

**LEGAL NOTICE NO.....**

**THE PRIVATE SECURITY REGULATION ACT**

*(No. 13 Of 2016)*

**PRIVATE SECURITY (FIDELITY FUND OPERATIONS) REGULATIONS, 2024**

**ARRANGEMENT OF REGULATIONS**

*Regulation*

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## PRIVATE SECURITY REGULATION ACT

(No. 13 of 2016)

**IN EXERCISE** of the powers conferred by section 61(4) of the Private Security Regulation Act, 2016 the Cabinet Secretary for Interior and National Administration makes the following Regulations —

### PRIVATE SECURITY (FIDELITY FUND OPERATIONS) REGULATIONS, 2024

Citation. 1. These Regulations may be cited as the Private Security (Fidelity Fund Operations) Regulations, 2024

Interpretation. 2. In these Regulations, unless the context otherwise requires —

No. 13 of 2016 “Act” means the Private Security Regulation Act, 2016;

“Authority” means the Private Security Regulatory Authority established under section 7 of the Act;

“Board” means the Board of Trustees appointed by the Cabinet Secretary;

“Director of the Board “ means the Director General of the Authority;

“Fund” means the Private Security Fidelity Fund established by section 61 (1) of the Act.

“Levy” means the levy imposed under section 60 of the Act.

Board of Trustees  
for the Private  
Security Fidelity  
Fund.

3. (1) Pursuant to section 61 of the Act, the Board of Trustees for the Fund shall comprise —

- (a) the Principal Secretary responsible for matters relating to internal security, who shall be the chairperson;
- (b) the Principal Secretary responsible for matters relating to finance, as a member;
- (c) the Director of the Board as an *ex-officio* member ;and.
- (d) two other persons of either gender representing corporate private security service providers and individual private security service providers appointed by the Cabinet Secretary

- (2) The members of the Board of Trustees under sub regulation 1(d) shall be appointed competitively.
- (3) The Board shall be an incorporated body responsible to the Cabinet Secretary for directing and managing the Fund.
- No. 18 of 2012 (4) For purposes of section 24 of the Public Finance Management Act, the Director of the Board shall be the administrator of the Fund and shall ensure that money held in the Fund, including any earnings or accruals, is spent only for the purposes for which the fund is established.
- (5) Members of the Board of the Fund may be paid such allowance as the Cabinet Secretary shall in consultation with the Salaries and Remuneration Commission, approve.
- Sources of the Fund. 4. There shall be paid into the Fund —
- (a) two *per centum* (2%) of the total revenues of private security firms; and
  - (b) money lawfully accruing to the Fund;
- Administration of the Fund. 5. The Administrator of the Fund shall —
- (a) in the management of the Fund, ensure compliance with the Public Finance Management Act; and
  - (b) be responsible for the effective, efficient and economic use of the Fund.

- Utilization of the Fund. **6.** . The Fund shall be used —
- (a) strictly in accordance with purpose for which the national budget was approved taking into cognizance the prevailing economic circumstances;
  - (b) to defray the administrative and operational expenses of the Authority;
  - (c) for organizing training workshops and seminars for private security providers; and
  - (d) for ensuring full implementation of the Act.
- Monies to be retained in the Fund. **7.** All receipts, savings and accruals to the Fund and the balance of the Fund at the end of each financial year shall be retained in the Fund and applied in accordance with the Constitution, the Act and these Regulations.
- Financial year. **8.** The financial year of the Fund shall be the period of twelve months ending on the thirtieth June each year.
- Bank accounts. **9.** The Administrator of the Fund shall open and maintain such bank accounts as are necessary for the effective management of the Fund.
- Accounts and audit. **10.** (1) The Administrator of the Fund shall—
- (a) keep or cause to be kept proper books of accounts and other books and records related to the Fund; and
  - (b) prepare, sign and transmit to the Auditor-General accounts of the Fund in accordance with Public Audit Act.
- No. 12 of 2015 (2) Within a period of three months from the end of each financial year, the Administrator of the Fund shall submit to the Auditor General the accounts of the Fund.
- No. 12 of 2015 (3) The accounts of the Fund shall be audited and reported upon in accordance with the Public Audit Act.
- Annual report. **11.** . (1) The Administrator of the Fund shall, within three months after the end of each financial year, prepare and submit to the National Assembly a report of the operations of the Fund for the immediate preceding year.
- (2) The Administrator of the Fund shall forward a copy of the report to the Cabinet Secretary.

Authority to incur  
expenditure.

No. 18 of 2012

- 12.** (1) The Administrator of the Fund may, delegate, in writing, to an officer or a member of staff of the Authority the powers or functions of an Accounting Officer in accordance with the Public Finance Management Act for the efficient management of the Fund.
- (2) The authority to incur expenditure shall be accorded in writing and shall expressly specify the person and designation of the person to whom the authority has been granted.

Made on the \_\_\_\_\_, 2024

**KITHURE KINDIKI,**

**Cabinet Secretary for Interior and National Administration**