



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**REGULATION OF PRIVATE SECURITY
AGENCIES ACT, No. 45 OF 1998**

[Certified on 19th August, 1998]

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Regulation of Private Security Agencies
Act No. 45 of 1998

[Certified on 19th August, 1998]

L.D.—O. 9/96.

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

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

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").

Short title and date of operation.

2. (1) From and after the appointed date no person shall carry on the business of a Private Security Agency except under the authority of, and otherwise than in accordance with the terms and conditions of, a licence issued in that behalf under the provisions of this Act:

Registration of persons carrying on business of Private Security Agencies.

Provided that any person who prior to the appointed date was carrying on the business of a Private Security Agency may continue to do so for a period of six months from such date, but shall within such period apply for registration, and obtain a licence under the provisions of this Act.

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

Appointment of Competent Authority.

(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.

Application for
registration of
persons carrying
on business of
Private Security
Agencies.

4. (1) Every application for registration under this Act shall be made to the Competent Authority in the prescribed form, by a person carrying on, or proposing to carry on the business of a Private Security Agency and shall be accompanied by a declaration by the applicant that the particulars contained in the application are to the knowledge and belief of the applicant, true and accurate.

(2) Where an application for registration is made to the Competent Authority under subsection (1) he may call for such information or documents from the applicant which he considers necessary for the purpose of considering such application.

(3) The Competent Authority may, after considering the application and any information or document, furnished to him under subsection (2) register the applicant, if he is satisfied that the applicant has the necessary training and facilities to carry on the business of a Private Security Agency, that the registration of the applicant will not be prejudicial to national security, and that the applicant or person managing the affairs of the applicant has not been convicted of an offence involving moral turpitude.

Issue of licences.

5. (1) Where a person has been registered 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 authorising 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 licence issued under this section shall be subject to such terms and conditions (including conditions relating to termination of employment, hours of work and other conditions of employment of personnel employed by a holder of licence) 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.

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

Register to be maintained by Competent Authority.

7. (1) The holder of a licence issued under this Act authorizing him to carry on business of a Private Security Agency shall at all times conduct his business in such a manner as will safeguard the person and property of the persons who avail themselves of the services provided by such holder.

Manner of conduct of business by person licensed under this Act.

(2) The holder of a licence issued under this Act shall maintain such records and furnish such returns to the Competent Authority as may be prescribed.

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.

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

(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).

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.

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.

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 thereunder 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.

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 cancelling or refusing to renew, a licence, as the case may be, appeal, in writing, against such decision to the Secretary of the Ministry.

Appeals against
refusal to register,
cancellation
&c.

(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.

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.

Directions.

14. The Competent Authority or any person authorised 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 authorised 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.

Powers of entry.

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.

Carrying on
business of a
Private Security
Agency without
licence, an
offence.

Miscellaneous
offences.

16. Every person, who—

- (a) contravenes any provision of this Act or any regulation made thereunder ;
- (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 ;
- (c) resists or obstructs the Competent Authority or any person authorised 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 authorised in writing by the Competent Authority in the exercise, by such Competent Authority or person, of the powers conferred on him by section 14,

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 five thousand rupees or to imprisonment of either description to a term not exceeding five years or to both such fine and imprisonment.

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 ;

Provided, however, that no such director or partner shall be deemed to be guilty of an offence under this Act, if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.

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. Regulations.

(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 thereunder.

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

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

For the
avoidance of
doubt.

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.

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.

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