

LAW OF GEORGIA
ON PRIVATE SECURITY ACTIVITIES

This Law regulates relations associated with the implementation of private security activities, and defines legal grounds and conditions, as well as organisational forms and types, for the implementation of private security activities.

Chapter I - General Provisions

Article 1 - Scope of the Law

1. This Law defines:

- a) the legal and organisational grounds for implementing private security activities;
- b) the licensing of private security activities and the rules and conditions for notification provided for by this Law;
- c) the rights and obligations of guards and private security companies;
- d) contractual relations between a client and a private security company;
- e) the forms of exercising control over private security activities;
- f) the rules for using arms and special equipment, and sanctions thereon.

2. This Law shall not apply to:

- a) security activities carried out by state bodies and/or legal entities under public law operating under state bodies;
- b) the protection of things owned, held or used by a natural or legal person, or the protection of individual events that are carried out directly by the said natural and/or legal person.

Article 2 - Definitions of terms

The terms used in this Law have the following meanings:

- a) private security activities ('security A=activities') - licensable activities that are carried out on a contractual basis and that:
 - a.a) are intended to protect and ensure the security of human life and health, and of movable or immovable things (including the transportation of movable things), and of individual events;
 - a.b) include the design, installation and operation of technical means of security;
- b) a protected asset - human life and health, movable or immovable property, and individual events, the security of which is ensured by a private security company;
- c) a private security company ('a security company') - an entrepreneurial legal entity established under the legislation of Georgia, which carries out security activities and has the relevant activity licence defined by this Law and the Law of Georgia on Licences and Permits;
- d) a client - a natural and/or legal person that arranges the protection of an asset on the basis of a contract entered into with a security company;
- e) protection - a set of measures directed at detecting and eliminating threats of any possible encroachment upon the assets under protection;
- f) technical means of security - technical means for the surveillance of protected assets and/or alarm devices that ensure the protection of assets;
- g) a security guard - an 18-year old legally competent natural person who carries out the protection of assets on the basis of a labour contract entered into with a security company and who has been granted a security guard certificate;
- h) a private security activity licence ('a licence') - a document certifying the right to carry out any of the security activities defined by Article 4(1) of this Law;
- i) a notification - a written document that certifies the fact of the provision of protection services with respect to an individual immovable thing, event or natural person (including a group of natural persons), and of services related to the design, installation and operation of technical means of security with respect to individual assets;
- j) the licence issuer - the Ministry of Internal Affairs of Georgia;



- k) a licence applicant - an entrepreneurial legal entity established under the legislation of Georgia, which is seeking to obtain a licence for relevant activities defined by this Law and the Law of Georgia on Licences and Permits;
- l) a weapon - gas, pneumatic or melee weapons, electric shock devices;
- m) special equipment - handcuffs or other means of restraint, rubber batons, tear gas, barrier demolition equipment, transport means, water cannons, service dogs;
- n) an immovable thing - an immovable thing as defined by Article 149 of the Civil Code of Georgia, a linear structure, or an asset under construction.

Chapter II - Licensing of Security Activities

Article 3 - Right to carry out security activities

1. The right to carry out security activities shall originate on the bases of obtaining a licence for the relevant activity defined by this Law and the Law of Georgia on Licences and Permits.
2. The procedure for licensing security activities, for keeping a licence register, as well as for issuing, amending, suspending and revoking licences, shall be defined by the Law of Georgia on Licences and Permits, this Law and subordinate acts;

Article 4 - Licence

1. A licence shall be issued for the protection of humans or of movable or immovable things, for the protection of individual events and for designing, installing and operating technical means of security.
2. The form of a licence certificate shall be approved by the Minister of Internal Affairs of Georgia.
3. A licence shall be issued for an indefinite period.

Article 5 - Documents to be submitted for obtaining a licence

1. A licence applicant shall, together with the documentation specified in Article 9 of the Law of Georgia on Licences and Permits, submit the following documents to the licence issuer:
 - a) the charter of the licence applicant legal person, in which the implementation of security activities are defined as its main field of activity of the legal person;
 - b) the following documents of the manager(s) of the licence applicant legal person:
 - b.a) a copy of their identity (residence) card/passport;
 - b.b) a certificate of previous convictions;
 - b.c) a certificate of health;
 - c) the list of founders and partners of the legal person seeking a licence, which shall be accompanied by:
 - c.a) a copy of their identity (residence) card/passport, and in the case of a legal person, a document confirming registration;
 - c.b) for each founder - a certificate of previous convictions, and if the founder is a citizen of another country, a document issued by an official body of that State either legalised or certified by an apostille in the manner laid down by the legislation of Georgia, which confirms the absence of previous convictions;
 - d) information on the financial, property (including the area necessary for the activities), material and technical conditions of the legal person seeking a licence, which confirms their capability to carry out security activities;
 - e) a bank guarantee of at least GEL 200 000 for the compensation of any material loss which might be incurred by a client because of the licence applicant;
 - f) samples of the security guard service uniform, which shall be approved by the body exercising control over security activities, subject to the issuance of the licence;
 - g) a certificate from the tax authorities confirming the absence of any debt owed to the budget by the licence applicant;
 - h) a certificate with respect to any lien on an immovable thing owned by the legal entity seeking the licence.

2. A licence fee is established for the conduct of security activities; the amount of the licence fee shall be defined by the Law of Georgia on Licences and Permits.



Article 6 - Procedure for issuing licences

The licence issuer shall make a decision on the issuance of a licence according to this Law and the Law of Georgia on Licences and Permits.

Article 7 - Grounds for refusing to issue a licence

1. A licence shall not be issued if:

- a) the application and accompanying documents submitted by a licence applicant do not meet the requirements of the law and the licence applicant failed to remedy the defect in the specified time;
- b) a licence applicant does not meet the licence conditions established by law;
- c) a licence applicant has been deprived of the right to carry out activities in the relevant licensable area by a final court judgement of conviction;
- d) the head of the legal person seeking a licence does not meet the requirements laid down by Article 17 of this Law;
- e) the Ministry of Internal Affairs of Georgia has information on connections between the head(s), founders or members of the legal person seeking a licence and a terrorist(s) or terrorist organisation, or illegally armed groups, or other criminal groups and/or members of the criminal community;
- f) a licence has been revoked for non-compliance by the security company, with the requirements of the legislation of Georgia, and 3 years have not elapsed from its revocation.

2. A licence applicant may, in the manner established by the legislation of Georgia, appeal to a court the refusal to issue a licence.

Article 8 - Grounds for revoking a licence

A licence shall be revoked if:

- a) the licence holder fails to pay the relevant licence fee established for carrying out security activities within 7 working days after the issuance of the licence;
- b) the security company has not carried out security activities for one year after obtaining the licence;
- c) a fine provided for by this Law has been imposed upon the security company five times during one calendar year, unless the violation(s) has/have been remedied within the period specified by the authorised person;
- d) any of the grounds for refusing to issue the licence has been identified, unless the situation has been remedied within a reasonable period of time as specified by the licence issuer;
- e) it has been confirmed that false information has been submitted to obtain the licence;
- f) the activities of the security company are directed against the legal interests of the State and of the public, which has been confirmed by a court decision;
- g) a court judgement of conviction has entered into force against the licence holding legal person, which ordered the liquidation of the legal person as a measure of punishment;
- h) any of the grounds for the revocation of the licence provided for by Article 22(7) of the Law of Georgia on Licences and Permits have arisen.

Article 9 - Form of notification and procedure for its submission

1. The form of a notification provided for by this Law shall be approved by the body exercising control over security activities.

2. A licence holder shall, at the end of each month, submit the notification provided for by this Law to the body exercising control over security activities.

Chapter III - Contractual Relations

Article 10 - Relationship between a client and a security company

1. The relationship between a client and a security company shall be regulated under this Law, the legislation of Georgia and the contract for security activities ('a contract for security activities').

2. A contract for security activities shall be entered into between a client and a security company.



3. Types of contracts for security activities shall be the following:

- a) a contract for protecting an asset;
- b) a contract for designing, installing and operating technical means of security.

4. A contract for protecting an asset shall include:

- a) the type of the security activity;
- b) the name/designation (in case of a natural person, his/her name and surname), address and other supplementary data of the specific asset to be protected;
- c) the subject matter and conditions of the security activities;
- d) the consent of a third person, if the client arranges for the protection of an asset in favour of a third person;
- e) the number of security guards;
- f) the contract price;
- g) the procedure for reimbursing expenses;
- h) the rights, obligations and responsibilities of the parties;
- i) the periodicity of submitting written reports on the work performed to the client or other persons specified in the contract;
- j) the term of validity of the contract;
- k) full details of the parties.

5. A contract for designing, installing and operating technical means of security shall include:

- a) the type of the security activity;
- b) the name and address of the individual asset where the design, installation and operation of the technical means of security are to be carried out;
- c) the subject matter and conditions of the contract;
- d) the consent of a third person, if the client arranges for the design, installation and operation of the technical means of security in favour of a third person;
- e) the contract price;
- f) the procedure for reimbursing expenses;
- g) the rights, obligations and liabilities of the parties;
- h) the term of validity of the contract;
- i) full details of the parties.

6. Other issues may also be specified in the contract defined by this Article, which shall not go beyond the scope of the security activities.

Article 11 - Security service plan

1. A security service plan is a confidential document that shall be drawn up in agreement with the client before the execution of a contract for protecting an asset. A security service plan may include:

- a) the number of sentry-boxes and their locations;
- b) the number of security guards;
- c) security equipment;
- d) the technical means of protection;
- e) measures for the transportation of movable things;
- f) sentry instructions.

2. A security service plan shall be available for law enforcement bodies only in cases established by the legislation of Georgia.

3. A security guard's liability for the disclosure of the security service plan may be defined by a labour contract entered into between the security guard



and the security company.

Article 12 - Relationship between security company and security guards

1. The relationship between a security company and security guards shall be regulated on the basis of this Law, the legislation of Georgia, the labour contract entered into between a security guard and a security company, and by the contract for the protection of a specific asset.
2. A labour contract entered into between a security company and a security guard shall include:
 - a) the subject matter of the contract;
 - b) the amount of remuneration, and the procedure and conditions of its payment;
 - c) a work timetable and schedule;
 - d) the obligation of the security company to insure the life and health of the security guard during the validity period of the contract;
 - e) the rights, obligations and liabilities of the parties;
 - f) the validity period of the contract;
 - g) full details of the parties.
3. A contract for the protection of a specific asset entered into between a security company and a security guard shall include:
 - a) the name/designation (in the case of a natural person, his/her name and surname), address and other supplementary data of the specific asset to be protected;
 - b) the subject matter and conditions of the security activities deriving from the contract for security activities;
 - c) the timetable and schedule of the security activities;
 - d) the procedure for reimbursement of expenses;
 - e) the rights, obligations and liabilities of the parties;
 - f) the validity period of the contract;
 - g) full details of the parties.
4. Other issues may also be specified in the contracts defined by this article, which shall not go beyond the scope of the security activities.

Chapter IV - Rights and Obligations of Security Companies and Restrictions Related to their Activities

Article 13 - Rights of security companies

A security company may:

- a) carry out security activities within the scope of a licence, and execute relevant contracts with clients and security guards;
- b) act within the powers granted by this Law, the legislation of Georgia and contracts entered into by it, unless the said contracts contravene the legislation of Georgia.
- c) require from clients and security guards the fulfilment of their obligations under relevant contracts;
- d) give binding instructions and assignments to security guards within the scope of the contract for security activities;
- e) give binding instructions and assignments to security guards, even where they do not derive from the contract for the protection of a specific asset, as long as these instructions and assignments do not contravene the labour contract entered into with the security guard and do not cause the non-fulfilment of obligations assumed under a contract for security activities;
- f) purchase weapons and special equipment necessary for the protection of an asset;
- g) use radio communication means (radio) through relevant permitted frequencies;
- h) carry out such actions permitted by the legislation of Georgia that are necessary for the protection and security of an asset, if such actions do not contravene the legislation of Georgia.

Article 14 - Obligations of a security company



A security company shall:

- a) comply with the requirements of this Law and the legislation of Georgia;
- b) observe and fully perform the requirements (obligations) provided for by the contracts entered into in accordance with this Law;
- c) create healthy and safe labour conditions for security guards, and respect their rights and legal interests, and ensure the protection of security guards from any humiliating or degrading treatment;
- d) provide security guards with the relevant information and all the required equipment necessary for their effective and proficient implementation of security activities;
- e) familiarise security guards with this Law, the charter of the security company, the safety rules of the asset and other necessary information;
- f) provide insurance for the life and health of security guards with whom they are in labour relations;
- g) submit the following to the body exercising control over security activities:
 - g.a) a notification provided for by this Law;
 - g.b) information on any changes in the data of the security company, its manager, founders and security guards;
- h) immediately notify the relevant law enforcement body about a violation of public safety, or an attack on a protected asset, or a possible threat;
- i) maintain index cards and individual records of security guards;
- j) prevent the use by another person of the licence issued to it.

Article 15 - Time limits for storing documentation related to security activities

A security company shall store the following for at least 6 years:

- a) documents related to security activities, the storage period of which shall be calculated from the date of expiration of the validity period of the relevant contract;
- b) contracts entered into with security guards and clients, the storage period of which shall be calculated from the date of expiration or termination of these contracts.

Article 16 - Restrictions related to the activities of security companies

A security company may not:

- a) conceal any information on the commission or preparation of a crime on a protected asset;
- b) knowingly protect a natural person involved in criminal activities, or an immovable thing and/or individual event related to criminal activity;
- c) carry out operational and search and investigative actions prohibited by the legislation of Georgia.

Article 17 - Head of a security company

The head of a security company may not be:

- a) a person convicted for an intentional crime;
- b) a person suffering from alcoholism, drug addiction, toxicomania, mental and/or other chronic diseases (except where the chronic disease does not preclude the management of a security company);
- c) (deleted - 20.3.2015, No 3362);
- d) a public officer, unless otherwise provided for by the legislation of Georgia;
- e) a person with respect to whom the Ministry of Internal affairs of Georgia has information on his/her connections to a terrorist(s) or terrorist organisation, or illegally armed groups, or other criminal groups and/or members of the criminal community;

Law of Georgia No 3362 of 20 March 2015 - website, 31.3.2015



Article 18 - Scope of authority of security guards

1. Security guards may carry out the protection of an asset on the basis of a labour contract concluded with the security company.
2. The labour relations of security guards shall be regulated by this Law, the Labour Code of Georgia, and contracts entered into with the security company.

Article 19 - Security guard certificate

1. A security guard certificate shall be issued by the body exercising control over security activities.
2. The price of a security guard certificate shall be GEL 20.
3. The price of a security guard certificate shall be paid to the account of the body exercising control over security activities.

Article 20 - Restrictions related to the activities of security guards

A security guard may not be:

- a) a person convicted for an intentional crime;
- b) a person suffering from alcoholism, drug addiction, toxicomania, mental and/or other chronic diseases (except where the chronic disease, in view of the specific character of the security activity, does not preclude the conduct of such activity);
- c) (deleted - 20.3.2015, No 3362);
- d) a person, who, by a court decision, has been deprived of the right to take the relevant office or carry out activities in the relevant field of security activities;
- e) a public officer, unless otherwise provided for by the legislation of Georgia;
- f) a person with respect to whom the Ministry of Internal affairs of Georgia has information on his/her connections to a terrorist(s) or terrorist organisation, or illegally armed groups, or other criminal groups and/or members of the criminal community;

Law of Georgia No 3362 of 20 March, 2015 - website, 31.3.2015

Article 21 - Rights and obligations of security guards

1. During the performance of their official duties security guards may:
 - a) make video and photographic recordings of the asset under his/her protection and of the surrounding area, and use technical means, if there is prior written consent from the security company and the client, and if such measures do not contravene the legislation of Georgia;
 - b) demand a person who is present at a protected facility without authorisation to leave the facility;
 - c) demand a person to stop illegal actions and comply with the order/regime established at the protected facility, and in the case of urgent necessity, ensure his/her expulsion from the facility;
 - d) arrest an offender and immediately transfer him/her to the relevant law enforcement body;
 - e) not perform such assignments for a client and/or for a security company which contravene the legislation of Georgia and the requirements specified in Article 10(4) and Article 12 of this Law;
 - f) use weapons, special equipment and physical coercion provided for by this Law;
 - g) carry out such actions permitted by the legislation of Georgia that are necessary for the security of the protected asset.
2. The rights of security guards defined by paragraph 1 of this article may be expanded by a contract entered into between the client and the security company and/or between the security company and the security guard. These contracts shall not contravene the legislation of Georgia.
3. Security guards shall:
 - a) observe the requirements of the legislation of Georgia, and fulfil in good faith the conditions of the labour contract entered into with the security company;
 - b) immediately notify the relevant law enforcement body about an attack on a protected asset, or a possible threat;
 - c) have on their person a security guard certificate, and if they carry arms, a permit to keep/carry arms (except for those types of arms that do not require a permit);



- d) protect the asset under their protection;
 - e) expel from a protected facility a person who:
 - e.a) is present at the protected facility without authorisation;
 - e.b) violates the order/regime established at the protected facility;
 - f) arrest an offender and immediately transfer him/her to the relevant law enforcement body;
 - g) protect the crime scene and property before the arrival of a representative of an authorised body, provided that the performance of this obligation does not cause the non-fulfilment of their official duties;
 - h) render relevant assistance to law enforcement bodies in the arrest of a person who has committed a crime, and in carrying out other measures for protecting law and order, provided that the performance of this obligation does not cause the non-fulfilment of their official duties;
 - i) keep confidential information related to the protected asset (including the security service plan), and not disclose this information unless it contains evidence of a crime;
 - j) carry out security activities wearing the security guard uniform approved for the security company.
4. Other obligations, in addition to the obligations defined by paragraph 3 of this article, may be imposed on security guards under a labour contract entered into with the security company; these obligations shall not go beyond the scope of the security activities and shall not contravene the legislation of Georgia.

Chapter VI - Rules for Using Weapons, Special Equipment and Physical Coercion

Article 22 - Using special means and physical coercion

1. Security guards may use the following special equipment during the performance of their official duties: handcuffs or other means of restraint, rubber batons, tear gas, barrier demolition equipment, means of transport, water cannons, service dogs:
- a) handcuffs or other means of restraint - against offenders who resist or may show resistance against security guards or try to escape;
 - b) rubber batons - for repelling an attack on a person, a security guard or a protected asset when arresting offenders, where the offender clearly do not obey the lawful demands of the security guard;
 - c) tear gas - for repelling an attack on a person, a security guard or a protected asset when arresting offenders, or for their coercion ;
 - d) barrier demolition equipment - at the time of arresting offenders;
 - e) water cannons - for repelling a group attack on a protected asset;
 - f) service dogs - for repelling an attack on a protected asset.
2. Security guards shall provide first medical aid to persons injured by the use of physical coercion or special equipment, and immediately inform their immediate superior if a person has been wounded or injured as a result of the use of physical coercion or special equipment.
3. The use of physical coercion or special equipment shall be prohibited against persons with obvious signs of pregnancy, infancy, disability, elderly age, except for the cases of armed attack or armed resistance against security guards that threatens the life and health of a person or of a security guard, and if such an attack cannot be repelled by other methods or means.
4. Security guards shall not use such physical coercion or special means that cause severe injury to a person, and are associated with an unwarranted risk, or are prohibited by international conventions and other international acts.

Article 23 - Right to use weapons

1. Security guards may keep, carry and use weapons provided for by this Law during the performance of their official duties.
2. Security guards may use weapons to:
- a) protect themselves and citizens from such a threat that poses real danger to their life and health;
 - b) prevent the taking away of a weapon;
 - c) prevent a crime, and at the time of detaining the person(s) who committed the crime, if the person(s) resist security guards or try to escape;
 - d) repel an attack on a protected asset;
 - e) protect citizens from an attack of dangerous animals;



- f) give alarm signals or call for reinforcements;
 - g) damage a means of transport in order to stop such means of transport if the actions of the driver pose a real threat to a protected asset and the driver does not comply with the repeated demands of the security guard to stop the means of transport (only within a protected area).
3. The use of a weapon shall be preceded by a verbal warning. If necessary, a warning shot may be fired.
4. Weapons may be used without a warning at the time of:
- a) a surprise attack with armed military equipment, with any kind of transport or mechanical means;
 - b) armed resistance put up by offenders to the security guards at the time of arrest;
 - c) the escape of an armed detainee;
 - d) an attack on a protected asset.
5. The use of weapons shall be prohibited in places where other people may be hurt, and in flammable or explosive areas, and against persons with obvious signs of pregnancy, infancy, disability, elderly age, except for the cases of armed attack that threaten the life and health of a person or a security guard.
6. In the case of the use of arms, a security guard shall make every attempt to ensure the safety of other persons and render first medical aid to a victim.
7. Security guards shall immediately notify their immediate superiors about the use of arms.

Chapter VII - Control over Security Activities and Liability Measures

Article 24 - Control over security activities

1. The control over security activities shall be exercised by the Security Police Department, a legal entity under public law operating under the governance of the Ministry of Internal Affairs of Georgia, in the manner defined by the Minister of Internal Affairs of Georgia.
2. In order to control security activities, the body exercising control over security activities shall:
- a) verify the compliance of the activities of a security company with the requirements of this Law;
 - b) verify the observance of the requirements of the law by a security company and security guards;
 - c) impose relevant liability on a security company, and natural and/or legal persons, for violations of this Law.
3. Unjustified and excessive interference with the security activities and the hindering of the activities of a security company shall be prohibited except for cases of urgent necessity provided for by the legislation of Georgia.

Article 25 - Liability measures

1. The following shall be the fines imposed for violations of the requirements of this Law:
- a) GEL 500 - for carrying out security activities without a security guard uniform approved for the security company concerned;
 - b) GEL 1 000 - for the failure to inform the body exercising control over security activities about changes made to the data of the security company, or of its head, founders and security guards, if more than one month has elapsed after making the changes;
 - c) GEL 2 000 - for carrying out security activities without a security guard certificate;
 - d) GEL 3 000 - for the non-fulfilment of the obligation to maintain index cards and individual records of security guards; the same amount of fine shall be imposed on a security company if a security guard hired by the security company fails to meet the requirements of this Law, unless the violation has been rectified within the time limit set by the body exercising control over security activities;
 - e) GEL 4 000 - for the non-fulfilment of obligations defined by Article 15 of this Law;
 - f) GEL 5 000 - for the failure to submit the notification provided for by this Law to the body exercising control over security activities;
 - g) GEL 6 000 - for the non-fulfilment of obligations relating to the execution of contracts provided for by this Law;
 - h) GEL 7 000 - for the non-fulfilment of obligations relating to the insurance of security guards, unless the violation has been rectified within the time limit defined by the body exercising control over security activities;
 - i) GEL 10 000 - for carrying out security activities without a licence for security activities.
2. The fines specified in paragraph 1 of this article may be imposed on a security company, and on natural and/or legal persons.



3. The time limit for rectifying a violation shall be specified for the offender upon the imposition of the fine.
4. The failure of the offender to rectify a violation within the set time limit shall result in the tripling of the amount of the fines provided for by this article.
5. A fine provided for by this article shall be paid into the state budget.
6. If a fine provided for by this article is not paid within a month after its imposition, the compulsory collection of the fine shall be carried out according to the procedure established by the Law of Georgia on Enforcement Proceedings.
7. The procedure for the imposition of liability defined by this article shall be determined by an order of the Minister of Internal Affairs of Georgia.

Chapter VII - Transitional and Final Provisions

Article 26 - Transitional provisions

1. The Ministry of Internal Affairs of Georgia shall, before 1 February 2009, ensure:
 - a) the approval of the form of a licence certificate;
 - b) the approval of the form of a security guard certificate;
 - c) the approval of the procedure for exercising control over security activities and for determining liability.
2. Natural and legal persons that carry out security activities before the entry into force of this Law shall retain the right to conduct such activities until 1 March 2009.

Article 27 - Final provisions

1. This Law, except for Article 26 and Article 27, shall enter into force from 1 February 2009.
2. Articles 26 and 27 of this Law shall enter into force upon its promulgation.

President of Georgia

M. Saakashvili

Tbilisi,

21 November 2008.

No 536-III

