

THE PRIVATE SECURITY INDUSTRY REGULATION BILL, 2010**ARRANGEMENTS OF CLAUSES**

Clause

PART 1—PRELIMINARY

- 1— Short title and Commencement.
- 2—Interpretation

**PART II—ESTABLISHMENT AND COMPOSITION OF THE
AUTHORITY**

- 3—Establishment of Authority
- 4—Object of the Authority
- 5—Functions of the Authority
- 6—Board of the Authority
- 7—Functions of the Board
- 8—Powers of the Board
- 9—Powers of the Cabinet Secretary
- 10—Staff of the Authority
- 11— Meetings of the Board
- 12—Funds of the Authority
- 13—Financial year
- 14—Annual estimates
- 15—Accounts and Audit

**PART III—REGISTRATION AS A PRIVATE SECURITY SERVICES
PROVIDER**

- 16—Requirement for Registration
- 17—Conditions for Registration
- 18—Inspection
- 19—Ineligibility for Registration
- 20— Certification
- 21—Board to keep register
- 22—Registered person to keep register of employees
- 23—Refusal of registration
- 24—Code of conduct
- 25—Offences

PART IV—INQUIRY INTO CONDUCT OF PRIVATE SECURITY SERVICES PROVIDERS

26—Conduct of inquiry.

27—Private security fidelity levy

28—Private security fidelity Fund

29—Equipment

30—Regulations

First Schedule — Provisions relating to the conduct of Business and Affairs of the Board

Second Schedule — The Private Security Services Providers Code of Conduct

The Private Security Industry Regulation Bill

A Bill for

An Act of Parliament to provide for the regulation of the private security industry; to establish and provide for the functions of a regulatory authority; to prescribe conditions for the operation of private security firms; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART 1— PRELIMINARY

Short title and Commencement..

- 1.** This Act may be cited as the Private Security Industry Regulation Bill, 2010 and shall come into operation upon publication in the Gazette.

Interpretation.

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

“Authority” means the Private Security Industry Regulatory Authority established under section 3(1);

“Board” means the Board of the Authority established under section 6;

“disciplined forces” includes the National Police Service, the Kenya Defence Forces and any other person performing police duties in accordance to any written law;

“misconduct” means any action, or failure or refusal to act, which although it may not necessarily constitute a contravention of law, does not meet—

- (a) the requirements of the Code of conduct referred to under section 24;
- (b) the values set out under Article 10 of the Constitution; or
- (c) applicable norms and standards provided for in international instruments applicable to Kenya;

“private security provider” means a person or body of persons, other than a Government agency, providing private security services to any person;

“private security firms” means a body corporate, including a partnership, which provides private security services

The Private Security Industry Regulation Bill

“private security services” means any of the services specified in section 16 (2).

PART II— ESTABLISHMENT AND COMPOSITION OF THE AUTHORITY

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| Establishment of Authority. | <p>3. (1) There is hereby established an Authority to be known as the Private Security Industry Regulatory Authority.</p> <p>(2) The Authority shall be a body corporate with perpetual succession and a common seal, and capable in its corporate name of—</p> <p>(a) suing and being sued;</p> <p>(b) acquiring , holding and disposing of movable and immovable property; and</p> <p>(c) doing or performing all such other things or acts as may lawfully be done by a body corporate.</p> |
| Object of the Authority. | <p>4. The object for which the Authority is established is to regulate the private security industry and to exercise effective control over the provision of private security services in the interest of the public.</p> |
| Functions of the Authority. | <p>5. The functions of the Authority shall be to—</p> <p>(a) ensure that security services providers act in the public and national interest in rendering their services;</p> <p>(b) promote professionalism, transparency, accountability, and stability, equity and accessibility in the private security industry;</p> <p>(c) determine, prescribe and enforce minimum standards of occupational conduct in respect of the security services industry;</p> <p>(d) encourage and promote efficiency and responsibility in the rendering of security services;</p> <p>(e) promote, maintain and protect the status and interests of the occupation of security services provider;</p> <p>(f) ensure that the process of registration of security services providers is transparent, fair, objective and is concluded without delay;</p> |

The Private Security Industry Regulation Bill

- (g) promote high standards in the training of security services providers and prospective security services providers;
- (h) encourage equal opportunity employment practices in the private security industry;
- (i) promote the protection and enforcement of the rights of private security officers and other employees in the private security industry;
- (j) ensure that compliance with existing legislation by security service providers is promoted and controlled through a process of active monitoring and investigation of the affairs of security services providers;
- (k) protect the interests of the users of security services,
- (l) promote the development of security services which are responsive to the needs of the users of such services and of the community;

Board of the
Authority.

- 6.** (1) The Authority shall be governed by a Board consisting of a chairman appointed by the President and the following members appointed by the Cabinet Secretary—
- (a) four members representing respectively—
 - (i) the Office of the President;
 - (ii) the Principal Secretary in the State Department responsible for finance;
 - (iii) the Principal Secretary in the State Department responsible for labour; and
 - (iv) the National Police Service;
 - (b) one member representing employers' organization;
 - (c) one member representing the insurance industry;
 - (d) two members representing workers' organizations;
 - (e) two members representing private security associations;
 - (f) one member nominated by registered residents' associations to represent the interests of residents.

The Private Security Industry Regulation Bill

(2) The Director shall be secretary to the Board.

Functions of the Board.

7. The functions of the Board shall be to—

- (a) enquire into and report to the Cabinet Secretary on any matter concerning the functions of the Authority;
- (b) advise the Cabinet Secretary on any matter deemed by the Authority to be necessary or expedient to be considered by the Cabinet Secretary in connection with the provisions of this Act or the application thereof, and on any other matter relating to security services which has been referred by the Cabinet Secretary to the Board for advice and recommendations;
- (c) conduct investigations with regard to the provision of security services and the activities of security services providers, and to deal with any evasion, abuse or violation of the procedures or any policy or rule made in terms thereof;
- (d) grant or renew registration certificates to private security providers who comply with the requirements for such registration or renewal of registration under this Act;
- (e) facilitate the training of security services providers to ensure a high quality of training, and in particular with regard to—
 - (i) the registration, accreditation and withdrawal of registration of persons and institutions providing training in security provision;
 - (ii) the monitoring and auditing of the quality of training conducted by persons registered under this Act;
 - (iii) the participation in the activities of other bodies or persons empowered by law to set standards in respect of training of security services providers or to formulate, implement or monitor skills development plans for the private security industry;
 - (iv) the appointment of persons to monitor and assess achievements of outcomes in respect of standards applicable to training;
 - (v) the determination of qualifications required by

The Private Security Industry Regulation Bill

security services providers to provide particular types of security services; and

- (vi) the taking of reasonable steps to verify the authenticity of certificates presented by trainers for the purposes of this Act;
- (f) develop and maintain a data base with information required for proper performance of its functions;
- (g) provide or disseminate information promoting and encouraging compliance with this Act;
- (h) provide information to the users, prospective users or representatives of users of security services regarding the compliance of security service providers with the provisions of this Act;
- (i) ensure compliance by registered private security providers with the labour laws in the interest of their employees;
- (j) liaise with registered private security providers' associations and other persons for purposes realizing the objects of this Act; and
- (k) establish a complaints office to receive, process, refer or deal with complaints regarding the quality of services rendered by security services providers;

Powers of the Board.

8. In the performance of its functions under this Act, the Board shall have power to—

- (a) suspend or withdraw the registration of a security services provider under this Act;
- (b) take such steps as may be necessary to develop and maintain standards and regulate practices in connection with the occupation of security services providers, and persons pursuing or intending to pursue such occupation;
- (c) gather information relevant to the occupation of security services providers in connection with persons who are registered or seeking registration as such;
- (d) take steps to protect and assist security guards and other employees against or with regard to acts, practices and consequences of exploitation or abuse;

The Private Security Industry Regulation Bill

- (e) furnish information required by any department or any organ of the government for the purposes of its official functions;
- (f) receive, expend and generally administer funds subject to the provisions of this Act;
- (g) open accounts with any banking or other financial institution approved by the Treasury;
- (h) invest funds of the Authority with financial institutions registered in terms of any law with the approval of the Treasury;
- (i) determine, charge and collect fees as provided for in this Act in respect of any service rendered by the Authority;
- (j) accept donations, except donations from persons regulated by the Authority, with the approval of the Cabinet Secretary;
- (k) manage and safeguard the assets of the Authority;
- (l) determine minimum internal control systems for security firms, including but not limited to accounting and reporting procedures and any other procedures or systems;
- (m) become a member of an association or organization which seeks to promote any matter in which the Authority has an interest;
- (n) establish relations with or enter into cooperation agreements with bodies or offices which regulate the private security industry in other countries, or bodies representing such regulators;
- (o) conduct or cause to be conducted, hearings investigations and inquiries with regard to any matter falling within the scope of its functions;
- (p) enter into agreements with or obtain the assistance of any department or organ of the government to conduct or assist it in conducting any investigation or performing any other function in terms of this Act;
- (q) cooperate with any person or body in the performance of an act which the Authority is by law permitted to perform; and
- (r) generally perform any act which contributes to the attainment of its objects.

The Private Security Industry Regulation Bill

Powers of the
Cabinet
Secretary.

- 9.** (1) The Authority shall operate under the supervision of the Cabinet Secretary responsible for matters relating to internal security.
- (2) Where the Authority fails to maintain an acceptable standard in the fulfillment of its functions under this Act, the Cabinet Secretary may—
- (a) give general or special directions to the Authority describing the extent of the failure and stating the steps required to remedy the situation; or
- (b) assume responsibility for the relevant function or duty to the extent necessary to maintain standards or to prevent the Board from taking any action which is prejudicial to the objects of the Authority.

Staff of the
Authority.

- 10.** (1) The Board may appoint a suitably qualified and experienced person to be the Director of the Authority on such terms and conditions as it deems fit.
- (2) The Director shall be the chief executive officer of the Board and shall be responsible to the Board for the day to day operations of the Authority.
- (3) The Board may appoint such other staff as may be necessary for the efficient performance of the functions of the Authority.
- (4) No person shall be appointed under this subsection if such person has any direct or indirect interest in the private security industry.

Meetings of the
Board.

- 11.** The First Schedule shall have effect with respect to the conduct of business and procedure at meetings of the Board.

Funds of the
Authority.

- 12.** (1) The funds of the Authority shall comprise—
- (a) such funds as may be provided by Parliament;
- (b) such moneys or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act of any other written law; and
- (c) all moneys from any other source provided for or donated or lent to the Authority.

Provided that the Authority shall not accept funds, gifts or other

The Private Security Industry Regulation Bill

donations from persons who are regulated by it.

- (2) There shall be paid out of the funds of the Authority all sums required to defray the expenditure incurred by the Authority in the exercise of its powers and the performance of its functions under this Act.

Financial year. **13.** The financial year of the Authority shall be the period of twelve months ending on the thirtieth of June in each year.

Annual
Estimates.

14. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure of the Authority for that year.

(2) The annual estimates shall make provision for the estimated expenditure of the Authority for the financial year, and in particular, the estimates shall provide for—

- (a) the payment of salaries, allowances, pensions, gratuities and other charges in respect of the staff of the Authority;
- (b) the proper maintenance of the buildings and grounds of the Authority;
- (c) the maintenance, repair and replacement of the equipment and other property of the Authority;
- (d) the creation of such reserve funds as the Authority may deem appropriate to meet the recurrent expenditure and contingent liabilities of the Authority;
- (e) the annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval with the concurrence of the Treasury, and thereafter the Board shall not increase the annual estimates without the consent of the Cabinet Secretary.

Accounts and
Audit.

15. (1) The Authority shall cause to be kept all proper books and other records of accounts of the income, expenditure assets of the Authority.

No. 13 of 2003.

(2) The accounts of the Authority shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

PART III—REGISTRATION AS A PRIVATE SECURITY SERVICES PROVIDER

- Requirement for Registration. **16.** (1) A person shall not engage in the provision of private security services unless such person is registered by the Board in accordance with this Act.
- (2) For purposes of this Act, a person provides private security services under this Act if , the individual or firm, provides any of the following services—
- (a) provision of private security guard services;
 - (b) installation of burglar alarms and other protective equipment;
 - (c) private investigations and consultancy;
 - (d) car tracking or surveillance;
 - (e) close-circuit television;
 - (f) provision of guard dog services;
 - (g) security for cash in transit;
 - (h) access control installation; or
 - (i) any other service authorized by the Board through a notice in the Gazette.
- (3) Notwithstanding subsection (1), a person who, at the commencement of this Act, was a provider of security services within the meaning of this Act shall within a period of two years after such commencement , comply with the requirements of this Act.
- Conditions for Registration. **17.** (1) An application for registration under this Act shall be in the prescribed form, and may be made by an individual or by a security firm.
- (2) An individual person shall be eligible for registration as a private security provider if that person—
- (a) is a citizen of Kenya or a person who is ordinarily resident in Kenya;

The Private Security Industry Regulation Bill

- (b) is over eighteen years of age;
- (c) submits a certificate of good conduct issued by the Criminal Investigation Department;
- (d) where he previously served in any of the disciplined forces, produces a certificate of discharge from such force; and
- (e) is of sound mind.

(3) A security firm shall only be eligible for registration as a private security services provider where such firm—

- (a) has a valid certificate of incorporation under the relevant law;
- (b) has persons performing executive or management functions in respect of security businesses who are registered as security service providers under this Act;
- (c) otherwise satisfies the Board of its suitability for registration..

(4) An application for registration under this Act shall be in writing and shall be accompanied by such fee as may be prescribed.

(5) For the purpose of satisfying itself of the suitability of a security firm under paragraph (3) (d), the Board may make such inquiries as it may deem necessary and may request the firm to furnish it with such information as it may require.

Inspection.

18. The Authority may cause such inspection to be held as it may deem necessary to establish whether an applicant meets the requirements contemplated in section 17.

Ineligibility for registration.

19. (1) A person shall not be registered to provide private security services under this Act if that person—

- (a) is in the permanent employment of the Authority, the National Security Intelligence Service, the disciplined forces or the prisons department;
- (b) is convicted by a competent court of an offence involving violence, theft or fraud;

The Private Security Industry Regulation Bill

- (c) is an undischarged bankrupt;
- (d) is found to be associating with any organization which is prohibited under any law for the time being in force; or
- (e) being a Government servant, is dismissed from service on grounds of misconduct or moral turpitude.

(2) A partner, owner or shareholder of private security firm who becomes disqualified under subsection (1) shall cease to be a partner, owner or shareholder of the firm for purposes of providing private security services.

- Certification. **20.** (1) The Board shall examine every application forwarded under this Part, and, where the applicant meets all the requirements prescribed hereunder, register the applicant as a security services provider.
- (2) The Board shall issue a certificate of registration to a registered security provider.
- (3) A certificate issued under this section shall be subject to such conditions as the Board may impose.
- (4) The Board shall issue a certificate of operation to all persons registered under this Act, and upon the issuance of the certificate, a registered person may commence operations as a security services provider.
- (5) A certificate of operation shall be renewable annually upon payment of the prescribed fee.
- (6) Nothing in this section prevents the Board from issuing varying categories of certificate of operation for purposes of specifying the services which a registered service provider may be authorized to undertake.

- Board to keep register. **21.** (1) The Board shall keep a register of the names and particulars of every security services provider registered in terms of this Act.
- (2) The register maintained under this section shall be open for inspection by interested persons during normal working hours.
- (7) A registered security services provider shall once every year confirm or update the particulars relating to him as they appear on

The Private Security Industry Regulation Bill

the register.

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| Registered person to keep register of employees. | 22. A registered security services provider shall keep a register of the names and particulars of employment of all persons employed for purposes of providing security. |
| Refusal of registration. | 23. (1) Where the Board declines to approve an application for registration under this Act it shall notify the applicant accordingly within a period of fifteen days from the date of such decision, specifying the reasons for the refusal. |
| No. 4 of 1995 | (2) Any person who is aggrieved by the refusal of the Board to approve his application may, subject to the Arbitration Act, refer the matter to an arbitral tribunal. |
| Code of conduct. | 24. (1) A registered private security provider shall subscribe to and observe the Private Security Providers Code of Conduct set out in the Second Schedule.

(2) Any person who fails to observe the provisions of the Code of Conduct shall be liable to disciplinary action by the Board in accordance with this Act. |
| Offences. | 25. (1) Any person who carries on the business of a private security services provider while not registered under this Act commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years.

(2) Any private security services provider who contravenes any of the provisions of this Act commits an offence and is liable on conviction to a fine not exceeding one million shillings.

(3) Where an offence is committed by a security firm, and it is proved that the offence has been committed with the consent of or is attributable to any neglect on the part of any partner, director, manager or other officer of the company, such partner, director, manager or other officer shall be deemed to have committed the offence. |

PART IV— INQUIRY INTO CONDUCT OF PRIVATE SECURITY

SERVICES PROVIDERS

Conduct of
inquiry.

- 26.** (1) The Board may, on its own initiative or upon complaint addressed to it in writing by or on behalf of any person alleging misconduct, unprofessionalism or breach of the Code of Conduct on the part of any registered private security services provider, institute an inquiry into the conduct of such provider.
- (2) The Board shall institute an inquiry where a pattern emerges of illegal actions of the employees of a particular private security services provider.
- (3) The Board may itself conduct the inquiry or refer it to a sub-committee appointed by it for the purpose.
- (4) The Board may require the complainant to file further particulars of any of the matters complained of and may require the complaint or any part thereof to be verified by affidavit.
- (5) Upon receipt of any complaint against a registered private security services provider, the Board shall notify the person complained against, giving the grounds of the complaints, under a cover of registered letter, sent to the address recorded in the register of the Board.
- (6) The Board may, in writing, call upon the person whose conduct is complained of or is under investigation to file, within ten days after receipt of the notice, an explanation to be verified by affidavit..
- (7) The Board may, upon receipt of a complaint against any person, or where it appears to it that any person's conduct requires investigation, summon such person to appear before it or before its subcommittee and to produce such documents in his possession or adduce such evidence as may relate to the matter under investigation.
- (8) The person summoned under subsection (7) shall have the right to appear before the Board and to be heard either personally or through his advocate, and may call such evidence and produce such documents as may be appropriate.
- (9) The Board, having inquired into the alleged misconduct of any person may take such action as it may deem appropriate, including
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- (a) cautioning the person;

The Private Security Industry Regulation Bill

- (b) imposing a fine, not exceeding two hundred thousand shillings, on the person;
 - (c) suspending the certificates of operation; or
 - (d) cancelling registration.
- (10) In an inquiry under subsection (2), the Board may recommend all or any of the following actions—
- (a) further training;
 - (b) discipline; or
 - (c) removal and prosecution of the guilty employees.

PART V—GENERAL

- Private Security
fidelity levy.
- 27.** (1) The Cabinet Secretary may, on the advice of the Board, impose a levy, to be known as the Private Security Fidelity Levy, on all persons licensed under this Act to provide private security services.
- (2) The levy shall be in such amount as the Cabinet Secretary may prescribe, and the Cabinet Secretary may impose different amounts of levy to be paid by individuals and private security firms licensed under this Act.
- Private Security
Fidelity Fund.
- 28.** (1) There is established a Fund to be known as the Private Security Fidelity Fund which shall vest in and be operated by a board of Trustees under the control of the Cabinet Secretary.
- (2) There shall be paid—
- (a) into the Fund, the levy imposed under section 27; and
 - (b) out of the Fund, all payments required under this Act or regulations to be paid out of the Fund.
- (3) The purpose of the Fund shall be to—
- (a) provide compensation to persons who incur loss or damage as a result of the misconduct of a private security services provider registered under this Act; and

The Private Security Industry Regulation Bill

(b) generally to coordinate and promote professionalism among the private security providers.

(4) The Cabinet Secretary may make regulations to provide for—

- (a) the qualifications and appointment of the Board of Trustees;
- (b) the manner of payment of the levy by registered persons;
- (c) the making of claims against the Fund by persons incurring loss or damage; and
- (d) any other thing which it may be fit to prescribe with regard to the Fund.

Equipment

29.

A private security provider shall not—

- (a) allow the use of uniforms similar to any of the uniforms worn by any disciplined service in Kenya;
- (b) brand its vehicles in similar colours with any disciplined service in Kenya; or
- (c) install communication tools or systems capable of interfering with a communication system used by any disciplined service in Kenya.

Regulations.

30.

(1) The Cabinet Secretary may, on the recommendation of the Board, make regulations for the better carrying out of the provisions of this Act.

- (2) Without prejudice to the generality of the foregoing, regulation made under this section may provide for—
- (a) the employment of personnel by registered private security firms;
 - (b) the provision of uniforms and equipment to employees of private security firms;
 - (c) the various forms to be used under this Act; or
 - (d) guidelines for registered private security services providers.

FIRST SCHEDULE

(s. 11)

**PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND
AFFAIRS OF THE BOARD**

- Tenure of office. **1.** The chairman and the members of the Board, other than *ex-officio* members, shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years
- Appointment. **2.** The members of the Board shall be appointed in such a manner that their respective expiry dates of their terms of office fall at different times.
- Vacation of office. **3.** A member other than an *ex-officio* member may—
- (a) at any time resign from office by notice in writing, in the case of the Chairman, to the President, and in the case of any other member, to the Cabinet Secretary;
 - (b) be removed from office by the President or the Cabinet Secretary, as the case may be, if the member—
 - (i) has been absent from three consecutive meetings of the Board without the permission of the Board;
 - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
 - (iii) is convicted of an offence involving dishonesty or fraud;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (v) is incapacitated by prolonged physical or mental illness;

The Private Security Industry Regulation Bill

(vi) is found to have acted in a manner inconsistent with the aim and objectives of this Act;

(vii) fails to comply with the provisions of this Act relating to disclosure; or

(viii) is otherwise unable or unfit to discharge his functions as member of the Board.

Vice-chairman. **4.** At the first meeting of the Board, the members shall elect a vice-chairman, not being a public servant, from among its members.

Meetings. **5.** The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting:

Provided that the chairman may call a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

Notice of Meeting. **6.** Other than a special meeting or unless three quarters of members agree, at least fourteen days' written notice or every meeting of the Board shall be given to every member of the Board.

Quorum. **7.** The quorum for the conduct of business of the Board shall be half of the members, and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes,, the chairman or the person presiding shall have a casting vote.

Chairman to preside. **8.** The chairman shall preside over all meetings of the Board in which he is present, but in his absence, the vice-chairman shall preside and in his absence the members present shall elect one of their members who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairman

Disclosure of interest. **9.** (1) If a member is directly or indirectly interested in any matter before the Board and is present at the meeting of the Board at which the matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made

The Private Security Industry Regulation Bill

Board may regulate own procedure.

- 10.** Subject to the provisions of this Schedule, the Board may regulate its own procedure.

SECOND SCHEDULE

(s.24)

CODE OF CONDUCT FOR PRIVATE SECURITY PROVIDERS

A registered private security services provider shall—

1. not accept any contract which violates the national or international law, and shall not act in a manner which violates the letter or spirit of the national laws of Kenya or other country in which they operate, or the international law;
2. strive to ensure the highest standards within the industry, support the application of a transparent and fair licensing system throughout the sector, regardless of the size of the individual companies concerned;
3. provide basic training for new employees, where state institutions do not provide it, and internal training systems which shall cover international and national law, cultural sensitivity, first aid and gender issues and further training on a continuous basis;
4. shall ensure that the staff he engages are recruited according to objective criteria and have —
 - (a) no criminal record ;
 - (b) not committed past human rights violations; and
 - (c) not been dishonourably discharged from state security services or similar agencies abroad;
5. develop standard operating procedures and provide appropriate training for employees, and put in place strict and detailed guidelines on the use of minimal force in accordance with international best practices;

The Private Security Industry Regulation Bill

6. ensure that no employees of the firm are subjected to human rights abuses and that services provided to them are examined for their potential impact on human rights, and shall in addition ensure that minimum national standards of health and safety are maintained, or surpassed, and that risk assessment and prevention is at the highest possible level;
7. cooperate with national law enforcement authorities, providing any information necessary for law enforcement or crime prevention, while remaining within the law and respecting client confidentiality;
8. not have any affiliation with political movements, paramilitary or criminal groups, or national justice and security agencies in any manner contravening the law or this Code;
9. develop internal systems of governance including a code of conduct, and policies on the recruitment, training, financial and contractual policies and registration of employees, amongst other things, and these systems will be open to public scrutiny at all times;
10. promptly and thoroughly investigate complaints of inappropriate or illegal behaviour by staff, and shall inform the police of these actions when appropriate; and
11. work with other members of the private security sector and other relevant bodies to promote adherence to this Code and general professionalism across the sector.

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of this Bill is to provide for the regulation of the private security industry, to establish and provide for the functions of a regulatory authority and to prescribe conditions for the operation of private security firms.

Part I (Clauses 1-2) of the Bill provides for preliminary matters; the short title of the Bill and interpretations. The term “private security provider” is defined to mean a person or body of persons, other than a Government agency, providing private security services to any person.

Part II (Clauses 3-15) provides for establishment, composition, functions and powers of the Authority.

Clause 3 establishes the Private Security Industry Regulation Authority as a body corporate.

The Private Security Industry Regulation Bill

Clause 4 provides that the object of the Authority is to regulate the private security industry and to exercise effective control over the provision of private security services in the interest of the public.

Clause 5 sets out the functions of the Authority.

Clause 6 provides for the composition of the Board of the Authority. The Board shall consist of thirteen members drawn from key Government departments, industry players and consumers of the services.

Clause 7 provides for the functions of the Board which include advising the Cabinet Secretary in the State Department responsible for internal security on any matter pertaining to the provision of private security and the registration and issuance of certificates to private security providers.

Clause 8 provides for the powers of the Board which include suspension and withdrawal of registration, maintenance of standards and protecting and assisting security guards and other employees of private security providers.

Clause 9 accords the Cabinet Secretary in the State Department responsible for internal security supervisory powers including issuance of general and special directions and maintenance of standards.

Clauses 10, 11, 12, 13 14 and 15 make standard provisions relating to the staff of the Authority, conduct of meetings, and financial provisions.

Part III (Clauses 16-25) provides for requirements for registration as a private security services provider.

Clause 16 prohibits an unregistered person from engaging in the provision of private security services. Among the services that will be provided include:

- (i) provision of private security guard services;
- (ii) installation of burglar alarms and other protective equipment;
- (iii) private investigations and consultancy;
- (iv) car tracking or surveillance;
- (v) close-circuit television;
- (vi) provision of guard dog services;
- (vii) security for cash in transit;
- (viii) access control installation; or
- (ix) any other service authorized by the Board through a notice in the Gazette.

The Private Security Industry Regulation Bill

Clauses 17 to 25 provide for conditions to be met before registration, ineligibility, maintenance of a register, issuance of certificates and a Code of Conduct to be subscribed to and observed by all private security providers.

Part IV (Clauses 26) provides for conduct of inquiry into the conduct of a private security services provider whether based on a complaint from any person or on the Board's own initiative. Where a private security services provider is found to have breached the Code of Conduct or to have acted unprofessionally the Board may impose any of the following actions: caution, fine not exceeding two hundred thousand, suspension of the certificate or cancellation of registration.

Part V (Clauses 27-30) makes general provisions.

Clauses 27 and 28 make provision relating to charging a levy which shall be held in a Fund to be known as the Private Security Fidelity Fund and will be managed by a Board of Trustees. Money from the Fund will be used to provide compensation to persons who incur loss or damage as a result of the misconduct of a private security services provider and generally to coordinate and promote professionalism among the private security providers.

Clause 29 prohibits a private security provider from using similar uniform or vehicle branding to those of any disciplined service in Kenya. It also prohibits the use of communication tools and systems capable of interfering with communication of any disciplined service in Kenya. Clause 30 provides for making of Regulations for the better carrying out of the provisions of this Act.

The enactment of this Bill will occasion additional expenditure of public funds to be provided through the annual estimates.

GEORGE SAITOTI, MP

Minister, Provincial Administration and Internal Security

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