

A BILL

entitled

PRIVATE INVESTIGATORS AND SECURITY GUARDS AMENDMENT ACT 2011

WHEREAS it is expedient to amend the Private Investigators and Security Guards Act 1974;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Private Investigators and Security Guards Amendment Act 2011.

Amends section 4

2 Section 4(2) of the Private Investigators and Security Guards Act 1974 (in this Act referred to as "the principal Act") is repealed and the following subsection is substituted—

"(2) An application for a licence or the renewal of a licence shall be made in such manner as the Commissioner may determine and shall be accompanied by a non-refundable application fee prescribed under the Government Fees Act 1965."

Amends section 4A

3 Section 4A of the principal Act is repealed and the following section is substituted—

"Training and certification

4A Before a licence is issued to an applicant under section 4, the Commissioner shall certify that the applicant has successfully completed a training programme—

- (a) certified by the Commissioner by publication in the Gazette, as suitable for the induction of private investigators and security guards; and

PRIVATE INVESTIGATORS AND SECURITY GUARDS AMENDMENT ACT 2011

- (b) delivered by a provider the Commissioner has certified by publication in the Gazette, as suitable to deliver the programme .”.

Amends section 5

4 Section 5 of the principal Act is amended—

- (a) by deleting “A licence may be refused by the Commissioner on the following grounds” and substituting “The Commissioner may refuse to issue a licence to an applicant or may refuse to issue a licence to an applicant for a specified period, on any of the following grounds”; and
- (b) by inserting the following paragraph next after paragraph (a);

“(ab) that the licensee has been convicted of an offence under the Criminal Code or of any offence of which violence or dishonesty is an element; ”.

Amendment of principal Act

5 The principal Act is amended as set out in Schedule 1.

Consequential amendment

6 The Government Fees Regulations 1976 is amended by deleting Head 45 and substituting the Head under Schedule 2.

PRIVATE INVESTIGATORS AND SECURITY GUARDS AMENDMENT ACT 2011

SCHEDULE 1

(section 5)

AMENDMENTS RELATING TO "REGISTER"

Provision amended	Delete	Insert
Section 9A(1)	'register', wherever it occurs	Register
Section 9A(2)	register	Register
Section 9A(3)	register	Register
Section 9A(5)	register	Register
Section 16(1)(db)	register	Register

PRIVATE INVESTIGATORS AND SECURITY GUARDS AMENDMENT ACT 2011

SCHEDULE 2

(section 6)

AMENDMENTS RELATING TO GOVERNMENT FEES REGULATIONS 1976

Head 45

Private Investigators and Security Guards Act 1974

(1)	Application fee for a licence to engage in the business of providing private investigators or security guards under section 4(2)	\$1,000
(2)	Application fee for the renewal of a licence to engage in the business of providing private investigators or security guards under section 4(2)	\$1,000
(3)	Application fee for a licence to act as a private investigator or security guard under section 4(2)	\$100
(4)	Application fee for the renewal of a licence to act as a private investigator or security guard under section 4(2)	\$100

PRIVATE INVESTIGATORS AND SECURITY GUARDS AMENDMENT BILL 2011

EXPLANATORY MEMORANDUM

This Bill amends the Private Investigators and Security Guards Act 1974, hereafter referred to as “the principal Act”.

Clause 1 is the citation.

Clause 2 amends section 4 of the principal Act to introduce a non-refundable application fee for any application for a licence or the renewal of a licence under the Act.

Clause 3 replaces section 4A of the principal Act to make provision for the Commissioner of Police to certify private investigators and security guards as having undergone approved training at institutions he has certified as suitable to deliver approved programmes before a licence is issued to any of them.

Clause 4 amends section 5 of the principal Act to give power to the Commissioner to refuse to issue a licence to an applicant or refuse to issue a licence to an applicant for a specified period, on any of the grounds specified in that section. An additional ground of conviction for a criminal offence, has been added to the existing grounds.

Clause 5 amends sections 9A and 16 to delete “register” wherever it occurs and substitute “Register”. This is because the word “Register” is used in the Act to refer to a particular register to be kept by the Commissioner. The use of capital “R”, is to distinguish that register from other registers.

Clause 6 makes a consequential amendment to various fees charged under the Government Fees Regulations 1976 for the purposes of the Act.