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CHAPTER P-20

PRIVATE INVESTIGATORS AND SECURITY GUARDS ACT

REGULATIONS

Pursuant to section 24 of the *Private Investigators and Security Guards Act* R.S.P.E.I. 1988, Cap. P-20 Council made the following regulations:

- 1.** In these regulations
- (a) “Act” means the *Private Investigators and Security Guards Act* R.S.P.E.I. 1988, Cap. P-20; Definitions Act
- (b) “Minister” means the Attorney General or a person designated in writing by the Minister; (EC256/88; 639/93; 475/95) Minister
- (c) revoked by EC475/95. Forms
- 2.** (1) An applicant for a license under the Act shall be of good character and may be required to undergo a security check. Requirements for license
- (2) Where an applicant for a license to carry on the business of providing private investigators or security guards is a sole proprietor and the applicant intends to act as a private investigator or security guard, or both, in carrying on that business, the applicant shall obtain Sole proprietorship
- (a) a license to carry on the business; and
- (b) a license to act as a private investigator or security guard, or both. (EC256/88; 475/95; 665/03)
- 3.** The Minister may refuse to issue a license if, in the Minister’s opinion, it would be in the public interest to do so. (EC256/88) Refusal
- Sections **4** to **7** revoked by EC475/95.
- 8.** An application for a license shall be accompanied by a full set of fingerprints if requested by the Minister. (EC475/95) Application
- 9.** (1) Every application for a license to engage in the business of providing private investigators or security guards, or both, for hire or a license to act as a private investigator or security guard, or both, or renewal thereof shall be accompanied by the prescribed fee. Fees
- (2) Revoked by EC 475/95. Amount of fees
- (3) Revoked by EC 475/95. Reduced fee

Fees not returnable (4) Fees submitted with each application for an individual license are not returnable even though the application is rejected for good reason.

Identification card (5) The Minister shall issue an individual license in the form of an identification card. (EC256/88; 639/93; 475/95; 665/03)

Sections **10** and **11** revoked by EC475/95.

Surrender of Licenses

Suspension, etc.,
return of license **12.** (1) Where a license under the Act is suspended, cancelled or terminated, or where the licensee ceases to be employed by a business or agency, the license shall be returned forthwith to the Minister together with the identification card issued to the licensee.

Idem (2) When a license has been cancelled due to termination of employment with a business or agency for which the license has been issued, it cannot be reactivated except through a new application and the payment of the prescribed fee. (EC256/88)

Return of licenses **13.** Where a private investigation business or agency license or a security guard business or agency license is terminated due to the death of the licensee, the license and the identification card shall be returned forthwith to the Minister and held by the Minister pending the granting of a temporary license to the executor or administrator of that estate. (EC256/88; 665/03)

Uniform **14.** (1) No security guard shall wear a uniform which has not been approved by the Minister.

Clothing patch
indicating authority (2) A security guard shall at all times while on duty display over the left breast pocket on the outermost garment worn a fabric patch, bearing the words "Security Guard" in clearly legible dark or light letters not less than three-eighths of an inch in height upon a contrasting dark or light background.

Idem (3) A security guard shall not wear on a uniform any insignia or badge which uses or displays the word "Police".

Belt and shoulder
strap (4) A security guard shall not wear as part of the security guard's uniform a combination of belt and shoulder strap commonly known as Sam Browne equipment or any belt and shoulder strap of that type which may be similar in design to the belt and shoulder strap equipment normally worn by municipal police or members of the Royal Canadian Mounted Police.

Restricted weapons (5) Notwithstanding subsection (4), a security guard who has been authorized and granted a permit to carry a restricted weapon as described

in the *Criminal Code*, (Canada) R.S.C. 1985, Chap. C-46 while in the execution of the specific duty provided for in subsection 20(2) of these regulations, may wear Sam Browne equipment when actually carrying the restricted weapon and performing the specific duty for which the permit has been issued. (EC256/88; 458/88 eff. Sept. 1/88; 655/03)

Sections **15** to **17** revoked by EC 475/95.

18. A person to whom a license is granted under the provisions of the Act is not an authorized peace officer. (EC256/88) Status

19. (1) A person appointed as a constable or special constable under the *Police Act* R.S.P.E.I. 1988, Cap. P-11 may not hold a license as a private investigator or a private investigation business or agency. Excluded persons

(2) Subsection (1) does not apply to a person who is appointed as a constable or special constable by reason only of the person's tenure of office as an instructor in the Atlantic Police Academy. (EC256/88; 393/88 eff. Sept. 1/88; 655/03) Application

20. (1) A person licensed as a security guard, a security guard business or agency, a private investigator or a private investigation business or agency shall not carry a restricted weapon as described in the *Criminal Code*. Restricted weapons

(2) Notwithstanding subsection (1), the local registrar of firearms as defined in the *Criminal Code* may authorize a person licensed under the Act to carry a restricted weapon in the execution of a specific duty if the application is supported by a recommendation from a senior member of the police force located in the area in which the specific duty is to be performed that Exception

- (a) the nature of the work to be performed by the licensee is such that it is necessary and in the public interest that the licensee be permitted to carry a restricted weapon;
- (b) the licensee is fully trained in the use of restricted weapons;
- (c) the licensee has a complete knowledge and awareness of the law with respect to the use of force; and
- (d) the licensee is fully qualified to obtain a permit to carry a restricted weapon as is required by the *Criminal Code*. (EC256/88)

21. The holder of a security guard business or agency license or private investigation business or agency license shall not use the word "police" in the title name of the agency, its letterhead, advertising material or in any other way that may create the impression the agency is performing a police function. (EC256/88) Advertising

- Insurance **22.** (1) Every application for a license to engage in the business of providing private investigators or security guards shall be accompanied by a certificate of liability insurance.
- Idem* (2) The certificate of insurance shall certify that the licensee has a comprehensive, general liability policy, including coverage for personal injury of \$500,000 or more covering the business and its employees.
- Cancellation (3) The insurance policy shall contain a 30 day cancellation clause.
- Notice (4) If the cancellation clause is invoked, the insurer shall inform the Minister immediately by certified mail.
- Notice (5) Every application for a license to engage in the business of providing security guards shall be accompanied by a certificate evidencing the presence of a fidelity bond in the amount of \$10,000 covering the business and its employees. (EC256/88)

Schedule revoked by EC 475/95.