

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]  
*House of Representatives, 13 June 1974.*

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]  
*House of Representatives, 16 August 1974.*

Words struck out by the Committee are shown in italics within double bold round brackets, or with double black rule at beginning and after last line; words inserted are shown in roman underlined with a triple rule, or with triple rule before first line and after last line.

*Hon. Dr Finlay*

## PRIVATE INVESTIGATORS AND SECURITY GUARDS

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**A BILL INTITULED**

**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:

5 **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  
10 different provisions of this Act.

**2. Interpretation**—(1) In this Act, unless the context otherwise requires,—

*New*

15 “Bank”, has the same meaning as it has in section 2 of the Banking Act 1908:

20 “Certificate of approval” means a certificate of approval issued under section 40 of this Act authorising the holder to work as a responsible employee of a private investigator or of a security guard, as the case requires:

25 [“Chartered accountant”] “Chartered accountant in public practice” has the same meaning as it has in section 2 of the New Zealand Society of Accountants Act 1958:

“Company” means an incorporated company:

*New*

30 “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:

35 *Struck Out*

“Crime involving dishonesty” has the same meaning as it has in subsection (1) of section 2 of the Crimes Act 1961:

*New*

“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 292 of that Act. 5

*New*

“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: 10

“Licence” means a private investigator’s licence or a security guard’s licence, as the case requires: 15

*New*

“Licensed premises” has the same meaning as it has in section 2 of the Sale of Liquor Act 1962: 15

“Officer”, in relation to a company, means a director, manager, secretary, or executive of the company: 20

“On”, in relation to any premises, includes “in”:

“Private investigator’s licence” means a licence issued under section 26 of this Act, authorising the holder to carry on the business of a private investigator: 20

*New*

“Public record” means— 25

(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 30

(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 Newspapers and Printers Act 1955: 35

“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 of this Act: 40

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

“Responsible employee” means—

*Struck Out*

(a) In relation to a private investigator, a person who in the course of his employment by the private investigator does anything specified in subsection (1) of section 3 of this Act; or

*New*

(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 of this Act; 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 of this Act:

“Security guard’s licence” means a licence issued under section 26 of this Act, authorising the holder to carry on the business of a security guard.

*New*

(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.

*Struck Out*

**3. Meaning of “private investigator”**—(1) In this Act, “private investigator” means a person who for valuable consideration seeks or obtains for any person, or supplies to any person, any information (other than information from a public record) relating to the—

- (a) Personal character, actions, or behaviour; or
- (b) Financial position; or
- (c) Occupation or business; or
- (d) Identity or whereabouts—

of any other person.

*Struck Out*

(2) Notwithstanding subsection (1) of this section, no person is a private investigator within the meaning of this Act by reason only of the fact that he does anything specified in that subsection—

- (a) In the course of his duties as a member of the Police, or as a servant of the Crown, or as an officer or servant of a local authority; or
- (b) In the course of engaging in 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
- (c) In the course or as a result of doing anything specified in paragraph (c) of subclause (1) of section 4 of this Act.

(3) Notwithstanding subsection (1) of this section, the Governor-General may from time to time, by Order in Council, declare that any person engaging in or carrying on any occupation or business described in the order is not a private investigator within the meaning of this Act.

*New*

**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) of this section.

(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.

*New*

(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) of this section, no person is a private investigator within the meaning of this Act by reason only of the fact that—

(a) He seeks or obtains information for or supplies information to the Crown, or to a member of the Police, or to a local authority; or

(b) He carries on the business of a bank, or a credit bureau, or a debt-collecting agency; or

(c) He carries on the business of seeking or obtaining information for or supplying information to any business engaged in the dissemination of news to the public; or

(d) On behalf of any person he serves or attempts to serve on any other person any writ, summons, notice or other document relating to any legal process; or

(e) On behalf of any person he exercises or attempts to exercise any right to repossess any article pursuant to a hire purchase agreement; or

(f) He does anything specified in paragraph (c) of sub-clause (1) of section 4 of this Act; or

(g) 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.

(5) Notwithstanding anything in subsection (1) of this section, 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.

*Struck Out*

**4. Meaning of “security guard”**—(1) In this Act, “security guard” means a person who for valuable consideration—

(a) Guards, elsewhere than on premises owned or occupied by himself, any real or personal property belonging to another person; or

*Struck Out*

- (b) Installs on, repairs on, or removes from any part of any premises that are not owned or occupied by himself—
- (i) Any burglar alarm or similar warning device; 5  
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 10 that are not owned or occupied by himself, for the purpose of detecting the commission of an offence by any person on those premises, any camera or similar device.
- (2) Notwithstanding subsection (1) of this section, no person is a security guard within the meaning of this Act by reason only of the fact that he does anything specified in that subsection—
- (a) In the course of his duties as a member of the Police, or as a servant of the Crown, or as an officer or 20 servant of a local authority; or
- (b) In the course of engaging in any occupation or business in accordance with a practising certificate, licence, permit, or other authority granted or issued to him under any other enactment. 25
- (3) Notwithstanding subsection (1) of this section, the Governor-General may from time to time, by Order in Council, declare that any person engaging in or carrying on any occupation or business described in the order is not a security guard within the meaning of this Act. 30

*New*

- 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 in return for valuable consideration he— 35
- (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 40 or his firm or any of his partners—



*New*

- (i) Any burglar alarm or similar warning device;  
or  
5 (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  
10 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—  
15 (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) of this sub-  
section; or  
(ii) Of advising the owner or occupier of the  
premises on the desirability of having installed on  
20 the premises any or any further such device; or

*New*

- (iii) Of advising the owner or occupier of the  
premises on the desirability of having guarded the  
25 premises or any other property that may from time  
to time be on the premises or dispatched from the  
premises.

(2) For the purposes of this section but without limiting the  
meaning of the term “carries on any business”, a person shall  
30 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) of this  
section, no person is a security guard within the meaning of  
this Act by reason only of the fact that—

- 35 (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  
40 in accordance with a practising certificate, licence,  
permit, or other authority, granted or issued to him  
under any other enactment.

*New*

(4) Notwithstanding anything in subsection (1) of this section, 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. 5

## PART I

## 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. 10

(2) Subject to subsection (2) of section 6 of this Act, the office of Registrar may be held concurrently with any other office. 15

**6. Qualifications of Registrar—**(1) No person shall be capable of holding office as Registrar unless he is a barrister or solicitor of the Supreme Court of not less than 5 years' standing.

(2) No public servant shall be capable of holding office as Registrar. 20

**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. 25

(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. 30

**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. 35

(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.

5 (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  
10 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  
15 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  
20 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**  
25 **purposes—**(1) For the purposes of hearing and determining any matter under any of sections 25, 26, 27, 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  
30 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,  
35 33, 39, 56, and 59 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.

40 **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.

*Struck Out*

**12. Offices of Registrar**—(1) The offices of the Registrar shall be situated in Wellington.

(2) The Secretary for Justice shall provide for the Registrar

5

*New*

**12. Administrative and secretarial services**—The Secretary for Justice 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.

**13. Registers**—(1) The Registrar shall compile and keep in his office—

15 (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

20 (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—

25 (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

30 (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

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

40

15. Statement by Registrar as to contents of register—A statement in writing under the hand of the Registrar—

5 (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 10 the contrary is proved, of the matters referred to in the statement.

PART II

LICENSING OF PRIVATE INVESTIGATORS AND SECURITY GUARDS

16. Private investigators and security guards to be licensed—

*Struck Out*

(1) No person shall—

20 (a) Carry on business on his own account as a private investigator, either by himself or in partnership with any other person; or

(b) Hold himself out to the public as being ready to carry on business on his own account as a private investigator, either by himself or in partnership with any other person—

25 unless he is the holder of a private investigator's licence.

(2) No person shall—

30 (a) Carry on business on his own account as a security guard, either by himself or in partnership with any other person; or

(b) Hold himself out to the public as being ready to carry on business on his own account as a security guard, either by himself or in partnership with any other person—

unless he is the holder of a security guard's licence.

*New*

35 (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.

40 (3) Every person who contravenes subsection (1) or subsection (2) of this section 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.

*Struck Out*

17. Persons who are disqualified for licences—(1) No person, other than a company, shall apply for or obtain a licence if he is under the age of 20 years.

(2) No person, other than a company, shall apply for or obtain a licence unless, in the period of 3 years immediately preceding the date of the application, the applicant has had not less than 12 months' experience as a licensee, or responsible employee, in the type of business to which the application relates.

(3) No person shall apply for or obtain a private investigator's licence if—

(a) At any time within the period of 10 years immediately preceding the date of the application, he has been convicted of any crime involving dishonesty; or

(b) He has previously held a private investigator's licence, or a certificate of approval to be a responsible employee of a private investigator, 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.

(4) No person shall apply for or obtain a security guard's licence if—

(a) At any time within the period of 10 years immediately preceding the date of the application, he has been detained in a penal institution pursuant to a conviction for any offence (not being a conviction in respect of which the sentence of detention has on appeal been quashed); or

(b) He has previously held a security guard's licence, or a certificate of approval to be a responsible employee of a 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.

(5) No company shall apply for or obtain a licence if any officer of the company is disqualified, by reason of this section, for applying for or obtaining a licence of that type.

(6) Every person who contravenes subsection (1), subsection (2), subsection (3), subsection (4), or subsection (5) of this section 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.

*New*

17. Registrar not to grant application for licence in certain cases, unless special factors present—(1) In any case where the applicant for a licence, not being a company,—

- 5 (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;—

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

15 (2) In any case where the applicant for a private investigator's licence, not being a company,—

- (a) Has been convicted, at any time within the period of 10 years immediately preceding the date of the application, of any crime involving dishonesty; or  
20 (b) Has previously held a private investigator's licence, or a certificate of approval to be a responsible employee of a private investigator, 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;—

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

30 (3) In any case where the applicant for a security guard's licence, not being a company,—

- (a) Has been detained, at any time within the period of 10 years immediately preceding the date of the application, in a penal institution pursuant to a conviction for any offence (not being a conviction in respect of which the sentence of detention has been quashed on appeal); or  
35 (b) Has previously held a security guard's licence, or a certificate of approval to be a responsible employee of a 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;—

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

*New*

(4) In any case where the applicant for a licence is a company, and any officer of the company is a person whose application, if he were to apply in his own right for a licence of the type to which the company's application relates, would be required to be considered by the Registrar under any of the foregoing provisions of this section, the Registrar shall not grant the application unless, having regard to all the circumstances of the case, he is satisfied that there are special factors that would justify the granting of the application. 5 10

**18. Application for licence—**(1) A person who wishes to obtain a licence shall apply in writing, in the prescribed form (if any), 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: 15

(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: 20

(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. 25

(e) Such other matters as may be prescribed.

(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. 30

(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 that, in the opinion of the Registrar, comply with the requirements (if any) of any regulations made in that behalf under this Act. 35

**19. Approved bond by private investigator—**(1) With every application for a private investigator's licence there shall be lodged with the Registrar a bond to Her Majesty the Queen in the form in the First Schedule to this Act with one or more approved sureties, in the sum of \$10,000, conditioned to secure the performance by the applicant of the obligations specified in the bond. 40



(2) Where 2 or more persons propose to carry on business in partnership as private investigators, it shall be sufficient if one bond is lodged with the Registrar that is conditioned to secure the performance by each of the partners in the firm of the obligations specified in the bond and that in all other respects complies with subsection (1) of this section.

(3) In subsection (1) of this section, the term “approved surety” means—

10 (a) Any person who is declared by the Secretary for Justice, by notice in the *Gazette*, to be an approved surety for the purposes of this section; or

(b) Any person approved as a surety by the Secretary for Justice for the purposes of any specified application for a licence.

15 (4) The sum named in a bond under this section shall not be a penalty, but shall be liquidated damages, and accordingly shall be recoverable in full as a debt due by the surety or sureties to Her Majesty the Queen, unless the surety or sureties prove the performance of the condition on which the bond is defeasible.

20 (5) Every sum so recovered shall be paid into the Public Account to the credit of the Trust Account, and the residue after deduction of costs and other expenses may, with the approval of the Minister of Finance and without further appropriation than this Act, be applied—

25 (a) In compensating any persons for whom the licensee or his firm acts in the course of the business of a private investigator, and any other persons, for any loss sustained by them by reason of the defaults or omissions, during the currency of the bond, of the licensee or of any other partner in the firm or of any officer, employee, or agent of the licensee or firm; and

35 (b) In refunding to the surety or sureties any balance left after payment of that compensation.

(6) Where any claim is received by the Registrar from any person for compensation out of any sum recovered under a bond under this section, the Registrar shall cause a notice to be published in such newspaper or newspapers as he considers sufficient, calling on all persons wishing to claim compensation for loss sustained by reason of any defaults or omissions specified in paragraph (a) of subsection (5) of this section to establish their claims to the satisfaction of the Registrar (whether by judgment against the licensee or firm

or otherwise) within 6 months after the date of the first advertisement of the notice.

(7) The Registrar shall not apply any sum so recovered in compensating any person until the expiration of the period of 6 months. 5

(8) Where any claim is established to the satisfaction of the Registrar, there shall be payable to the claimant, out of the money recovered under the bond, interest on the amount of the claim so established. The interest shall be calculated from the date on which the claim is received by the Registrar until the expiration of the period of 6 months at the rate for the time being payable in respect of judgments entered in the Supreme Court. 10

(9) Where several claims are established to the satisfaction of the Registrar within the period of 6 months, and the balance of the money recovered under the bond is insufficient to pay all those claims in full and any interest payable under subsection (8) of this section, that balance shall be applied rateably among those claimants in the proportions that their respective claims bear to the total of all their claims. 15 20

(10) Where any sum is recovered under this section from any surety or sureties under a bond, every licence to which the bond relates shall be deemed to be suspended until another bond that complies with this section is lodged with the Registrar. 25

(11) Nothing in subsection (10) of this section shall derogate from any power of the Registrar under this Act to cancel or suspend a licence. 30

**20. Effect of bond on renewal of licence—**(1) A bond given under section 19 of this Act may, if it so provides, have effect not only during the term of any licence in respect of which it is originally given, but also during any further term or terms for which the licence is renewed. 30

(2) If the bond is given so as to have effect for any term for which the licence is renewed, the surety or sureties may, by notice in writing filed with the Registrar at any time before any renewal of the licence, determine his or their liability under the bond in respect of any default or omission that may occur after the 31st day of March next following the filing of the notice. 35 40

(3) Where a notice is filed with the Registrar under subsection (2) of this section, he shall not renew the licence until another bond in respect of the licence has been lodged with him in accordance with section 19 of this Act.

**21. Notice of application for licence—**(1) An applicant for a licence shall, after filing the application with the Registrar, serve a copy of the application on the Police.

(2) The applicant shall also cause a notice of the 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. The notice shall be in the prescribed form (if any).

(3) The application shall not be heard before the expiry of one month after the applicant has complied with subsections (1) and (2) of this section.

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

(1) The Police may, within one month after a copy of an application for a licence has been served on them under subsection (1) of section 21 of this Act, 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 one month after the first date of publication of a notice under subsection (2) of section 21 of this Act 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 one or more of the following grounds:

*Struck Out*

(a) That the applicant is disqualified by section 17 of this Act for applying for or obtaining the licence:

(b) 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:

(c) 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:

(d) 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.

(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.

**24. Cases in which hearing may be dispensed with—** 5  
 Subject to subsection (1) of section 26 of this Act, the Registrar may grant an application for a licence without holding a hearing in accordance with section 25 of this Act if no notices of objections to the grant of the application have been filed with him in accordance with sections 22 and 23 10  
 of this Act.

**25. Hearing of application for licence—**(1) Except as provided in section 24 of this Act, 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 15  
 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 of this Act. 20

(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. 25

(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 30  
 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.

(2) The Registrar shall notify the applicant in writing of his decision. 35

(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. 40

(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 the Second Schedule to this Act.

- 27. Registrar to require evidence as to suitability of applicant—**(1) The Registrar shall not determine under subsection (1) of section 26 of this Act 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.
- 10 (2) The Registrar shall not determine under subsection (1) of section 26 of this Act 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—
- 15 (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)—
- 20 are such that, having regard to the interests of the public, the company is a proper person to be the holder of the licence.
- (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.

**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.

35 (2) A security guard's licence shall authorise the licensee to carry on the business of a security guard 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.

40 (3) Notwithstanding subsections (1) and (2) of this section, 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.

**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. 5

**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 10
- (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**— 15

(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— 20  
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) of this section.

(3) The Registrar shall not approve a name under sub- 25  
section (1) of this section 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 30  
company—

- (a) Whose licence has been suspended or cancelled under section 55, section 57, or section 60 of this Act; or
- (b) Whose application for a licence has at any time been refused under this Act and who has not subsequently 35  
obtained such a licence; **(or)**

*Struck Out*

- (c) Who is disqualified by section 17 of this Act for applying for or obtaining a licence.

(4) No licensee that is a company shall carry on the busi- 40  
ness 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) of this Act 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  
5 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
- 10 (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  
15 Registrar for approval of any person under subsection (1) of this section.

(3) The Registrar shall not give his approval under subsection (1) of this section in respect of a person unless the Registrar is satisfied that—

20 *Struck Out*

- (a) Taking into account the requirements of section 17 of this Act, the company would still be qualified to apply for and obtain a licence of the same type; and
- 25 (b) Taking into account the requirements of section 27 of this Act, the company will still be a proper person to be the holder of the licence.

*New*

30 (3A) The provisions of subsection (4) of section 17 of this Act shall apply with any necessary modifications to any application for the Registrar's approval made under this section.

(4) Every person who contravenes subsection (1) of this section commits an offence.

35 (5) 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) of this section, commits an offence.

(6) Every person who commits an offence against subsection (4) or subsection (5) of this section is liable on  
40 summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500 or to both.

**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), to the Registrar. 5

(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) The applicant shall, after filing the application with the Registrar, advertise it and serve a copy on the Police, in the same way as if it were an application for a licence. 10

(5) The application shall not be heard before the expiry of one month after the applicant has complied with subsection (4) of this section. 15

(6) The Police may, before the 7th day of March in the year in which the licence 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 licence.

(7) Any person other than a member of the Police may, before the 7th day of March in the year in which the licence will expire, file with the Registrar and serve on the applicant 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. 20

(8) Where no notice of objection to an application for renewal of a licence is filed with the Registrar, he may grant the application without further inquiry as to whether the applicant is a proper person to be the holder of the licence, or he may hear and determine the application in accordance with subsection (9) of this section. 25 30

(9) Where any notice of objection to an application for renewal of a licence is filed with the Registrar in accordance with this section, he shall hear and determine the application in the same way as if it were an application for a licence, and section 25, subsection (1) of section 26, and section 27 of this Act, with the necessary modifications, shall apply accordingly in respect of the application for renewal of the licence. 35

(10) The Registrar may hear and determine an application for 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. 40

(11) The Registrar shall notify the applicant and the Commissioner of Police in writing of his decision. 45



(12) Where the Registrar grants an application for renewal of a licence he shall, on payment of the prescribed fee (if any), endorse the licence accordingly.

5 (13) Where an application for renewal of a licence has been made but not determined before the licence expires and a bond that complies with section 19 of this Act is for the time being in effect in respect of the licence, the licence shall continue in force until the application is determined by the Registrar.

10 PART III

APPROVAL OF RESPONSIBLE EMPLOYEES OF PRIVATE INVESTIGATORS AND SECURITY GUARDS

34. Responsible employees to be approved by Registrar—

15 (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.

20 (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.

25 (3) Any person who—

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- (a) Being a licensee, employs any person in contravention of subsection (1) or subsection (2) of this section; or
- 30 (b) Is employed by any licensee in contravention of subsection (1) or subsection (2) of this section—

*New*

- (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) of this section; or
- 35 (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) of this section; or

*New*

(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— 5

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine of \$500 or to both.

*Struck Out*

**35. Persons who are disqualified for approval as responsible employees—**(1) No application for a certificate of approval may be made in respect of any person who is under the age of 18 years.

(2) No application for a certificate of approval to be a responsible employee of a private investigator may be made in respect of any person who is disqualified by subsection (3) of section 17 of this Act for applying for or obtaining a private investigator's licence. 15

(3) No application for a certificate of approval to be a responsible employee of a security guard may be made in respect of any person who is disqualified by subsection (4) of section 17 of this Act for applying for or obtaining a security guard's licence. 20

(4) Every person who knowingly applies for a certificate of approval in contravention of subsection (1), subsection (2), or subsection (3) of this section 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. 25 30

*New*

**35. Registrar not to grant application for certificate of approval in certain cases, unless special factors present—**

(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, having regard to all the circumstances of the case, he is satisfied that there are special factors that would justify the granting of the application: 35

Provided that, for the purposes of this subsection, if the person in respect of whom the application is made is an apprentice within the meaning of the Apprentices Act 1948, he shall be deemed to have attained the age of 18 years. 40

*New*

(2) In any case where an application for a certificate of approval to be a responsible employee of a private investigator is made in respect of any person whose application, if he were to apply in his own right for a private investigator's licence, would be required to be considered by the Registrar under subsection (2) of section 17 of this Act, the Registrar shall not grant the application unless, having regard to all the circumstances of the case, he is satisfied that there are special factors that would justify the granting of the application.

(3) In any case where an application for a certificate of approval to be a responsible employee of a security guard is made in respect of any person whose application, if he were to apply in his own right for a security guard's licence, would be required to be considered by the Registrar under subsection (3) of section 17 of this Act, the Registrar shall not grant the application unless, having regard to all the circumstances of the case, he is satisfied that there are special factors that would justify the granting of the application.

**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), 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.

*New*

(2A) 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 that, in the opinion of the Registrar, comply with the requirements (if any) of any regulations made in that behalf under this Act.

(3) The applicant shall, after filing the application with the Registrar, serve a copy of the application on the Police.

(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 application shall not be heard before the expiration of one month after the applicant has complied with subsection (3) of this section.

**37. Temporary permission to engage responsible employee—**

(1) Notwithstanding section 34 of this Act, where under subsection (3) of section 36 of this Act 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) of this section 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.

**38. Objections by Police to application for certificate of approval—**(1) The Police may—

(a) Within one 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 of this Act 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 of this Act, 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  
5 the Police in accordance with section 38 of this Act.

**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  
10 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  
15 his decision.

(3) Where the Registrar grants an application under this section he shall, on payment of the prescribed fee (if any),  
20 issue a certificate of approval in the appropriate form in the Second Schedule to this Act 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  
25 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  
30 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  
35 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;  
40 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), to the Registrar by the licensee by whom the holder of the certificate of approval is employed. 5

(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. 10

(4) The applicant shall, after filing his application with the Registrar, serve a copy of the application on the Police in the same way as if it were an application for a certificate of approval. 15

(5) The application shall not be heard before the expiry of one month after the applicant has complied with subsection (4) of this section.

(6) The Police may, before the 7th day of March in the year in which the certificate of approval will expire, file with the Registrar and serve on the applicant a notice of objection to the application in the same way as if it were an application for a certificate of approval. 20

(7) The Police shall also serve a copy of the notice of objection on the holder of the certificate of approval within the time limit specified in subsection (6) of this section. 25

(8) Where no notice of objection to an application for renewal of a certificate of approval is filed with the Registrar, he may grant the application without further inquiry as to whether or not the person in respect of whom the application is made is a proper person to be a responsible employee of the applicant, or he may hear and determine the application in accordance with subsection (9) of this section. 30

(9) Where a notice of objection to an application for the renewal of a certificate of approval is filed with the Registrar under this section, he shall hear and determine the application in the same way as if it were an application for the issue of a certificate of approval. The holder of the certificate of approval shall be entitled to appear as a party to the application, and the provisions of section 39 of this Act shall apply in respect of the hearing in the same way as if it were an application for a certificate of approval. 35 40

(10) 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 45

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.

5 (11) The Registrar shall notify the applicant and the **Commissioner of Police in writing of his decision.**

(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), endorse the certificate of approval  
10 accordingly.

(13) Where an application for 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  
15 the Registrar.

#### PART IV

#### DUTIES OF PRIVATE INVESTIGATORS, SECURITY GUARDS, AND RESPONSIBLE EMPLOYEES

##### *General Duties*

20 **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
- 25 (c) Any person with whom he is dealing in the course of transacting or attempting to transact the business to which the licence relates.

##### *New*

30 (1A) Where the licensee is a company it shall be sufficient compliance with the requirements of subsection (1) of this section 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.

(2) Every licensee who knowingly contravenes subsection (1) of this section commits an offence against this Act.

35 **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
- 40 (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 who knowingly contravenes subsection (1) of this section commits an offence against this Act.

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

(1) Every holder of a certificate of approval who changes his employment shall within 7 days notify the Registrar in writing of that fact and of the name and address of his new employer. 5

(2) Where any holder of a certificate of approval leaves the employment of a licensee, the licensee shall within 7 days notify the Registrar in writing of that fact. 10

(3) Every person who contravenes subsection (1) or subsection (2) of this section commits an offence against this Act.

*Duties of Private Investigators*

15

**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— 20

(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. 25

(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 30

(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— 35

the information specified in paragraphs (a) to (c) of subsection (1) of this section.

(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. 40



(4) Every licensee who knowingly contravenes subsection (1), subsection (2), or subsection (3) of this section commits an offence against this Act.

5 **49. Money in anticipation of expenditure to be paid into trust account**—(1) This section applies to all money that is paid to the holder of a private investigator's licence or to his firm—

10 (a) For the purpose of meeting expenditure to be incurred by the licensee or the firm while acting in the course of the business of a private investigator for any person; or

(b) **To be held on behalf of any person for whom the licensee or the firm is acting or has been acting in the course of the business of a private investigator.**

15 (2) The licensee shall cause such money to be paid forthwith into a general or special trust account in the name of the licensee or the firm at a bank in New Zealand.

(3) No person shall withdraw such money from the trust account except—

20 (a) To repay it to the person on whose behalf it was received or, at the direction in writing of that person, to any person other than the licensee or a partner or employee of the firm; or

25 (b) For the purpose of applying it in payment of an account rendered in accordance with section 51 of this Act.

(4) No such money, while in a trust account, shall be available for payment of the debts of the licensee or of the firm to any creditor of the licensee or firm, or shall be 30 liable to be attached or taken in execution under the order or process of any Court at the instance of such a creditor, or shall pass to the Official Assignee on the bankruptcy of any partner in the firm.

35 (5) Every licensee who knowingly contravenes subsection (2) or subsection (3) of this section 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.

40 **50. Trust account to be audited**—(1) Every holder of a private investigator's licence shall cause his trust account to be audited by a chartered accountant in public practice at the times and in the manner prescribed by regulations made under this Act.

(2) No auditor shall knowingly disclose to any person any information that is obtained by the auditor in the course of the audit, pursuant to this Act, of a trust account of a licensee unless—

- (a) The disclosure is made to the Registrar, or the licensee, or a partner of the licensee, or (where the licensee is a company) a director or manager of the licensee; or 5
- (b) The disclosure is required or authorised by regulations made under this Act; or 10
- (c) The disclosure is made for the purposes or in the course of any criminal proceedings; or
- (d) The licensee consents to the disclosure.

(3) Every person who contravenes subsection (1) or subsection (2) of this section commits an offence against this Act. 15

**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 20
- (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. 25

(2) Any licensee who has rendered an account in accordance with subsection (1) of this section 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. 30

(3) Except as provided in subsection (2) of this section, every licensee shall— 35

- (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 in the trust account of the licensee or firm. 40

(4) Every licensee who contravenes subsection (1) or subsection (3) of this section commits an offence (against this Act) 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.

**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,—

*Struck Out*

10 (a) Takes or causes to be taken any photograph or cinematographic picture of another person; or

*New*

15 (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 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:

*New*

25 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.

30 (2) No photograph or cinematographic film (taken, or), or videotape recording taken, or other recording made, in contravention of subsection (1) of this section shall be admissible as evidence in any civil proceedings.

PART V

DISCIPLINARY FUNCTIONS OF REGISTRAR

35 **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.

*Struck Out*

(3) The Registrar shall not refuse leave under subsection (2) of this section unless he is satisfied that the person filing the complaint has no personal interest in the subject-matter of the complaint.

5

*New*

(3) The Registrar shall refuse leave under subsection (2) of this section 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.

10

(4) No complaint may be made under this section except on one or more of the following grounds:

(a) That the licensee has been convicted of any crime involving dishonesty:

15

(b) Any of the grounds specified in section 58 of this Act:

(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 *(inefficiency)* negligence in the course of the business to which the licence relates.

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(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 a copy of the complaint to be served on the licensee.

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**54. Registrar may refer matter to Police—**(1) On receipt of a complaint from a person under subsection (2) of section 53 of this Act, 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.

30

(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 of this Act.

35

**55. Suspension of licensee pending determination of complaint**—(1) Where a complaint has been filed under section 53 of this Act (*the Registrar*) and the Registrar is satisfied that it is necessary or desirable to do so having regard  
5 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  
10 until the complaint is heard and determined by the Registrar  
in accordance with this Part of this Act.

(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  
15 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.

20 (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) of this section, and while it  
continues in force, the licence to which it relates shall cease  
25 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  
30 been filed with the Registrar against any licensee under  
section 53 of this Act, 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.

35 (2) The Registrar shall give not less than 14 days' notice  
of the hearing—

(a) To the licensee; and

(b) To the complainant; and

40 (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. 5

(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— 10**

(1) If, after hearing a complaint in respect of a licensee in accordance with section 56 of this Act, 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 of this Act, make an order cancelling the licence: 15

(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 \$50: 20

(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. 25

(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. 30

(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. 35

(4) Any fine imposed by the Registrar on a licensee under subsection (1) of this section 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. 40

(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. 45

(6) Where the Registrar makes an order under paragraph (e) of subsection (1) of this section, he shall also give notice in writing of the order forthwith to the officer to whom it relates.

5 **58. Grounds for cancellation of licence**—(1) Subject to section 60 of this Act, no licence may be cancelled under this Act except on one or more of the following grounds:

10 (a) Where any person specified in subsection (2) of this section is convicted of an offence under any of the provisions specified in the Third Schedule to this Act.

*New*

15 (aa) Where any person specified in subsection (2) of this section 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 Part III of the Dogs Registration Act 1955:

20 (b) Where any person specified in subsection (2) of this section, 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:

25 (c) Where any person specified in subsection (2) of this section has been guilty of misconduct or (*inefficiency*) 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:

30 (d) Where any person specified in subsection (2) of this section is adjudged bankrupt, or makes any assignment for the benefit of his creditors, or makes any composition with his creditors:

35 (e) In the case of a licensee that is a company, where the Supreme Court makes an order for the winding up of the licensee, or the licensee passes a resolution for voluntary winding up:

40 (f) 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 of this Act in respect of any officer of the company.

(2) The persons referred to in subsection (1) of this section are—

- (a) The licensee; and
- (b) In the case of a licensee that is a company, any officer of the company.

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**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 not refuse leave under subsection (2) of this section unless he is satisfied that the person filing the complaint has no personal interest in the subject-matter of the complaint.

(4) No complaint may be made under this section except on one or more of the following grounds:

- (a) That the holder of the certificate of approval has been convicted of any crime involving dishonesty;
- (b) That the holder of the certificate of approval has been convicted of an offence under any of the provisions specified in the Third Schedule to this Act;
- (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 (*inefficiency*) 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 of this Act shall apply, with the necessary modifications, in the same way as if it were a complaint against a licensee.

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(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) of this section, 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 \$20:
- (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.

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*Struck Out*

**60. Mandatory cancellation of licences and certificates of approval—(1) The provisions of this section shall apply notwithstanding any other provisions in this Part of this Act.**

*Struck out*

(2) Where a holder of a private investigator's licence or of a certificate of approval to be a responsible employee of a private investigator is convicted of any crime involving dishonesty, the Registrar shall cancel the licence or certificate of approval and notify the holder in writing that he has done so. 5

(3) Where a holder of a security guard's licence or of a certificate of approval to be a responsible employee is detained in a penal institution pursuant to a conviction for any offence (not being a conviction in respect of which the sentence of detention is subsequently quashed), the Registrar shall cancel the licence or certificate of approval and notify the holder in writing that he has done so. 10

(4) Where the Registrar is satisfied that any licence has been obtained in contravention of section 17 of this Act, he shall cancel the licence and notify the licensee in writing that he has done so. 15

(5) Where the Registrar is satisfied that any certificate of approval has been obtained in contravention of section 35 of this Act, he shall cancel the certificate of approval and notify the holder in writing that he has done so. 20

*New*

**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 of this Act. 25

(2) Where the holder of a private investigator's licence, or of a certificate of approval to be a responsible employee of a private investigator, is convicted of any crime involving dishonesty, the Registrar shall cancel the licence or certificate of approval unless, having regard to all the circumstances of the case, he is satisfied that the interests of the public do not require the cancellation of the licence or certificate of approval, and that to cancel the licence or certificate of approval would be unduly harsh or unjust. 30 35

(3) Where the holder of a security guard's licence, or of a certificate of approval to be a responsible employee of a security guard, is detained in a penal institution pursuant to a conviction for 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 40

*New*

Registrar shall cancel the licence or certificate of approval unless, having regard to all the circumstances of the case, he is satisfied that the interests of the public do not require the cancellation of the licence or certificate of approval, and that to cancel the licence or certificate of approval would be unduly harsh or unjust.

(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.

**61. Evidence of convictions in proceedings before Registrar**—For the purposes of any proceedings under this Part of this Act, 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 of this Act 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) of this section commits an offence against this Act.

**63. Penalties for offences not affected**—Nothing in this Part of this Act 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 VI

## APPEALS

**64. Appeals to Supreme Court**—(1) In every case where the Registrar refuses under subsection (1) of section 26, subsection (9) of section 33, subsection (1) of section 40, or subsection (9) of section 44 of this Act to grant any application, the applicant shall have a right of appeal to the Supreme Court against the decision of the Registrar.

(2) In every case where the Registrar suspends or cancels a licence under subsection (1) of section 55 or subsection (1) of section 57 of this Act, the person whose licence is suspended or cancelled shall have a right of appeal to the Supreme Court against the decision of the Registrar. 5

(3) In every case where the Registrar suspends or cancels a certificate of approval under subsection (7) or subsection (8) of section 59 of this Act, the person whose certificate of approval is suspended or cancelled shall have a right of appeal to the Supreme Court against the decision of the Registrar. 10

*New*

(3A) In every case where the Registrar refuses to give approval under section 32 of this Act for a person to act as a director or other officer of a company, the applicant for the approval shall have a right of appeal to the Supreme Court against the decision of the Registrar. 15

(4) In every case where the Registrar makes an order under paragraph (e) of subsection (1) of section 57 of this Act directing a licensee that is a company to terminate the employment of any of its officers, the officer to whom the order relates shall have a right of appeal to the Supreme Court against the decision of the Registrar. 20

(5) Every appeal under this section shall be heard and determined by the Administrative Division of the Supreme Court. 25

(6) Every 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. 30

(7) On hearing the appeal, the Court may—

(a) Confirm 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 35

(c) Refer the matter back to the Registrar with directions to him to reconsider the whole or any specified part of the matter.

(8) The decision of the Court on the appeal shall be final.

(9) Subject to the other provisions of this section, the procedure in respect of the appeal shall be in accordance with rules of Court. 40

65. Appeals to Magistrate's Court—

*Struck Out*

(1) Every licensee who is fined by the Registrar under subsection (1) of section 57 of this Act shall have a right of appeal to a Magistrate's Court against the decision of the Registrar.

*New*

(1) In every case where the Registrar suspends a licence under subsection (1) of section 55 of this Act, the person whose licence is suspended shall have a right of appeal to a Magistrate's Court against the decision of the Registrar.

(1A) In every case where the Registrar suspends a certificate of approval under subsection (7) of section 59 of this Act, the person whose certificate of approval is suspended shall have a right of appeal to a Magistrate's Court against the decision of the Registrar.

(1B) Every licensee who is fined by the Registrar under subsection (1) of section 57 of this Act shall have a right of appeal to a Magistrate's Court against the decision of the Registrar.

(2) Every holder of a certificate of approval who is fined by the Registrar under subsection (8) of section 59 of this Act shall have a right of appeal to a Magistrate's Court against the decision of the Registrar.

*New*

(2A) In every case where the Registrar refuses to approve a name under section 31 of this Act, the applicant for the approval shall have a right of appeal to a Magistrate's Court against the decision of the Registrar.

(3) 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.

(4) The appeal shall be made by way of originating application in accordance with the Magistrates' Courts Rules 1949, 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.

(5) On hearing the appeal, the Court may confirm, vary, or reverse the decision of the Registrar.

(6) The decision of the Court on the appeal shall be final.

## PART VII

## 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. 5

(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 10

(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 15

(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 20

*New*

(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. 25

(3) Every person who contravenes subsection (2) of this section 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.

*New*

**66A. 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. 35

**67. 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.

5 (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) of this section to the Registrar, he shall also, within 7 days, serve a copy of the notice—

(a) On the Commissioner of Police; and

(b) In the case of a private investigator's licence, on the auditor of his trust account.

15 (4) The surrender of a licence or certificate of approval under subsection (1) of this section 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

20 (b) To perform any duty or obligation that he was required to perform on or before the date specified in paragraph (a) of this subsection; or

25 (c) For any act done or default or omission made before the date of surrender.

**68. Change of place of business—**(1) A licensee may at any time apply in writing to the Registrar to amend his licence by—

30 (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.

35 (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.

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**69. 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. 5

(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 \$200 and, if the offence is a continuing offence, 10 to a further fine not exceeding \$20 for every day on which the offence has continued.

**70. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: 15

- (a) Prescribing forms to be used for the purposes of this Act and the matters to be specified in such forms: 15
- (b) Prescribing fees payable under this Act in respect of applications and the issue and renewal of licences and certificates of approval: 20
- (c) Providing for audits from time to time of the trust accounts of holders of private investigators' licences, and the manner in which those audits shall be conducted, and for reports of the results of those audits: 25
- (d) Requiring holders of private investigators' licences to give such notice of the appointment of auditors as may be prescribed:
- (e) Authorising the Registrar to direct at any time an audit of any trust account of any holder of a 30 private investigator's licence:
- (f) Requiring the production to auditors of books, papers, and accounts of holders of private investigators' licences:
- (g) Prescribing the persons to whom the reports of audi- 35 tors shall be sent for inspection, information, or record:

*Struck Out*

- (h) Prescribing codes of ethics for private investigators and security guards respectively, and providing that any 40 contravention of such a code by a licensee to whom the code applies shall be misconduct or shall be evidence of misconduct by that licensee in the course of the business to which his licence relates:



*New*

- 5 (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:
- 10
- 15 (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:
- 20 (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.

71. **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—

- 35 (a) At his usual or last known place of residence in New Zealand; or
- 40 (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) of this section, 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. 5

(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. 10

**72. 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. 15

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SCHEDULES

FIRST SCHEDULE

Section 19

BOND

KNOW all men by these presents that ..... of ..... is (are) held and firmly bound to Her Majesty the Queen in the sum of \$10,000 for the payment of which sum to Her Majesty the Queen the said ..... does (do jointly and severally) bind himself (itself) and his (its) successors (ourselves, our executors, and administrators) firmly by these presents.

Whereas ..... of ..... (hereinafter referred to as the licensee) has applied for the issue to him of a private investigator's licence under the Private Investigators and Security Guards Act 1974:

Now the condition of the above written bond is such that if the licence is granted to the licensee, and if the licensee during the currency of the term of the licence (and during the currency of the term of every licence granted to the licensee in renewal of the licence)—

- (a) Always duly applies in the manner required by the Act all money received by the licensee or by any partner or employee of the licensee on behalf of any other person; and
- (b) Always duly renders accounts in writing of all money received by the licensee or by any partner or employee of the licensee, within the times required by the Act and to the persons required by the Act—

then the above-written obligation shall be void, but otherwise shall remain in full force and effect.

Dated at ..... this ..... day of ..... 19 .....

Signed by the above-named .....

in the presence }  
 of [Or, as the }  
 case may require, }  
 in the case of a }  
 company] } .....



Struck Out

SECOND SCHEDULE

Sections 26 and 40

Form 1

PRIVATE INVESTIGATOR'S LICENCE

..... (full name) of ..... (residential address) 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.....

The registered office of the licensee is .....

Dated at ..... this ..... day of ..... 19.....

Registrar of Private Investigators and Security Guards.

SPECIAL NOTICE

NOTHING IN THIS LICENCE CONFERS ON THE HOLDER ANY ADDITIONAL POWER OR AUTHORITY.

Form 2

SECURITY GUARD'S LICENCE

..... (full name) of ..... (residential address) is authorised by this licence to carry on the business of a security guard, 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—

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

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

The registered office of the licensee is .....

Dated at ..... this ..... day of ..... 19.....

Registrar of Private Investigators and Security Guards.

SPECIAL NOTICE

NOTHING IN THIS LICENCE CONFERS ON THE HOLDER ANY ADDITIONAL POWER OR AUTHORITY.

New

Sections 26 and 40

SECOND SCHEDULE

Form 1

PRIVATE INVESTIGATOR'S LICENCE

..... (full name) ((of ..... (residential address))) 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—

Here affix photograph of licensee

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

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

The registered office of the licensee is at .....

Dated at ..... this ..... day of ..... 19....

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.

*New*SECOND SCHEDULE—*continued*

## Form 2

## SECURITY GUARD'S LICENCE

..... (full name) ((*of* ..... (*residential address*))) is authorised by this licence to carry on the business of a security guard, 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—

Here affix photograph of  
licensee

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

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

The registered office of the licensee is at ..... (address of registered office).

Dated at ..... this ..... day of ..... 19....

.....  
Registrar of Private Investigators and Security Guards.

## SPECIAL NOTICE

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

*Struck Out*

SECOND SCHEDULE—*continued*

**Form 3**

CERTIFICATE OF APPROVAL TO BE A RESPONSIBLE EMPLOYEE OF A  
PRIVATE INVESTIGATOR

..... (full name) of ..... residential address is authorised  
by this certificate to work as a responsible employee of a private  
investigator until the 31st day of March 19.....

Dated at ..... this ..... day of ..... 19.....

.....  
Registrar of Private Investigators and Security Guards.

SPECIAL NOTICE

NOTHING IN THIS CERTIFICATE CONFERS ON THE HOLDER ANY  
ADDITIONAL POWER OR AUTHORITY.

**Form 4**

CERTIFICATE OF APPROVAL TO BE A RESPONSIBLE EMPLOYEE OF A  
SECURITY GUARD

..... (full name) of ..... residential address is authorised  
by this certificate to work as a responsible employee of a security  
guard until the 31st day of March 19.....

Dated at ..... this ..... day of ..... 19.....

.....  
Registrar of Private Investigators and Security Guards.

SPECIAL NOTICE

NOTHING IN THIS CERTIFICATE CONFERS ON THE HOLDER ANY  
ADDITIONAL POWER OR AUTHORITY.

THIRD SCHEDULE

Section 58

1. Any of sections 49, 50, 51, 52, 62, or 66 of this Act.
2. Any of the provisions of the Arms Act 1958.
3. Section 52A or section 54 of the Police Offences Act 1927.
4. Any of sections 3, 4, or 8 of the Trespass Act 1968.

*New*SECOND SCHEDULE—*continued*

## Form 3

CERTIFICATE OF APPROVAL TO BE A RESPONSIBLE EMPLOYEE OF A  
PRIVATE INVESTIGATOR

..... (full name) of .....

(address of registered office of employer)

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 at ..... this ..... day of ..... 19....

.....  
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.

## Form 4

CERTIFICATE OF APPROVAL TO BE A RESPONSIBLE EMPLOYEE OF A  
SECURITY GUARD

..... (full name) of .....

(address of registered office of employer)

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 at ..... this ..... day of ..... 19....

.....  
Registrar of Private Investigators and Security Guards.

## SPECIAL NOTICE

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