a) "Commissioner" means the Commissioner of Police referred to in the Police Act;
- (b) "Controlling Authority" means the Commissioner of Police as appointed under subsection (1) of section 3;
- (c) "Minister" means the Minister of Home Affairs;
- (d) "private security" means the security provided by a company, to protect or guard any person or property or both; but does not exclude such extra duty performed by the Guyana Police Force and such services that may from time to time be provided by the Special Constabulary of the Guyana Police Force in accordance with the Police Act;
- (e) "private security agency" means a person or body of persons, other than any agency, department or organisation of the Government, engaged in the business of providing security services including training to private security guards or the supervisors of the security guards or providing the services of private security guards to any industrial or business undertaking, company or society or any other person or property;

- (f) "private security guard" or "security guard" means a private security guard employed or contracted for service by a private security agency;
- (g) "private security service" means the security service provided by a person or body of persons whether incorporated or not other than an agency, organisation or department of the Government;
- (h) "a supernumerary constable" means a person appointed by the Commissioner of Police in accordance with section 82 of the Police Act;
- (i) "the Licensing Authority" means the Minister of Home Affairs.

Cap. 16:01

PART II CONTROLLING AUTHORITY

Controlling
Authority.

3. (1) The Minister shall, by order, appoint the Commissioner of Police of the Guyana Police Force to be the Controlling Authority for the purposes of this Act.

(2) The Minister shall, for the efficient discharge of the functions by the Controlling Authority under this Act, provide the Controlling Authority with adequate resources.

Functions and
powers of the
Controlling
Authority.

4. The Controlling Authority shall –

- (a) carry out the functions relating to licensing and approvals that are conferred on it under this Act;
- (b) monitor the activities and effectiveness of private security agencies, private security guards and the supervisors of those agencies;
- (c) carry out inspections as it considers necessary in the efficient functioning of the private security agencies;
- (d) recommend to the Minister the standards of conduct, training and level of supervision to be adopted by those who carry on the business of providing private security services and those working as private security guards or their supervisors;

- (e) make recommendations to the Minister for the maintenance of standards in private security services;
- (f) keep under review the operation of this Act;
- (g) appoint supernumerary constables to function in private security agencies in accordance with section 82 of the Police Act;
- (h) arrange for firearms licences to be granted to private security agencies in accordance with the Firearms Act;
- (i) set standards for training of supernumerary constables attached to private security agencies.

Cap. 16:01

Cap. 16:05

PART III

LICENSING OF PRIVATE SECURITY AGENCIES

Requirement of licence to commence or carry on the business of private security service.

5. (1) (a) Any person or body or association of persons wishing to establish a private security agency should first be registered as a company under the Companies Act 1991.

(b) After the expiry of ninety days from the date of commencement of this Act, no person or company shall commence or continue to carry on the business of any private security service in Guyana without obtaining a licence granted by the Controlling Authority.

No. 29 of 1991

(2) Any person or body or association of persons carrying on the business of a private security service immediately before the commencement of this Act shall be allowed to carry on the business for a period of six months from the date of commencement of this Act in case that person or body or association of persons apply to the Controlling Authority within ninety days from such commencement for the grant of a licence under this Act and in case the Controlling Authority refuses to grant a licence within the said period of six months the applicant shall cease to carry on the business of private security service.

(3) Every person or body or association of persons who has been granted a licence under this Act to provide private security service in Guyana shall be eligible to use a distinct logo or emblem of the private security agency and its security guards and supervisors as approved by the Controlling Authority and shall be eligible to wear for

their identity the logo or emblem on the badge or uniform provided to them by the private security agency.

Persons not
eligible for
licence.

6. (1) A person shall not be considered for grant of a licence or a renewal of a licence under this Act, if he has been –

- (a) convicted of an indictable offence in connection with the promotion, formation or management of a company or of any fraud or misfeasance committed by him in relation to a company;
- (b) declared as an undischarged insolvent;
- (c) convicted by a competent court in Guyana or elsewhere for an offence and sentenced to imprisonment for not less than two years;
- (d) dismissed or removed from government service on grounds of misconduct involving acts of dishonesty or violence;
- (e) keeping links with any organisation or association which is banned under any law for the time being in force in any country on account of their activities which pose a threat to national security or public order or there is reliable information about the person indulging in activities which are prejudicial to national security or public order.

(2) A company shall be ineligible to be considered for grant of a licence or a renewal of a licence under this Act, if any office bearer or director of its board has been a person ineligible under subsection (1) if he had been the applicant, except that consideration may be given for the granting of a licence if the office bearer or director is removed from office by the body or association of persons.

Application for
licence and
registration.

Form I
Schedule

7. (1) Every application for obtaining of a licence under this Act to carry on an existing private security service or to commence a new private security service shall be made to the Controlling Authority on Form I in the Schedule and shall be accompanied by supporting documents as are specified in the Form.

(2) A registration fee of fifty thousand dollars shall be payable if the application is approved.

(3) An annual licensing fee shall be paid by each security agency as may be prescribed by the Minister by regulations under this Act.

Grant of
licence.

Form II
Schedule

8. (1) On receipt of an application under section 7 and after making the inquiries as he considers necessary, the Controlling Authority may, subject to the conditions and limitations as may be specified in the licence, either grant a licence on Form II in the Schedule within a period of sixty days from the date of receipt of the application complete in all respects or refuse to grant a licence.

(2) No refusal to grant a licence shall be made under subsection (1) unless the applicant has been given a reasonable opportunity of being heard.

(3) In every order refusing to grant a licence under this Act, the grounds on which the licence has been refused shall be mentioned.

(4) An order of refusal to grant a licence under this Act shall not disqualify the applicant from making a fresh application for grant of a licence after the expiry of a period of six months from the date of refusal.

(5) A licence granted under subsection (1) shall be valid for a period of one year from the date of its issue and may be renewed under section 9.

Renewal of
licence.

Form II
Schedule

9. (1) Every application for renewal of a licence granted under section 8 shall be made to the Controlling Authority, not less than thirty days before the date of expiry of the period of validity of the licence, in Form II in the Schedule and shall be accompanied by the prescribed fees and the documents mentioned in the Form.

(2) If the applicant makes payment of additional fee as may be prescribed by regulations, the Controlling Authority may accept an application made at any time after the expiry of the period specified in subsection (1) but not later than three months.

(3) On receipt of an application for renewal of a licence under subsection (1) or subsection (2) and after making the inquiries as he considers necessary, the Controlling Authority may, by order in writing, either renew the license for a period of one year from the date of its expiry or refuse to renew the licence for reasons to be recorded in writing and communicated to the applicant.

(4) The renewal of a licence shall be recorded in the original certificate itself by suitable endorsement.

Cancellation or
suspension of
licence.

10. (1) The Controlling Authority may cancel a licence granted under this Act on any one or more of the following grounds –

- (a) that the licence was obtained on a misrepresentation or suppression of material facts;
- (b) that the licence holder has used false documents;
- (c) that the licence holder has violated any other law, the provisions of this Act or any of the conditions of the licence;
- (d) that the licence holder has misused information obtained by him during the discharge of his functions as the private security agency to any industrial or business undertaking or a company or any other person;
- (e) that the licence holder by using any letter-head, advertisement or any other printed material or audio-visual publicity or in any other manner represented that the private security agency is an instrumentality of the Government or the agency is or has been using a name different from that for which licence has been granted;
- (f) that the licence holder is or has been impersonating or permitting or aiding or abetting any body to impersonate as a public servant or a member of the police force or any armed force;
- (g) that the private security agency has failed to commence its activities or to engage a supervisor within the specified period of time without reasonable excuse;
- (h) that the licence holder has done any act which is in violation of a court order or any order of a lawful authority or is or has been advising, encouraging or assisting any person to violate any such order;

- (i) that the licence holder has done any unlawful act which poses a threat to national security or national integrity or did not provide assistance to the police or military or other authority in the discharge of their duties or acted in a manner prejudicial to national security or public order or law and order.

(2) Where the Controlling Authority, for reasons to be recorded in writing, is satisfied that pending the question of cancellation of a licence on one or more of the grounds mentioned in subsection (1), it is necessary or expedient to do so, the Controlling Authority may, by order in writing, suspend the operation of the licence for such period not exceeding thirty days as may be specified in the order and require the licence holder to show cause, within fifteen days from the date of issue of the order, as to why the suspension of the licence should not be extended till the determination of the question of cancellation.

(3) Every order of suspension or cancellation of a licence shall be in writing and shall specify the reasons for such suspension or cancellation, as the case may be, and a copy of the order shall be communicated to the person affected.

(4) When a cancellation or suspension of service occurs the following should apply –

- i) the Private Security Agency shall be ordered by the Controlling Authority to cease to provide security services.
- ii) all firearms and ammunition shall be handed over to the Guyana Police Force.
- iii) all clients shall be informed of the cancellation.
- iv) all security personnel shall cease to wear uniforms.
- v) upon suspension all processing and training of all personnel must cease for the period of suspension.
- vi) upon cancellation all firearm licences shall be revoked.
- vii) upon cancellation the appointment of all supernumerary constables shall be revoked.
- viii) upon cancellation the company must cease to use the emblem, logo and badge.

(5) No order of cancellation of a licence under subsection (1) shall be made unless the security agency concerned has been given a reasonable opportunity of being heard.

Conditions for commencement of operation and engagement of supervisors.

11. (1) Unless the period to commence its operation of business is extended by the Controlling Authority, every private security agency who has obtained a licence under this Act shall commence its business of providing private security services within six months from the date of receipt of the licence and intimate the fact to the Controlling Authority.

(2) Every private security agency shall ensure that the security guards and supervisors recruited and employed or engaged by them –

- (a) fulfil the educational qualifications and physical standards prescribed by regulations;
- (b) receive training and professional skills as per the curriculum prescribed by regulations;
- (c) are paid the stipend during the period of training and salary and allowances on duty as are notified to the Controlling Authority.
- (d) those appointed Supernumerary Constables shall comply with the provisions of the Police Act and be processed under the conditions set out by the Commissioner of Police for persons to be appointed members of the Supernumerary Constabulary: i.e. Medical Certificate, security and criminal clearances.

Cap. 16:01

(3) A private security agency which receives a licence to carry on its business of providing private security service shall provide the private security guards and supervisors working under it the necessary in-service training as may be prescribed before the commencement of the provision of the security service.

(4) (a) Each Private Security Agency that has been granted a licence to carry on its business of providing Private Security Service shall have its own disciplinary code to govern the conduct of its guards and Supervisors.

(b) The Disciplinary Code of each Security Service shall be lodged with the Controlling Authority within one month of the Licence being granted to the Security Service to operate for review by the Controlling Authority.

Permission to
use firearms,
etc,
Cap. 16:05.

Form III
Schedule

12. (1) Subject to the provisions of the Firearms Act, the Guyana Police Force may, upon receipt of an application in Form III in the Schedule grant to a private security agency permission to use firearms and ammunitions or other weapons of defence in the performance of certain prescribed functions by the security guards who are sworn supernumerary constables employed by the private security agencies.

Register,
accounts, etc.,
to be
maintained by
private security
agencies.

13. (1) Every private security agency shall maintain a register containing -

- (a) the names and addresses of the persons managing the private security agency;
- (b) the names, addresses and photographs of the private security guards and their supervisors employed by the agency;
- (c) the names and addresses of the persons to whom or the establishments to which the agency had provided or is providing security service;
- (d) the arms and ammunitions under its stock or custody;
- (e) names and addresses of supernumerary constables attached to the private security agency.

(2) Every private security agency shall keep -

- (a) proper monthly accounts and vouchers relating to the stipend to trainees, salary, allowances and other remuneration paid to the security guards and supervisors and the amount received by the agency from persons to whom or the establishments to which the agency had provided or is providing security service; and
- (b) separate records of its cash and bank accounts relating to the private security services provided.
- (c) a supernumerary constable whose engagement with a security agency has been terminated shall have his appointment as a supernumerary constable revoked forthwith in accordance with section 82 of the Police Act and shall be prohibited from functioning as a supernumerary constable with another security

agency unless he is re-appointed by the Commissioner of Police to perform the functions of a supernumerary constable with his new employers.

Inspection of
licence, etc.

14. (1) Without prejudice to the obligations of each Private Security Agency to the Guyana Revenue Authority, the National Insurance Scheme and other regulatory Agencies under the Laws of Guyana, the Controlling Authority or any other officer duly authorized by the Controlling Authority may, at any reasonable time, enter the premises of a private security agency and inspect the place or places of business, the records, registers, vouchers, accounts and other documents connected with the licence, deployment of or employment or engagement of security guards and their supervisors, the salary and allowances paid to the security guards and supervisors, the amount received from the persons or establishments to which private security service was provided and may take copies of any document and also ensure due compliance of the provisions of this Act and the conditions of the licence.

(2) If, on inspection, any shortcomings in the functioning of a private security agency has come to the notice of the Controlling Authority, the Controlling Authority shall inform the agency in writing of the shortcomings for rectification within a specified period and the security agency shall take necessary steps to rectify the shortcomings and furnish a compliance report to the Controlling Authority within the period allowed by him.

Appeals.

15. (1) Any person aggrieved by an order of the Controlling Authority –

- (a) refusing to grant a licence under section 8;
- (b) refusing the renewal of a licence under subsection (2) of section 9 or cancelling a licence under subsection (1) of section 9; or
- (c) cancelling or suspending a licence under subsection (1) of section 10,

may, within a period of sixty days of the order, prefer an appeal against that order to the Minister.

(2) The Minister may admit an appeal after the expiry of the period of sixty days specified in subsection (1) if the appellant satisfies the Minister that there was sufficient cause for not preferring the appeal within the period of sixty days.

Form IV
Schedule

(3) Every appeal under subsection (1) shall be made in Form IV in the Schedule and in such manner and be accompanied by such fee as may be prescribed by regulations.

(4) In dealing with an appeal under this section, the Minister shall call for the records of the Controlling Authority and give the appellant a reasonable opportunity of being heard.

PART IV PRIVATE SECURITY GUARDS AND SUPERVISORS

Eligibility for
being a private
security guard
or a supervisor.
Cap. 98:01
Cap. 14:01

16. (1) A private security agency shall not employ or engage any person contrary to the Labour Act and the Immigration Act as a private security guard or supervisor.

Photo-identity
cards and
uniforms.

17. (1) A private security agency shall issue to every private security guard and every supervisor employed or engaged by it a photo-identity card with distinct identification number, special uniform, special badges and caps indicating the logo or emblem of the private security agency concerned as approved by the Controlling Authority.

Form V
Schedule

(2) As far as practicable, the photo-identity card shall conform to the specimen given in Form V in the Schedule.

(3) While on duty, every private security guard and supervisor shall wear the uniform and badge given to him and shall display on his person the photo-identity card issued under subsection (1), unless otherwise approved by the Controlling Authority.

(4) While on duty, every private security guard and supervisor shall produce on demand his photo-identity card for inspection by the private security agency, the Controlling Authority or the Police or any other officer authorised by the Controlling Authority.

(5) On completion of his employment or termination or suspension of his services, a private security guard or supervisor shall surrender to the private security agency the badge and photo-identity card and the arms and other equipments entrusted to him by the agency.

Prohibition of disclosure of information to unauthorized persons.

18. (1) Any person who has been employed as a private security guard or supervisor shall not divulge to anyone other than the employer, the Police or a person as the employer directs any information acquired by him during the employment except the disclosure as may be required under this Act or in connection with any inquiry or investigation by the police or as may be required by an authority or process of law.

(2) If violation of any law is noticed by any private security guard or a supervisor during the course of discharge of his duties he shall bring it to the notice of his superior who shall in turn immediately inform the police either through the security agency or on his own.

PART V MISCELLANEOUS

Furnishing of statistics and returns.

19. Every private security agency shall furnish to the Controlling Authority, the Commissioner General of Guyana Revenue Authority and the Minister the returns and statistics required by them or prescribed by regulations.

Punishment for contravention of certain provisions.

20. A person carrying on the business of a private security service in contravention of section 5 commits an offence and shall be liable on summary conviction to a fine of five hundred thousand dollars and in the event of a second or subsequent offence to imprisonment for a term of not less than two years nor more than five years.

General penalty.

21. Any person who contravenes any provision of this Act or the terms and conditions of a licence granted under it and for which no specific penalty is provided in this Act commits an offence and shall be liable on summary conviction to a fine of one hundred thousand dollars.

Offences by body corporate.

22. Where a person committing an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of that body is guilty of the same offence unless he proves that the act or omission constituting the offence took place without his knowledge or that he exercised all due diligence to prevent its commission.

Power to amend the Schedule.

23. (1) The Minister may by order amend the Schedule including the making of any new form that may be required to be made under this Act.

(2) Every order made under subsection (1) shall be subject to negative resolution of the National Assembly.

Power to make regulations.

24. (1) The Minister may make regulations for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the provisions of subsection (1), the regulations may provide for all or any of the following -

- (a) the maintenance of standards in private security services
- (b) the fee to be charged for the various services provided under this Act;
- (c) the training to be provided to the persons recruited as security guards;
- (d) the salary and allowances and other service conditions of the security guards and supervisors employed or engaged by the private security agencies;

(3) Every regulation made under this section shall be subject to negative resolution of the National Assembly.

SCHEDULE

FORM I

[See section 7]

PRIVATE SECURITY SERVICES (REGULATION) ACT 2009

APPLICATION FOR GRANT OF A LICENCE TO OPERATE/CONTINUE TO OPERATE A PRIVATE SECURITY SERVICE IN GUYANA

SECTION A

To

The Controlling Authority,
Georgetown,
Guyana.

I, (Name of applicant), Director/Head of Security Service of (Name of the Private Security Service) whose registered office/business address is situated at(Address of the Private Security Service) hereby apply for a licence to operate/continue to operate a Private Security Service called the in accordance with the provisions of the PRIVATE SECURITY SERVICES (REGULATION) ACT 2009 and the regulations and orders issued there under.

Place

Dated.

Signed

Managing Director/Head of the body/association.

SECTION B

PARTICULARS TO BE FURNISHED BY THE APPLICANT

1. Name of the Private Security Service
2. Address and telephone number of the Private Security Service
.....
.....

3. Name of the Managing Director/Proprietor/Head of the body/association.....
4. Name of Secretary
5. Registration number of the Company
6. N.I.S. number
7. I.R.D. number
- *8. The number of trained private security guards available for service with the applicant.
- *9. The number of supervisory guards available with the applicant.
10. (a) Has the applicant company or the head of the unincorporated association been convicted of an indictable offence under any law of Guyana Yes/No.
(b) If the answer to (a) is yes, please state the particulars of the conviction.
11. (a) Has the application for grant of a licence under the PRIVATE SECURITY SERVICES (REGULATION) ACT 2009 ever been rejected earlierYes. No.
12. Particulars of previous experience in the field of providing private security service.
13. Any other information which the applicant considers relevant in support of the application.

*In case the applicant is having no panel of trained security guards or supervisors on the date of application, the factual position of recruits and the training being imparted may be furnished.

SECTION C DOCUMENTS TO BE ATTACHED TO THE APPLICATION

Every application is required to be accompanied by the following documents:

- (i) Fascimile of the logo or emblem sought to be approved by the Controlling Authority.
- (ii) Colour, design and other particulars of the uniform including cap and badge proposed to be issued to the trainees, security guards and their supervisors.
- (iii) No Objection Certificate from Chief Officer of Police in every Police Division in which the Company operates.
- (iv) Certificate from the Inland Revenue.
- (v) Certificate from the National Insurance Board.

- (vi) Copy of Registration Certificate/Certificate of incorporation of the applicant body/company.
- (vii) Copy of by-laws or Rules and Regulations of the applicant body/company.
- (viii) List of trained security guards and supervisors the applicant is having on the date of application or proposes to recruit and employ after obtaining the licence.

SECTION D
DECLARATION TO BE MADE BY THE APPLICANT

I, (Name of the declarant) in my capacity as the of the applicant association/company do hereby solemnly and sincerely declare that the particulars contained in this Application are true and correct to the best of my knowledge and belief and no material information has been suppressed or nothing has been concealed there from.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act (Cap.5:09) and I am aware that if there is any statement in this application which is false in facts which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Signed (Declarant)

Declared before me this day of 2.....

Signed

SECTION D

**CERTIFICATE OF APPROVAL OF THE APPLICATION BY THE CONTROLLING
AUTHORITY MADE PURSUANT TO SECTION 7 OF THE PRIVATE SECURITY SERVICES
(REGULATION) ACT 2009**

Approved the logo/emblem and for issuance of a license

.....

Controlling Authority.

FORM II
PRIVATE SECURITY SERVICES (REGULATION) ACT 2009
[See section 9 (1)]

(NATIONAL EMBLEM)

LICENCE TO OPERATE/CONTINUE TO OPERATE A PRIVATE SECURITY SERVICE IN
GUYANA

LICENCE NO.

THIS IS TO CERTIFY THAT (NAME OF THE AGENCY) whose registered office is situated at (Address and telephone number of the agency) is hereby granted a license to operate a private security service under the PRIVATE SECURITY SERVICES (REGULATION) ACT 2009 and the regulations and orders made thereunder for a period of ONE YEAR from the date of issue of this licence.

A sum of dollars has been paid for this licence.

2. The licence is granted subject to the following conditions and limitations:

3. The following logo/emblem of the applicant has been approved:
(reproduce here a facsimile of the logo/emblem)

Dated at this day of 2.....

(Seal)

.....
Controlling Authority

RENEWALS:

Renewed on

.....
Controlling Authority

Renewed on

.....
Controlling Authority.

FORM III**PRIVATE SECURITY SERVICES (REGULATION) ACT 2009**

[See section 12 (1)]

**APPLICATION FOR GRANT OF PERMISSION TO USE FIREARMS AND OTHER WEAPONS OF
DEFENCE BY THE PRIVATE SECURITY GUARDS**

To

Controlling Authority,
Georgetown,
Guyana.

1. Name of the applicant
2. Address of the applicant
3. Licence No. in respect of operation as a private security agency
4. Description of licensed firearms with the applicant
5. Description and quantity of permitted ammunition with the applicant
6. Purpose for which the firearm is to be used
7. Name of the trained security guards who will be using the firearms
8. Any other information which the applicant considers relevant

I hereby certify that the above particulars are correct.

Place:

Date:

Signature of the authorized signatory of the applicant.

FORM IV

PRIVATE SECURITY SERVICES (REGULATION) ACT 2009

[See section 15 (3)]

**MEMORANDUM OF APPEAL AGAINST SUSPENSION OR CANCELLATION OF A LICENCE OR
REFUSAL TO GRANT OR RENEW A LICENCE**

To

The Hon'ble Minister of Home Affairs,
Ministry of Home Affairs,
Georgetown, Guyana.

1. This appeal is preferred by carrying on/proposing to carry on /continue to carry on the business of providing private security service in Guyana.

2. The above-named appellant is aggrieved and dissatisfied by the order dated of the Controlling Authority in the matter of refusal to grant/renew a licence or approval/suspension or cancellation of a licence.

GROUND OF APPEAL

- 1.
 - 2.
 - 1
 - 3.
- ETC.

PRAYER

In the circumstances stated in this memorandum of appeal, it is prayed that —
..... (mention the reliefs sought for)

We/I, the above-named appellant/in my capacity asof the appellant am duly authorized and competent to prefer this appeal.

We/I do hereby declare that what is stated in this Memorandum of appeal is true to the best of our/my knowledge and belief and nothing material has been suppressed.

Place:

Signature of the authorized signatory
of the appellant.

Date:

FORM V**PRIVATE SECURITY SERVICES (REGULATION) ACT 2009**

[See section 17 (2)]

(Name of the Private Security Agency with its Licence No.)

IDENTITY CARD

Identity Card No.

Photograph of the
Security guard/supervisor
(to be affixed and duly stamped by the
Security Agency)

Name

Designation: Security Guard/Supervisor

Date of Birth

Signature of Guard

Signature of the Issuing Agency

Period of validity

(SEAL)

Date of issue

EXPLANATORY MEMORANDUM

At present there is no law in Guyana regulating the business of providing private security services to any person or establishment. Of late, there has been a growing demand for streamlining and regulating the business of private security agencies for providing better organized and disciplined quality security services and for ensuring the efficiency and welfare of the security guards. It is, therefore, proposed to enact a comprehensive legislation governing these matters. This Bill seeks to provide for the regulation and control of providing private security services in Guyana and for matters connected therewith or incidental thereto.

Clause 1 of the Bill sets out the short title of the proposed legislation. It also empowers the Minister to appoint a date for bringing the proposed legislation, when enacted, into force.

Clause 2 defines certain words and expressions used in the Bill. "Controlling Authority", "private security", "private security service" and "private security guard" are some of them. "Private security" means the security provided by a person other than a member of the Guyana Police Force to protect or guard any person including an institution or property or both. However, supernumerary constables are exempted.

Clause 3 deals with the appointment of the Controlling Authority who shall be the Commissioner of Police of the Guyana Police Force to be appointed by the Minister. The Controlling Authority will be provided with the necessary resources.

Clause 4 specifies the functions and powers of the Controlling Authority. The Controlling Authority shall be responsible for issuance of licence to the private security agencies and to monitor and implement the provisions of the proposed legislation.

Clause 5 lays down the requirement of obtaining a licence for carrying on or continuing the business of providing private security services in Guyana after the expiry of ninety days from the commencement of the proposed legislation.

Clause 6 specifies as to the persons who are not eligible to apply for a licence to operate a private security service.

Clause 7 deals with the application form for applying for a licence to operate a private security service, the fee to be paid with the application and the documents required to be furnished to the Controlling Authority with the application.

Clause 8 deals with the procedure for grant of a licence for operating a private security service.

Clause 9 deals with the procedure for renewal of a licence. The certificate of renewal will be recorded on the body of the original licence by suitable endorsement.

Clause 10 deals with the grounds and procedure for cancellation or suspension of a licence granted under the proposed legislation.

Clause 11 deals with the conditions for commencement of operation of providing private security service and also the conditions to be fulfilled for a person to be eligible to be recruited and employed to serve as a private security guard or a supervisor to the security guards.

Clause 12 provides for use of firearms, ammunitions and other weapons of defence by the security guards employed by the private security agencies in the discharge of their functions in protecting or safeguarding the life and property of those who have contracted the agency for the services.

Clause 13 provides for the requirement of maintaining certain registers, accounts, etc. by the private security agencies.

Clause 14 deals with the powers of the Controlling Authority in inspecting the licence, premises, etc. of the private security agency.

Clause 15 lays down the detailed procedure for the filing of appeals to the Minister against the various orders of the Controlling Authority.

Clause 16 lays down the eligibility conditions for becoming a private security guard to be employed or contracted by a private security agency.

Clause 17 deals with issuance of identity cards with photograph, uniform, etc. to the private security guards and their supervisors by the private security agency employing them.

Clause 18 makes provision prohibiting the unauthorized disclosure of information obtained by the security guards and their supervisors in the due discharge of their duties.

Clause 19 specifies the requirement of furnishing statistics and returns to the Controlling Authority, Minister and the Commissioner General of the Guyana Revenue Authority by the private security agencies.

Clause 20 lays down the punishment for operating a private security service in contravention of section 5 of the proposed legislation. The penalty would be a fine of five hundred thousand dollars and in the event of second or subsequent offence the responsible office bearer of the private security agency shall

be liable on summary conviction to imprisonment for a term of not less than two years and not more than five years.

Clause 21 provides for the general penalty. It is provided that any person who contravenes any provision of the proposed legislation or the terms and conditions of a licence granted under it and for which no specific penalty is provided in the proposed legislation shall be guilty of an offence and shall be liable on summary conviction to a fine of four hundred thousand dollars.

Clause 22 deals with offences by any body corporate.

Clause 23 empowers the Minister to amend the Schedule. The amendments may include an amendment laying down new forms. The amendments are subject to negative resolution of the National Assembly.

Clause 24 empowers the Minister to make regulations for carrying out the provisions of the proposed legislation. The regulations are subject to negative resolution of the National Assembly.

The Schedule contains the various forms to be used.



Minister of Home Affairs.