
CHAPTER 210**INQUIRY AGENTS AND SECURITY GUARDS****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. Interpretation.
3. Application of the Act.
4. Inquiry agents and security guards to be licensed.
5. Licences.
6. Refusal of licences.
7. Temporary licences.
8. Suspension and cancellation.
9. Decision of Minister final.
10. Cancellation of licence when inquiry agents or security guards cease to be employed as such.
11. Employer to ensure employees licensed.
12. Name of business.
13. Means of identification.
14. Information.
15. Offences.
16. Evidence.
17. Regulations.

CHAPTER 210

INQUIRY AGENTS AND SECURITY GUARDS

An Act to regulate and control the activities of inquiry agents and security guards in The Bahamas. *19 of 1976*

*[Assent 8th December, 1976]
[Commencement 30th June, 1977]*

1. This Act may be cited as the Inquiry Agents and Security Guards Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.

“Bahamian” means —

 - (a) a citizen of The Bahamas;
 - (b) a company registered under the Companies Act in which all the shares are beneficially owned by “Bahamians”; Ch. 308.

“beneficially owned” shall be construed as in section 59 of the Companies Act; Ch. 308.

“inquiry agent” means a person who for hire or reward searches for and furnishes information as to the personal character and actions of a person, or the character or kind of business or occupation of a person;

licence” means a licence under this Act;

“licensee” means the holder of a licence;

“Minister” means the Minister responsible for Internal Security;

“regulations” means regulations made under section 17;

“security guard” means a person who, for hire or reward, guards or patrols for the purposes of protecting persons or property.
3. This Act shall not apply to — Application of the Act.
 - (a) counsel and attorneys 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 qualifications and suitability of applicants for insurance and indemnity bonds,
 and who do not otherwise act as inquiry agents;
 - (c) the Royal Bahamas Police Force 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 The Bahamas and their employees while acting in the usual and regular scope of their employment;
 - (f) inquiry agents and security guards who are permanently employed by one employer on or in the vicinity of that employer's premises in a business or undertaking other than the business of providing inquiry agents or security guards and whose work is confined to the affairs of that employer;
 - (g) any class of persons excepted by the regulations.

Inquiry agents and security guards to be licensed.

- 4.** (1) No person shall —
- (a) engage in the business of providing inquiry agents or security guards;
 - (b) act as an inquiry agent or security guard, unless he is a Bahamian and is the holder of a licence therefor.

(2) No person shall hold himself out as acting as an inquiry agent or a security guard or as being engaged in the business of providing inquiry agents or security guards unless he is a Bahamian and is licensed under this Act.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of 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 both.

5. (1) A licence shall be granted by the Minister and shall — Licences.

- (a) be in the prescribed form;
- (b) not be transferable;
- (c) be issued on the payment of the prescribed fee;
- (d) be valid for a period of one year commencing on the 1st day of January in any year and terminating on the 31st day of December next following that date;
- (e) specify the conditions subject to which it is granted.

(2) An application for a licence shall be made in such manner as the Minister may determine.

(3) The Minister may make such inquiry and investigation as he thinks fit regarding the character, antecedents, financial position and competence of an applicant for a licence.

6. A licence may be refused by the Minister on the following grounds — Refusal of licences.

- (a) that the applicant has been convicted of any offence against this Act; or
- (b) that he is not satisfied as to the character or antecedents or competence of the applicant; or
- (c) in the case of an applicant for a licence to engage in the business of providing inquiry agents or security guards, that the Minister is not satisfied as to the financial position of the applicant.

7. (1) Where a person applies for a licence to act as an inquiry agent or security guard, the Minister may, pending his decision, issue a temporary licence so to act for a period stated in the licence, but not exceeding three months. Temporary licences.

(2) Where a person who is licensed to engage in the business of providing inquiry agents or security guards dies, the Minister may grant to his executor or administrator a temporary licence, valid for such period as shall be specified therein.

8. The Minister may, after giving the licensee an opportunity to be heard, suspend or cancel a licence where — Suspension and cancellation.

Ch. 84.

- (a) the licensee is convicted of an offence under this Act;
- (b) the licensee is convicted of an offence under the Penal Code or of any offence of which violence or dishonesty is an element.

Decisions of Minister final.

9. Any decision made by the Minister in the exercise of his powers under this Act shall be final and conclusive.

Cancellation of licence when inquiry agents or security guards cease to be employed as such.

10. (1) The licence of an inquiry agent or security guard shall be cancelled by operation of law upon his ceasing to be employed as such.

(2) When a licensed inquiry agent or security guard ceases to be employed as such, he shall immediately forward his licence to the Minister.

(3) Every person who is licensed to engage in the business of providing inquiry agents or security guards shall immediately upon the termination of such business forward to the Minister his licence.

(4) Any person who, without reasonable excuse, fails to forward a licence to the Minister as soon as reasonably practicable after he is required so to forward it under this section, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars.

Employer to ensure employees licensed.

11. (1) No person engaged in the business of providing inquiry agents or security guards shall employ as an inquiry agent or security guard a person who is not the holder of a licence.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of 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 both.

Name of business.

12. (1) No person shall engage in the business of providing inquiry agents or security guards in a name other than that in which he is licensed.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of 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 both.

13. (1) Every inquiry agent 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 having reasonable ground therefor.

Means of
identification.

(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 having reasonable grounds therefor.

(4) Any inquiry agent or security guard who contravenes the provisions of this section shall be guilty of 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 both.

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

Information.

(2) Any person who fails to comply with a notice under this section shall be guilty of 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 both.

15. (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; or
- (b) being a licensee, fails to comply with any condition of his licence; or
- (c) fails to keep any books or records or furnish any return required to be kept or furnished under the regulations,

shall be guilty of 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 both.

(2) Any person who with intent to deceive, impersonates an inquiry agent or a security guard, or makes any statement or does any act calculated falsely to suggest that he is such an agent or guard, shall be guilty of 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 both.

Evidence.

16. A certificate of the Minister —

- (a) that a person was or was not, at any date, the holder of a licence;
- (b) as to the conditions subject to which any licence was issued;
- (c) that any document required to be forwarded to the Minister 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.

17. The Minister may make regulations —

- (a) prescribing the classes of persons who shall be exempt from this Act or from any provision thereof, in addition to those classes of persons mentioned in section 3;
- (b) prescribing the forms to be used for the purposes of this Act;
- (c) prescribing the fees payable for licences granted under this Act;
- (d) requiring the keeping of such books and records and the furnishing of such information and returns by licensees as are prescribed in the regulations;
- (e) governing the badges and the uniforms of security guards;
- (f) prescribing offences for the contravention of, or the failure to comply with, the provisions of the regulations;
- (g) generally for the better carrying out of the objects and purposes of this Act.