

Regulation of Private Security Agencies Act (No. 45 of 1998) - Long Title

AN ACT TO REGULATE AND CONTROL THE CARRYING ON OF THE BUSINESS OF PRIVATE SECURITY AGENCIES ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 1

Short title and date of operation,

1. This Act may be cited as the Regulation of Private Security Agencies Act, No. 45 of 1998, and shall come into operation on such date as the Minister may appoint by Order published in the Gazette, (hereinafter referred to as the appointed date").

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 3

Appointment of Competent Authority

3.

(1) There shall be appointed, by name or by office, for the purposes of this Act"

(a) a Competent Authority ; and

(b) such number of officers and servants as may be necessary to assist the Competent Authority in the implementation of the provisions of this Act.

(2) The Competent Authority may where he considers it necessary for the efficient implementation of the provisions of this Act, delegate all or any of the powers conferred on him by this Act, to the District Secretary appointed for a district , so however, that the Competent Authority shall be responsible for any act or thing done ,or omitted to be done, by such District Secretary in the exercise of the powers delegated to him under this section .

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 5

Issue of licenses

5.

(1) Where a person has been register under the provisions of this Act ,the Competent Authority shall issue ,in the prescribed form and on payment of a prescribed fee, a licence to such person authorizing him to carry on the business of a Private security Agency .Every such licence shall be valid for a period of two years .

(2) A license issued under this section shall be subject to such terms and conditions (including condition relating to termination of employment, hours of work and other conditions of employment of personnel employed by a holder of license) as may be

prescribed.

(3) No licence issued under this Act shall be transferable to any other person and accordingly, any such transfer shall be null and void.

(4) Every licence issued under this section shall at all times be exhibited in the principal office or place of business of the person authorized by such licence to carry on the business of a private Security Agency.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 6

Register to be maintained by Competent Authority

6. The Competent Authority shall keep and maintain in the prescribed form a register of every person registered under this Act.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 8

Duty of person registered under this Act to inform Competent Authority of cessation of business

8.

(1) Where any person registered under this Act ceases to carry on the business of a Private Security Agency, he shall forthwith notify the Competent Authority of such cessation.

(2) On receipt of notice of cessation under subsection (1), the Competent Authority shall remove the name of such person from the register maintained by him under section 6 and shall cancel the licence issued to such person authorizing him to carry on the business of a Private Security Agency.

(3) Where the Competent Authority has reason to believe that any person registered under this Act is not carrying on business, of a Private Security Agency, the Competent Authority may send to such person a notice by registered post, requiring such person to furnish proof within three weeks from the date of such notice that he has not ceased to carry on business of a Private Security Agency. Where a person to whom a notice has been sent under this section fails to submit the proof required by the notice within such period specified in the notice, the Competent Authority shall remove the name of such person from the register maintained by him under section 6, and shall cancel the licence issued to such person authorizing him to carry on business of a Private Security Agency.

(4) The Competent Authority shall inform in writing, the person whose name is removed from the register, of the fact of such removal and cancellation of the licence, in terms of subsection (3).

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 9

Any change in particulars in the application for registration to be notified to Competent Authority

9. Every holder of a licence issued under this Act shall, within thirty days of any change in the particulars contained in his application for registration under this Act, notify the Competent Authority in writing, of such change.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 10

Renewal of licence,

10. A licence issued or renewed under this Act, may be renewed by the Competent Authority for a period of two years, on application made to him in that behalf in the prescribed form, within a period of three calendar months prior to the expiry of the licence in force.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 11

Cancellation of licence

11. The Competent Authority may cancel or refuse to renew a licence issued or renewed under this Act, if he is satisfied, after affording the holder an opportunity of being heard, that the holder of the licence"

(i) has contravened any provision of this Act or of any regulation made there under or any term or condition to which such licence is subject;

(ii) has conducted his business in such a manner as is detrimental to the safety of the person or property of the persons who have availed themselves of the services provided by him.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 12

Appeals against refusal to register, cancellation c

12.

(1) Any person who is aggrieved by the refusal of the Competent Authority to register such person under section 4. or by the cancellation, or refusal to renew, a licence, issued or renewed under this Act may, within thirty days after the receipt of the decision, refusing to register or canceling or refusing to renew, a licence, as the case may be, appeal, in writing, against such decision to the Secretary of the Ministry.

(2) Any person aggrieved by the decision of the Secretary to the Ministry on an appeal made to him under subsection (1), may appeal in writing, against such decision to the Minister, whose decision shall be final. Both such appeals shall be disposed of within a period of one month.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 13

Directions,

13. The Minister may from time to time issue in writing general or special directions to the Competent Authority for the purpose of giving effect to the provisions of this Act and the Competent Authority shall give effect to such directions.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 14

Powers of entry,

14. The Competent Authority or any person authorized in writing by the Competent Authority may enter at any time, any premises on which a person registered under this Act is carrying on the business of a Private Security Agency or any premises in respect of which such person is providing any services which he is authorized to provide by a licence issued under this Act, for the purposes of ascertaining whether the provisions of this Act or the terms and conditions of such licence are being complied with.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 15

Carrying on business of a private security Agency without licence, an offence

15. Any person who carries on the business of a private security agency without being licensed under this Act, shall be guilty of an offence under this Act, and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding ten thousand rupees or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 16

Miscellaneous offences

16. Every person, who-

- (a) contravenes any provision of this Act or any regulation made there under;
- (b) makes any statement, in an application or declaration made by him under section 4, or in any record maintained, by him or in any return furnished under section 7. knowing such statement to be false in any material particulars ; material particulars ;
- (c) resists or obstructs the Competent Authority or any person authorized in writing by the Competent Authority, in the exercise, by such Competent Authority, or person of the powers conferred on him by Section 14; or
- (d) influences or attempts to influence the competent Authority or any person

authorized in writing by the competent Authority in the exercise ,by such Competent Authority or person, of the powers conferred on him by section 14,

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 17

Offences by bodies of persons

17. Where an offence under this Act is committed by a body of persons, then "

(a) if that body is a body corporate, every director of the body corporate shall be deemed to be guilty of an offence ; and

(b) if that body is a firm, every partner of that firm shall be deemed to be guilty of that offence :

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 18

Regulations,

18.

(1) The Minister may make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are required or authorized to be made under this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for, or in respect of, any or all of the following matters :"

(a) the procedure for selection of personnel by registered Private Security Agencies, including the security clearance to be obtained in respect, of such personnel ;

(b) the initial training and in-service training to be provided for such personnel ;

(c) the uniforms to be worn by such personnel ;

(d) the level of competence in the use of firearms, to be possessed by such personnel.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of publication or on such later date as may be specified therein.

(4) Every regulation made by the Minister, shall-as soon as convenient after its publication in the Gazette be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done there under.

(5) The Notification of the date on which any regulation is deemed to be so rescinded shall be published in the Gazette.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 19

For the avoidance of doubt

19. It is hereby declared for the avoidance of doubt that the provisions of this Act shall not apply in relation to the State.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 20

Sinhala text to prevail in case of inconsistency

20. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Regulation of Private Security Agencies Act (No. 45 of 1998) - Sect 21

Interpretation

21. In this Act unless the context otherwise requires-"business of a private Security Agency" means the business of providing for payment, services for the protection of persons including persons employed in the public sector, or of property (including property owned by the state); "competent Authority "means the person appointed under section 3 to be the Competent Authority for the purposes of this Act.