



# **BILL NO. 22**

*Government Bill*

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*2nd Session, 61st General Assembly  
Nova Scotia  
59 Elizabeth II, 2010*

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## **An Act Respecting the Provision of Security Services and Investigative Services**

CHAPTER 9  
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
MAY 11, 2010**

The Honourable Ross Landry  
*Minister of Justice*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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# **An Act Respecting the Provision of Security Services and Investigative Services**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Security and Investigative Services Act*.

**2** In this Act,

(a) “applicant” means a person who applies to the Registrar for a licence or renewal of a licence;

(b) “armed guard” means a person employed in the principal activity of the handling, protection and transportation of cash, negotiable instruments or other goods in an armoured vehicle, or in such other activity prescribed in the regulations, who is authorized to carry a firearm under the *Criminal Code* (Canada) or the *Firearms Act* (Canada);

(c) “armoured vehicle” means a motor vehicle constructed or adapted

(i) to protect its occupants from forced entry, and

(ii) to provide protection to its occupants at a level prescribed or adopted in the regulations;

(d) “armoured vehicle service” means a business entity that, for itself or under contract with another business entity, transports or protects cash, negotiable instruments or other goods in an armoured vehicle and employs an armed guard for that purpose;

(e) “branch office” means each business operation location of a business entity where business is actively conducted by the business entity in addition to the registered office of the business entity;

(f) “business entity” means a corporation, partnership, sole proprietorship, society or enterprise operating under a corporate or business name;

(g) “compliance officer” means a person appointed as a compliance officer pursuant to this Act;

(h) “Deputy Registrar” means the Deputy Registrar of Security and Investigative Services appointed under this Act;

(i) “guard dog” means a dog that is used to protect persons or property;

(j) “licence” means a licence issued under this Act or the regulations to act as a security agent or security agency;

(k) “licensee” means a security agent or security agency;

(l) “Minister” means the Minister of Justice or member of the Executive Council to whom the administration of this Act is assigned;

(m) “prescribed” means prescribed in the regulations;

(n) “private investigator” means a person who performs work that consists primarily of private investigation services;

(o) “private investigation services” means the conducting of investigations to seek or obtain information about

(i) crimes, offences, contraventions of laws, misconduct or allegations of crimes, offences, contraventions or misconduct,

(ii) the activity, conduct, character or reputation of a person,

(iii) the whereabouts of a person,

(iv) the location, disposition or recovery of lost, stolen or missing property, or

(v) the cause of or the responsibility for an accident or incident in which damage to property or injury to any person has occurred;

(p) “property” means real and personal property and includes information and data;

(q) “Registrar” means the Registrar of Security and Investigative Services appointed under this Act;

(r) “security agent” means a person who is licensed to act as an armed guard, private investigator or security guard under this Act;

(s) “security agent licence” means a licence issued to a security agent under this Act;

(t) “security agency” means a business entity that is licensed to provide security services under this Act;

(u) “security agency licence” means a licence issued to a security agency under this Act;

(v) “security guard” means a person who performs work that consists primarily of the provision of security guard services;

(w) “security guard services” means the performance of any of the following activities and includes the seeking of information with respect to the activities:

(i) the protection of individuals or property including proprietary information from harm or misappropriation,

(ii) guarding one or more persons against harm,

(iii) the observation and reporting of any unlawful activity,

(iv) the prevention of theft or misappropriation of any goods, money or other items of value,

(v) guarding premises against unauthorized access or occupation or outbreaks of disorder or damage,

(vi) guarding property against destruction, damage or theft,

(vii) the control of access to premises or events being protected,

(viii) providing security within or at the entrance to premises licensed under the *Liquor Control Act*,

(ix) performing bodyguard services for the personal protection of an individual,

(x) accompanying a guard dog while the dog is guarding or patrolling,

- (xi) performing services to prevent the loss of property through theft or sabotage in an industrial, commercial, residential or retail environment,
- (xii) providing or supervising a guard patrol or watch of property,
- (xiii) providing or supervising one or more security guards,
- (xiv) the provision of a guard dog service;
- (x) “security services” means
  - (i) an armoured vehicle service,
  - (ii) private investigation services, or
  - (iii) security guard services;
- (y) “uniform” means any clothing with a patch or lettering that identifies a person to an observer as a security guard.

**3** This Act does not apply to

- (a) members of a police service as defined in the *Police Act* and peace officers while acting within the scope of their authority;
- (b) for greater certainty, members of the Royal Canadian Mounted Police;
- (c) barristers or solicitors engaged in the practice of their profession;
- (d) persons who obtain or provide information about
  - (i) the financial credit rating of persons,
  - (ii) the qualifications and suitability of applicants for insurance, indemnity or surety bonds or bonds of a like nature, or
  - (iii) the qualifications and suitability of a prospective employee,
 while obtaining or providing that information;
- (e) insurance adjusters and insurance companies licensed under the *Insurance Act* and the Investigative Services Division of the Insurance Bureau of Canada while engaged in the normal scope of their business, and their employees or agents while acting within the scope of their employment;
- (f) fire-fighting personnel securing fire scenes for investigation while acting within the scope of their duties;
- (g) reporters or journalists in respect of their work as reporters or journalists;
- (h) a person engaged in conducting a customer or quality service evaluation;
- (i) a person who is employed or engaged only to provide advice to another person about that other person's security requirements;
- (j) a person licensed under the *Gaming Control Act* or an employee of such a person while carrying out duties and functions under the *Gaming Control Act*;
- (k) a person employed or engaged to perform the activities of a security guard or private investigator solely with respect to employees or contractors of the employer while

acting within the scope of that employment or engagement and who has no interaction with the public;

(l) for greater certainty, a person employed by the Government of the Province or the Government of Canada acting within the scope of that person's duties;

(m) a person employed by a municipality or other local authority acting within the scope of that person's duties;

(n) for greater certainty, employees of a crown corporation within the meaning of Part VIII of the *Provincial Finance Act* acting within the scope of their duties;

(o) a body organized and operated exclusively for religious, educational, charitable or community-service purposes that

(i) uses volunteer security persons to provide volunteer security only

(A) at premises or an event operated by that body or another body organized and operated exclusively for religious, educational, charitable or community-service purposes, or

(B) under the direction or control of law enforcement or other approved government agencies,

(ii) receives no remuneration or donation for the provision of the volunteer security, and

(iii) provides no remuneration to the volunteers used to provide the volunteer security,

and the persons providing that volunteer security, so long as those persons

(iv) do not wear apparel bearing the word "security" or "sécurité",

(v) receive no remuneration or donation for the provision of security services, and

(vi) do not carry any type of restraining device or baton;

(p) any person only engaged in taking admission tickets or checking entrance passes to an event;

(q) any person checking receipts at a store exit to determine whether they correspond to goods being removed from the store;

(r) a registered university or college student who is employed by a university, college or student union on a part-time basis to provide any security guard services in relation to facilities or programs of the university, college or student union,

(i) as approved by the Registrar, or

(ii) in such circumstances as are prescribed;

(s) a locksmith or alarm installer; or

(t) any person or class of persons exempted by the regulations.

**4 (1)** The Minister may appoint a person employed by the Government of the Province as Registrar of Security and Investigative Services who shall perform such duties as are prescribed by this Act.

(2) The Minister may appoint a person employed by the Government of the Province to be Deputy Registrar of Security Services who shall perform such functions and duties as are prescribed by the Minister.

(3) In the absence or incapacity of the Registrar, the Deputy Registrar shall perform the functions and duties and has the powers and authorities of the Registrar.

5 (1) The Registrar may grant temporary exemption from the requirement to hold a security agent licence to a private investigator or armed guard from a jurisdiction outside the Province if

(a) the private investigator or armed guard holds a valid licence in a jurisdiction outside the Province and is a *bona fide* employee of a licensed agency or business entity to provide security services for that agency or business entity in that jurisdiction;

(b) the private investigator or armed guard needs to enter the Province to continue an investigation or armed guard service inside the Province on behalf of an employer or client who resides outside the Province, and enters the Province solely for the purpose of that investigation or armed-guard service; and

(c) the qualifications and training requirements in the jurisdiction in which the private investigator or armed guard is licensed are determined by the Registrar to be at least equivalent to those required by this Act.

(2) The Registrar may grant temporary exemption from the requirement to hold a security agent licence to a security guard from a jurisdiction outside the Province who provides personal bodyguard protection to an individual who normally resides outside the Province if

(a) the security guard holds a valid licence in a jurisdiction outside the Province and is a *bona fide* employee of a licensed agency or business entity to provide security services for that agency or business entity in that jurisdiction;

(b) the security guard needs to enter the Province to assure personal protection of the individual inside the Province and enters the Province solely for the purpose of providing personal bodyguard protection to the individual; and

(c) the qualifications and training requirements in the jurisdiction in which the security guard is licensed are determined by the Registrar to be at least equivalent to those required by this Act.

(3) A person seeking a temporary exemption shall apply for the exemption in the form and manner required by the Registrar and shall provide any information required by the Registrar.

(4) An exemption under this Section may be granted for such period of time as the Registrar considers appropriate.

(5) A person granted a temporary exemption under this Section is prohibited from advertising or soliciting business while in the Province.

**6 (1)** No person shall act as an armed guard, private investigator or security guard or hold himself or herself out to be so employed or employable unless the person is the holder of a licence to do so issued under this Act and is employed by

- (a) a security agency; or
- (b) a business entity to provide security services for that business entity.

**(2)** In addition to subsection (1), no person shall act as an armed guard unless the person also holds a valid Authorization to Carry within the meaning of the *Firearms Act* (Canada).

**7 (1)** No business entity shall engage in, carry on, advertise or hold itself out as carrying on the business or practice of providing security services unless the business entity is the holder of a licence to provide security services issued under this Act.

**(2)** Subsection (1) does not apply to a business entity that provides security services only with respect to the day-to-day operations of its own business.

**8** No person shall make use of a guard dog in the provision of security guard services unless the guard dog

- (a) is accompanied by a security guard who is licensed under this Act and is trained in the handling of guard dogs in accordance with the regulations; and
- (b) has been trained as a guard dog in accordance with the regulations.

**9** No security agency or other business entity shall employ or authorize a person to perform security or investigative work unless that person holds a valid licence under this Act or the regulations.

**10 (1)** No person shall knowingly enter into an agreement for hire, reward or any consideration for the provision of security services with an unlicensed person or business entity.

**(2)** While carrying out duties pursuant to this Act, no licensee shall act, with or without remuneration, or hold himself, herself or itself as being available to act, with respect to

- (a) the collection of accounts;
- (b) acting as a bailiff or civil process server; or
- (c) executing an eviction notice under the *Residential Tenancies Act*.

**(3)** No security agent shall at any time, whether by agreement with a municipality or otherwise, act as a member of a police force with peace officer status.

**(4)** No security agent shall hold himself or herself out in any manner as being a member of a police force, as providing policing services or as performing policing duties or emergency response services.

**(5)** No licensee shall act or hold himself, herself or itself out as being available to act with respect to



(a) locating a person known or suspected by the licensee to be a member of a witness protection program; or

(b) gathering information about any person known or suspected by the licensee to be a member of a witness protection program for the purpose of enabling the person to be located.

(6) No licensee shall use terms or variations of them that may create the impression that the security agent or security agency performs a police or law enforcement function or is a representative of government, including "police", "law enforcement", "officer", "highway patrol", "detective", "private detective", "constable", "Province of Nova Scotia" or such other terms as are prescribed.

(7) No person appointed as a special constable under the *Police Act* shall hold himself or herself out as providing security guard services under this Act except as may be provided in the regulations.

(8) No employer shall authorize a person appointed as a special constable under the *Police Act* to hold himself or herself out as providing security guard services under this Act except as may be provided in the regulations.

11 A security agent shall not carry a firearm in the course of providing security services unless the person is licensed as an armed guard.

12 (1) An application for a security agent licence or renewal of such a licence must

(a) be made to the Registrar in the form and manner required by the Registrar;

(b) authorize the Registrar to conduct prescribed inquiries respecting the applicant; and

(c) be accompanied by the prescribed application fee and any other things required by the regulations.

(2) An application for a security agency licence or renewal of such a licence must

(a) be made to the Registrar in the form and manner required by the Registrar;

(b) authorize the Registrar to conduct prescribed inquiries respecting the applicant or any officer, director, partner, agent or manager of a business entity;

(c) be accompanied by proof of any required liability insurance with the coverage and other features required by the regulations; and

(d) be accompanied by the prescribed application fee and any other things prescribed by the regulations.

13 (1) For the purpose of this Section and Section 14, a person possesses a "clean criminal record" if

(a) the person has not been convicted of a prescribed offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substance Act* (Canada) or any other Act of the Parliament of Canada; or

(b) the person has been convicted of a prescribed offence and a pardon under the *Criminal Records Act* (Canada) has been issued or granted for each offence.

(2) A person applying for a security agent licence or security agency licence or its renewal shall meet all the conditions, qualifications and requirements imposed by this Act and the regulations.

(3) An applicant for a security agent licence or security agency licence or renewal of such a licence shall

(a) be nineteen years of age or older;

(b) meet the requirements for being issued the licence or the requirements for the renewal of the licence, for the specific class of licence, as specified in the regulations;

(c) possess a clean criminal record;

(d) meet the eligibility criteria for the issuance of the licence;

(e) provide any information requested by the Registrar for the purpose of determining the applicant's eligibility for a licence; and

(f) provide any other information prescribed by the regulations, which may include personal information as defined in the *Freedom of Information and Protection of Privacy Act*.

(4) Clauses (3)(a), (c), (e) and (f) apply in respect of any partner, director or officer of a business entity.

(5) An applicant for a security agent licence shall meet any training requirements prescribed in the regulations for the class of licence the applicant is applying for.

**14 (1)** A security agency shall have a registered business location in the Province and shall have a manager within the Province who

(a) directs, controls or manages the day-to-day operations of the security agency;

(b) is nineteen years of age or older;

(c) possesses a clean criminal record;

(d) meets the eligibility criteria for the issuance of a security agent licence; and

(e) maintains the records required under this Act and the regulations.

(2) The name of a security agency must be approved by the Registrar and may not be

(a) the same as or similar to the name used by another security agency or a law enforcement or government agency; or

(b) an agency's name whose licence is currently under suspension or whose licence has been revoked within the past five years from the date of revocation.

(3) Where a security agency engages in the business of selling security services from a branch office, the security agency shall notify the Registrar and provide the address of each branch office and any other information required by the Registrar.

(4) The Registrar shall issue a copy of an agency licence for each branch office location operated by a security agency.

(5) The Registrar may require an applicant to provide

(a) his or her fingerprints;

(b) a clearly recognizable photograph of the applicant; and

(c) consent for the Registrar to investigate the applicant's citizenship or immigration status in Canada.

**15 (1)** For the purpose of subsection (2), a person is an interested person in respect of an applicant if, in the opinion of the Registrar,

(a) the person has or may have a beneficial interest in the applicant's business;

(b) the person exercises or may exercise control either directly or indirectly over the applicant; or

(c) the person has provided or may have provided financing either directly or indirectly to the applicant's business.

(2) The Registrar may refuse to issue or renew a licence if the Registrar is of the opinion that one of the following applies, and the Registrar is of the opinion that the matter is relevant to the applicant's fitness to hold a licence:

(a) the applicant fails in any way to comply with or does not meet the requirements of Sections 12 to 14;

(b) the Registrar considers that the applicant's conduct, training, experience, skill, character or a mental disability makes it not in the public interest that the applicant be licensed;

(c) the applicant or interested person in respect of the applicant is carrying on activities that are

(i) in contravention of this Act or the regulations, or

(ii) will be in contravention of this Act or the regulations if the applicant is issued a licence or a licence is renewed;

(d) the past conduct of the applicant or interested person in respect of the applicant affords reasonable grounds to believe that the applicant will not carry on business in accordance with the law and with integrity and honesty;

(e) the applicant, an employee or agent of the applicant makes a false statement or provides false information in connection with an application for a licence or for a renewal of a licence;

(f) the applicant

(i) has been convicted of or found guilty of a prescribed offence under a law of Canada for which a pardon under the *Criminal Records Act* (Canada) has not been issued or granted or for which a pardon has been revoked or has ceased to have effect,

(ii) has been convicted of or found guilty of a provincial offence or of an offence under a law of any other province of Canada,

(iii) is charged with an offence under the *Criminal Code* (Canada) or this Act,

(iv) is in default of a fine for a Provincial offence or an offence of another province of Canada that has not been paid, or

(v) has been convicted of a criminal offence under the law of another jurisdiction for which a pardon has not been issued or granted or for which a pardon has been revoked or has ceased to have effect;

(g) the applicant is a business entity and

(i) having regard to its financial position or the financial position of an interested person, the applicant cannot reasonably be expected to be financially responsible in the conduct of its business,

(ii) the past conduct of its officers, directors or partners or of an interested person affords reasonable grounds for belief that its business will not be carried on in accordance with the law and with integrity and honesty, or

(iii) an officer, director or partner of the business entity makes a false statement or provides a false statement in an application for a licence or for renewal of a licence;

(h) a prescribed ground exists for which an application for the issuance or renewal of a licence may be refused;

(i) it is in the public interest to refuse to issue or renew the licence.

**(3)** The Registrar may issue or renew a licence subject to such conditions as the Registrar considers appropriate and may, at any time, attach such additional conditions to an existing licence as the Registrar considers appropriate.

**(4)** The Registrar may apply endorsements prescribed by the regulations to any type of licence issued under this Act or the regulations.

**(5)** The Registrar may refuse to issue or renew endorsements on a licence and may suspend or revoke an endorsement.

**(6)** A security agent licence is only valid while the licensee is employed by a security agency or by a business entity to provide security services for that business entity.

- 16 (1)** The Registrar may suspend or revoke a licence under this Act
- (a) for any reason for which the Registrar could refuse to issue or renew a licence under Section 15;
  - (b) if the licensee is in breach of a condition of the licence;
  - (c) if the licence was granted in error or on the basis of incorrect information provided by the applicant;
  - (d) if the licensee fails to comply with a code of conduct established pursuant to the regulations; or
  - (e) if the Registrar considers the suspension or revocation necessary to protect the public.

**(2)** Where the Registrar suspends or revokes a licence, the licensee shall return the licence to the Registrar forthwith.

**17 (1)** Where the Registrar refuses to issue or renew a licence under this Act, the Registrar shall notify the applicant in writing of the decision.

**(2)** Where the Registrar suspends or revokes a licence, or varies the conditions of a licence, the Registrar shall inform the licensee in writing of the decision.

**18 (1)** Within fifteen business days after receiving notice of the decision, a person may request the Registrar to reconsider the decision.

**(2)** A person shall make the request under subsection (1) in writing and shall identify the error the person believes was made or the other grounds on which a reconsideration is requested.

**(3)** Within twenty business days of receiving a request under this Section, the Registrar shall

- (a) confirm, vary or cancel the decision; and
- (b) notify the person in writing of the Registrar's decision under clause (a).

**(4)** Where a person is not satisfied with the decision of the Registrar under subsection (3), the person may appeal the decision in accordance with the regulations.

**(5)** The Minister may assign responsibility for the hearing of appeals pursuant to subsection (4) to any person or class of persons.

**19 (1)** Where the Registrar considers it necessary to protect the public, the Registrar may, without notice, suspend a licence for a period of time and such suspension takes effect immediately.

**(2)** As soon as practicable after making a decision under subsection (1), the Registrar shall provide the person whose licence was suspended with the decision in writing.

**(3)** A suspension under subsection (1) continues in effect until

- (a) the licensee files a written request under subsection 18(1) and a final determination has been made in respect of the proposed revocation;
- (b) the Registrar receives new information that leads the Registrar to believe that the licence should not be revoked; or
- (c) where the licensee does not submit a written request within the time permitted under subsection 18(1), the Registrar revokes the licence.

**20 (1)** Any person may make a complaint to the Registrar alleging that a licensee has breached a code of conduct established under the regulations or alleging that a licensee or business entity has failed to comply with this Act or the regulations or has breached a condition of a licence.

**(2)** A complaint must be in writing, signed by the complainant and must be filed with the Registrar within ninety days after the action or circumstance giving rise to the complaint occurs.

**(3)** The Registrar may refuse to investigate a complaint or may discontinue the investigation of a complaint if, in the opinion of the Registrar,

- (a) the complaint is frivolous, vexatious or not made in good faith;
- (b) there is a remedy available in law that is adequate for the complainant and there is no reasonable justification for the complainant's failure to take advantage of the remedy; or
- (c) having regard to all the circumstances, no investigation is necessary.

**21 (1)** The Minister may appoint any person or class of persons as compliance officers for the purpose of this Act, subject to any terms and conditions set out by the Registrar and in accordance with the *Civil Service Act*.

**(2)** Compliance officers appointed under this Act have the powers, authorities and immunities of a peace officer as defined in the *Criminal Code* (Canada) in carrying out duties pursuant to this Act and the regulations.

**(3)** The Registrar shall provide to each compliance officer an identification card for the purpose of this Act.

**(4)** A compliance officer who is acting pursuant to this Act shall produce the officer's identification card when requested to do so.

**22** The Registrar or a compliance officer has the power to enforce this Act, the regulations and the conditions of a licence within the Province and, upon the complaint of any person or on the Registrar's or compliance officer's own initiative, may investigate or inspect any security agent, security agency, unlicensed person, agency or employee or applicant for a licence under this Act.

**23** Where the Registrar or a compliance officer has reason to believe security services are being performed, a compliance officer may enter and inspect any building, receptacle or place and seize anything found therein to ensure compliance with this Act and the regulations.

**24** The Registrar or a compliance officer may request the licence or identification of any person who is acting as a security guard, armed guard, private investigator or holding himself or herself out as one.

**25 (1)** In carrying out an inspection at the premises of a security agency or a business entity that employs a person to provide security services for that business entity, a compliance officer may enter and inspect, at any reasonable hour of the day, to do any or all of the following:

(a) examine all money, valuables, documents, records or things that are relevant to the inspection;

(b) require a person on the premises being inspected to produce anything mentioned in clause (a) that is relevant to the inspection;

(c) remove, for the purpose of making copies or extracts, anything mentioned in clause (a) that is relevant to the inspection;

(d) inquire into negotiations, transactions, loans or borrowings of a licensee and into assets owned, held in trust, acquired or disposed of by a licensee that are relevant to an inspection;

(e) use any data storage, processing or retrieval device or system used in carrying on business in the place in order to produce a document or record in readable form;

(f) make any investigation or inquiry, as the officer considers necessary, to ascertain whether there is compliance with this Act and the regulations;

(g) attend a training program provided for security agents or security agencies to ensure it meets required standards.

**(2)** Where a record or thing is removed under subsection (1)(c), the compliance officer

(a) may make copies of, take extracts from or otherwise record it; and

(b) shall give a receipt to the person from whom it is taken.

**(3)** The authority under Section 23 and subsection (1) must not be used to enter a private dwelling except with the consent of the occupant or under the authority of a warrant under Section 28.

**(4)** A person who is required to produce anything under this Act or the regulations shall produce it and shall, on request by a compliance officer, provide any assistance that is reasonably necessary, including assistance in using any data storage, processing or retrieval device or system, to produce a document or record in readable form.

**(5)** A copy of a document or record certified by a compliance officer as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

**26 (1)** No person shall hinder or obstruct a compliance officer in the performance of the compliance officer's duties under this Act.

**(2)** No person shall make a false or misleading statement in any communication, whether in writing or otherwise, to a compliance officer concerning any matter under this Act or the regulations.

**27** Where the Registrar or a compliance officer believes on reasonable and probable grounds that a person has contravened this Act, the Registrar or compliance officer may, whether or not the person has been charged or convicted in respect of the contravention, issue an order requiring a person to cease the activity that constitutes a contravention of this Act.

**28** A compliance officer may, in accordance with the *Summary Proceedings Act*, obtain a warrant or investigative warrant in the exercise of any of the powers under this Act.

**29** Where a person fails to comply with an order of the Registrar or a compliance officer made under this Act, the Registrar may, in addition to any other action the Registrar may take, make an application to a judge of the Supreme Court of Nova Scotia for an order directing the person to comply with the order of the Registrar or the compliance officer.

**30** A security agency shall post the licence issued pursuant to this Act in a conspicuous place in the security agency's registered business location and any branch location from which business is carried on within the Province.

**31 (1)** A security agent shall, while providing security services,

(a) carry the security agent's licence;

(b) produce it on the request of a compliance officer or peace officer;

(c) produce it on the request of any person to whom the security agent holds himself or herself out as being a security agent pursuant to this Act; and

(d) if not wearing a uniform that identifies the employer of the security agent, provide the name of that employer on the request of any person to whom the security agent holds himself or herself out as being a security agent pursuant to this Act.

**(2)** A security agent licence issued under this Act must be in the form determined by the Registrar.

**(3)** No security agent shall carry or display any badge, shield or any other symbol of authority as a security agent other than the licence issued to the security agent under this Act.

**32 (1)** A security agent shall report a criminal charge against the security agent or the conviction of the security agent for a criminal offence, in writing, within three days of the charge or conviction, to the Registrar and any security agency or business entity that employs the security agent.

**(2)** A security agent shall report, in writing, to the Registrar when a pardon the security agent has received for an offence is revoked or ceases to have effect.



(3) A security agent shall report, in writing, to the Registrar the occurrence of each of the following within seven days:

- (a) a change of address;
- (b) a change in any information provided to the Registrar when the application for a security agent licence or the renewal of a security agent licence was made; and
- (c) any other information prescribed by the regulations or requested by the Registrar.

(4) A security agency shall report, in writing, to the Registrar the occurrence of each of the following within seven days:

- (a) a change of address of the principal office or a branch office of the security agency;
- (b) a change in any information provided to the Registrar when the application for a security agency licence or the renewal of a security agency licence was made;
- (c) a criminal charge or any conviction of a criminal offence against the security agency or a security agent employed by the agency;
- (d) the use of a weapon or the allegation of use of excessive force by a security agent;
- (e) any incident allegedly involving a breach by a security agent of a code of conduct established pursuant to the regulations;
- (f) any incident involving serious injury to, or the death of, a security agent;
- (g) any incident involving serious injury to, or the death of, another person alleged to have resulted from the actions of a security agent; and
- (h) any other information prescribed by the regulations or requested by the Registrar.

(5) A business entity that employs a security agent shall report, in writing, to the Registrar the occurrence of each of the following within seven days:

- (a) a criminal charge or any conviction of a criminal offence against a security agent employed by the business entity;
- (b) the use of a weapon or the allegation of use of excessive force by a security agent employed by the business entity;
- (c) any incident allegedly involving a breach by a security agent employed by the business entity of a code of conduct established pursuant to the regulations;
- (d) any incident involving serious injury to, or the death of, a security agent employed by the business entity;
- (e) any incident involving serious injury to, or the death of, another person alleged to have resulted from the actions of a security agent employed by the business entity; and

(f) any other information prescribed by the regulations or requested by the Registrar.

**33 (1)** A security agency shall

- (a) maintain the books and records prescribed by the regulations; and
- (b) carry and maintain the liability insurance prescribed by the regulations.

**(2)** A business entity that employs a security agent shall maintain the prescribed books and records.

**34** Every licence is the property of Her Majesty in right of the Province and a licensee shall immediately return a security agent or security agency licence to the Registrar when

- (a) the licence is suspended or revoked; or
- (b) the security agency ceases to carry on business.

**35** A licence issued under this Act or the regulations is not transferable.

**36 (1)** Any notice or request under this Act may be sent by

- (a) ordinary or registered mail;
- (b) electronic transmission, including facsimile or electronic mail; or
- (c) personal delivery.

**(2)** Where a notice or request is sent by ordinary mail, the notice or request is deemed to be received on the fifth day after it was mailed unless that day is a Saturday or a holiday, in which case the notice is deemed to be received on the next day that is not a holiday.

**(3)** Where a notice or request is sent by electronic transmission, the notice or request is deemed to be received on the day after it was sent unless that day is a Saturday or a holiday, in which case the notice is deemed to be received on the next day that is not a holiday.

**37** A certificate signed by the Registrar or a document in the Registrar's records certifying

- (a) that a person is licensed or not licensed under this Act;
- (b) that a person has filed or not filed any document or material required or permitted to be filed with the Registrar; or
- (c) as to any other matter pertaining to licensing under this Act or filing of documents under this Act,

is without proof of the office or signature of the Registrar, *prima facie* proof of the facts certified therein for all purposes in any action, proceeding or prosecution.

**38** A renewal application and the fee required to be paid for renewal of a licence must be submitted to the Registrar not fewer than thirty days before the expiration date of the licence.

**39 (1)** A licensee may apply to the Registrar for the replacement of a lost, stolen or destroyed licence along with the appropriate fee.

**(2)** Upon receipt of an application and the fee referred to in subsection (1), and upon the Registrar being satisfied that a licence has been lost, stolen or destroyed, the Registrar shall replace the licence.

**(3)** Where the Registrar refuses to replace a licence, the Registrar shall notify the applicant in writing.

**(4)** Where a licence that was lost or stolen is recovered, the original licence must be returned immediately to the Registrar.

**40** Any request for a change to a licence must be submitted to the Registrar with the appropriate fee.

**41 (1)** Every security agent shall wear a uniform identifying the business entity or the security agency that the security agent is employed by, and that complies with the regulations.

**(2)** Subsection (1) does not apply to a person who is

(a) performing bodyguard services for the personal protection of an individual;

(b) performing security services to prevent the loss of property through theft or sabotage in an industrial, commercial, residential or retail environment;

(c) performing private investigation services; or

(d) exempted from the application of that subsection by the Registrar in accordance with the regulations.

**(3)** No private investigator who is also licensed as a private guard or armed guard shall act as a private investigator while in uniform.

**(4)** Every security agency or business entity shall ensure that any security agents it employs wear uniforms in accordance with subsection (1) unless the agents are exempted by subsection (2).

**42 (1)** Where the holder of a licence who is a sole proprietor of a security agency dies or becomes incapable, the Registrar may issue a temporary security agency licence to the holder's executor or administrator to permit the business of the security agency to be maintained until other arrangements can be made.

**(2)** A temporary security agency licence issued pursuant to subsection (1) is valid for the period of time determined by the Registrar.

**43 (1)** When a state of emergency or local state of emergency has been declared under the *Emergency Management Act*, the Registrar may authorize the operation of out-of-province private security businesses within the Province and use of their employees within the Province for

the duration of the state of emergency or for a stipulated period of time after the state of emergency has been terminated, which period may not exceed thirty days after the declaration.

- (2) The Registrar may grant the approval to operate in the Province if
- (a) the out-of-province private security businesses and its employees hold valid licences in another province of Canada;
  - (b) the qualifications, insurance and other similar requirements of the licensing province are at least equivalent to those required by this Act;
  - (c) the out-of-province private security business applies for approval to operate in the Province during the state of emergency in the form and manner required by the Registrar; and
  - (d) the out-of-province private security business provides any additional information required by the Registrar.

**44 (1)** Except as legally authorized or required, no person shall disclose any information obtained by that person in the performance of the person's duties under this Act.

(2) Subsection (1) does not apply to a person disclosing information to the person's employer in the course of the person's duties or as required by the Registrar.

**45** Where the Registrar believes on reasonable grounds that a licensee is making a false, misleading or deceptive representation in an advertisement, notice, brochure or material published or transmitted by any means, the Registrar may

- (a) order the person to immediately cease making the representation; and
- (b) order the person to retract the representation and publish a correction of equal prominence in the same manner as the representation was made.

**46** A person is guilty of an offence who

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required under this Act or the regulations;
  - (b) fails to notify the Registrar of a charge or conviction of an offence against the person;
  - (c) fails to comply with any order or other requirement made under this Act or the regulations;
  - (d) fails to comply with an endorsement, term or condition of a licence;
  - (e) fails to comply with the directions of a compliance officer or obstructs a compliance officer in the performance of the officer's duties;
  - (f) contravenes or fails to comply with any provision of this Act or the regulation;
- or
- (g) knowingly enters into an agreement for hire, reward or any consideration for security services by a person who does not hold a security agent licence or security agency licence.

**47** No proceeding respecting an offence under Section 46 may be commenced more than one year after the Registrar first became aware of the facts on which the proceeding is based.

**48 (1)** Where a business entity is guilty of an offence under this Act, every director, officer or partner of the business entity who authorizes, permits or consents in the offence is guilty of an offence.

**(2)** Where a business entity commits an offence under this Act or the regulations, any officer, director, partner, agent or manager of the business entity who directed, authorized, assented to, acquiesced in or participated in the violation of this Act or the regulations is guilty of the offence and is liable on summary conviction to the punishment for the offence, whether or not the business entity has been prosecuted or convicted.

**49 (1)** Every individual convicted of an offence under this Act is liable to a fine of not more than fifteen thousand dollars or imprisonment for a term of not more than one year, or both.

**(2)** Every business entity convicted of an offence under this Act is liable to a fine of not more than two hundred and fifty thousand dollars.

**50** No action lies or shall be instituted against a person who is acting pursuant to the authority contained in this Act or the regulations for any loss or damage suffered by a person by reason of anything done in good faith or caused, permitted or authorized to be done by a person pursuant to any power conferred by this Act or the regulations or in carrying out any duty imposed by this Act or the regulations.

**51** No person engaged in the administration or enforcement of this Act shall be required to give testimony in any civil proceeding, except in a proceeding under this Act, with regard to information obtained in the discharge of the person's duties.

**52** Notwithstanding the *Freedom of Information and Protection of Privacy Act*, the Registrar may make available to the public a person's status as a licensee on being provided with the person's name or licence number.

**53 (1)** The Governor in Council may make regulations

- (a) exempting a person or class of persons from the application of this Act;
- (b) respecting advertising of security agencies or the provision of security services;
- (c) respecting applications for licences or renewals of licences;
- (d) prescribing or adopting standards or levels of protection for armoured vehicles;
- (e) establishing codes of conduct for security agents and security agencies;
- (f) respecting forms of applications and licences;
- (g) prescribing classes of licences and the terms, conditions and endorsements to which each class is subject;
- (h) prescribing the terms of licences;

- (i) prescribing grounds on which an application for the issuance or renewal of a licence may be refused;
- (j) prescribing offences for the purpose of subsection 13(1) and clause 15(2)(f);
- (k) establishing the requirements and qualifications that must be held by an applicant for each type of licence;
- (l) prescribing inquiries that are to be made by the Registrar respecting applicants;
- (m) respecting training requirements for the issuance or renewal of a licence;
- (n) respecting testing requirements for the issuance or renewal of a licence;
- (o) exempting any person, class of person or class of licensee from any provision of this Act or the regulations and attaching conditions to any exemption;
- (p) respecting the equipment on vehicles and vehicle markings for businesses;
- (q) respecting the documents, records and information that must be kept by licensees, including time periods for retaining the documents, records and information, and authorizing the Registrar to specify the location at which they must be kept;
- (r) prescribing documents, records or information that must be provided to the Registrar and respecting the time and manner in which they must be provided and requiring information to be verified by affidavit;
- (s) prescribing the kinds of liability insurance and amounts of insurance required by a security agency;
- (t) requiring the payment of fees for each class of licence;
- (u) respecting the uniforms, insignia and markings worn by security agents;
- (v) prescribing types of weapons, equipment and animals that may or may not be used by licensees and prescribing conditions for the use of any weapon, equipment or animal;
- (w) respecting the training and use of guard dogs for the purpose of security guard services;
- (x) respecting the training and use of armed guards;
- (y) respecting appeals for the purpose of subsection 18(4);
- (z) prescribing circumstances in which the Registrar may exempt a person from the application of subsection 41(1);
- (aa) respecting the approval and licensing of trainers or training companies that provide training for the purpose of this Act;
- (ab) defining any word or expression used but not defined in this Act;
- (ac) further defining any word or expression defined in this Act;
- (ad) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A regulation under this Act may adopt or incorporate by reference, in whole, in part or with modifications, a written standard, rule, regulation, guideline, designation, code or document relating to any matter in respect of which a regulation may be made under this Act.

(3) A standard, rule, regulation, guideline, designation, code or document that is adopted or incorporated by reference under subsection (2) may be adopted or incorporated as it reads on a prescribed day or as it is amended from time to time.

(4) Where a standard, rule, regulation, guideline, designation, code or document is adopted or incorporated by reference under subsection (2), the Minister shall ensure that a copy of the standard, rule, regulation, guideline, designation, code or document is made publicly available.

(5) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**54** A person who holds a licence under the *Private Investigators and Private Guards Act* on the day this Section comes into force is deemed to be licensed under this Act until the day the person's licence would have expired under that Act.

**55** Chapter 356 of the Revised Statutes, 1989, the *Private Investigators and Private Guards Act*, is repealed.

**56** Schedule B of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, as enacted by Chapter 30 of the Acts of 2002 and amended by Chapter 4 of the Acts of 2004 and Chapter 32 of the Acts of 2007, is amended by adding “*Security and Investigative Services Act*” immediately after “*Retail Business Designated Day Closing Act*”.

**57** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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