

**Reprint**  
**as at 1 April 2011**

**Private Investigators and Security  
Guards Act 1974**

Public Act 1974 No 48  
Date of assent 31 August 1974

Private Investigators and Security Guards Act 1974: repealed, on 1 April 2011,  
by section 119 of the Private Security Personnel and Private Investigators Act  
2010 (2010 No 115).

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989  
have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together  
with other explanatory material about this eprint.

**This Act is administered in the Ministry of Justice.**

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**An Act to provide for the licensing of private investigators as a means of affording greater protection to the individual's right to privacy against possible invasion by private investigators, and to provide for the licensing of security guards as a means of ensuring so far as possible that those carrying on business as security guards are fit and proper persons to do so, and to regulate the conduct of business by private investigators and security guards**

**Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:**

**1 Short Title and commencement**

- (1) This Act may be cited as the Private Investigators and Security Guards Act 1974.

- (2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council, and different dates may be so appointed for the purpose of different provisions of this Act.

## 2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

**certificate of approval** means a certificate of approval issued under section 40 authorising the holder to work as a responsible employee of a private investigator or of a security guard, as the case requires

**Company** means an incorporated company

**credit bureau** means any person, or any association of persons whether incorporated or unincorporated, who, in consideration of the payment of a subscription, fee, or levy, supplies to any subscriber to the service provided by that person or association, or to any member of that association, but to no other person, any information relating to the financial position of any person

**crime involving dishonesty** means—

(a) any crime described in sections 108 to 117 of the Crimes Act 1961; and

(b) any crime described in sections 217 to 266 of that Act

**debt-collecting agency** means any person, or any association of persons whether incorporated or unincorporated, who, for valuable consideration, recovers or attempts to recover for any person any money owing to that person by any other person

**licence** means a private investigator's licence or a security guard's licence, as the case requires

**licensed premises** has the same meaning as it has in section 2 of the Sale of Liquor Act 1962

**officer**, in relation to a company, means a director, manager, secretary, or executive of the company

**on**, in relation to any premises, includes **in**

**private investigator's licence** means a licence issued under section 26, authorising the holder to carry on the business of a private investigator

**public record** means—

- (a) any record, register, file or document—
  - (i) that any member of the public is entitled by virtue of any enactment to inspect or peruse, whether on payment of a fee or otherwise; or
  - (ii) of or from which any member of the public is entitled by virtue of any enactment to obtain a copy or extract, whether on payment of a fee or otherwise; or
- (b) any newspaper within the meaning of section 2 of the Films, Videos, and Publications Classification Act 1993

**public servant** has the same meaning as it has in section 2 of the Electoral Act 1956

**Register** means a register compiled and kept by the Registrar in accordance with section 13

**Registrar** means the Registrar of Private Investigators and Security Guards appointed under section 5; and also means any deputy who is for the time being acting as Registrar in accordance with section 8

**responsible employee** means—

- (a) in relation to a private investigator, a person who in the course of his employment by the private investigator seeks or obtains for any person or supplies to any person any information specified in subsection (2) of section 3; or
- (b) in relation to a security guard, a person who in the course of his employment by the security guard does anything specified in subsection (1) of section 4

**security guard's licence** means a licence issued under section 26, authorising the holder to carry on the business of a security guard to which the licence relates

**specified offence** means an offence under—

- (a) any of sections 104, 105B, 158 to 181, 188 to 204, and 216B to 216D of the Crimes Act 1961; or
- (b) any of sections 3, 5, 5A, 6, 9, 10, 14, 15, 18, 19, 20, or 21 of the Summary Offences Act 1981.

- (2) For the purposes of this Act, a person who acts as an officer of a company that is the holder of a licence shall be deemed to be employed by the company.

Bank: this definition was omitted, as from 1 July 1995, by section 2(1) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

Chartered accountant in public practice: this definition was omitted, as from 1 July 1995, by section 2(1) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14). That definition was further repealed, as from 1 October 1996, by section 23 Institute of Chartered Accountants of New Zealand Act 1996 (1996 No 39).

Crime involving dishonesty: paragraph (b) of this definition was amended, as from 1 October 2003, by section 34 Crimes Amendment Act 2003 (2003 No 39) by substituting the words “sections 217 to 266” for the words “sections 217 to 292”.

Public record: paragraph (b) of this definition was amended, as from 27 April 1995, by section 4(2) Newspapers and Printers Act Repeal Act 1995 (1995 No 13) by substituting the words “Films, Videos, and Publications Classification Act 1993” for the words “Newspapers and Printers Act 1955”.

Security guard’s licence: this definition was amended, as from 18 October 1978, by section 4(2) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by inserting the words “to which the licence relates”.

Specified offence: this definition was inserted, as from 1 July 1995, by section 2(2) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

### **3 Meaning of private investigator**

- (1) In this Act, **private investigator** means a person who carries on any business, either by himself or in partnership with any other person, whereby—
- (a) at the request of any person as a client of the business and not as a member of the public or of any section of the public; and
  - (b) for valuable consideration—  
he seeks or obtains for any person or supplies to any person any information described in subsection (2).
- (2) For the purposes of this section, **information** means any information relating to—
- (a) the personal character, actions, or behaviour of any person; or
  - (b) the financial position of any person; or
  - (c) the occupation or business of any person; or
  - (d) the identity or whereabouts of any person—

but does not include information that is contained in a public record.

- (3) For the purposes of this section but without limiting the meaning of the term **carries on any business**, a person shall be deemed to carry on a business if he holds himself out to the public as being ready to carry on that business.
- (4) Notwithstanding anything in subsection (1), no person is a private investigator within the meaning of this Act by reason of the fact that—
  - (a) he seeks, obtains, or supplies any information—
    - (i) for or to the Crown, or any member of the Police, or any local authority; or
    - (ii) only as a necessary, usual, or reasonable incident of any other activity by him that is not described in that subsection; or
    - (iii) for any purpose relating to the dissemination of news or other information to the public or to any section of the public; or
    - (iv) for any cultural or historical purpose or for any purpose relating to education, literature, or science; or
    - (v) in the course of and for the purposes of engaging in or carrying on any occupation or business in accordance with a practising certificate, licence, permit, or other authority, granted or issued to him under any other enactment; or
    - (vi) relating only to the person by whom he is engaged or retained; or
    - (vii) in the course of and for the purposes of the business of a bank, or of a credit bureau, or of a debt collecting agency; or
  - (b) he carries on any class of the business of a security guard.
- (5) Notwithstanding anything in subsection (1), the Governor-General may from time to time, by Order in Council, declare that a person is not a private investigator by reason only of the fact that he carries on any occupation or business described in the Order.



Subsection (4) was substituted, as from 1 April 1979, by section 2 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

#### **4 Meaning of security guard**

- (1) In this Act, **security guard** means a person who carries on any business, either by himself or in partnership with any other person, whereby for valuable consideration he—
- (a) guards, elsewhere than on premises owned or occupied by himself or his firm or any of his partners, any real or personal property belonging to another person; or
  - (b) installs on, repairs on, or removes from any part of any premises that are not owned or occupied by himself or his firm or any of his partners—
    - (i) any burglar alarm or similar warning device; or
    - (ii) any locking device for a safe or a strongroom; or
  - (c) installs on, operates on, causes to be operated on, repairs on, or removes from any part of any premises that are not owned or occupied by himself or his firm or any of his partners, for the purpose of detecting the commission of an offence by any person on those premises, any camera or similar device; or
  - (d) enters any premises that are not owned or occupied by himself for the purpose—
    - (i) of selling or attempting to sell any device of the kind referred to in subparagraphs (i) or (ii) of paragraph (b), or paragraph (c); or
    - (ii) of advising the owner or occupier of the premises on the desirability of having installed on the premises any or any further such device; or
    - (iii) of advising the owner or occupier of the premises on the desirability of having guarded the premises or any other property that may from time to time be on the premises or dispatched from the premises; or
  - (e) monitors any burglar alarm or similar warning device, or camera or similar device, that is on any premises that are not owned or occupied by himself or his firm or any of his partners.

- (2) For the purposes of this section but without limiting the meaning of the term **carries on any business**, a person shall be deemed to carry on a business if he holds himself out to the public as being ready to carry on that business.
- (3) Notwithstanding anything in subsection (1), no person is a security guard within the meaning of this Act by reason of the fact that—
- (a) he is engaged by the licensee or manager of any licensed premises to assist in maintaining order on those premises; or
  - (b) he engages in or carries on any occupation or business in accordance with a practising certificate, licence, permit, or other authority, granted or issued to him under any other enactment.
- (4) Notwithstanding anything in subsection (1), the Governor-General may from time to time, by Order in Council, declare that a person is not a security guard by reason only of the fact that he carries on any occupation or business described in the Order.

Subsection (1) was amended, as from 1 April 1979, by section 3(1) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by omitting the words “in return”.

Subsection (1)(d) was amended, as from 1 April 1979, by section 3(2) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by inserting the expression “; or”.

Subsection (1)(e) was inserted, as from 1 April 1979, by section 3(3) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

Subsection (3) was amended, as from 1 April 1979, by section 3(4) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by omitting the word “only”.

## Part 1 Administration of Act

- 5 Registrar of Private Investigators and Security Guards**
- (1) The Minister of Justice shall from time to time, by notice in the *Gazette*, appoint a person to be the Registrar of Private Investigators and Security Guards.
- (2) Subject to subsection (2) of section 6, the office of Registrar may be held concurrently with any other office.

## **6 Qualifications of Registrar**

- (1) No person shall be capable of holding office as Registrar unless he is a barrister or solicitor of the High Court of not less than 5 years' standing.
- (2) No public servant shall be capable of holding office as Registrar.

## **7 Term of office of Registrar**

- (1) Subject to this section, the Registrar shall hold office for a term of 3 years from the date of his appointment, but may from time to time be reappointed.
- (2) The Registrar may at any time resign his office by delivering a notice in writing to that effect to the Minister of Justice.
- (3) The Minister of Justice may at any time remove the Registrar from office for inability or misbehaviour.

## **8 Deputy**

- (1) Where the Minister of Justice is satisfied that the Registrar is unable, because of illness or absence or for any other reason, to exercise the functions of his office, the Minister may by notice in the *Gazette* appoint a person to be the deputy of the Registrar during his incapacity.
- (2) No person who is incapable of holding office as Registrar shall be capable of being appointed to be the deputy of the Registrar.
- (3) During the incapacity of the Registrar, the person who is for the time being his deputy may exercise the functions and powers and shall perform the duties of Registrar under this Act.
- (4) No appointment of a deputy under this section, and no act done by him when acting as Registrar, shall in any proceedings be questioned on the grounds that the occasion for the appointment had not arisen or had ceased.

## **9 Remuneration of Registrar**

- (1) The office of Registrar is declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

- (2) There shall be paid to the Registrar, out of money appropriated by Parliament for the purpose, remuneration for his services by way of fees, salary, or allowances, in accordance with the Fees and Travelling Allowances Act 1951.
- (3) There shall also be paid to the Registrar, out of money appropriated by Parliament for the purpose, travelling allowances and travelling expenses, in accordance with the Fees and Travelling Allowances Act 1951, in respect of time spent by him travelling in the service of his office.
- (4) The Fees and Travelling Allowances Act 1951 shall apply accordingly.

#### **10 Registrar to be a Commission of Inquiry for certain purposes**

- (1) For the purposes of hearing and determining any matter under any of sections 25, 26, 27, 32A, 33, 39, 40, 44, 56, 57, and 59 of this Act, the Registrar shall have the same powers as are conferred on a Commission of Inquiry by sections 4, 10, and 11 of the Commissions of Inquiry Act 1908 in respect of an inquiry under that Act, and, subject to the other provisions of this Act, those sections of that Act and sections 5, 6, 7, 9, 12, and 14 of that Act shall apply accordingly.
- (2) At the hearing of any matter under any of sections 25, 32A, 33, 39, and 44 of this Act, the Registrar may receive as evidence any statement, document, information, or matter that in his opinion may assist him to deal with the matter, whether or not it would be otherwise admissible in a Court of law.

Subsection (1) was amended, as from 18 October 1978, by section 10(2) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by inserting the expression “, 32A”.

Subsection (2) was amended, as from 18 October 1978, by section 10(3) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by inserting the expression “, 32A”.

#### **11 Protection of Registrar**

The Registrar shall not be personally liable for any act done or omission made by him while acting in good faith in pursuance or intended pursuance of his functions, powers, and duties under this Act.

## **12 Administrative and secretarial services**

The chief executive of the Department for Courts shall provide for the Registrar such administrative and secretarial services as may be necessary to enable the Registrar to exercise his functions and powers, and perform his duties, under this Act.

Section 12 was amended, as from 1 July 1995, by section 10(1) Department of Justice (Restructuring) Act 1995 (1995 No 39) by substituting the words “chief executive of the Department for Courts” for the words “Secretary for Justice”.

## **13 Registers**

- (1) The Registrar shall compile and keep in his office—
  - (a) a register of all persons to whom private investigators’ licences have been issued; and
  - (b) a register of all persons to whom certificates of approval to be responsible employees of private investigators have been issued; and
  - (c) a register of all persons to whom security guards’ licences have been issued; and
  - (d) a register of all persons to whom certificates of approval to be responsible employees of security guards have been issued.
- (2) Every register shall show—
  - (a) the full name, residential address, and occupation of every holder of a licence or certificate of approval; and
  - (b) the date on which the licence or certificate of approval is issued; and
  - (c) every date on which the licence or certificate of approval is renewed; and
  - (d) in the case of a licence, the registered office of the holder, and every other place of business specified in the licence; and
  - (e) details, including dates, of any suspension or cancellation of the licence or certificate of approval; and
  - (f) such other matters as may be prescribed.

## **14 Inspection of registers**

- (1) Any person may inspect a register at the offices of the Registrar during normal working hours, on payment of the prescribed fee (if any).

- (2) Any person may, on payment of the prescribed fee (if any), require the Registrar to provide a copy of a register, or any part of a register.

Subsection (2) was inserted, as from 1 July 1995, by section 3 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

### **15 Statement by Registrar as to contents of register**

A statement in writing under the hand of the Registrar—

- (a) to the effect that any specified person is or is not the holder of a licence or certificate of approval, or was or was not the holder of a licence or certificate of approval at any particular time or during any period specified in the statement; or

- (b) as to any entry in a register—

shall in any judicial proceedings be sufficient evidence, until the contrary is proved, of the matters referred to in the statement.

## **Part 2**

### **Licensing of private investigators and security guards**

#### **16 Private investigators and security guards to be licensed**

- (1) No person shall be a private investigator unless he is the holder of a private investigator's licence.
- (2) No person shall be a security guard unless he is the holder of a security guard's licence for every class of the business of a security guard that he carries on.
- (3) Every person who contravenes subsection (1) or subsection (2) commits an offence against this Act.

Subsection (2) was substituted, as from 18 October 1978, by section 4(1) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

Subsection (3) was substituted, as from 1 July 1995, by section 17 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

#### **17 Presumption against granting application in certain cases**

- (1) In any case where the applicant for a licence (or, if the applicant for a licence is a company, in any case where any officer of the company)—

- (a) is under the age of 20 years; or
- (b) has not had, in the period of 3 years immediately preceding the date of the application, at least 12 months' experience as a licensee or responsible employee in the type of business to which the application relates; or
- (c) has previously held a private investigator's or security guard's licence, or a certificate of approval to be a responsible employee of a private investigator or security guard, that has been cancelled in accordance with this Act at any time within the period of 5 years immediately preceding the date of the application,—

the Registrar shall not grant the application unless, having regard to all the circumstances of the case, the Registrar is satisfied that there are special factors that would justify the granting of the application.

- (2) In any case where the applicant for a licence (or, if the applicant for a licence is a company, in any case where any officer of the company)—
  - (a) has been convicted, at any time within the period of 5 years immediately preceding the date of the application, of any crime involving dishonesty or of any specified offence; or
  - (b) has been detained, at any time within the period of 5 years immediately preceding the date of the application, in a prison pursuant to a conviction for any offence (not being a conviction in respect of which the sentence of detention has been quashed on appeal),—

the Registrar shall not grant the application unless, having regard to the nature and circumstances of the offence, the Registrar is satisfied that the application should be granted.

Section 17 was substituted, as from 1 July 1995, by section 4(1) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

Subsection (2)(b) was amended, as from 1 June 2005, by section 206 Corrections Act 2004 (2004 No 50) by substituting the word "prison" for the words "penal institution". See clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

**18 Application for licence**

- (1) A person who wishes to obtain a licence shall apply in writing, in the prescribed form (if any), and with one additional copy, to the Registrar.
- (2) The application shall state the following information:
  - (a) the full name, residential address, occupation, and date of birth of the applicant:
  - (b) in the case of a company, the full name, residential address, occupation, and date of birth of every officer of the company, and the nature of all other business carried on or proposed to be carried on by the applicant:
  - (c) the full address of every place of business from which the applicant proposes to carry on the business to which the application relates:
  - (d) the proposed registered office of the applicant, being one of the places of business specified in the application:
  - (e) such other matters as may be prescribed.
- (2A) In the case of an application for a security guard's licence, it shall also state—
  - (a) that the applicant proposes to carry on all of the classes of the business of a security guard specified in section 4; or
  - (b) where he does not intend to carry on all of those classes of business, the particular classes that he does propose to carry on.
- (3) The application may also state an address, other than the residential address of the applicant, at which documents relating to the application may be served on him.
- (4) The application shall be accompanied by the prescribed fee (if any), and (except where the applicant is a company) by 2 identical photographs of the applicant

Subsection (1) was amended, as from 18 October 1978, by section 12 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by inserting the words "and with one additional copy".

Subsection (2A) was inserted, as from 18 October 1978, by section 5 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

Subsection (4) was amended, as from 18 October 1978, by section 21(2) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by



omitting the words “that, in the opinion of the Registrar, comply with the requirements (if any) of any regulations made in that behalf under this Act”.

**19 Approved bond by private investigator**

*[Repealed]*

Subsection (5) was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by substituting the words “a Trust Bank Account established under section 67 of the Public Finance Act 1989”, for the words “the Public Account to the credit of the Trust Account”.

Section 19 was repealed, as from 1 July 1995, by section 5 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

**20 Effect of bond on renewal of licence**

*[Repealed]*

Section 20 was repealed, as from 1 July 1995, by section 5 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

**21 Notice of application for licence**

- (1) The Registrar shall cause a copy of every application for a licence to be served on the Police.
- (2) Every applicant for a licence shall cause a notice, in the prescribed form (if any), of his application to be published twice, at intervals of not more than 14 days, in a newspaper or newspapers approved for the purpose by the Registrar.
- (3) The application shall not be heard before the expiry of 1 month after subsections (1) and (2) have been complied with.

Section 21 was substituted, as from 18 October 1978, by section 13 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

**22 Objections by Police to application for licence**

- (1) The Police may, within 1 month after a copy of an application for a licence has been served on them under subsection (1) of section 21, file with the Registrar a notice of objection to the grant of the application.
- (2) The notice shall state the grounds of the objection.
- (3) The Police shall cause a copy of the notice of objection to be served on the applicant within 7 days after it is filed with the Registrar.

**23 Objections by other persons**

- (1) Any person other than a member of the Police may, within 1 month after the first date of publication of a notice under subsection (2) of section 21 in respect of an application for a licence, file with the Registrar a notice of objection to the grant of the application.
- (2) No objection may be made under this section except on 1 or more of the following grounds:
  - (a) where the applicant is a person other than a company, that the applicant is not, by reason of his personal character, fitness, or financial position, a proper person to be the holder of the licence:
  - (b) where the applicant is a company, that it is not, by reason of its financial position or of the nature of any other business carried on or to be carried on by it, a proper person to be the holder of the licence:
  - (c) where the applicant is a company, that any officer of the company is not, by reason of his personal character or fitness, a proper person to be employed by the company in the course of the business to which the application relates.
- (2A) In the case of an application for a security guard's licence, the grounds of objection specified in subsection (2) may relate either to the application as a whole or to any particular class or classes of the business of a security guard that the applicant proposes to carry on.
- (3) The notice shall state the grounds of the objection.
- (4) The objector shall cause a copy of the notice of objection to be served on the applicant within 7 days after it is filed with the Registrar.

Subsection (2A) was inserted, as from 18 October 1978, by section 6 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

**24 Cases in which hearing may be dispensed with**

Subject to subsection (1) of section 26, the Registrar may grant an application for a licence without holding a hearing in accordance with section 25 if no notices of objections to the grant of the application have been filed with him in accordance with sections 22 and 23.

**25 Hearing of application for licence**

- (1) Except as provided in section 24, the Registrar shall fix a time and place for the hearing of an application for a licence, and shall give not less than 14 clear days' notice of the hearing to—
  - (a) the applicant; and
  - (b) every person who has filed a notice of objection to the grant of the application in accordance with section 22 or section 23.
- (2) At the hearing, the applicant and every objector shall be entitled to appear and to be heard, and to call evidence, and to cross-examine, and re-examine witnesses.
- (3) The applicant or any objector may conduct his case personally or may be represented by counsel.
- (4) The Registrar may from time to time adjourn the hearing to a future time and place fixed by him.

**26 Issue of licence**

- (1) Where the Registrar is satisfied in respect of an application for a licence that the provisions of this Act have been complied with and that the applicant is a proper person to be the holder of the licence, he shall grant the application, but otherwise he shall refuse to grant the application.
- (1A) In the case of an application for a security guard's licence, the Registrar may grant a licence under subsection (1) either—
  - (a) for all of the classes of the business of a security guard specified in section 4; or
  - (b) for any particular class or classes of that business that he specifies in the licence.
- (2) The Registrar shall notify the applicant in writing of his decision.
- (3) Where the Registrar grants an application for a licence, he shall specify in the licence a place of business to be the registered office of the applicant, and may also specify in the licence any other places from which the applicant may carry on the business to which the licence relates.

- (4) Where the Registrar grants an application for a licence he shall, on payment of the prescribed fee (if any), issue to the applicant a licence in the appropriate form in Schedule 2 to this Act.

Subsection (1A) was inserted, as from 18 October 1978, by section 7 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

**27 Registrar to require evidence as to suitability of applicant**

- (1) The Registrar shall not determine under subsection (1) of section 26 that an applicant for a licence (other than a company) is a proper person to be the holder of the licence unless the Registrar is satisfied, by the production to him of sufficient evidence that the personal character, fitness, and financial position of the applicant is such that, having regard to the interests of the public, the applicant is a proper person to be the holder of the licence.
- (2) The Registrar shall not determine under subsection (1) of section 26 that any company that is an applicant for a licence is a proper person to be the holder of the licence unless the Registrar is satisfied, by the production to him of sufficient evidence, that—
- (a) the financial position of the company; and
  - (b) the personal character and fitness of every officer of the company; and
  - (c) the nature of all business that the company carries on or proposes to carry on (other than the business to which the application relates)—
- are such that, having regard to the interests of the public, the company is a proper person to be the holder of the licence.
- (2A) The Registrar shall not determine under subsection (1) of section 26 that the applicant is a proper person to be the holder of a security guard's licence in respect of any class of the business of a security guard specified in section 4 unless the Registrar is satisfied as to the matters specified in subsection (1) or subsection (2), as the case requires, so far as they relate to that class of business.
- (3) Nothing in this section shall limit the discretion of the Registrar to refuse to grant an application for a licence if he is not satisfied that the applicant is a proper person to be the holder of the licence.

Subsection (2A) was inserted, as from 18 October 1978, by section 8 Private Investigators and Security Guards Amendment Act 1978.

**28 Effect of licence**

- (1) A private investigator's licence shall authorise the licensee to carry on the business of a private investigator on his own account during the currency of the licence, either by himself or in partnership with any other person or persons who are the holders of private investigators' licences.
- (2) A security guard's licence, according to its tenor, shall authorise the licensee either—
  - (a) to carry on all of the classes of the business of a security guard specified in section 4; or
  - (b) to carry on the particular class or classes of that business that are specified in the licence—on his own account during the currency of the licence, either by himself or in partnership with any other person or persons who are the holders of security guards' licences that include that same authority.
- (3) Notwithstanding subsections (1) and (2), a licence shall not authorise a licensee to carry on the business to which the licence relates from any place of business that is not specified in the licence.

Subsection (2) was substituted, as from 18 October 1978, by section 9 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

**29 Duration of licence**

Every licence shall, unless it has been terminated in accordance with this Act, continue in force for a period ending with the 31st day of March next following the date on which it is issued, but may from time to time be renewed in accordance with this Act.

**30 Registrar to notify Commissioner of Police when licence issued**

The Registrar shall, after issuing a licence, notify the Commissioner of Police in writing of—

- (a) the full name and residential address of the licensee; and
- (b) the nature and number of the licence; and

- (c) the date on which it was issued; and
- (d) the registered office of the licensee and the other places of business specified in the licence.

**31 Name under which licensee may carry on business**

- (1) No licensee, other than a company, shall carry on the business to which the licence relates under any name that is not—
  - (a) his own name; or
  - (b) in the case of a firm, the name of one of the partners— unless the name has been approved in writing by the Registrar.
- (2) An applicant for a licence or a licensee may at any time apply in writing to the Registrar to approve a name under subsection (1).
- (3) The Registrar shall not approve a name under subsection (1) if he considers that the name so nearly resembles the name of any other person, firm, or company carrying on business as a private investigator or as a security guard (as the case may require) as to be likely to deceive, or that the name is that of any person, firm, or company—
  - (a) whose licence has been suspended or cancelled under section 55, section 57, or section 60; or
  - (b) whose application for a licence has at any time been refused under this Act and who has not subsequently obtained such a licence.
- (4) No licensee that is a company shall carry on the business to which the licence relates under any name other than the name by which the company is registered or incorporated.
- (5) Every licensee who contravenes subsection (1) or subsection (4) commits an offence against this Act.

**32 Persons not to act as officers of licensed company without consent of Registrar**

- (1) In the case of a licensee that is a company—
  - (a) no person who is not a director of the company at the time when the application for the licence is granted shall subsequently act as a director of the company; and

- (b) no person who is not an officer of the company at the time when the application is granted shall subsequently act as an officer of the company—  
without the prior written approval of the Registrar.
- (2) A licensee may at any time apply in writing to the Registrar for approval of any person under subsection (1).
- (3) The Registrar shall not give his approval under subsection (1) in respect of a person unless the Registrar is satisfied that taking into account the requirements of section 27, the company will still be a proper person to be the holder of the licence.
- (4) The provisions of section 17 shall apply with any necessary modifications to any application for the Registrar's approval made under this section.
- (5) Every person who contravenes subsection (1) commits an offence against this Act.
- (6) Every licensee who, being a company, employs any person or permits any person to act as a director or other officer of the company in contravention of subsection (1), commits an offence against this Act.
- (7) *[Repealed]*

Subsection (4) was amended, as from 1 July 1995, by section 4(2) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14) by omitting the words "subsection (4) of".

Subsections (5) and (6) were amended, as from 1 July 1995, by section 17 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14) by inserting the words "against this Act".

Subsection (7) was repealed, as from 1 July 1995, by section 17 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

### **32A Amendment of security guard's licence**

- (1) Where the Registrar has under section 26 granted to any applicant a security guard's licence that is limited in its effect to any particular class or classes of the business of a security guard specified in section 4, the person to whom the licence has been granted may at any time during the currency of the licence apply in writing, in the prescribed form (if any) and with one additional copy, to the Registrar to amend the licence by adding any class or classes of the business of a security guard that he may carry on.

- (2) On an application for the amendment of a security guard's licence, the Registrar may require the applicant (except where it is a company) to submit to him 2 additional identical photographs of the applicant.
- (3) The application shall be heard and determined in the same way as if it were an application for a security guard's licence, and the provisions of sections 21 to 25, subsections (1), (2), and (3) of section 26, section 27, and section 30 shall, with any necessary modifications, apply accordingly in respect of the application for the amendment of the licence.
- (4) Where the Registrar grants an application under this section to amend a security guard's licence he shall, on payment of the prescribed fee (if any), issue to the applicant an amended licence specifying the additional class or classes of the business of a security guard that the licensee may carry on.

Section 32A was inserted, as from 18 October 1978, by section 10(1) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

### **33 Renewal of licence**

- (1) Every licence, unless it has been terminated in accordance with this Act, may from time to time be renewed in accordance with this section.
- (2) An application for the renewal of a licence shall be made by the licensee in writing, in the prescribed form (if any) and with one additional copy, to the Registrar.
- (3) The application shall be made not earlier than the 1st day of January, and not later than the last day of February, in the year in which the licence will expire.
- (4) On an application for the renewal of a licence, the Registrar may require the applicant (except where it is a company) to submit to him 2 additional identical photographs of the applicant.
- (5) After the application has been filed with the Registrar, it shall be advertised and a copy shall be served on the Police, in the same way as if it were an application for a licence.
- (6) The application shall not be heard before the expiry of 1 month after subsection (5) has been complied with.



- (7) The police may, before the expiry of 1 month after subsection (5) has been complied with, file with the Registrar a notice of objection to the application in the same way as if it were an application for a licence.
- (8) Any person other than a member of the police may, before the expiry of 1 month after subsection (5) has been complied with, file with the Registrar a notice of objection to the application, on the same grounds and in the same way as if it were an application for a licence.
- (9) The application shall be heard and determined in the same way as if it were an application for a licence and, subject to subsections (7) and (8), the provisions of sections 22 to 25, subsections (1), (2), and (3) of section 26, section 27, and section 30 shall, with any necessary modifications, apply accordingly in respect of the application for the renewal of the licence.
- (10) The Registrar may hear and determine an application for the renewal of a licence, or any objection to its renewal, notwithstanding that the application or the notice of objection is not filed within the time limit specified in this section, as long as the application or notice, as the case may be, is filed before the date of expiry of the licence.
- (11) Where the Registrar grants an application for the renewal of a licence he shall, on payment of the prescribed fee (if any), issue a renewed licence accordingly.
- (12) Where an application for the renewal of a licence has been made but not determined before the licence expires, the licence shall continue in force until the application is determined by the Registrar.

Section 33 was substituted, as from 18 October 1978, by section 14 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

Subsections (7) and (8) were substituted, as from 15 November 2000, by section 3 Private Investigators and Security Guards Amendment Act 2000 (2000 No 77)

Subsection (12) was amended, as from 1 July 1995, by section 6 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14) by omitting the words “and a bond that complies with section 19 of this Act is for the time being in effect in respect of the licence”.

### **Part 3**

#### **Approval of responsible employees of private investigators and security guards**

#### **34 Responsible employees to be approved by Registrar**

- (1) No holder of a private investigator's licence shall, either by himself or in partnership with any other licensee, employ or permit to act as a responsible employee in the business of a private investigator any person who is not the holder of a certificate of approval to be a responsible employee of a private investigator.
- (2) No holder of a security guard's licence shall, either by himself or in partnership with any other licensee, employ or permit to act as a responsible employee in the business of a security guard any person who is not the holder of a certificate of approval to be a responsible employee of a security guard.
- (3) Any person who—
  - (a) being a licensee, employs any person as a responsible employee, or permits any person to act as a responsible employee, in contravention of subsection (1) or subsection (2); or
  - (b) is employed as a responsible employee by a licensee, or acts as a responsible employee of a licensee, in contravention of subsection (1) or subsection (2); or
  - (c) not being the holder of a certificate of approval to be a responsible employee of a private investigator or security guard, holds himself out to any person or to the public as being a responsible employee of a private investigator or security guard—  
commits an offence against this Act.

Subsection (3) was amended, as from 1 July 1995, by section 17 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14) by substituting the words "against this Act" for the words "and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine of \$500 or to both".

#### **35 Presumption against granting application in certain cases**

- (1) In any case where an application for a certificate of approval is made in respect of any person who is under the age of 18 years, the Registrar shall not grant the application unless, hav-

ing regard to all the circumstances of the case, the Registrar is satisfied that there are special factors that would justify the granting of the application.

- (2) In any case where an application for a certificate of approval to be a responsible employee of a private investigator or security guard is made in respect of any person whose application, if he or she were to apply in his or her own right for a private investigator's or security guard's licence, would be required to be considered by the Registrar—
  - (a) under section 17(1)(c), the Registrar shall not grant the application unless, having regard to all the circumstances of the case, the Registrar is satisfied that there are special factors that would justify the granting of the application:
  - (b) under section 17(2), the Registrar shall not grant the application unless, having regard to the nature and circumstances of the offence, the Registrar is satisfied that the application should be granted.

In the original section 35, the "Apprenticeship Act 1983" referred to in the proviso to subsection (1) has been substituted, as from 1 November 1983, for the repealed "Apprentices Act 1948" pursuant to section 58 Apprenticeship Act 1983 (No 16). The Apprenticeship Act 1983 was repealed, as from 1 July 1992, by section 14(1) Industry Training Act 1992 (1992 No 55). *See* section 15 of that Act for transitional provisions relating to apprenticeship and technicians contracts continuing in existence until otherwise determined.

Section 35 was substituted, as from 1 July 1995, by section 7 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

### **36 Application for certificate of approval**

- (1) An application for a certificate of approval shall be made in writing, in the prescribed form (if any) and with one additional copy, to the Registrar by the person who proposes to employ the person in respect of whom the application is made.
- (2) The application shall state the following information:
  - (a) the full name of the applicant and (where he is a licensee) his registered office:
  - (b) the full name, residential address, occupation, and date of birth of the person in respect of whom the application is made:
  - (c) such other matters as may be prescribed.

- (3) The application shall be accompanied by the prescribed fee (if any), and by 2 identical photographs of the person in respect of whom the application is made.
- (4) Where the application for a certificate of approval is made by an applicant for a licence, it shall be attached to and form part of the application for a licence.
- (5) The Registrar shall cause a copy of the application to be served on the Police.
- (6) The application shall not be heard before the expiry of 1 month after subsection (5) has been complied with.

Section 36 was substituted, as from 18 October 1978, by section 15(1) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

### **37 Temporary permission to engage responsible employee**

- (1) Notwithstanding section 34, where under subsection (5) of section 36 a copy of an application by a licensee for a certificate of approval is served on the Police, any commissioned officer of Police, or any other member of the Police who is authorised for the purpose by the Commissioner of Police, may in writing permit the licensee to employ the person in respect of whom the application is made for any period not exceeding 2 months.
- (2) Any commissioned officer of Police or other member of the Police specified in subsection (1) may from time to time renew, for a further period not exceeding 2 months, any permission given under that subsection.
- (3) Permission given under this subsection shall in any event cease to have effect when the application for the certificate of approval is determined by the Registrar.

Subsection (1) was amended, as from 18 October 1978, by section 15(2) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by substituting the expression “(5)” for the expression “(4)”.

### **38 Objections by Police to application for certificate of approval**

- (1) The Police may—
  - (a) within 1 month after a copy of an application for a certificate of approval has been served on them under this

section (where the application forms part of an application for a licence); or

- (b) within 7 days after the copy is served on them (in any other case)—

file with the Registrar a notice of objection to the grant of the application.

- (2) The notice shall state the grounds of the objection.
- (3) The Police shall cause a copy of the notice of objection to be served on the applicant within 7 days after it is filed with the Registrar.

### **39 Hearing of application for certificate of approval**

- (1) The Registrar shall fix a time and place for the hearing of an application for a certificate of approval, and shall give not less than 14 clear days' notice of the hearing to the applicant and, where the Police have filed a notice of objection, to the Police.
- (2) The provisions of section 25 shall apply in respect of the hearing in the same way as if it were a hearing on an application for a licence.
- (3) Subject to subsection (1) of section 40, the Registrar may grant the application without holding a hearing in accordance with this section if no notice of objection to the grant of the application has been filed by the Police in accordance with section 38.

### **40 Issue of certificate of approval**

- (1) Where the Registrar is satisfied in respect of an application for a certificate of approval that the provisions of this section have been complied with, and that having regard to the interests of the public, the person in respect of whom the application is made is a proper person to be a responsible employee of the applicant, the Registrar shall grant the application, but otherwise he shall refuse to grant the application.
- (2) The Registrar shall notify the applicant in writing of his decision.
- (3) Where the Registrar grants an application under this section he shall, on payment of the prescribed fee (if any), issue a

certificate of approval in the appropriate form in Schedule 2 to the person to whom it relates.

**41 Effect of certificate of approval**

A certificate of approval shall authorise the holder to work during the currency of the certificate as a responsible employee of any licensee carrying on the business to which the certificate of approval relates.

**42 Duration of certificate of approval**

Every certificate of approval, unless it has been terminated in accordance with this Act, shall continue in force until the expiration of the 31st day of March next following the date on which it is issued (whether or not the holder continues to be employed by the same licensee), but may from time to time be renewed in accordance with this Act.

**43 Registrar to notify Commissioner of Police when certificate of approval issued**

The Registrar shall, after issuing a certificate of approval, notify the Commissioner of Police in writing of—

- (a) the full name and residential address of the holder of the certificate of approval; and
- (b) the nature and number of the certificate of approval; and
- (c) the date on which it was issued.

**44 Renewal of certificate of approval**

- (1) Every certificate of approval, unless it has been terminated in accordance with this Act, may from time to time be renewed in accordance with this section.
- (2) An application for the renewal of a certificate of approval may be made in writing, in the prescribed form (if any) and with one additional copy, to the Registrar by the licensee by whom the holder of the certificate of approval is employed.
- (3) The application shall be made not earlier than the 1st day of January, and not later than the last day of February, in the year in which the certificate of approval will expire.

- (4) On an application for the renewal of a certificate of approval, the Registrar may require the applicant to submit to him 2 additional identical photographs of the holder of the certificate of approval.
- (5) After the application has been filed with the Registrar, a copy shall be served on the Police in the same way as if it were an application for a certificate of approval.
- (6) The application shall not be heard before the expiry of 1 month after subsection (5) has been complied with.
- (7) The Police may, before the 7th day of March in the year in which the certificate of approval will expire, file with the Registrar a notice of objection to the application in the same way as if it were an application for a certificate of approval.
- (8) The Police shall cause copies of the notice of objection to be served respectively on—
  - (a) the applicant; and
  - (b) the holder of the certificate of approval—within 7 days after it is filed with the Registrar.
- (9) The application shall be heard and determined in the same way as if it were an application for a certificate of approval.
- (10) The holder of the certificate of approval in respect of which the application is made shall be entitled to appear as a party to the application, and the provisions of sections 35, 36, and 39, subsections (1) and (2) of section 40, and section 43 shall, with any necessary modifications, apply in respect of the application in the same way as if it were an application for a certificate of approval.
- (11) The Registrar may hear and determine an application for the renewal of a certificate of approval, or any objection to its renewal, notwithstanding that the application or the notice of objection is not filed within the time limit specified in this section, as long as the application or notice, as the case may be, is filed before the date of expiry of the certificate of approval.
- (12) Where the Registrar grants an application for the renewal of a certificate of approval he shall, on payment of the prescribed fee (if any), issue a renewed certificate of approval accordingly.

- (13) Where an application for the renewal of a certificate of approval has been made but not determined before the certificate of approval expires, the certificate of approval shall continue in force until the application is determined by the Registrar.

Section 44 was substituted, as from 18 October 1978, by section 16 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

## Part 4

### Duties of private investigators, security guards, and responsible employees

#### *General duties*

#### **45 Production of licence**

- (1) Every licensee shall produce his licence on demand to—
- (a) the Registrar; or
  - (b) any member of the Police; or
  - (c) any person with whom he is dealing in the course of transacting or attempting to transact the business to which the licence relates.
- (2) Where the licensee is a company it shall be sufficient compliance with the requirements of subsection (1) if the licence is kept in the company's registered office and is made available for inspection on demand by any of the persons referred to in that subsection.
- (3) Every licensee who knowingly contravenes subsection (1) commits an offence against this Act.

#### **46 Production of certificate of approval**

- (1) Every holder of a certificate of approval shall produce his certificate of approval on demand to—
- (a) the Registrar; or
  - (b) any member of the Police; or
  - (c) any person with whom he is dealing in the course of transacting or attempting to transact the business to which the certificate of approval relates.
- (2) Every holder of a certificate of approval shall, on demand by any other person specified in subsection (1), inform that other person of the name and address of the licensee by whom the holder is employed.



- (3) Every holder of a certificate of approval who knowingly contravenes subsection (1) or subsection (2) commits an offence against this Act.

Subsections (2) and (8) were substituted, as from 18 October 1978, by section 17 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83). See section 1(2) of that Act.

**47 Notice to Registrar of change of employment**

- (1) Where any holder of a certificate of approval leaves the employment of any licensee, the licensee shall within 7 days notify the Registrar in writing of the name of the holder and of the date on which he left his employment.
- (2) Where any holder of a certificate of approval commences employment with any licensee, the licensee shall within 7 days notify the Registrar in writing of the name of the holder, the address at which he is employed, and the date on which he commenced his employment.
- (3) Every licensee who contravenes subsection (1) or subsection (2) commits an offence against this Act.

Section 47 was substituted, as from 18 October 1978, by section 18 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

*Duties of private investigators*

**48 Private investigator to display notices at offices**

- (1) Every holder of a private investigator's licence shall at all times exhibit at every place of business specified in his licence, in a place where it can be easily read from outside that place of business, a conspicuous notice stating—
- (a) his full name; and
  - (b) the fact that he is the holder of a private investigator's licence; and
  - (c) if the business is not carried on in his own name, the name under which he carries on the business.
- (2) Every holder of a private investigator's licence shall cause to be conspicuously displayed on—
- (a) all notices, advertisements, and other publications issued by him or on his behalf, in the course of or in connection with the business of a private investigator; and

- (b) all letters, accounts, and other documents sent out by him or on his behalf, in the course of or in connection with the business of a private investigator—  
the information specified in paragraphs (a) to (c) of subsection (1).
- (3) Every holder of a private investigator's licence shall cause to be conspicuously shown on all letters sent out or published by him or on his behalf, in the course of or in connection with the business of a private investigator, a statement to the effect that he has no more authority than that of an ordinary private citizen to require a reply to the letter.
- (4) Every licensee who knowingly contravenes subsection (1), subsection (2), or subsection (3) commits an offence against this Act.

**49 Money in anticipation of expenditure to be paid into trust account**

*[Repealed]*

Section 49 was repealed, as from 1 July 1995, by section 8 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

**50 Trust account to be audited**

*[Repealed]*

Section 50 was repealed, as from 1 July 1995, by section 8 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

**51 Private investigator to render account to principal**

- (1) Every holder of a private investigator's licence—
- (a) within 7 days after being requested to do so by any person for whom the licensee or his firm is acting in the course of the business of a private investigator; or
- (b) if no request is made, then within 28 days after the licensee or the firm ceases to act for that person—
- shall render to that person an account in writing setting out full particulars of all money that has been received by the licensee or the firm for or on behalf of that person, and the application of that money.
- (2) Any licensee who has rendered an account in accordance with subsection (1) in respect of any money expended by him or by

his firm in the course of acting for any person may appropriate any money standing in his account to the credit of that person in satisfaction of the account rendered.

- (3) Except as provided in subsection (2), every licensee shall—
- (a) within 7 days after being requested to do so by any person for whom the licensee or his firm is acting in the course of the business of a private investigator; or
  - (b) if no such request is made, then within 28 days after the licensee or firm ceases to act for that person—
- pay to that person all money held for that person.
- (4) Every licensee who contravenes subsection (1) or subsection (3) commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500 or to both.

Subsection (3) was amended, as from 1 July 1995, by section 9 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14) by omitting the words “in the trust account of the licensee or firm”.

## **52 Private investigator not to take photographs or make recordings without consent**

- (1) Every person who, in the course of or in connection with the business of a private investigator,—
- (a) takes or causes to be taken, or uses or accepts for use, any photograph, cinematographic picture, or videotape recording of another person; or
  - (b) by any mechanical device records or causes to be recorded the voice or speech of another person,—
- without the prior consent in writing of that other person, commits an offence against this Act:  
Provided that nothing in this subsection shall apply to the taking or using by any person of any photograph for the purposes of identifying any other person on whom any legal process is to be or has been served.
- (2) No photograph or cinematographic film, or videotape recording taken, or other recording made, in contravention of subsection (1) shall be admissible as evidence in any civil proceedings.

Subsection (1) was amended, as from 1 July 1995, by section 17 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14) by substituting the words “against this Act” for the words “and is liable on summary conviction”.

tion to imprisonment for a term not exceeding 3 months or to a fine of \$500 or to both”.

## **Part 5**

### **Disciplinary functions of Registrar**

#### **53 Complaints against licensee**

- (1) The Police may at any time file a written complaint with the Registrar against any licensee.
- (2) Any person other than a member of the Police may at any time, with the leave of the Registrar, file a written complaint with him against any licensee.
- (3) The Registrar shall refuse leave under subsection (2) unless he is satisfied that the complainant has a personal interest in the subject-matter of the complaint, and that the complaint is made in good faith and is not frivolous or vexatious.
- (4) No complaint may be made under this section except on 1 or more of the following grounds:
  - (a) that the licensee has been convicted of any crime involving dishonesty or of any specified offence:
  - (b) any of the grounds specified in section 58:
  - (c) that the licensee has contravened any provision in this Act or in any regulations made under this Act:
  - (d) that the licensee has been guilty of misconduct or negligence in the course of the business to which the licence relates.
- (5) The complainant shall specify the grounds on which it is made.
- (6) The complaint shall, within 7 days after filing the complaint with the Registrar, cause a copy of the complaint to be served on the licensee.

Subsection (4)(a) was substituted, as from 1 July 1995, by section 10 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

#### **54 Registrar may refer matter to Police**

- (1) On receipt of a complaint from a person under subsection (2) of section 53, the Registrar may send a copy of the complaint to the Commissioner of Police and request the Commissioner to cause a report on the complaint to be prepared by the Police for the Registrar.

- (2) In any other case where the Registrar suspects on reasonable grounds that there may be any grounds for complaint against a licensee, he may refer the matter to the Commissioner of Police and request the Commissioner to investigate it with a view to deciding whether a complaint against the licensee should be filed under subsection (1) of section 53.

**55 Suspension of licensee pending determination of complaint**

- (1) Where a complaint has been filed under section 53 and the Registrar is satisfied that it is necessary or desirable to do so having regard to the interests of the public, and to the possibility of further loss or damage occurring if he does not make an order under this section, he may make an order suspending the licence of the licensee in respect of whom the complaint is made until the complaint is heard and determined by the Registrar in accordance with this Part.
- (2) The Registrar shall not be obliged to give any notice to the licensee that he intends to make an order of suspension under this section.
- (3) The Registrar shall notify the licensee in writing of any order of suspension made by him under this section and of his reasons for making the order, and shall, as soon as practicable thereafter, afford the licensee an opportunity to make representations to the Registrar for the revocation of the order.
- (4) An order of suspension made under this section shall come into force when the licensee is notified of the order in accordance with subsection (3), and while it continues in force, the licence to which it relates shall cease to have effect, and shall not be renewed, and no new licence of the same type shall be granted to the licensee.
- (5) The Registrar may at any time, on his own motion or on the application of the licensee, revoke an order of suspension made under this section.

**56 Hearing of complaint**

- (1) Where a complaint has been filed with the Registrar against any licensee under section 53, and the Registrar is satisfied

that the requirements of that section have been complied with, the Registrar shall fix a time and place for the hearing of the complaint.

- (2) The Registrar shall give not less than 14 days' notice of the hearing—
  - (a) to the licensee; and
  - (b) to the complainant; and
  - (c) where the Registrar wishes the Police to attend, to the Commissioner of Police.
- (3) At the hearing, the complainant, the licensee, and the Commissioner of Police or any other member of the Police on his behalf, shall be entitled to appear and to be heard, and to call evidence, and to cross-examine and re-examine witnesses.
- (4) Any party at the hearing may conduct his case personally or may be represented by counsel.
- (5) The Registrar may from time to time adjourn the hearing to a future time and place fixed by him.

#### **57 Powers of Registrar on determining complaint**

- (1) If, after hearing a complaint in respect of a licensee in accordance with section 56, the Registrar is satisfied that the grounds of the complaint have been proved, he may do all or any of the following things:
  - (a) subject to section 58, make an order cancelling the licence:
  - (b) make an order suspending the licence for such period, not exceeding 3 years, as the Registrar shall specify in the order:
  - (c) fine the licensee any amount not exceeding \$500:
  - (d) reprimand the licensee:
  - (e) where the Registrar is satisfied in the case of a licensee that is a company that the grounds of the complaint relate to any conduct or omission by a particular officer of the company, make an order directing the licensee to terminate the employment of that officer within such time as the Registrar shall specify in the order.

- (2) If, after hearing the complaint, the Registrar is not satisfied that the grounds of the complaint have been proved, he shall dismiss the complaint.
- (3) While any order of suspension of a licence made under this section continues in force, the licence shall cease to have effect, and shall not be renewed, and no new licence of the same type shall be issued to the licensee.
- (4) Any fine imposed by the Registrar on a licensee under subsection (1) shall be deemed to be a debt due by the licensee to Her Majesty the Queen, and shall be recoverable accordingly in any Court of competent jurisdiction.
- (5) The Registrar shall forthwith give notice in writing to the licensee, the Commissioner of Police, and (where the complainant is not a member of the Police) the complainant, of the decision made by him under this section, and of any penalty imposed by him under this section.
- (6) Where the Registrar makes an order under paragraph (e) of subsection (1), he shall also give notice in writing of the order forthwith to the officer to whom it relates.

Subsection (1)(c) was amended, as from 1 July 1995, by section 17 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14) by substituting the expression “\$500” for the expression “\$50”.

## **58 Grounds for cancellation of licence**

- (1) Subject to section 60, no licence may be cancelled under this Act except on 1 or more of the following grounds:
  - (a) where any person specified in subsection (2) has been convicted of—
    - (i) an offence under any of the provisions specified in Schedule 3; or
    - (ii) any drug-dealing offence within the meaning of section 10(1) of the Misuse of Drugs Amendment Act 1978:
  - (aa) where any person specified in subsection (2) has been convicted of any crime involving dishonesty or of any specified offence, and the Registrar is satisfied that the licensee is not a proper person to hold the licence:
  - (b) where any person specified in subsection (2) in the course of carrying on the business of a security guard

- uses any dog and, in respect of that dog, is convicted of an offence against any of the provisions of the Dog Control Act 1996:
- (c) where any person specified in subsection (2), having been convicted of an offence against this Act, is within 3 years after the date of the conviction again convicted of an offence against this Act:
  - (d) where any person specified in subsection (2) has been guilty of misconduct or negligence in the course of the business to which the licence relates, and in the opinion of the Registrar the licensee is for that reason not a proper person to carry on that business:
  - (e) where any person specified in subsection (2) is adjudged bankrupt, or makes any assignment for the benefit of his creditors, or makes any composition with his creditors:
  - (f) in the case of a licensee that is a company, where the High Court makes an order for the winding up of the licensee, or the licensee passes a resolution for voluntary winding up:
  - (g) in the case of a licensee that is a company, where the licensee fails to comply with an order made under paragraph (e) of subsection (1) of section 57 in respect of any officer of the company.
- (2) The persons referred to in subsection (1) are—
- (a) the licensee; and
  - (b) in the case of a licensee that is a company, any officer of the company.

Subsection (1)(a) was substituted, as from 1 July 1995, by section 11(1) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

Subsection (1)(aa) was inserted, as from 18 October 1978, by section 11 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

Subsection (1)(aa) was substituted, as from 1 July 1995, by section 11(1) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

Subsection (1)(b) was amended, as from 22 October 2003, by section 3 Private Investigators and Security Guards Amendment Act 2003 (2003 No 95) by substituting the words “the Dog Control Act 1996” for the words “Part 3 of the Dogs Registration Act 1955”.



**59 Disciplinary powers of Registrar in respect of responsible employees**

- (1) The Police may at any time file a written complaint with the Registrar against any holder of a certificate of approval.
- (2) Any person other than a member of the Police may at any time, with the leave of the Registrar, file a written complaint with him against any holder of a certificate of approval.
- (3) The Registrar shall refuse leave under subsection (2) unless he is satisfied that the complainant has a personal interest in the subject-matter of the complaint, and that the complaint is made in good faith and is not frivolous or vexatious.
- (4) No complaint may be made under this section except on 1 or more of the following grounds:
  - (a) that the holder of the certificate of approval has been convicted of any crime involving dishonesty or of any specified offence:
  - (b) that the holder of the certificate of approval has been convicted of an offence under any of the provisions specified in Schedule 3:
  - (c) that the holder of the certificate of approval has contravened any provision in this Act or in any regulations made under this Act:
  - (d) that the holder of the certificate of approval has been guilty of misconduct or negligence as a responsible employee in the course of the business to which the certificate of approval relates.
- (5) The complaint shall specify the grounds on which it is made.
- (6) The complainant shall, within 7 days after filing the complaint with the Registrar, cause copies of the complaint to be served respectively on the holder of the certificate of approval and the licensee by whom he is employed.
- (7) Where a complaint is made under this section, the provisions of sections 54, 55, and 56 shall apply, with the necessary modifications, in the same way as if it were a complaint against a licensee.
- (8) If, after hearing a complaint in respect of a holder of a certificate of approval in accordance with this section, the Registrar

is satisfied that the grounds of the complaint have been proved, he may do all or any of the following things:

- (a) subject to subsection (10), make an order cancelling the certificate of approval:
  - (b) make an order suspending the certificate of approval for such period, not exceeding 3 years, as the Registrar shall specify in the order:
  - (c) fine the holder of the certificate of approval any amount not exceeding \$200:
  - (d) reprimand the holder of the certificate of approval.
- (9) If, after hearing the complaint, the Registrar is not satisfied that the grounds of the complaint have been proved, he shall dismiss the complaint.
- (10) The Registrar shall not make an order under this section cancelling a certificate of approval unless he is satisfied that the holder is not a proper person to be a responsible employee in the business to which the certificate of approval relates.
- (11) While any order of suspension of a certificate of approval made under this section continues in force, the certificate of approval shall cease to have effect, and shall not be renewed, and no licence in respect of the business to which the certificate of approval relates or new certificate of approval of the same type shall be issued to the holder.
- (12) Any fine imposed by the Registrar on the holder of a certificate of approval under this section shall be deemed to be a debt due by the holder to Her Majesty the Queen, and shall be recoverable accordingly in any Court of competent jurisdiction.
- (13) The Registrar shall forthwith give notice in writing to the holder of the certificate of approval, and the licensee by whom he is for the time being employed, and the Commissioner of Police, and (where the complainant is not a member of the Police) the complainant, of the decision made by him under this section, and of any penalty imposed by him under this section.

Subsection (3) was substituted, as from 18 October 1978, by section 19 Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

Subsection (4)(a) was substituted, as from 1 July 1995, by section 12 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

Subsection (8)(c) was amended, as from 1 July 1995, by section 17 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14) by substituting the expression “\$200” for the expression “\$20”.

**60 Registrar to cancel licences and certificates of approval in certain cases, unless special factors present**

- (1) The provisions of this section shall apply notwithstanding any other provisions of this Part.
- (2) Where the holder of a licence, or of a certificate of approval is convicted of any crime involving dishonesty or of any specified offence, the Registrar shall cancel the licence or certificate of approval unless, having regard to the nature and circumstances of the offence, he or she is satisfied that the interests of the public do not require the cancellation of the licence or certificate of approval.
- (3) Where the holder of a licence, or of a certificate of approval, is detained in a prison pursuant to a conviction of any offence, and the time allowed for an appeal against the sentence of detention has expired, or, if an appeal against that sentence has been brought, it has been finally determined without that sentence having been quashed, the Registrar shall cancel the licence or certificate of approval unless, having regard to the nature and circumstances of the offence, he or she is satisfied that the interests of the public do not require the cancellation of the licence or certificate of approval.
- (4) Where the Registrar cancels any licence or certificate of approval under this section he shall notify the holder in writing that he has done so.

Subsection (2) was substituted, as from 1 July 1995, by section 13 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

Subsection (3) was substituted, as from 1 July 1995, by section 13 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

Subsection (3) was amended, as from 1 June 2005, by section 206 Corrections Act 2004 (2004 No 50) by substituting the word “prison” for the words “penal institution”. See clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

**61 Evidence of convictions in proceedings before Registrar**

For the purposes of any proceedings under this Part, a certificate containing the substance of the conviction of any person

of any offence purporting to be signed by the Registrar of the Court by which the person was convicted, shall be sufficient evidence of that conviction without proof of the signature or official character of the person appearing to have signed the certificate.

**62 Cancelled and suspended licences and certificates of approval to be returned to Registrar**

- (1) Every person whose licence or certificate of approval is cancelled or suspended under this Part shall deliver it to the Registrar within 7 days after being notified of the cancellation or suspension.
- (2) Every person who fails to comply with subsection (1) commits an offence against this Act.

**63 Penalties for offences not affected**

Nothing in this Part shall limit the jurisdiction of any Court, or limit or derogate from any other provisions in this Act relating to the punishment of offences.

## **Part 6 Appeals**

Part 6 (comprising sections 64 and 65 ) was substituted, as from 1 July 1995, by section 14(1) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

**64 Appeals to District Court**

- (1) The following persons shall have a right of appeal to a District Court against a decision of the Registrar under this Act:
  - (a) where an application is refused (whether in whole or in part), the applicant; and
  - (b) where a licence is suspended or cancelled, the licensee; and
  - (c) where a certificate of approval is suspended or cancelled, the person whose certificate of approval is suspended or cancelled; and
  - (d) where the employment of an officer of a company that is a licensee is terminated, the officer; and

- (e) where a licensee or person holding a certificate of approval is fined, the licensee or person.
- (2) An appeal under this section shall be brought within 28 days after the date on which the appellant was notified in writing by the Registrar of the decision appealed against, or within such further period as the Court may allow.
- (3) The appeal shall be made by way of originating application in accordance with the District Courts Rules 1992, and shall be filed in the office of the Court nearest to the registered office of the licensee or to the place of employment of the holder of the certificate of approval, as the case may require.
- (4) On hearing the appeal, the Court may—
  - (a) confirm, vary, or reverse the decision appealed against; or
  - (b) in the case of an order suspending a licence or certificate of approval, vary the period of the suspension; or
  - (c) refer the matter back to the Registrar with directions to him or her to reconsider the whole or any specified part of the matter.
- (5) The decision of the Court on the appeal shall be final.

Subsection (1) of the original section 64 was amended, as from 18 October 1978, by section 20(1) and (2) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by inserting the words “subsection (3) of section 32A”, and by inserting the words “(whether the refusal relates to the whole or to any part of the application)”.

Subsection (6) of the original section 64 was repealed, as from 15 August 1991, by section 3(4) Judicature Amendment Act 1991 (1991 No 60).

Subsection (8)(a) of the original section 64 was amended, as from 18 October 1978, by section 20(3) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83) by inserting the word “, vary,”.

Part 6 (comprising sections 64 and 65 ) was substituted, as from 1 July 1995, by section 14(1) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

## **65 Appeals to District Court**

*[Repealed]*

In subsection (7) the word “District” was substituted for the word “Magistrates”, as from 1 April 1980, pursuant to section 2(3) District Courts Amendment Act 1979 (1979 No 125).

Part 6 (comprising sections 64 and 65 ) was substituted, as from 1 July 1995, by section 14(1) Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

## Part 7

### Miscellaneous provisions

#### **66 Licence or certificate not to confer additional powers on holder**

- (1) No person shall, by virtue of being the holder of a licence or certificate of approval, have any power or authority that he would not have if this Act had not been passed.
- (2) No person, being the holder of a licence or certificate of approval, shall—
  - (a) either orally or in writing claim, suggest, or imply that, by virtue of his licence, certificate of approval, occupation, or business, he has any power or authority that he does not in law have; or
  - (b) use or attempt to use his licence or certificate of approval for the purpose of exercising, claiming, suggesting, or implying such a power or authority; or
  - (c) either orally or in writing describe or refer to himself as a detective or by any other expression or term containing the word “detective”; or
  - (d) wear any article of clothing, badge, or other article, that is likely to cause any member of the public to believe that the holder of the licence or certificate of approval is a member of the Police.
- (3) Every person who contravenes subsection (2) commits an offence against this Act.

Subsection (3) was substituted, as from 1 July 1995, by section 17 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

#### **67 Lost licences and certificates of approval**

Where the Registrar is satisfied that a holder of a licence or certificate of approval has lost his licence or certificate of approval the Registrar may, on payment of the prescribed fee (if any), and on receipt of 2 identical photographs of the holder that, in the opinion of the Registrar, comply with the requirements (if any) of any regulations made in that behalf under this Act, issue to the holder a substitute licence or certificate of approval.

**68 Voluntary surrender of licence or certificate of approval**

- (1) A holder of a licence or certificate of approval may at any time surrender his licence or certificate of approval by delivering it with a notice in writing to that effect to the Registrar.
- (2) On receipt of the documents by the Registrar, the licence or certificate of approval shall cease to have effect.
- (3) Where a holder of a licence or certificate of approval gives a notice under subsection (1) to the Registrar, he shall also, within 7 days, serve a copy of the notice—
  - (a) on the Commissioner of Police; and
  - (b) *[Repealed]*
- (4) The surrender of a licence or certificate of approval under subsection (1) shall not affect the liability of the holder—
  - (a) to pay any fees or other money payable in accordance with the provisions of this Act on or before the date on which the licence or certificate of approval would expire if it had not been surrendered; or
  - (b) to perform any duty or obligation that he was required to perform on or before the date specified in paragraph (a); or
  - (c) for any act done or default or omission made before the date of surrender.

Subsection (3)(b) was repealed, as from 1 July 1995, by section 15 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

**69 Change of place of business**

- (1) A licensee may at any time apply in writing to the Registrar to amend his licence by—
  - (a) changing the registered office of the licensee; or
  - (b) specifying any additional place from which the licensee may carry on the business to which the licence relates; or
  - (c) deleting any place of business specified in the licence.
- (2) Every application shall be accompanied by the licence to which it relates.
- (3) Where the Registrar grants the application, he shall endorse the licence accordingly and return it to the licensee, and shall also notify the Commissioner of Police in writing of that fact.

**70 Offences**

- (1) Where any company commits an offence against this Act, every director of the company shall be guilty of the same offence, and shall be liable to the same penalty, unless he proves that the offence was committed either without his knowledge or without his consent.
- (2) Every person who commits an offence against this Act, or against any regulations made under this Act, for which no penalty is otherwise provided by this Act or by such regulations, shall be liable on summary conviction to a fine not exceeding \$2,000.

Subsection (2) was substituted, as from 1 July 1995, by section 17 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

**71 Regulations**

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing forms to be used for the purposes of this Act and the matters to be specified in such forms:
- (b) prescribing fees payable under this Act in respect of applications and the issue and renewal of licences and certificates of approval:
- (c) *[Repealed]*
- (d) *[Repealed]*
- (e) *[Repealed]*
- (f) *[Repealed]*
- (g) *[Repealed]*
- (h) prescribing codes of ethics for private investigators and security guards and their responsible employees respectively (including different codes for different classes of private investigators, security guards, and responsible employees), and providing that a contravention of such a code by a holder of a licence or certificate of approval to whom that code applies shall be misconduct or shall be evidence of misconduct by that person in the course of the business to which his licence or certificate of approval relates:



- (i) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act, and prescribing the amount of any fine that may be imposed in respect of such offence, being an amount not exceeding \$200 and, where the offence is a continuing one, a further amount not exceeding \$20 for every day during which the offence has continued:
- (j) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

Subsection (1)(c) to (g) were repealed, as from 1 July 1995, by section 16 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

## **72 Service of documents**

- (1) Any notice or other document that under this Act may be or is required to be given to or served on any applicant for a licence or certificate of approval may be served by delivering it to him personally, or by leaving it or sending it by post in a registered letter addressed to him at his residential address or registered office specified in his application, or at any address for service specified in his application.
- (2) Any notice or other document that under this Act may be or is required to be given to or served on a holder of a licence or certificate of approval may be served by delivering it to him personally, or by leaving it or sending it by post in a registered letter addressed to him—
  - (a) at his usual or last known place of residence in New Zealand; or
  - (b) in the case of a licensee, at his registered office or at any other place of business specified in his licence; or
  - (c) in the case of a holder of a certificate of approval, at the place of business at which he is employed.
- (3) Where a notice is sent by post in the manner prescribed by subsection (1) or subsection (2), it shall be deemed to have been served on him at the time when the letter would have been delivered in the ordinary course of post. In proving service of the notice, it shall be sufficient to prove that it was duly put into the Post Office as a registered letter.

- (4) Where under this Act any notice or other document is to be given to or served on the Police, it shall be given to or served on the senior member, for the time being, of the Police in the district or place of residence of the applicant, or holder of the licence or certificate of approval, to whom the notice or other document relates.

**72A Extensions of time**

Subject to section 33(10) and section 44(11), where it is provided in this Act that a document must be filed with the Registrar or served on any person within a specified time the Registrar may, if he thinks fit on the request of the person by whom the document is to be filed or served, or of his own motion, extend the time within which it may be filed or served.

Sections 72A and 72B were inserted, as from 18 October 1978, by section 21(1) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

**72B Photographs**

Where under this Act any photograph is to be submitted to the Registrar, he may require that the photograph shall comply with the requirements of any regulations made under this Act.

Sections 72A and 72B were inserted, as from 18 October 1978, by section 21(1) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

**73 Civil remedies not affected**

Nothing in this Act shall affect any civil remedy that any person may have against a holder of a licence or certificate of approval in respect of any matter.

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**Schedule 1**

s 19

Schedule 1 was repealed, as from 1 July 1995, by section 18 Private Investigators and Security Guards Amendment Act 1995 (1995 No 14).

*[Repealed]*

**Schedule 2**

ss 26, 40

Form 1

Private investigator's licence

[*Full name*] is authorised by this licence to carry on the business of a private investigator, either on his own account or in partnership with any other person who is the holder of a private investigator's licence, from the following places of business, namely—

- (a)
- (b)
- (c)

until the 31st day of March 19 . . . . .

[*Here affix photograph of licensee*]

The registered office of the licensee is at:

Dated:

Registrar of Private Investigators and Security Guards:

Special Note

Nothing in this licence confers on the holder any more power or authority than that of an ordinary private citizen.

Form 2  
Security guard's licence

[*Full name*] is authorised by this licence to carry on the business of a security guard [or the following classes of the business of a security guard, namely—

(a)

(b)

(c) ]

either on his own account or in partnership with any other person who is the holder of a security guard's licence, from the following places of business, namely—

(i)

(ii)

(iii)

until the 31st day of March 19 .

[*Here affix photograph of licensee*]

The registered office of the licensee is at:

Dated:

Registrar of Private Investigators and Security Guards:

Special Note

Nothing in this licence confers on the holder any more power or authority than that of an ordinary private citizen.

Form 2 was substituted by section 22(1) Private Investigators and Security Guards Amendment Act 1978 (1978 No 83).

## Form 3

Certificate of approval to be a responsible  
employee of a private investigator

[Full name] of \_\_\_\_\_ is authorised by this certificate to work  
as a responsible employee of a private investigator until the 31st day  
of March 19 \_\_\_\_\_.

[Here affix photograph of responsible employee]

Dated:

Registrar of Private Investigators and Security Guards:

## Special Note

Nothing in this certificate confers on the holder any more power or  
authority than that of an ordinary private citizen.

The holder of this certificate is obliged to provide on demand the  
name and address of the licensee by whom he is employed.

Form 3 was amended by section 22(2) Private Investigators and Security Guards  
Amendment Act 1978 (1978 No 83) by omitting the words “(address of regis-  
tered office of employer)”.

Form 3 was amended by section 22(3) Private Investigators and Security Guards  
Amendment Act 1978 (1978 No 83) by inserting the words “The Holder of this  
certificate is obliged to provide on demand the name and address of the licensee  
by whom he is employed”. See section 1(2) of that Act.

Form 4

Certificate of approval to be a responsible  
employee of a security guard

[*Full name*] of \_\_\_\_\_ is authorised by this certificate to work  
as a responsible employee of a security guard until the 31st day of  
March 19 \_\_\_\_ .

[*Here affix photograph of responsible employee*]

Dated:

Registrar of Private Investigators and Security Guards:

Special Note

Nothing in this certificate confers on the holder any more power or  
authority than that of an ordinary private citizen.

The holder of this certificate is obliged to provide on demand the  
name and address of the licensee by whom he is employed.

Form 4 was amended by section 22(3) Private Investigators and Security Guards  
Amendment Act 1978 (1978 No 83) by inserting the words "The holder of this  
certificate is obliged to provide on demand the name and address of the licenses  
by whom he is employed". See section 1(2) of that Act.

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**Schedule 3**

s 58

1. Any of sections 49, 50, 51, 52, 62, or 66.
2. Any of the provisions of the Arms Act 1983.
3. Section 29 or section 30 of the Summary Offences Act 1981.
4. Any of sections 3, 4, or 9 of the Trespass Act 1980.

In item 2 the reference to the “Arms Act 1983” were substituted, as from 1 June 1984, for the reference to the “Arms Act 1958” by section 77 Arms Act 1983 (1983 No 44).

In item 3 the reference to “Section 29 or section 30 of the Summary Offences Act 1981” was substituted, as from 1 February 1982, for the reference to “Sections 52A and 54 of the Police Offences Act 1927” by section 51(2) Summary Offences Act 1981 (1981 No 113).

In item 4 the words “sections 3, 4, and 9 of the Trespass Act 1980” were substituted, as from 1 January 1981, for the words “sections 3, 4, and 8 of the Trespass Act 1968”, by section 14 Trespass Act 1980 (1980 No 65).

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## **Notes**

### **1 General**

This is an eprint of the Private Investigators and Security Guards Act 1974. The eprint incorporates all the amendments to the Act as at 1 April 2011. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 19 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

### **2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

### **3 List of amendments incorporated in this eprint (most recent first)**

Private Security Personnel and Private Investigators Act 2010 (2010 No 115):  
section 119

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