

- (9A) Notwithstanding the provisions of sub – regulation (9), any security business which intentionally or negligently(a) fails to submit a return to the Board disclosing security officers employed to evade payment of prescribed annual fees or (b) submits a return to the Board which is false or misleading in relation to the number of security officers employed,
- (i) will be liable to a penalty not exceeding an amount equal to double the amount of the prescribed annual fees referred to in paragraph (a) or the difference “determined” between the amount of annual fees that were due and payable by the security business to the Board and the amount the security business has paid to the Board in case of paragraph (b)
 - (ii) will be a subject of an investigation by the Board to check into the security business’ reporting as required in terms of sub – regulation (1) for the preceding 3 years. Any non-compliance found, the Board may levy penalties not exceeding the amount equal to double the amount of the prescribes fees or the determined difference for every year of failure to disclose as prescribed.
- (9AA) The envisaged investigation under (9A) will assist the Board to determine the appropriate percentage of penalty, in relation to whether,
- (a) the non- disclosure was substantial
 - (b) the non-disclosure was intentional
- (10) Any director, member, owner, partner, trustee, administrator or manager, according to the case, of a security business—
- (a) who fails to take all reasonable steps to ensure that the security business of which he or she is a director, member, owner, partner, trustee, administrator or manager, according to the case—
 - (i) complies with an obligation in terms of sub-regulation (1);
 - (ii) complies with an obligation in terms of sub-regulation (3) (d);
 - (iii) complies with an obligation in terms of section 18 (4) (a) of the Act to deduct an amount from the remuneration of a security officer; or
 - (iv) does not contravene a provision of sub-regulation (9); or
 - (b) who intentionally or negligently submits a return referred to in sub-regulation (1) to the Board or allows such a return to be submitted to the Board on behalf of the security business in question, which is false or misleading in any material respect,
- will be guilty of an offence and on conviction be liable to a fine not exceeding R100,000.00 or to imprisonment for a period not exceeding twenty-four (24) months.

Substitution of regulation 9 of the Regulations