



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

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BILL ESSENTIALS

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June 4, 2019

The Private Security Industry Bill, 2019

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BACKGROUND

1. **The Private Security Industry Bill, 2019**¹ (hereinafter referred to as “the Bill”) seeks to establish the Private Security Service Authority and to regulate the private security industry.
2. The private security industry encompasses a range of services, from manned guarding to alarm systems and has grown exponentially due to increasing levels of crime. However, the industry remains essentially unregulated and there has been an increase in number of unregistered security firms.
3. While certain legal provisions govern specific aspects of the operations of private security, such as precepts and firearms, there is no overarching legal framework for the private security industry. The existing provisions are largely deficient to regulate and control the growing and lucrative industry.
4. The Bill was introduced in the House of Representatives by the Honourable Fitzgerald Hinds, MP, Minister in the Ministry of the Attorney General and Legal Affairs on 06 May, 2019.

KEY FEATURES OF THE BILL

Act inconsistent with the Constitution

5. **The** proposed legislation is inconsistent with **Sections 4 and 5** of the **Constitution of the Republic of Trinidad and Tobago** and would therefore be required to be passed by a special majority of three-fifths of the members of each House.

Definition of Key Terms

6. The following key definitions are contained in **Clause 4** of the Bill:
 - “*close protection officer*” means an individual employed to escort or protect one or more individuals.
 - “*Commissioner*” has the meaning assigned to it under **section 3** of the **Police Service Act**.²
 - “*financial institution*” has the meaning assigned to it under **section 2** of the **Financial Institutions Act**.³
 - “*peace enforcement officer*” means an individual employed –

¹ <http://www.ttparliament.org/legislations/b2019h10.pdf>

² According to section 3 of the Police Service Act, Commissioner means the person appointed to the office of the Commissioner of Police in accordance with section 123(1)(a) of the Constitution.

³ According to section 2 of the Financial Institutions Act, a financial institution means a company which carries on or used to carry on all or any aspects of banking business or business of a financial nature.

(a) to prevent individuals from entering premises or to eject individuals from premises; or
(b) to guide or cordon off individuals during an event.

- “*private security industry*” means the industry which offers or provides a security service through a proprietary security organisation, a security officer or a special security officer.
- “*proprietary security organisation*” means a person who employs an individual, other than an Estate Police employed by the State, a Statutory Authority or a State Enterprise, to provide a security service for himself.
- “*recoverable property*” means criminal property, terrorist property or an instrumentality of a crime.
- “*protective services*” means—
 - the Police Service established under the Police Service Act;
 - the Defence Force established under the Defence Act;
 - the Fire Service established under the Fire Service Act;
 - the Prison Service established under the Prison Service Act;
 - the Municipal Police Service established under the Municipal Corporations Act;
 - the Special Reserve Police established under the Special Reserve Police Act; and
 - the Estate Police established under the Supplemental Police Act.
- “*security officer*” means a person who holds a security officer’s licence.⁴

Prohibited categories of persons

7. **Clause 5** provides for the prohibition of certain persons from applying for a licence under the proposed Act. According to Schedule 3, some of categories of the persons prohibited from applying for a licence include, *inter alia*, a police officer, an estate constable, a member of the Special Reserve Police, a fire officer, an immigration officer.

PART II: THE PRIVATE SECURITY SERVICE AUTHORITY

Establishment and Incorporation of the Authority

8. **Clause 6** of the Bill proposes the establishment a body corporate to be known as “the Private Security Service Authority” which shall be responsible for the regulation of the private security industry.
9. **Clause 7** of the Bill provides for the Seal of the Authority.
10. **Clause 8** of the Bill provides for the establishment, composition and appointment of the Board which is to be responsible for the management of the Authority.

⁴ The security officer’s licence is a licence issued under section 45(2) of the proposed Act.

11. The Board shall be comprised of the following members who shall be appointed by the President:
 - a) a Chairman and a Deputy Chairman, each of whom shall be an Attorney-at-law of at least ten (10) years' standing and appointed by the President on the recommendation of the Judicial and Legal Services Commission;
 - b) the Commissioner, or a police officer of the rank of Assistant Commissioner of Police or above, designated by the Commissioner;
 - c) a representative of the Ministry with responsibility for labour;
 - d) a representative of the business sector who is not associated with the private security industry; and
 - e) four other persons, suitably qualified by virtue of their knowledge of, and experience in, matters relating to the private security industry.

12. **Clause 9** of the Bill provides for the tenure and resignation of members of the Board. A member, other than the Commissioner of Police, shall be appointed for a term not exceeding five (5) years and is eligible for reappointment. The Chairman may resign by letter addressed to the President, whereas, a member may resign by letter addressed to the Chairman who shall immediately forward it to the President.

13. **Clause 10** of the proposed legislation provides for the termination and temporary appointment of a member of the Board. The President may revoke the appointment of a member if the member:
 - is declared bankrupt;
 - is incapable of performing his duties;
 - has neglected his duties;
 - brings his office into disrepute;
 - has been absent, without the leave of the Board, from three (3) consecutive meetings; or
 - has been convicted of an indictable offence or an offence under this Act.

14. Further, **Clause 10** provides that where a member is temporarily absent from Trinidad and Tobago or is temporarily prevented by illness or any other cause from exercising his functions as a member, the President may appoint another person to act in his place during the period of his absence or incapacity.

15. **Clause 11** of the Bill provides that the remuneration of members of the Board shall be determined by the President and reviewed by the Salaries Review Commission.

16. **Clause 12** provides for the procedure to be followed for the conduct of the meetings of the Board. The Board shall meet at least once every month and the quorum of a meeting

shall be five (5) members. The Clause also prescribes that the Board may make rules to regulate its own procedure for the conduct of its business.

Functions and Powers of the Authority

17. The functions and powers of the Authority are prescribed in **Clause 13** of the Bill. Some of the functions of the Authority include, but are not limited to:

- the establishment of Guidelines and Standards for the purposes of the proposed Act;
- regulation of the private security industry;
- issuance, revocation, suspension, cancellation and variation of licences;
- monitoring and inspection of the operations of licensees to ensure compliance with the proposed Act;
- conducting character and background investigations in relation to applicants for licences; and
- other functions as may be required to give effect to the proposed Act.

18. Additionally, **Clause 13** of the Bill enables the Minister (to whom responsibility for national security is assigned) give general policy directions, in writing, to the Authority. Further, the Authority is mandated to establish a website where it will publish the Guidelines and Standards of the Authority and the register of all licensees.

19. Further, the Clause mandates the Authority to keep a permanent record of:

- a) in relation to applicants for licences –
 - (i) photographs;
 - (ii) results of drug tests;
 - (iii) certificates of character;
 - (iv) evidence of training;
 - (v) results of background and character investigations;
 - (vi) certificates of medical fitness; and
 - (vii) applications;
- b) reports of Inspectors.

PART III: FINANCE

20. **Clause 14** establishes a fund to be known as the Private Security Service Authority Fund. The Fund shall consist of sums appropriated by Parliament and fees paid to the Authority. The monies shall be kept in an account in a financial institution approved by the Minister.

21. **Clause 15** provides the ways in which the monies of the Private Security Service Authority Fund are to be utilised, including the expenses incurred in the carrying out of the functions of the Authority, the remuneration and allowances of members, officers and other employees and the payment into the Consolidated Fund of any surplus funds remaining after defraying the expenditure.

22. **Clause 16** provides for the procedures for the approval of the budget of the Board. The Board shall prepare a budget in accordance with Generally Accepted Accounting Practice or such other form as the Minister may direct. The Estimates of Expenditure as approved by the Minister shall be the expenditure budget of the Authority for the financial year.
23. **Clause 17** provides for the making of financial rules, subject to the prior written approval of the Minister.
24. **Clause 18** provides that the Board shall ensure that proper accounts and records are maintained in accordance with internationally recognised accounting standards and principles and shall ensure that payments made by the Authority are correctly made and properly authorised. Further, the Clause states that the accounts of the Authority shall be a public account for the purposes of section 116 of the Constitution.
25. **Clause 19** of the Bill provides for the Authority to be exempted from certain taxes and duties including stamp duties, custom duties, purchase taxes and value added taxes in respect of assets acquired for its use in the performance of its functions under the Act.
26. **Clause 20** prescribes that the financial year of the Board shall be for a twelve (12) month period ending on 30th September each year.
27. **Clause 21** provides that the Board shall submit to the Minister, within three (3) months of the end of each financial year, an annual report of the activities of the Authority which is to be laid before Parliament.

PART IV: STAFF

28. **Clause 22** of the Bill provides for the terms of appointment of a Chief Executive Officer (“CEO”). The Clause provides that the CEO shall have ten (10) years’ experience in law enforcement or security and qualifications in finance, marketing or business administration. He/ She shall be appointed for a period of three (3) years and is eligible for reappointment.
29. **Clause 23** of the Bill prescribes the duties of the CEO. He/She shall be responsible for the day to day administration of the Authority and shall perform such functions as may be conferred on him by the Board.
30. **Clause 24** of the Bill provides for the appointment of a suitably qualified person as Secretary of the Board and the employment of other staff members. The staff of the Authority shall be paid such remuneration, including allowances, and be appointed on such terms and conditions as the Board may determine. Additionally, the Authority shall establish a pension plan for the benefit of its employees.

31. **Clause 25** of the Bill provides for the appointment of Committees by the Board, as it deems necessary.
32. **Clause 26** of the Bill provides for the secondment of persons to the service of the Authority. The Clause states that where any secondment is effected, the Authority shall make such arrangements as may be necessary to preserve the rights of the officer or employed person to superannuation benefits. A period of secondment shall not exceed five (5) years.

PART V: INSPECTORS

33. **Clause 27** of the Bill makes provision for the employment of Inspectors for the purpose of carrying out inspections under the proposed Act. A person employed under this Clause shall be the holder of a precept issued in accordance with the Supplemental Police Act.
34. Further, **Clause 28** provides for the procedures for the inspection of the operations of security service operators. It provides that an Inspector may conduct random inspections of the operations of a security service operator for the purpose of monitoring compliance with the Guidelines and the Standards of the proposed Act. Under **Clause 28**, an Inspector shall be allowed entry onto any premises or into any vehicle owned by a security service operator.
35. Additionally, pursuant to **Clause 28**, an Inspector may require the production of and inspect any licence and conduct such examinations, inspections and investigations as may be necessary to ascertain compliance with the proposed Act. Further, an Inspector is empowered to seize an article of a security service operator and carry it before a Magistrate. This can be done where he finds any article which he suspects has been used for committing an indictable offence or has reasonable grounds to believe that it can be used for committing an indictable offence.
36. **Clause 29** of the Bill outlines the procedures for the inspection of proprietary security organisations. It provides that an Inspector may conduct a random inspection of a security officer or special security officer in the employ of a proprietary security organisation during the normal working hours of the proprietary security organisation, for the purpose of monitoring the compliance of the security officer or special security officer with the proposed Act. Under **Clause 29**, an Inspector shall be allowed entry onto the premises of a proprietary security organisation.
37. Additionally, pursuant to **Clause 29**, an Inspector may require the production of and inspect any licence and conduct such examinations, inspections and investigations as may be necessary to ascertain compliance with the proposed Act. Further, an Inspector is empowered to seize an article of a proprietary security organisation and carry it before a Magistrate. This can be done where he finds any article which he suspects has been used

for committing an indictable offence or has reasonable grounds to believe that it can be used for committing an indictable offence.

38. **Clause 30** of the Bill provides for the procedure to be followed subsequent to an inspection of a security service operator, security officer or a special security officer. The process includes filing of reports and issuance of compliance notices. Under this Clause the Authority has the power to suspend or revoke licences of a security service operator or a proprietary security organization where there is failure to comply with the proposed Act.
39. **Clause 31** of the Bill provides for for the immunity of Inspectors where they act in good faith in performance of his duties, the exercise of their powers or the discharge of their function.

PART VI: SECURITY SERVICE OPERATORS

40. **Clause 32** prohibits a person from providing security services as a security service operator unless it is a company, none of its directors have been convicted of an indictable offence and it is the holder of a security services operator's licence.
41. **Clause 33** of the proposed legislation provides for the application process for the issuance of an operator's licence. An application shall be accompanied by:
 - (a) the prescribed non-refundable application fee;
 - (b) proof of group health insurance;
 - (c) a Clearance Certificate of Registration from the Board of Inland Revenue;
 - (d) a Compliance Certificate of Registration from the National Insurance Board;
 - (e) a Value Added Tax Certificate of registration, where applicable; and
 - (f) a certificate issued by the Registrar General in accordance with section 486 of the Companies Act.
42. **Clause 34** of the Bill provides for the evaluation of applications by the Authority within sixty (60) days from the date of receipt of an application and the procedure to be followed by the Authority when issuing or refusing to issue an operator's licence.
43. **Clause 35** of the Bill provides that the operator's licence shall be valid for three (3) years and an application for a new licence can be made before its expiry.
44. **Clause 36** of the Bill states the duties and obligations of a security service operator upon issuance of an operator's licence. It empowers the security service operator to apply for a work permit on behalf of a security officer. Further, the Clause requires the security service operator to administer random drug tests, on an annual basis, to its security officers. Additionally, the Clause provides for the security service operator informing the Authority of the employment and termination of security officers; keeping of employee records and guidelines for canine services.

45. **Clause 37** of the Bill places a duty upon security services operators to ensure that the persons they employ to carry out support security services have not been convicted of an indictable offence and to conduct random drug testing of its employees on an annual basis.
46. **Clause 38** provides that the Authority shall stipulate the minimum value of insurance that is to be held by a security services operator.
47. **Clause 39** provides for the voluntary surrender of a security service operator's licence to the Authority.
48. **Clause 40** of the Bill provides for the procedure to be followed where an operator's licence is lost, stolen, defaced, destroyed or otherwise misplaced. A security service provider has fourteen (14) days to inform the Authority of the occurrence.

PART VII: PROPRIETARY SECURITY ORGANISATIONS

49. **Clause 41** of the Bill prescribes the duties of a proprietary security organisation. It empowers the proprietary security organisation to apply for a work permit on behalf of a security officer. Further, the Clause requires the proprietary security organisation to administer random drug tests, on an annual basis, to its security officers. Additionally, the Clause provides for the proprietary security organisation informing the Authority of the employment and termination of security officers; keeping of employee records and provision of special equipment and uniform to its security officers.
50. **Clause 42** of the Bill places a duty upon proprietary security organisations to ensure that the persons they employ are suitably trained to carry out support security services and have not been convicted of an indictable offence. The Clause also enables the organization to conduct random drug tests.

PART VIII: SECURITY OFFICERS

51. **Clause 43** of the Bill also provides that a person who wishes to provide security services, other than as a close protection officer, a peace enforcement officer or a private investigator, shall apply for a security officer's licence and be employed by a security service operator or proprietary security organisation.
52. **Clause 44** provides for the manner in which an individual can make an application for a security officer's licence. An individual who is not less than eighteen (18) years old and has not been convicted of an indictable offence can apply for a security officer's licence.

53. **Clause 45** provides for the evaluation of applications by the Authority within sixty (60) days of the receipt of an application and the procedure to be followed by the Authority when issuing or refusing to issue a security officer's licence.
54. Further, **Clause 46** provides that a security officer's licence shall be valid for three (3) years and an application for a new licence can be made before its expiry.
55. **Clause 47** of the proposed legislation provides for a limit of one (1) year on the duration of a security officer's licence where the holder of the licence is sixty-five (65) years or older.
56. **Clause 48** of the Bill states the duties and obligations of a security officer upon being issued a security officer's licence. A security officer shall comply with the proposed Act, the Code of Ethics, the Guidelines and the Standards.
57. **Clause 49** of the Bill prescribes the powers of security officers. The security officers shall have the powers:
- (a) to search any person who is on or seeks entry onto the premises;
 - (b) to examine any article that is on or is being delivered onto the premises;
 - (c) to exclude or remove any person from the premises who, without good cause –
 - (i) refuses to be searched; or
 - (ii) refuses to allow an article in his possession to be examined;
 - (d) to exclude or remove any person from the premises in order to –
 - (i) protect persons or property; or
 - (ii) allow business to proceed without interference or delay;
 - (e) to require any person who is on or seeks entry onto the premises to identify himself;
 - (f) to detain any person who –
 - (i) without lawful permission, enters or attempts to enter the premises;
 - (ii) he suspects, or has reasonable cause to suspect, is engaged in an unlawful activity on the premises; or
 - (iii) commits an arrestable offence in his presence on the premises,and deliver the detained person as soon as possible into the custody of a police officer;
 - (g) to seize any weapon, other than a weapon that is in the lawful possession of a person on the premises, and deliver the seized weapon as soon as possible into the custody of a police officer; and
 - (h) to seize any article which he has reason to believe is being unlawfully removed from the premises.
58. The Clause further states that in using these powers the security officer may use reasonable force and in cases of detention he shall inform the person of the reason for the detention as soon as possible.

59. **Clause 50** of the Bill provides for the voluntary surrender of a security officer's licence.
60. **Clause 51** provides for the procedure to be followed where a security officer's licence is lost, stolen, defaced, destroyed or otherwise misplaced.

PART IX: SPECIAL SECURITY OFFICERS

61. **Clause 52** of the Bill provides that a person shall not provide security services as a special security officer unless he is the holder of a special security officer's licence.
62. **Clause 53** of the Bill provides for the application process for a special security officer's licence.
63. **Clause 54** of the Bill provides for the evaluation of applications by the Authority within sixty (60) days of the receipt of an application and the procedure to be followed by the Authority when issuing or refusing to issue a special security officer's licence.
64. **Clause 55** provides that the special security officer's licence shall be valid for two (2) years and an application for a new licence can be made before its expiry.
65. **Clause 56** prescribes the duties of the special security officer. It provides that a special security officer shall comply with this Act, the Code of Ethics, the Guidelines and the Standards.
66. **Clause 57** of the Bill provides for the obligations of a special security officer to notify the Authority where there is a change in his circumstances and to also keep adequate records for a six year period.
67. **Clause 58** of the Bill empowers a close protection officer to use reasonable force in the performance of his duties.
68. **Clause 59** of the Bill prescribes the powers of the peace enforcement officers. The peace enforcement officers shall have the powers:
- (a) to search any person who is on or seeks entry onto the premises;
 - (b) to examine any article that is on or is being delivered onto the premises;
 - (c) to exclude or remove any person from the premises who, without good cause –
 - (i) refuses to be searched; or
 - (ii) refuses to allow an article in his possession to be examined;
 - (d) to exclude or remove any person from the premises in order to –
 - (i) protect persons or property; or
 - (ii) allow business to proceed without interference or delay;

- (e) to require any person who is on or seeks entry onto the premises to identify himself;
 - (f) to detain any person who –
 - (i) without lawful permission, enters or attempts to enter the premises;
 - (ii) he suspects, or has reasonable cause to suspect, is engaged in an unlawful activity on the premises; or
 - (iii) commits an arrestable offence in his presence on the premises,and deliver the detained person as soon as possible into the custody of a police officer;
 - (g) to seize any weapon, other than a weapon that is in the lawful possession of a person on the premises, and deliver the seized weapon as soon as possible into the custody of a police officer; and
 - (h) to seize any article which he has reason to believe is being unlawfully removed from the premises.
69. The Clause further states that in using these powers the peace enforcement officer may use reasonable force and in cases of detention he shall inform the person of the reason for the detention as soon as possible.
70. **Clause 60** provides for the voluntary surrender of a special security officer's licence to the Authority.
71. **Clause 61** provides for the procedure to be followed where a special security officer's licence is lost, stolen, defaced, destroyed or otherwise misplaced.

PART X: THE PRIVATE SECURITY SERVICE REVIEW COUNCIL

72. **Clause 62** of the proposed legislation establishes the **Private Security Service Review Council**. The Review Council shall be comprised of the following five (5) members who shall be appointed by the President:
- (a) a Chairman and a Deputy Chairman, each of whom shall be an Attorney-at-law of at least ten (10) years' standing and appointed by the President on the recommendation of the Judicial and Legal Services Commission;
 - (b) three (3) other persons, suitably qualified with experience in human resource management, the protective services or the private security industry.
73. Further, the Clause provides that the remuneration and terms and conditions of the members of the Review Council shall be determined by the President and reviewed by the Salaries Review Commission.
74. **Clause 63** provides for the term of office for members appointed to the Review Council to be three (3) years. The Clause also provides for the resignation of a person from the Review Council by letter addressed to the President.

75. **Clause 64** of the proposed legislation provides for the termination and temporary appointment of a member of the Review Council. The President may revoke the appointment of a member if the member is:
- is declared bankrupt;
 - is incapable of performing his duties;
 - has neglected his duties;
 - brings his office into disrepute;
 - has been convicted of an indictable offence or an offence under this Act.
76. **Clause 65** of the Bill empowers the Review Council to review the decisions of the Authority in relation to the refusal, suspension or revocation of a licence.
77. Further, **Clause 66** provides for the procedure for the conduct of a review by the Review Council. The Clause allows for an affected person, that is a person who is refused a licence or whose licence is suspended or revoked, to apply to the Review Council for a review of the decision of the Authority. The Review Council shall hear and determine the review within ninety (90) days of receiving the application and give its reasons for its decision in writing.
78. Moreover, **Clause 67** empowers the Review Council to dismiss the review or confirm, vary, amend or set aside the decision of the Authority.
79. **Clause 68** of the Bill provides that appeals from a decision of the Review Council shall be to the High Court.

PART XI: OFFENCES AND PENALTIES

80. **Clauses 69 to 80** of the Bill prescribe various offences and penalties.
81. **Clause 69** creates an offence of obstruction of an Inspector. A person who obstructs an Inspector is liable on summary conviction, to a fine of fifteen thousand dollars (\$15,000.00) and to imprisonment for two (2) years.
82. **Clause 70** of the Bill makes it an offence for an Inspector to disclose information he receives during the course of his employment, where such disclosure is not authorised by law. An Inspector who commits this offence is liable, on summary conviction, to a fine of thirty thousand dollars (\$30,000.00) and imprisonment for five (5) years.
83. **Clause 71** makes it an offence for an Inspector to falsify his report of an inspection. An Inspector who commits this offence is liable, on summary conviction, to a fine of thirty thousand dollars (\$30,000.00) and imprisonment for five (5) years.

84. **Clause 72** of the Bill creates offences related to security services operator; namely, providing false or misleading information upon application for a licence, providing armed security services without a Firearm User's Licence, assignment of its operator's licence, failing to make full disclosure to an Inspector and failing to inform the Authority of changes.
85. A person who contravenes **Clause 72** or who fails to comply with **Clause 36(8)** or **36(9)** commits an offence and is liable on summary conviction in the case of –
- (a) a body corporate, to a fine of two hundred and fifty thousand dollars (\$250,000.00);
 - (b) a director or other officer of a body corporate, to a fine of one hundred thousand dollars (\$100,000.00) and imprisonment for twenty (20) years; or
 - (c) any other individual, to a fine of thirty thousand dollars (\$30,000.00) and imprisonment for five (5) years.
86. **Clause 73** creates offences related to proprietary security organisations, namely, failing to make full disclosure to an Inspector and failing to inform the Authority of changes.
87. A person who contravenes **Clause 73** or who fails to comply with **Clauses 41(4)** or **41(5)** commits an offence and is liable on summary conviction in the case of –
- (a) a body corporate, to a fine of two hundred and fifty thousand dollars (\$250,000.00);
 - (b) a director or other officer of a body corporate, to a fine of one hundred thousand dollars (\$100,000.00) and imprisonment for twenty (20) years; or
 - (c) any other individual, to a fine of thirty thousand dollars (\$30,000.00) and imprisonment for five (5) years.
88. **Clause 74** creates offences related to security officers, namely, providing false or misleading information upon application, carrying a firearm without a Firearm User's (Employee's) Certificate, handling a dog without having completed the prescribed training course, failing to return articles supplied to him for the execution of his duties where his employment comes to an end and assignment of his security officer's licence.
89. A person who contravenes this Clause commits an offence and is liable, on summary conviction, to a fine of twenty-five thousand dollars (\$25,000.00) and imprisonment for three (3) years.
90. **Clause 75** creates offences related to special security officers, namely, providing false or misleading information upon application, carrying a firearm without a Firearm User's (Employee's) Certificate, handling a dog without having completed the prescribed training course, assignment of his special security officer's licence.

91. A person who contravenes this Clause commits an offence and is liable, on summary conviction, to a fine of twenty-five thousand dollars (\$25,000.00) and imprisonment for three (3) years.
92. **Clause 76** of the Bill creates the offence of personation of a person who holds a licence. A person who commits an offence under this Clause is liable, on summary conviction, to a fine of thirty thousand dollars (\$30,000.00) and imprisonment for five (5) years.
93. **Clause 77** of the Bill makes it an offence to forge or tamper with a licence, identification badge and any other document issued pursuant to the proposed Act. A person who contravenes this Clause 73 commits an offence and is liable on summary conviction in the case of –
 - (a) a security service operator, to a fine of one hundred and seventy five thousand dollars (\$175,000.00);
 - (b) a director or other officer of a security service operator, to a fine of one hundred thousand dollars (\$100,000.00) and imprisonment for twenty (20) years;
 - (c) a security officer or special security officer, to a fine of thirty thousand dollars (\$30,000.00) and imprisonment for five (5) years; and
 - (d) a person other than a person referred to in paragraph (a), (b) or (c), to a fine of twenty thousand dollars (\$20,000.00) and imprisonment for three (3) years.
94. **Clause 78** of the Bill makes it an offence for a person to obtain or utilize a security service from a provider who is not licensed to provide that service. A person who contravenes this section commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars (\$100,000.00) and imprisonment for twenty (20) years.
95. **Clause 79** makes it an offence for a member of the Board or any person in the service of the Authority to disclose information he receives during the performance of his duties, unless he has a lawful excuse. A person who contravenes this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars (\$50,000.00) and imprisonment for two (2) years.
96. **Clause 80** makes it an offence for a member of the Board, the CEO and any other person attending a meeting of the Board to fail to declare his interest in any matter being considered by the Board. A person who contravenes this section commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars (\$100,000.00) and imprisonment for three (3) years.

PART XII: MISCELLANEOUS

97. **Clause 81** provides for the immunity of the members of the Board, employees or any person in the service of the Authority where they act in good faith in the discharge of their functions.

98. **Clause 82** empowers the Minister to make regulations, which shall be subject to negative resolution of Parliament. The Minister may make regulations in relation to uniforms, training, the procedure for filing of a complaint by members of the public, prescribed forms and so on. The regulations may also prescribe that a contravention of the regulations can constitute an offence punishable on summary conviction, in the case of –
- (a) a body corporate, to a fine of one hundred and seventy five thousand dollars (\$175,000.00);
 - (b) a director or other officer of a body corporate, to a fine of one hundred thousand dollars (\$100,000.00) and imprisonment for twenty (20) years; and
 - (c) any other individual, to a fine of thirty thousand dollars (\$30,000.00) and imprisonment for five (5) years.
99. **Clause 83** of the Bill empowers the Minister to amend the Schedules of the proposed Act.
100. **Clause 84** provides for a transitional period within which companies may continue to offer or provide security services that they were providing immediately before the coming into force of the proposed Act. This transitional period shall be for a period of eighteen (18) months after the coming into force of the proposed Act. A company that wishes to continue to provide security services after the transitional period, shall apply for an operator’s licence within fifteen (15) months of the coming into force of the proposed Act.
101. Further, the Clause places an obligation on the company to notify the Authority within one (1) month after the coming into force of the proposed Act, of their security service operation.
102. **Clause 85** provides for a transitional period within which individuals may continue to offer or provide security services that they were providing immediately before the coming into force of the proposed Act. This transitional period shall be for a period of eighteen (18) months after the coming into force of the proposed Act. An individual that wishes to continue to provide security services after the transitional period, shall apply for a security officer’s licence or special security officer’s licence within fifteen (15) months of the coming into force of the proposed Act.
103. Further, the Clause places an obligation on the individual to notify the Authority within one (1) month after the coming into force of the proposed Act, of his provision of security services.
104. Additionally, the Clause provides that upon the expiration of the eighteen-month period, an individual who belongs to the categories of persons listed under Part III of Schedule 3 shall not be allowed to apply for a licence or provide a security service.

105. **Schedule 1** provides the code of conduct for security service operators.
106. **Schedule 2** provides the code of ethics for security officers and special security officers.
107. **Schedule 3** lists security services, including support security services and the category of persons who are prohibited from providing security services.
108. **Schedule 4** sets out the forms of commitment to be signed by security service operators, security officers and special security officers.

PRIVATE SECURITY INDUSTRY ACTS IN OTHER JURISDICTIONS

Jamaica-Private Security Regulation Authority Act 1992

Establishment of the Private Security Regulation Authority

- The Act establishes a Private Security Regulation Authority which shall be a body corporate. Some of the functions of the Authority include regulating the private security industry, considering and determining applications under the Act for registration and licences and monitoring the operations of private security organisations – *sections 3 and 4*.

Functions of the Authority

- Functions of the Authority include: consider and determine applications under the Act for registration and for licences; monitor operations of private security organisations; make enquiries and collect information as it may think necessary for the purpose of carrying out its functions – *sections 4*

Cannot operate without a licence

- No person shall operate a private security organisation without a licence granted under the Act – *section 10*.

Duration of licence

- A licence shall remain in force for a period not exceeding five (5) years and may be renewed – *section 11*.

Grounds for refusal of a licence

- The Authority can refuse to grant a licence where: the applicant is under the age of eighteen (18); the applicant is bankrupt; the applicant has been convicted of an offence within the past ten (10) years; and the Authority believes that the person is mentally or physically unable to carry out the operations for which the licence is required.
- In relation to companies, the Authority can refuse to grant a licence where the company has been wound up; a receiver has been appointed; a director has been convicted of an offence; and it has been convicted of an offence.

- There is an obligation placed on the Authority to inform the applicant of the reasons for the refusal – *section 12*.

Appeals of the Authority's decisions

- Any person aggrieved by a decision of the Authority in relation to a cancellation of a licence or refusal to register may appeal the decision to the Minister within sixty (60) days of the decision. Any person wishing to appeal the decision of the Minister may appeal to the Court of Appeal – *section 23*.

St. Lucia – Private Security Act No. 28 of 2006

Establishment of the Saint Lucia Private Security Authority

- The Authority shall be a body corporate with a Board of five (5) members. The Board shall be appointed by Cabinet after consultation with the Commissioner of Police and the private security business community.
- Person eligible for appointment should have experience in one of the following areas: security or defence; law or law enforcement; finance or commerce; consumer affairs – *section 4*.

Functions and powers of the Authority

- Some of the functions and powers of the Authority include: receive and consider applications for the grant or renewal of licences; make recommendations to the Minister for the grant or refusal of applications; advise the Minister on the standards, codes of practice and Regulations to be prescribed – *section 5*.

Cannot operate without a licence

- No person shall operate a private security business unless that person is a holder of a valid licence granted under the Act – *section 30*.

Duration of licence

- A licence shall be valid for the period specified in the licence – *section 46*.

Grounds for refusal of a licence

- The Authority shall not make a recommendation for the grant of a licence where: the applicant is not a fit and proper person; the applicant does not have the prescribed qualifications, training and experience; the applicant is not competent to provide the security service to which the licence relates; the applicant has been convicted of a criminal offence – *section 35*.

Appeals of the Authority's decisions

- An Appeals Tribunal is established for the purpose of hearing appeals against the decisions of the Board and the Minister. A person must apply within fourteen (14) days of

a decision to the Appeals Tribunal. An appeal from a decision of the Appeals Tribunal may be made to the High Court – *section 54*.

Kenya – Private Security Regulation Act 2016

Establishment of the Private Security Regulatory Authority

- The Authority shall be a body corporate with a Board of twelve (12) members. The Board shall be appointed by President and the Cabinet Secretary.
- A person shall be eligible for appointment as the chairperson of the Board where: he is a citizen of Kenya; meets the requirements of Chapter Six of the Constitution; has at least fifteen (15) years' experience in security matters – *sections 7 and 11*.

Functions and powers of the Authority

- Some of the functions and powers of the Authority include: formulate and enforce standards for the conduct of the private security services industry; maintain a data bank of the operations, conduct and employment history of persons registered and licensed under this Act; register and license all persons involved in or conducting private security services in Kenya; set standards to encourage equal opportunity employment practices in the private security services industry – *section 9*.

Cannot operate without a licence

- No person shall engage in the provision of private security services unless that person is a licensed by the Authority under the Act – *section 28*.

Duration of licence

- A licence shall be valid for the period not exceeding five (5) years – *section 31*.

Grounds for refusal of a licence

- The Authority shall not make a recommendation for the grant of a licence where: a resolution has been passed or an order has been made for its winding up; a receiver has been appointed for any of its property; any of its directors has been convicted of an offence and sentenced to imprisonment for a period exceeding six months; it considers that it is not in the national interest to grant a licence – *section 30*.

Appeals of the Authority's decisions

- Any person aggrieved by a decision of the Authority may within thirty (30) days of the decision, appeal to the Cabinet Secretary. Any person aggrieved by a decision of the Authority or the Cabinet Secretary may appeal to any court of competent jurisdiction – *sections 43 and 44*.

General Powers of Private Security Service Provider

- In exercise of the citizens right to arrest, a private security service officer may arrest a person who commits an offence within the premises in which that officer is responsible

for and immediately hand over the person to the nearest police station or post– *section 46*.

- A private security service officer manning a building or responsible for any property may search a person on entry or exit of that building or property without a warrant – *section 47*.
- At the entry of any premises or property within the jurisdiction and care of a private security service officer, he may request a person to identify themselves, register the time of entrance and exit of the person and retain temporarily the identification document of such person – *section 48*.
- Nothing contained in this Part shall be construed as conferring upon a private security service officer the powers of a police officer or member of a disciplined service – *section 50*.

United Kingdom – Private Security Industry Act 2001

Establishment of the Security Industry Authority

- The Authority shall be a body corporate – *section 1*.

Functions and powers of the Authority

- Some of the functions and powers of the Authority include: to carry out the functions relating to licensing; to keep under review generally the provision of security industry services; to monitor the activities and effectiveness of persons carrying on businesses providing any such services; to make recommendations and proposals for the maintenance and improvement of standards in the provision of security industry services– *section 1*.

Cannot operate without a licence

- No person shall engage in any licensable conduct unless that person is a licensed under the Act – *section 3*.

Duration of licence

- A licence shall remain in force for a period of three (3) years – *section 8*.

Revocation and modification of licences

- The Authority may by notice in writing to the licensee modify or revoke any licence granted to him– *section 10*.

Appeals of the Authority's decisions

- Any person aggrieved by a decision of the Authority may within twenty-one (21) days of the decision, appeal to a Magistrates' Court. Any person aggrieved by a decision of the Magistrates' Court may appeal to the Crown Court – *section 11*.

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