

Statutory Instrument No. 16 of 1987

CONTROL OF SECURITY GUARD SERVICES ACT
(No. 28 of 1984)

CONTROL OF SECURITY GUARD SERVICES REGULATIONS, 1987
(Published on 6th January, 1987)
ARRANGEMENT OF REGULATIONS

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Presidential Affairs and Public Administration by section 20 (1) of the Control of Security Guard Services Act, the following regulations are hereby made —

Citation 1. These Regulations may be cited as the Control of Security Guard Services Regulations, 1987.

Application for a licence 2. (1) An application for a security guard licence shall be made to the Controller in Form 1 set out in the Schedule hereto, and shall contain all the information specified in section 5 of the Act.

(2) An applicant or his representative shall, if requested by the Controller to do so, furnish in writing any further information that the Controller may require, or, where the Controller seeks to interview him or his representative, attend such interview.

Issue of a licence 3. (1) The Controller shall, after consideration of an application made under regulation 2, issue the applicant with a licence upon payment by the applicant of the fee prescribed in regulation 15.

(2) The Controller shall, in writing inform the applicant of his decision regarding his application for a licence in the form set out in Form 5A of the Schedule hereto.

Period of validity of licence 4. A licence issued under these Regulations shall, unless previously cancelled or surrendered, be valid for 12 months from the date on which it was issued.

Renewal of licence 5. (1) A licence may, upon its expiry, be renewed by application to the Controller in Form 1 set out in the Schedule hereto, and every such

application shall be accompanied by the fee prescribed in regulation 15.

(2) Every application for the renewal of a licence shall be made not later than two months before the licence expires.

(3) The Controller shall, in writing, inform the applicant of his decision regarding his application for renewal or a licence in the form set out in Form 5A of the Schedule hereto.

6. No person who has been issued with a licence shall transfer such licence to any other person without first obtaining the written consent of the Controller.

Restriction
on transfer
of licence

7. Every licensee shall display his licence in a conspicuous place within his business premises.

Display of
licence

8. (1) Every licensee shall maintain a record of names of his employees, dates of their employment, dates of termination of their services and the reasons for such termination.

Maintenance
of records
and annual
returns

(2) Every licensee shall submit to the Controller not later than 60 days after the end of the calendar year in which his licence was issued or renewed, an annual return in respect of his employees giving the number and names of his employees, and the names of employees dismissed from his employ.

9. Every licensee shall make available for inspection by the Controller or a police officer upon demand his licence or any record in respect of his employees.

Inspection
of records

10. (1) Every licensee shall ensure that whenever a security guard is on duty such security guard displays on his person an identity card which shall be in the form set out in Form 6 of the Schedule hereto.

Display of
identity
cards

(2) It shall be an offence for a security guard not to display his identity card on his person whenever he is on duty.

(3) Any person who contravenes the provisions of subregulation (2) of this regulation shall be guilty of an offence and liable to a fine of P50 or to imprisonment for three months in default of payment.

11. (1) No licensee shall, without the permission of the Controller, employ as a security guard, any person who has been convicted of any offence within or outside Botswana or against whom criminal proceedings are pending within or outside Botswana.

Employment
of security
guards with
convictions

(2) Any licensee who wishes to employ as a security guard, any person who has been convicted of any offence within or outside Botswana, shall make application for the permission of the controller to do so in Form 5 set out in the Schedule hereto.

(3) Where the Controller refuses to grant his permission where application has been made by the licensee in accordance with subregulation 2 of this regulation, he shall, in Form 5C set out in the Schedule hereto, inform the licensee of his decision.

12. (1) No licensee shall display or cause to be displayed any advertisement which is indecent or in any way objectionable, or which does not relate to the services which he offers or renders.

Control of
advertisements

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence and shall be liable to a fine of P50 or to imprisonment for three months in default of payment.

13. Where the Controller has decided to cancel or suspend a licence in accordance with section 11 of the Act the licensee shall surrender such licence for endorsement or cancellation or suspension as the case may be

Cancellation
and
surrender
of licences

to the Controller, within the period specified by the Controller.

(2) The Controller shall give his decision to cancel or suspend a licence in Form 5B of the Schedule hereto.

Appeals

14. Any person aggrieved by the decision of the Controller not to issue him with a licence or renew his licence may appeal to the Minister.

Fees

15. The following fees shall be payable to the Controller —

(a) P300 in respect of an application for the issue of a licence;

(b) P200 in respect of an application for renewal of a licence;

(c) P100 in respect of an appeal to the Minister against the decision of the Controller.

Offences
and
Penalties

16. Any person who contravenes any provision of these Regulations, for which no other penalty is prescribed, shall be guilty of an offence and liable on conviction to a fine of P1000 or to imprisonment for six months in default of payment.

SCHEDULE

FORM 1

(Regulation 2)

APPLICATION FOR LICENCE/RENEWAL OF LICENCE

1. Name of Applicant
(Surname in block capitals)

2. Address of Applicant

.....

.....

3. Directors of applicant:

	Name	Address	Nationality
1.			
2.			
3.			
4.			

4. Number of shares held in the applicant

5. Shareholders in applicant:

.....

Name	Address	Nationality
1.		
2.		
3.		
4.		

6. If this is your first application please answer the questions that follow, if not, give the number of your licence and the date of last renewal.

7. Has any application for a licence made by you ever been rejected cancelled or surrendered? If so please give full details

8. Number of persons presently in your employ

9. Location of security guard service

Submitted by

Date..... in my capacity as

FORM 2
(Regulation 3)
SECURITY GUARD SERVICE LICENCE

(NAME OF SERVICE) is hereby licensed to engage in or carry on the business of providing security guards and to advertise himself as a person engaged in or carrying on such business, subject to the following conditions:-

1.
2.
3.
4.

5.

.....

.....
Signature of Holder

Date of issue

.....

Fee Paid

Receipt number

.....
Controller of Security Guard
Services

Renewals

Date

Fee Paid

Date

Fee Paid

Date

Fee Paid

Date

Fee Paid

FORM 3

(Regulation 2)

STATUTORY DECLARATION BY APPLICANT AS TO CONVICTION

1. Full name of applicant.....
(Surname in block capitals)

2. Address

3. Capacity of applicant in applicant security guard service

.....
(whether proprietor, partner, director, etc.)

4. Name of security guard service of which you are proprietor, partner, director, etc.

.....
5. Have you ever been convicted for any offence? If yes, please give the following details:

(a) Nature of offence with which you were charged

.....

(b) Nature of sentence
(whether fine or imprisonment)

(c) If fined, please specify the amount, if imprisoned, please specify length of term

.....

(d) Country in which you were convicted

(e) Date of conviction

6. Are there any criminal proceedings pending against you? If yes, please give the following details:

(a) Nature of offence with which you are charged

.....

(b) Date charged

(c) Country in which the proceedings are pending

.....

I swear that this declaration was made in good faith and that the contents thereof are to the best of my knowledge, true and correct. I am aware of the consequences of making a false statement; and that this information may be used in evidence in legal proceedings against me.

Date.....

Signature or mark of applicant

Thus signed and sworn before me this.....day of

.....

COMMISSIONER OF OATHS

FORM 4
(Regulation 11)

**APPLICATION FOR CONTROLLER'S
PERMISSION TO ENGAGE SECURITY GUARD
IN CERTAIN CIRCUMSTANCES**
(To be completed in duplicate)

1. Full names of applicant
(Surname in block capitals)

2. Address of applicant
.....

3. Security guard service in respect of which applicant holds a licence
.....

4. Number of licence

5. Full names and address of person it is proposed to employ as a security guard
.....

6. The person referred to in paragraph 5 —

(a) was convicted and sentenced to
(penalty)

for in
(specify crime) (specify country and
date of conviction)

or

(b) was charged with
(specify crime with which charged)

on
(date charge preferred against him)

in
(specify country)

7. I nevertheless hereby apply for the Controller's permission to employ the above-named person as a security guard with

.....
(name of security guard service)

Date
(Signature or mark of applicant)

.....

FOR OFFICIAL USE

To
(name and address of applicant)

Permission is hereby granted for
(name of person it is proposed to employ)

to be employed with
(name of security guard service)

.....
Controller of Security Guard
Service

FORM 5A
(Regulation 3)

A. NOTICE OF REFUSAL TO ISSUE/RENEW LICENCE

To:
(Name of applicant)

Address of applicant
.....

.....
Your application for a security guard licence/renewal of a security guard licence is
hereby refused on the following grounds:

- (1)
- (2)
- (3)
- (4)
- (5)

You may, within 30 days of being served with this notice, lodge with the Minister a
written notice of appeal setting out the grounds thereof and the submissions made in
relation thereto, and shall, at the same time, lodge a copy of such appeal with me.

Date
Controller of Security Guard
Services

FORM 5B
(Regulation 3)

B. NOTICE OF SUSPENSION/CANCELLATION OF LICENCE

To:
(Name of applicant)

Address of applicant
.....

.....
Your security guard licence is hereby suspended/cancelled with effect from
..... on the following grounds:
(date)

- (1)
- (2)
- (3)
- (4)
- (5)

Date
Controller of Security
Guard Services

FORM 5C
(Regulation 3)

C. NOTICE OF REFUSAL OF PERMISSION

To:
(Name of applicant)

Address of applicant
.....
.....

Permission is hereby refused for
(Name of person it is proposed to employ)
to be employed as a security guard with
(Name of Security
Guard Service)
on the following grounds:

- (1)
- (2)
- (3)
- (4)
- (5)

You may within 30 days of receipt hereof, lodge with the Minister a written notice of appeal setting out the grounds thereof and the submissions made in relation thereto, and shall, at the same time lodge a copy of such appeal with me.

Date
Controller of Security
Guard Services

.....

FORM 6
Identity Card
(Regulation 10)

Emblem of Security
Guard Service

Identity No.

Name of holder Photograph

Address of holder of
..... holder

.....

The holder of this Card is an employee of

.....
.....

Date.....

Controller of Security
Guard Services

MADE this 30th day of January, 1987.

P.H.K. KEDIKILWE,
*Minister of Presidential Affairs
and Public Administration.*