



## **BELIZE**

# **PRIVATE SECURITY AND INVESTIGATION SERVICES (CONTROL) ACT CHAPTER 138:01**

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**CHAPTER 138:01**

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**CHAPTER 138:01**

**PRIVATE SECURITY AND INVESTIGATION**

**SERVICES (CONTROL)**

37 of 2002.  
S.I. 129 of 2002

*[1<sup>st</sup> November, 2002]*

**PART I**

*Preliminary*

**1.** This Act may be cited as the Private Security and Investigation Services (Control) Act.

Short title.

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

Interpretation.

“Commissioner” means the Commissioner of Police and includes any person acting on his authority;

“company” includes a firm, a statutory body, and any body of persons, corporate or un-incorporate;

“licence” means a licence granted under this Act;

“licence holder” or “licensee” means the holder of a licence under this Act;

“Minister” means the Minister responsible for police and security matters;

“private investigator” means a person carrying out investigations for private clients on a freelance basis;

“Regulations” means regulations made under this Act;

“security company” means a company, firm or other person or entity who engages in the business of providing private investigation or security services;

“security guard” means a person, who for hire or reward, guards or patrols for the purposes of protecting persons or property.

Application of the Act.

**3.** This Act shall not apply to,

- (a) attorneys-at-law in the practice of their profession, or to their employees while acting in the usual and regular scope of their employment;
- (b) persons who search for and furnish information,
  - (i) as to the financial credit rating of persons;
  - (ii) to employers as to the qualifications and suitability of their employees or prospective employees;
  - (iii) as to the qualification and suitability of applicants for insurance and indemnity bonds and who do not otherwise act as private investigators;
- (c) the Belize Police Department or any person acting under the authority of any Act;
- (d) insurance adjusters and their employees while acting in the usual and regular scope of their employment;
- (e) insurance companies lawfully carrying on business in Belize and their employees while acting in the usual and regular scope of their employment;
- (f) a watchman who is not employed by a company;
- (g) unarmed invigilators employed in shops and business establishments to oversee customers;

- (h) casual security guards whose employment is less than two days at a time and who do not carry firearms; or
- (i) any other class of persons excepted by the Regulations.

## PART II

### *Licensing Requirements and Control of Firearms*

4.-(1) No person shall,

- (a) engage in the business of providing private investigation or security services; or
- (b) act as a private investigator or a security guard, unless he is a licence holder under this Act.

Prohibition against providing security services, etc. without a licence.

(2) No person shall hold himself out as acting as a private investigator or a security guard or as being engaged in the business of providing private investigation or security services unless he is licensed under this Act.

(3) Every person who, at the commencement of this Act, is engaged in the business of providing private investigation or security services, or who is acting as a private investigator or a security guard, shall, if he or it intends to continue to do so, apply to the Commissioner for a licence within one month of such commencement, and shall, if the licence is refused, forthwith cease to continue in such work or business.

(4) Any person who contravenes subsections (1), (2) or (3) of this section, commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(5) Where an offence under this section is committed by a security company and is proved to have been committed with the consent or connivance of any director, chief executive officer, manager, secretary or other similar officer or servant of the security company, such director,

chief executive officer, manager, secretary or other similar officer or servant shall be deemed to have committed the offence under this section and shall be liable to be proceeded against and punished accordingly, in addition to or together with the security company.

Application for a licence.

**5.** An application for a licence under this Act shall be made to the Commissioner in such form and accompanied by such fee and documents as may be prescribed by regulations made under this Act.

Criteria for licensing.

**6.**—(1) Subject to subsections (2) and (3) of this section, the Minister may by regulations determine the criteria for eligibility for a licence under this Act.

(2) No licence shall be granted to any person who,

- (a) is under the age of 18 years;
- (b) has been convicted in a court of law (whether in Belize or elsewhere) within five years immediately preceding the date of his application, of any offence involving violence or dishonesty;
- (c) is known to be of bad character;
- (d) is not sufficiently trained in the use of firearms; or
- (e) is otherwise for good cause not a fit and proper person.

(3) No licence shall be granted to a security company unless such company,

- (a) produces satisfactory evidence of its financial viability;
- (b) has obtained or undertakes to obtain adequate insurance cover in respect of its employees and day-to-day operations; and



- (c) has instituted a system for the proper training of security guards employed by it in the use of firearms and other weapons and equipment.

7.-(1) A licence granted under this Act shall be in such form as may be prescribed by Regulations.

Form, duration and conditions of licence.

(2) Every licence issued under this Act shall expire on the 31<sup>st</sup> day next following but may be renewed on payment of the prescribed fee. In the case of renewal, it shall not be necessary to submit a new application for a licence.

(3) The Commissioner may attach to a licence granted under this Act such conditions as he may think fit.

8. The Commissioner may, after giving the licensee an opportunity to be heard, suspend or cancel a licence where,

Suspension or cancellation of licence.

- (a) the licensee is convicted of an offence under this Act;
- (b) the licensee is convicted of an offence under the Criminal Code or of an offence of which violence or dishonesty is an element; or
- (c) the licensee is in breach of a condition of the licence.

9.-(1) Any person dissatisfied with a decision of the Commissioner, whereby the renewal of a licence previously held by him during the preceding annual licence period is refused, or is granted subject to conditions not imposed on the previous licence, may within twenty-one days of receipt of notification of the decision, by notice in writing, appeal to the Supreme Court against such decision.

Appeals.

(2) The Commissioner shall upon the request of the person who is appealing under this section give written reasons for the decision appealed against.

Surrender of licence on closing down of business.

**10.**—(1) Every security company which is licensed to engage in the business of providing private investigation or security services shall, immediately upon closing down its business, surrender and forward its licence to the Commissioner.

(2) Any person who, without reasonable excuse, fails to forward a licence to the Commissioner as soon as reasonably practicable after he is required to do so under this section, commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or both to such fine and imprisonment.

Employer to ensure that employee is licensed.

**11.**—(1) No security company or other person engaged in the business of providing private investigation or security services shall employ as a private investigator or a security guard a person who is not a licence holder.

(2) Any person who contravenes subsection (1) of this section, commits an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Name of business.

**12.**—(1) No person shall engage in the business of providing private investigation or security services in a name other than that in which that person is licensed.

(2) Any person who contravenes subsection (1) of this section commits an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Means of identification.

**13.**—(1) Every private investigator shall while investigating, carry on his person his licence and shall produce it for inspection at the request of any police officer or other person authorised by the Commissioner.

(2) Every security guard shall wear a badge of a design, and in the manner, prescribed in the Regulations while acting as a security guard.

(3) Every security guard while on duty shall carry on his person his licence and shall produce it for inspection at the request of any police officer or other person authorised by the Commissioner.

(4) Any private investigator or security guard who contravenes this section commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

**14.**-(1) The Commissioner may, by notice in writing, require any licensee to furnish to him, within the time specified in the notice, such information, being relevant to the discharge by the Commissioner of his functions under this Act.

Supply of information.

(2) Any person who fails to comply with a notice under this section commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

**15.**-(1) Where a security company has been granted a licence under this Act, it may apply to the Commissioner for a firearm licence under the Firearms Act, Cap. 143 for such number and category of firearms and ammunition as it may reasonably require to carry out its operations.

Grant of firearm licences to security companies.

(2) It shall be lawful for the Commissioner to issue one firearm licence to a security company to cover all firearms and ammunition which the Commissioner may approve for the reasonable use of such company.

(3) A security company shall be responsible for the proper custody and safe keeping of firearms and ammunition for which it is licensed.

(4) Every security company to whom a firearm licence has been granted shall forward to the Commissioner a list of security guards employed by it to whom it intends to issue the licensed firearms. Any change in such list shall be immediately notified to the Commissioner.

(5) A security company shall issue the licensed firearms only to such security guards employed by it whose names have been previously notified to the Commissioner and who are certified by the Commissioner as fit and proper persons for handling a firearm.

(6) A security company shall, on every occasion when it issues a firearm to a security guard, keep a full record of the number and type of the firearm so issued, and shall produce such record to a police officer if so required.

(7) A security company shall ensure that the firearms are issued to its security guards solely for the lawful exercise of their functions, and shall be liable for any improper or un-authorised use of any firearm by any of its security guards.

(8) Every security company shall be responsible for imparting suitable training to the security guards employed by it in the use of firearms and shall at all times abide by the Code of Conduct and other regulations and instructions issued by the Commissioner.

(9) Notwithstanding section 3 of the Firearms Act, Cap. 143, but subject to the provisions of this section, it shall be lawful for a security guard,

- (a) who is licensed under this Act;
- (b) who is employed as a security guard by a security company; and
- (c) whose name appears on the list of security guards sent to the Commissioner under subsection (4) above and who is certified by the Commissioner as being a fit and proper person for handling a firearm,

to use any of the firearms or ammunition for which the security company with whom he is employed is licensed under the Firearms Act, Cap. 143, for the lawful exercise of his duties as a security guard.

(10) Every security company or security guard who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, and, in addition, the licence of such company or security guard may be revoked.

### PART III

#### *Miscellaneous*

**16.**-(1) Every person who,

Offences.

- (a) knowingly furnishes false information in any application under this Act or in any statement required to be furnished under this Act or the Regulations;
- (b) being a licensee fails to comply with any condition of his licence;
- (c) fails to keep any books or records or furnish any information or return required to be kept or furnished under this Act or the Regulations; or
- (d) assaults, resists or obstructs, or aids or incites any person to assault, resist or obstruct, a security guard while in the execution of his duty,

commits an offence and, unless the punishment for such offence is specifically provided, shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who with intent to deceive or impersonate a private investigator or a security guard, makes any statement or does any act calculated falsely to suggest that he is a private investigator or a security guard, commits an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

Evidence.

- 17.** A certificate of the Commissioner,
- (a) that a person was or was not at any date a licence holder;
  - (b) as to the conditions subject to which any licence was issued;
  - (c) that any document required to be forwarded to the Commissioner under this Act has or has not been forwarded, and if forwarded, the date upon which it was received,

shall be sufficient evidence of the fact until the contrary is proved.

Regulations.

**18.**—(1) The Minister may, after consultation with the Commissioner, make regulations for the better carrying out of the provisions of this Act and for prescribing anything that needs to be prescribed.

(2) Without prejudice to the generality of the foregoing, such Regulations may prescribe,

- (a) the criteria and training requirements for obtaining a licence under this Act;
- (b) the form of application for a licence;
- (c) the documents to accompany an application;
- (d) the form of licence;
- (e) the fees to be charged for a licence or renewal thereof.

(3) Subject to any regulations made by the Minister under this section, the Commissioner may issue instructions and guidelines to security companies for the proper use and custody of firearms and the training of security guards.