

## ХУВИЙН АЮУЛГҮЙ БАЙДЛЫН САЛБАРЫН ЭРХ ЗҮЙН ЗОХИЦУУЛАЛТЫН ХАРЬЦУУЛСАН СУДАЛГАА\*

### COMPARATIVE STUDY OF LEGAL REGULATIONS OF PRIVATE SECURITY



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**Товч агуулга:** Манай Улсын хувьд хувийн аюулгүй байдлын салбар, түүний эрх зүйн зохицуулалтын чиглэлээр эрдэм шинжилгээ, судалгааны ажил төдийлэн сайн хийгдээгүй байгаа нь хувийн аюулгүй байдлын салбарын онолын суурь судалгаа хийх, хууль тогтоомжийг боловсронгуй болгох, дээрх судалгаанд эрдэмтэд, судлаачдыг татан оролцуулах шаардлагатай байгааг харуулж байна. Энэхүү судалгаа нь хувийн аюулгүй байдлын салбар өндөр хөгжсөн, эрх зүйн зохицуулалт боловсронгуй болсон Бельги, Их Британи, Өмнөд Солонгос зэрэг гадаадын зарим улс орнуудыг сонгон авч, холбогдох хууль тогтоомжийг судалж өөрийн орны хувийн аюулгүй байдлын салбарын эрх зүйн зохицуулалттай харьцуулан, хууль зүйн дүн шинжилгээ хийж түүнийг боловсронгуй болгоход чиглэгдэж байна.

**Abstract:** The aim of this study is to compare and evaluate the regulation of private security in South Korea, the United Kingdom, Belgium and Mongolia. While no research has been found with regard to the regulation of private security in Mongolia. For Mongolia, it is crucial to study experiences of foreign countries, especially those where private security service has been developed well, in order to improve legal regulations of the security service.

**Түлхүүр үгс:** Эрх зүйн зохицуулалтын харьцуулсан судалгаа, Хувийн аюулгүй байдлын салбар, Гэрээт харуул хамгаалалт, хамгаалалтын ажилтан.

**Key words:** Comparative study of legal regulation, Private security industry, Contract security, Security guard.

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## LEGISLATIONS GOVERNING PRIVATE SECURITY IN MONGOLIA

Regulation of the private security industry in Mongolia is relatively recent with the first specific legislation dating back to 2000. In 2000, the State Great Hural (Parliament) of Mongolia passed the law on Contracted Private Security and has been revised twice since and Personal protection in 2001, by which 'modern' private security was legally born.

Law on Contracted Private Security includes provisions for registering, requirements for private security company, limitation of private security activities, contract of security service, training content and curricula of private security staff, obligations of security service companies, its personnel as well as clients, qualifications of personnel, oversight of security service and penal clause.

Areas covered by legislation:

There is no provisions concerning areas covered by private security company in the legislation. Major activities of private security companies in Mongolia include as follows:

1. Access control and surveillance by electronic equipment
2. Crowd control in private events
3. Installation and maintenance of security alarm installation
4. Airport security
5. Personal protection.
6. Guarding and patrolling private property and assets

Under the legislations no one other than any corporation shall be prohibited from running the security business. Any corporation that intends to register local Police Agency shall have manpower of security guards, capital, facilities and equipment. The private security company shall deliver the application form requesting the registration, related documents including CVs of employees and medical examination confirmations to the local and metropolitan police offices. The related departments of local and metropolitan police office receive and review whether the private security company meets the requirements of the laws, and develops

the decision on registration within 30 days and responds in written form.

Certificate is valid for period of one year and is granted by local police agency.

In order to extent the private security company shall prepare the appropriate documents 30 days in prior to the expire date of the Registration, and deliver the application form requesting the registration to the local and metropolitan police agencies. The cost of the registration form shall be estimated by the publication expenses.

Employees of private security companies must be 20 years old. All operational staff will have to undergo a criminal background check carried out by the local Police authority in order to obtain a certificate prior to being employed. Annual and partial report need to be submitted to the police authorities detailing activities and any change operational staff. When necessary, the police can order a security company to report to documents needed, look around offices and facilities, inspect, and check conditions of training and education of security officers. Termination of license for repeated violation of the legislation.

Training requirements are set down in article 10 of the 2000 law on contracted private security and On Adoption of Regulation (Joint Order No. 107/118 of 12 April 2001 of the Minister of Justice and Internal Affairs and Minister of Education, Culture and Science on "Training Program for human resources designated to personal performance of security activity" that National Police Agency should guarantee training of operational staff. There is no requirement to be taken exam for managerial staff prior to being employed although provision exists on training for managerial staff in the legislation in force. The content of the theoretical and practical elements of the training are determined by the Ministries of Justice and Education. Training may be carried out in training centers approved by the National Police Agency. Practical training is provided in the workplace. Staff need to receive at least 38 hours of theoreti-



ХҮҮЛЬ САХИУЛАХҮЙ

cal and 60 hours of practical instructions. There are several training centers including law Enforcement University, private providers and employers' organizations.

Training institutions are quality controlled by Ministry of Justice and Education.

Training in use of arms is required by article law on contract private security and Weapons.

Guards are required to wear uniform and the design and use of uniforms has to be approved by the Mongolian National Police. Operational staff while on duty must wear uniforms.

The use of dogs on duty is lawful as is the carrying and use of firearms. Operational staff to work with dogs shall be enrolled in the professional training under the control of profession department of the police office, and be issued certificates. Those who are not enrolled in the training are prohibited to use the dogs.

The police authorities are able to revoke an undertaking's license if it is repeatedly found in infringement of the relevant legislation. If it is provided not to impose criminal responsibility to the breach of the Law on contract private security service, the court imposes on the employee a fine of 10000-50000 tugrugs, on officers a fine of 35000-60000 tugrugs, and on legal entities a fine of 200000-250000 tugrugs respectively, and confiscation of illegally obtained assets and equipment.

Similarly, in Korea only three police officers are assigned to security service section in the department, responsible for handling the entire load of private security duties. For these reasons, effective guidance and supervision of private security companies is hardly expected.

### **LEGISLATIONS GOVERNING PRIVATE SECURITY OF SOUTH KOREA, UNITED KINGDOM AND BELGIUM**

The following is the legal regulation at the national level in the United Kingdom, Belgium and South Korea.

#### **SOUTH KOREA**

Legislations governing the operation of the industry

The legal and administrative context within which private security is regulated is similar to these countries specially Mongolian legislations.

The private security industry in Korea is governing by the following pieces of legislation and regulation:

1. Security services industry act 1976.
2. Enforcement decree of the security service industry act
3. Ordinance of the Ministry of Security and Public Administration Act No. 8852, Feb 29, 2008
4. Ordinance of the Ministry of Security and Public Administration Act No. 11690, Mar 23, 2013

In South Korea the private security industry is regulated by single statute specific to private security service. The Korean Security Service Industry act was passed in 1976 and has been amended several times since. The act includes the following provisions:

- The terms of security business and its type, instructor, security guard and its classification /general security guard and special security guard/, weapons
- License of security service and its term of validity and cancellation of Security business License, Fee of license
- Disqualifications for Officers, Security Instructor and Security Guards
- Examination for Security Instructor and selection of security Instructor and Cancellation of qualification of Security Instructor
- Obligations of security Business Operators
- Education for Security Guards
- Duties of Special Security Guards and Their use of Weapons
- Employment of security, supervision of security company and its personnel,
- Association of security companies and mutual benefit society,
- Penal clauses.

In South Korea, according to the security service industry act private security business is limited to corporations, so individual persons are not permitted to perform security business activities. Security

service is divided into the following types of security service: a) Facility establishment security service; b) Escort security service; c) Personal protection service; c) Mechanical equipment security service; d) Special security service.

Two types of security guards are set down in the act such as general security guard and special security guard.

All private security companies must get a license from the Commissioner of Local Police Agency which has a jurisdiction over them, and must satisfy the requirements of personnel, facilities, and equipment's. Also, private security forces have some legal obligations: they must acknowledge that they are not endowed with law enforcement power beyond the rights of private citizens; they must reject unlawful requests from clients; they must not leak to others any information that they obtain from the service; and they must be given training and education for security service. Private security companies must compensate for the damage of clients if they fail to satisfy the contractual obligations; thus they have to insure for compensation to clients.

Private security companies must employ a required number of security instructors who supervise security guards. Minimum age requirements of 18 years is also set down for security instructor and security guards. The security instructors must pass the examination and get education administered by the Commissioner of National Police Agency and undergo education prescribed by Ordinance of the Ministry of Security and Public Administration. The Commissioner of National Police Agency shall issue a qualification certificate of a security instructor to any person who has undergone education. Those who have criminal records are not eligible to be executive of security companies and security instructors; neither are security guards who have criminal records (but not to exceed more than 5 years after the expiration of sentences). Any special security business operator is prohibited from running other business than security the security-related business

under the conditions as prescribed by Presidential Decree, such as the security business under the security service industry act, the manufacturing, installing and selling business of security equipment, the information industry utilizing networks, the maintaining and managing business of installation and the training business of security guards, etc.

When necessary, the police can order a security company to report the documents needed, look around offices and facilities to inspect, and check conditions of the training and education of security officers. The police can also demand that security company to dismiss guards who violated the law and ordinances.

One thing peculiar to Korean private security law is that there is a mandatory clause for the foundation of the association of private security companies. This body is designed to develop and regulate the private security industry. Its core functions include research relating to the private security industry and resolution of compensatory conflicts. It is also authorized by the national Police Agency to train and educate security officers. The responsibility for licensing or registration of security firms and administering such firms falls to National Police Agency.

Each metropolitan and provincial police agency has the power to regulate security companies under its jurisdiction. The department of crime prevention within the police agency administrates and regulates security companies. The police also have a role in authorizing private security activities in public areas. As Jung (2004) points out, however the significance of regulating private security companies has been neglected in Korea. Only three police officers are assigned to security service section in the department, responsible for handling the entire load of private security duties. For these reasons, effective guidance and supervision of private security companies is hardly expected.

There is no specific provisions regarding uniforms in security service industry act in Korea. Necessary matters concerning uniforms and gears and vehicles of



ХҮҮЛЬ САХИУЛАХҮЙ

security guard is prescribed in Ordinance of the Ministry of Security and Public Administration.

The carrying and use of weapons is regulated by Article 14, 15 of security service industry act of Korea and Article 20 of Enforcement Decree of the security services industry act. Presidential Decree includes the provisions in terms of use of weapons for necessary matters concerning the carrying of weapons by special security guards, kinds of weapons, standards for using weapons and standards of for safety check of weapons.

Under the act any person special security guard who has caused an impediment to the normal operation of the key national establishment in violation is punished by imprisonment with prison labor for not more than seven years or by a fine nor exceeding 50 million won.

#### BELGIUM

Legislations governing the operation of the industry

The establishment of the first private security undertakings in Belgium dates back to 1905. The sector in Belgium has developed over the years in the context of strict legislation aimed at protecting private citizens from any abuse of power by private security providers. The private security is governed by the law on Private and Special Security of 1990, (last modified on 10 June 2001) and Royal Decree of 31/12/1999 on training. Other relevant legislation includes the law covering the use of arms of 30 January 1991 and the law of 19.06.1991 on private investigators.

The law regulating the private security industry allows armed private security service, namely for Cash-in-Transit (CIT) operations and if requested by the client due to the specific nature of the assignment (NATO, military bases, embassies etc.). In these cases, a special license is needed, issued by the Ministry of Interior (both for company and guard). Competent national authority in charge of drafting and amending legislation regulating the private security industry is the Ministry of Interior. The Ministry of the Interior proposes legislation. The Parliament formally intro-

duces and votes legislation. Legislation is executed (executive acts and regulations) by Royal Decree (the King, de facto the Council of Ministers) or by Ministerial Decree (Minister of the Interior)

Areas of private security industry covered by the legislation regulating the private security industry;

- General guarding
- Airport security
- Maritime security
- Cash in transit (CIT)
- Monitoring and remote surveillance
- Other segments (Body guarding, mobile guarding, control of persons, accompanying of secured special transport)

Under the law on private security enterprises and company internal security providers, establishment of private security undertakings is subject to obtaining license from the Ministry Interior. The license is valid for a period of five years. Precise exclusion criteria are set down in respect to the background of owners and managers as well as staff of private security companies. Article 5 of the law of 10 April 1990, relating to the background owners and managers specifies that an individual must not have been sentenced to more than six months in prison for any criminal offence, or lesser term of imprisonment for convictions relating offences of theft, extortion, abuse of confidence, forgery, rape, and offences under articles 379-386 of the Penal Code, as well as the manufacture and dealing arms.

Furthermore, owners and managers must not have been responsible for all other facts, even when they are not offences or crimes which imply a serious shortcoming of professional values and may harm the trust of clients and others. The same applies to individuals having been convicted of similar offences/prison terms abroad. In addition, owners and management personnel of private security firms cannot at same time carry out activities as private investigator, or arms dealer, or another occupation likely to endanger public safety. They can also not have been a member of the police or secret service



in last five years, or have committed any offences amounting to gross professional misconduct or offences which prevent them from obtaining credit.

Management personnel must be over 21 years of age. According to the article 6 of the amendment of 9 June 1999, investigations of character have to be carried out by the official nominated for this role by the Ministry of Justice. With the agreement of the individuals concerned this includes a search of criminal and professional records.

In relation to the background of employees, article of the law of 10 April 1990 states that a character reference must be provided which proves the following: an individual must not have been sentenced to more than six months in prison for any criminal offence, or lesser term of imprisonment for theft, extortion, abuse of confidence, forgery, rape and other offences under articles 379-386 of the penal Code, and a number of other specific offences including the manufacture and dealing of arms. The same applies to individuals having been convicted of similar offences and prison terms abroad. Staff of private security firms cannot at the same time carry out activities as private investigators and another occupation likely to endanger public safety. In addition, employees of private security companies cannot have been members of the policy service or secret service over the last five years.

Operational staff must be at least 18 years of age.

Companies are required to terminate the employment relationship of any individual convicted of one of the above offences.

The provision of training is obligatory and varies depending on the area of activity. Article 7 of the law of 10 April 1990 and Royal Decree of 31 December 1999 set down requirements for such training. Mandatory specialized training exists (by law) for private security managers. Managerial staff need to receive 52-100 hours of training while operational staff require at least 127 hours of basic training. An ad-

ditional 60 hours of instruction is required for those providing personal protection; an additional 16 hours for dog handlers; and 40 hours for those using weapons in pursuit of their activities.

Training has to be provided in certified training institutes which are licensed by the Ministry of the Interior and examinations lead to award of a certificate valid for a period of 5 years. Re-training must take place after 5 years and needs to be of at least 12 hours duration for operational staff and 6 hours for management staff. A commission on training in security companies advises the Interior Ministry on the content of curricula. Trainers also have to provide character reference.

Private security companies are required to deliver annual report of their activities to the Ministry of the Interior.

There are specific requirements related to the uniforms and the identification card (ID card) of private security personnel. The design of uniforms has to be approved by Ministry of the Interior and must not resemble that of public order official.



All security personnel are required to carry identification stating name, number and company which must be produced to the police on demand. Cars used by private security companies must also be approved by the Ministry of the Interior and must not be confused with vehicles used by the police or other public order agents.

A special license is required for private security guards providing armed private security services. Competent national authority issuing the license are the Provincial Governor or the Minister of Justice if the private security guard does not reside in Belgium. It concerns a personal license to carry weapon. Duration of license is 5 years and renewable. According to the law individuals working for private security undertakings must follow specialized and obligatory training in order to be able to carry and use weapons.

At company level, a special licenses are required armed private security services and private security companies owning weapons. Competent national authority



ХҮҮЛЬ САХИУЛАХҮЙ

issuing the license is Minister of Interior. Duration of the license is 5 years and renewable. There are legal requirements for storing weapons after hours: Weapons are to be stored in a safe room in private security company or the in-house guarding department. There are limitation as to the type and number of weapons used and to the ammunition used: Only a revolver or pistol are allowed with caliber lower than 10 mm. In public spaces and areas where the public has access, staff of private security companies are allowed to carry the following: 10mm revolvers or pistols or truncheon of no more than 45 cm in length. Since 2001, private security personnel are prohibited to use and possess weapons for specific activities: management of alarm, guarding and control of persons and access control in all circumstances (in private and public places). In publically accessible places, use and possession of weapons is prohibited for activities regarding the supervision and protection of (in) tangible goods.

The use of dogs is permitted only specific circumstances such as beat patrol, mobile alarm response and call-out services, in-house manned security, aviation security, maritime security, critical infrastructure protection. A special license is required for the private security companies using dog from Ministry of Interior.

Competent national authority in charge of controls and inspections for the private security industry are Ministry of the Interior in cooperation with the police. Competent National Authority in charge of imposing the below sanctions for the private security industry:

- Administrative sanctions
- Penal sanctions: Penal tribunals

Maximum amount of a (financial) sanction or maximum sentence that can be imposed: 25,000 euro. One of the possible sanction can be result in the withdrawal of a company license and/or an individual guard license. For companies which do not respect the legislation in force, a number of sanctions are available, ranging from pecuniary sanctions (25 up to 25,000 euro) to the withdrawal of the

license to operate for up to six months and withdrawal of the license card.

#### UNITED KINGDOM

Legislations governing the operation of the industry

The United Kingdom for long time exceptional for having the largest private security market with little or no regulation. This has recently been changed with Private Security Industry Act (May 2001) which is currently being implemented. Updates and/or amendments introduced since: Amendment to schedule 2 in 2006. Competent national authority in charge of drafting and amending legislation regulating the private security industry is Security Industry Authority (SIA). (Private security service in Europe 2011). Despite these new regulations, controls and coverage of legislation are set to remain rather minimal, although the conditions and controls of licensing still needs to be implemented by the SIA. Besides the legal framework, a wide range of standards and inspectorates have supervised security industry in the UK. The BSIA is the most prominent of the trade associations which have carried out self-regulation in this sector. The lack of legal regulations is now changing with the implementation of new legislation.

The new legislation covers all guarding of private and public property, guarding of life, cash in transit operations, door supervisors, wheel clampers, security advisors and private investigators. Areas of the private security industry specially covered by the legislation regulating the private security industry

- General guarding
- Airport security
- Maritime security
- Cash-In-transit (CIT)
- Monitoring and remote surveillance
- Other segments (Door supervisors, close protection/body guarding)

Under the legislation, there is no requirement for companies themselves to be licensed, although all employees (whether operational and managerial) will require such a license. In relation to managers and

owners of companies, the license check will involve looking at Company House registers of uncharged bankruptcies and or disqualified director status. Criminal record check will be introduced.

Licenses are valid for 3 years and a fee of 293 euro is charged to obtain license. Licences are either funded by the guard, the company or costs are passed on the security buyer.

Under the SIA licensing regime, all licensable workers are checked by the Criminal Record Bureau (CRB) against the 'Standard Disclosure' which includes both spent or unspent convictions. When applying for an individual private security guard license, law requires the private security guard in question to undergo background check/ security check. This background check is carried out by the CRB. The basic conditions for private security guard to pass this check are:

- Normally, no criminal offences committed within set period
- However, each is judged individually depending on the severity of the offence

committed. When applying for an individual private security guard license, the law does not require the private security guard in question undergo

- A medical examination
- A physiological examination.

Minimum age for private security guards to be able to enter the private security profession both managers and operational staff are 18.

There is an obligation for private security guards to follow basic guard training. Individuals applying for a SIA license must prove that they have the appropriate qualifications for the job. The qualification requirements differ depending on the type of license that is needed. Mandatory specialized training does not exist (by law) for private managers, i.e operational managerial staff influencing operations (from site supervisor to CEO).

There are no specific requirements regarding the wearing and design of uniforms but there are specific requirement related to the identification card (ID card)

of private security personnel: The SIA license must be displayed.

Dogs can be used for the provision of private security services. The use of dogs is regulated Metropolitan Police Act of 1839, Town Police Clauses Act of 1847, Animals Act of 1975, Dangerous Dogs Act 1991 (as amended). A special license is not required for the provision of private security services. Private security guards must not follow specialized and obligatory training (by law) in order to be able to use dogs for the provision of private security services.

The carrying and use of weapons is prohibited.

Competent National Authority in charge of controls and inspections for the private security industry are SIA. Competent National Authority in charge of imposing the below sanctions for the private security industry:

- Administrative sanctions
- Penal sanctions

For the company, officer, and manager who do not respect the legislation, sanctions are available, an unlimited fine and imprisonment. Maximum amount of a (financial) sanction or maximum sentences that can be imposed at Crown Court, High Court of Justice or sheriff and jury trial, an unlimited fine or imprisonment. One of the possible sanctions can result in the withdrawal of a company license and/or an individual guard license.

## CONCLUSION

This article illustrates the differences which exist in the level of regulation governing the operation of the industry these states in areas as areas covered private security companies, entrance requirement for companies, restriction on the background of owner/management, restriction on the background of employee, performance requirements for firms, training/education, possession and use of arms, training, the wearing of uniforms and use of dogs, government control and sanctions in the sector.

Areas covered by private security companies



МОНГОЛ УЛСЫН ХУҮЛЬ  
САХИУЛАХҮЙ



Private security companies offer a great variety of services in these countries, which can be divided into the following 7 categories.

First, private security companies offer the protection of sites and buildings, including airport, harbors, nuclear power plants, (e.g. in South Korea). This category also includes setting up and maintaining alarm response services and video surveillance (CCTV) in all countries where studied.

Second, private security companies offer protection services for valuables and cash in transit in all countries where studied.

Third, private security companies offer guarding and control of persons and access in public place in all countries studied.

Fourth, private security companies offer guarding of goods and persons all countries studied.

Fifth, private security companies offer private investigators (in Belgium and United Kingdom)

Sixth, private security companies offer close protection services, such as bodyguards in all countries where studied.

Seventh, private security companies offer security consultancy in Belgium and Mongolia.

Table 1. Key legislation governing the industry in each state.

Country	Legislation	Areas covered by the legislation	General characteristics of the sector
<b>United Kingdom</b>	Private Security Industry act	General guarding Airport security Maritime security Cash-In-transit Monitoring and remote surveillance Door supervisors Close protection/ body guarding	The UK was for long time exceptional for having the largest private security market with little or no regulation. This has been changed with the Private Security Industry Act (2001). The law does not allow armed private security service. Beside the legal framework, wide range of standards and inspectorates have supervised the UK security industry.
<b>South Korea</b>	Security Service Industry Act	Guarding of transit of valuables, cash and transit Guarding of key national establishment Airport security Guarding of sites and buildings Personal protection Central alarm system Protection of goods Guarding and control persons and access in public place	The industry is governed by specific legislation, with detailed regulations and wide range of activities. Legislation contains strict requirement relating to examination, selection and appointment and cancellation of management staff.
<b>Belgium</b>	law on Private and Special Security	General guarding Airport security Maritime security Cash in transit (CIT) Monitoring and remote surveillance Other segments such as body guarding, mobile guarding, control of persons, accompanying of secured special transport.	Legislation in Belgium is rather strict and emphasizes the protection of citizens from any abuse of power by private security providers.

<b>Mongolia</b>	Law on Contract Private Security Law on Personal Protection	Guarding of transit of valuables, cash and transit Airport security Guarding of persons Guarding and control persons and access in public place Security consultancy Installation and maintenance of alarm systems Body guarding Guarding of buildings	The private security industry in Mongolia is largely governed by law on contract security service and Personal protection. Legislations in Mongolia basically focuses on contract private security service.
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#### 1. Entrance requirements

The regulation of entrance requirements for companies active in the sector are generally designed to provide for:

- Checks on financial viability
- Checks on reputable of nature of the owner/management team of company

Difference in requirements across the states therefore pose potential uncertainties when companies seek to provide services across national borders.

Table 2. Entrance requirements for companies

Country	License required?	Awarding authorities	Other entrance requirements
<b>United Kingdom</b>	Companies may be approved under the voluntary inspection arrangement. Licensing is limited to individuals and is valid for 3 years.	The Security Industry Authority	The Private Security Industry Act introduces a voluntary scheme for providers of security services to apply for approved status.
<b>South Korea</b>	Yes,	Commissioner of the local Police	Test of qualifications.
<b>Belgium</b>	Yes, License is mandatory. license is valid for 5 years	Ministry of the Interior in consultation with Ministry of Justice.	Insurance requirements. At least one manager must have followed compulsory training for managers and at least one person must have followed compulsory training for the activity for which license is requested. Necessary infrastructure and material required for the activity for which the license is requested.
<b>Mongolia</b>	Law on contract private security requires a certificate Certificate is valid for 1 year.	Metropolitan Police and local Police station.	Necessary material (page of ...chapter 4.1) required for the activity for which the certificate is required.



МОНГОЛЫН ХУУЛЬ  
САХИУЛАХУЙ

## 2. Restriction on the background of owner/management team

Table 3: Restriction of owner and management staff

Country	Criminal record	Minimum age	Restrictions on cumulation with other activities	Other requirements
<b>United Kingdom</b>	Legislation requires a criminal records check. License required which is valid for 3 years and renewable. Employees should be fit and proper persons, skilled and fulfilling the demands for insurance, training and registration.	18	No provisions	Financial viability check
<b>South Korea</b>	Criminal background check is required	18	Any special security business operator is prohibited from running other business than the security-related business such as the manufacturing, installing and selling business of security equipment, the information industry utilizing networks, the maintaining and managing business of installations and the training business of security guard, etc.	Physical requirements set by Ordinance of the Ministry of Security and Police Administration
<b>Belgium</b>	Precise exclusion criteria are set based on criminal record. Investigations carried out by official nominated by Ministry of Justice. Owners and managers should fulfill the demands of the morality check carried out by federal police.	21	Cumulation forbidden with private detective work and production or dealing of arms, or any other occupation likely endanger public safety. Must not have been member of police and secret service in last 5 years.	Financial viability check Health status Training required
<b>Mongolia</b>	No relevant criminal record	No specific provisions		

## 3. Restriction on the background of employee

The regulation and implementation of strict background checks for the staff of private security companies is therefore one of the main concerns of legislation in this area. The legislation and regulation governing the background of employees are similar to those for owners and managers of private security companies and currently primarily relates to the following factors:

- Criminal background
- Minimum age requirement
- Qualification
- Simulation with other activities

Table 4: Restriction on background of employees

Country	Criminal record	Minimum age	Restrictions on cumulation with other activities	Other requirements
<b>United Kingdom</b>	Completing a Criminal Record Bureau criminal record check. License required which will be valid for 3 years and renewable.	18	No specific provisions	A medical examination A psychological examination
<b>South Korea</b>	Criminal background check is required	18-60	No specific provisions	Physical requirements set by Ordinance of the Ministry of Security and Police Administration
<b>Belgium</b>	License to be obtained from the Ministry of the Interior. Legislation requires a criminal background check. Individuals must not have been sentenced to more than 6 months in prison or any criminal offence or lesser term for a relevant offence. Ministry of Justice carry out investigations by official nominated.	18	Cumulation forbidden with private detective work and production or dealing of arms, or any other occupation that might present danger to the state. Must not have been member of police and secret service in last 5 years. Private investigators are forbidden no investigate political, philosophical religious or union beliefs.	Positive medical examination Positive psychotechnical examination Successfully completed compulsory training
<b>Mongolia</b>	Criminal background check is required	20	No specific provisions	Health check, Training is required.

#### 4. Training/education

It is in the area of training and education that provisions vary most significantly between the countries which we studied. This is an area which is inextricably linked with the image and developing professionalism of the sector, but also significant problems relating to freedom of movement through the lack of portability of qualifications.

Differences between states relate to the following aspects:

- Is training obligatory and voluntary
- Are examinations required
- Are provisions made for obligatory continuous training?
- How is the quality of trainers and training providers regulated?



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Table 5. Education/ Training

Country	Obligatory/ voluntary initial training and duration	Examinations	Continuous training	Training providers/ control over training providers
United Kingdom	Training is obligatory for operational staff but training is not obligatory for management staff. The SIA with prescribe the conditions regarding training the licensee is to undergo or maintain.		No regulated	The trainings are provided by the company, colleges and other training providers.
South Korea	Obligatory. Training is regulated by Ordinance of the Ministry of Public Administration and Security.	Yes, two written examinations for Security Instructors.	Obligatory. Each general security business operator conduct an in-house education each months for hours longer than hours prescribed by Ordinance of the Ministry of Public Administration and Security.	The orientation course is conducted by the association of security service; Police educational institutions; institutions and organizations designated and published by the Commissioner of the National Police Agency.
Belgium	Obligatory. Length of training varies depending on sector activity. Managerial staff 52-100 hours; operational staff 127 hours.	Yes, certificate awarded for 5 years.	Follow-up or refresher training exists. The follow-up or refresher training is mandatory by law and organized every 5 years. First aid training is and refresher course are mandatory by labor law and organized each year.	The training is provided by certified training institutes, which are licensed by the Ministry of the Interior.
Mongolia	Training is obligatory for operational staff but training is not obligatory for management staff. Training is regulated by Ministry of Justice. 42 hours of theoretical instruction and 38 hours of practical experience.	Examination and certification	Not obligatory	Training takes place in Law enforcement university and centers approved for this purpose by the Mongolian National Police. Internal and external controls are carried out for initial and training.

### 5. Possession and use of arms

One key area where differences are evident and significant between states relates to provisions on the carrying and use of arms. These differences relate to the following aspects:

- Are guards permitted to carry firearms and under which circumstances are they permitted to use the?
- Are license required?
- Do restrictions apply in relation to the storage of firearms while on duty?
- Is specific training required for guards carrying firearms?

Among the countries which we studied only in the United Kingdom carrying fire-



arms by security service guards is prohibited. As such prohibition is generally related to historical and cultural factors. However, in countries where their possession and use is permitted, the setting of minimum standards relating to licensing, use and training needs to be considered in order to avoid potential legal complications.

Table 6. Possession and use of fire arms

Country	Possession	Licensing/licensing authority	Restrictions on use and storage	Training required
United Kingdom	No			
South Korea	Yes, but with restrictions. Standards for using weapon is regulated security service industry act and Presidential Decree	Permits are issued by the police.	Only allowed for special security guards.	Yes
Belgium	Yes, but with restrictions.	Licenses are issued by Ministry of the Interior, the Provincial governor, or the Minister of Justice.	Weapons can be used, but only for self-defense purposes. Weapons are to be stored in a safe room in the private security company or the in-house guarding department.	Specialized and obligatory training are required. Number of training hours is 42.
Mongolia	Yes, but with restrictions. Standards for using weapon is regulated law on contract private security service and Weapons	Permits are issued by the police.	Weapons can be used. Weapons are to be stored in a safe room in the private security company.	Yes

Table 7. Government control and sanctions

Country	Sanctions available	Other provisions
United Kingdom	Withdrawal of a company license and an individual guard license.	Administrative and penal sanctions.
South Korea	Withdrawal of a company license	Administrative and penal sanctions.
Belgium	Withdrawal of a company license and an individual guard license.	Administrative and penal sanctions.
Mongolia	Withdrawal of a company license	Administrative sanctions.

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**Уншиж танилцан, нийтлэхийг зөвшөөрсөн:  
Сэтгүүлийн эрхлэгч, хууль зүйн доктор,  
профессор, дэд комиссар Б.Бат-Эрдэнэ**



Б.Бат-Эрдэнэ