

a citizen of Lesotho.

- (5) If a member appointed under subsection (2) (f) ceases to hold office before the expiry of his term of office, the Minister may appoint a person to fill the vacancy for the unexpired term of office of that member.

Functions of the Board

4. (1) The Board shall –

- (a) with the approval of the Minister prescribe –
- (i) conditions for training of Private Security Guards;
 - (ii) types and number of firearms to be used in the Private Security Industry;
 - (iii) types of uniform and badges of rank for Private Security Guards; and
 - (iv) types of armouries and storage of firearms, uniform and other equipment.
- (b) draw up a code of conduct for Private Security Guards;
- (c) screen applications for prospective Private Security Officers and Private Security Guards for any criminal record and in order to ascertain if they are fit and proper persons to be employed in the private security industry;
- (d) issue certificates of registration;
- (e) suspend, withdraw or remove the name of the registered Private Security Officer or Private Security Guard from operating as a Private Security Officer or Private Security Guard where they have acted contrary to the provisions of this Act;
- (f) lay down the criteria for the establishment, management and recruitment of personnel and the standards to be maintained in the operations of Private Security Officers or Private

Security Guards;

- (g) raise the status, maintain the integrity and promote the interests of Private Security Guards in the country;
- (h) recommend to the Minister upon any matter affecting the well being of Private Security Guards; and
- (i) give advice in connection with the training of Private Security Guards, and promote the standards of training of Private Security Guards;

(2) A code of conduct drawn up pursuant to subsection (1) paragraph(b) shall be published by notice in the Gazette.

Meetings of the Board

5. (1) The Board shall meet whenever the business of the Board requires but at least once in every 3 months.

(2) The Chairman shall preside at all meetings of the Board and in his absence, the members present shall elect one of their numbers to preside.

(3) At the meetings of the Board, two thirds of the members of the Board shall form a quorum.

(4) The decisions of the Board shall be by a majority of votes and in the event of equality of votes, the Chairman shall have a casting vote as well as a deliberative vote.

(5) The Board may, subject to this section, regulate its procedure at its meetings.

Rules

6. (1) The Minister may, on the advice of the Board, make rules necessary or expedient for the performance of the functions and duties of the Board and for the exercise of its powers under this Act, and without prejudice to the generality of the powers conferred by this Act, such rules may prescribe -

- (a) the manner in which complaints or charges brought against a person

registered under this Act are lodged;

(b) the method of summoning an accused person, to attend an inquiry and the penalties for failure or refusal on the part of the accused person to attend when summoned or for obstructing or interrupting the proceedings;

(c) forms for summoning attendance of witnesses or production of any book, record, document or any other thing.

(2) The Chairman of the Board shall cause rules made under subsection (1) to be published by notice in the Gazette.

Registrar

7. (1) Subject to the laws relating to the Public Service, the Minister shall appoint a Registrar of the Board who shall be a public officer.

(2) The Registrar shall-

(a) establish and maintain a register of all Private Security Officers and Private Security Guards; and

(b) be responsible for the day to day running of the business of the Board.

Prohibition to render a Private Security Service without a certificate of registration

8. (1) Upon the coming into operation of this Act -

(a) no person shall render a private security service unless he has been issued with a certificate of registration as required by this Act, and if such a person is a company, every director is registered with the Board;

(b) no partnership shall render a private security service unless every partner is registered with the Board and issued with a certificate of registration as required by this Act;

(c) an employee of a person or partnership rendering a security

service shall not render a security service unless he is registered with the Board as a Private Security Officer.

(2) Notwithstanding the provisions of subsection(1), a person, company or partnership and every director in the company or partner in the partnership already rendering private security service in Lesotho immediately before the coming into operation of this Act may continue to operate without registering for a period of six months within which time the person shall register in accordance with the provisions of this Act.

(3) A person who contravenes this section commits an offence and is liable on conviction to a fine not less than M10,000 but not exceeding M20,000 or to imprisonment for a period not exceeding 5 years or both.

Application for registration as a Private Security Officer

9. (1) A person who wishes to register as a Private Security Officer shall apply to the Board on the prescribed form.

(2) The application made pursuant to subsection(1) shall be accompanied by the following:

(a) a clear and complete set of finger prints of the applicant if the applicant is a natural person or of each director if the applicant is a company or each partner if the applicant is a partnership; and

(b) the prescribed application fee; and

(c) the bank statement from a local bank.

(3) The Board shall, where it is satisfied that the applicant has complied with the provisions of this Act, and subject to section 10, approve the application and register the applicant as a Private Security Officer on such terms and conditions as it may determine.

(4) Every Private Security Officer shall, before employing any person as a Private Security Guard, ensure that the person is registered with the Board as a Private Security Guard.

Disqualifications

10. (1) No person shall qualify to register as a Private Security Officer or a Private Security Guard if -

(a) he was at any time, whether before or after the commencement of this Act, convicted in Lesotho or elsewhere of any offence punishable by imprisonment;

(b) he has been found guilty of any offence involving dishonesty or use of dangerous weapons;

(c) he suffers from mental incapacity as defined by Mental Health Law⁴;

(d) he is under the age of 18 years;

(e) he is an unrehabilitated insolvent; or

(f) he is suffering from habitual drunkenness or from narcotics addiction or dependence.

(2) No company or partnership shall qualify to register as a Private Security Officer, if a director of the company or a partner in the partnership is in terms of subsection (1) not qualified to register as a Private Security Officer.

(3) A person who contravenes this section commits an offence and is liable on conviction to a fine not less than M10,000 but not exceeding M20,000 or to imprisonment for a period not exceeding 5 years or both.

Certification of registration

11. (1) Where a person has been registered as a Private Security Officer pursuant to subsection 9(3), the Board shall issue to him a certificate of registration in the prescribed form.

(2) If a certificate of registration is lost, destroyed or defaced, the Private Security Officer may apply in writing to the Registrar for a duplicate certificate of registration and upon being satisfied as to the loss, destruction or defacement, the Board shall issue to the Private Security Officer a duplicate certificate of registration.