

Private Investigators and Private Guards Regulations

made under Section 26 of the
Private Investigators and Private Guards Act
R.S.N.S. 1989, c. 356
O.I.C. 2005-413 (September 14, 2005), N.S. Reg. 180/2005

Citation

1 These regulations may be cited as the *Private Investigators and Private Guards Regulations*.

Definitions

2 In these regulations,

(a) "Act" means the *Private Investigators and Private Guards Act*;

(b) "armed private guard" means a private guard who holds a license endorsed for acting as an armed private guard;

(c) "armoured vehicle" means a motor vehicle constructed or adapted to

(i) protect its occupants from forced entry, and

(ii) provide protection to its occupants from attack by persons using firearms, to a standard acceptable to the Minister and in compliance with the standards required under the *Motor Vehicle Safety Act* (Canada);

(d) "business license" means a license to engage in the business of providing private investigators or private guards, and "business licensee" has a corresponding meaning;

(e) "guard dog handler" means a private guard who is responsible for keeping a guard dog for hire under control and who holds a license endorsed for acting as a guard dog handler;

(f) "individual license" means a license to act as a private investigator or private guard, and "individual licensee" has a corresponding meaning;

(g) "Minister" means the Minister of Justice.

All applications for business licenses

3 (1) An application for a business license must be in Form 1 and an application for renewal of a business license must be in Form 2.

(2) The name of the applicant's business must be approved by the Minister.

(3) In addition to the fee and evidence of liability insurance required by clauses 5(a) and (b) of the Act or, for a renewal, by clauses 9(2)(a) and (b) of the Act, an application for a business license or renewal of a business license must be accompanied by

(a) a copy of the business' certificate of registration under the *Partnerships and Business Names Registration Act*; or

(b) a copy of the business' certificate of incorporation under the *Companies Act*;

(c) colour photographs or a written description of an example of each type of vehicle to be used by the private guard business, as prescribed in Form 1 and 2;

(d) colour photographs or a written description of an example of each type of uniform to be used by the private guard business.

(4) The evidence of liability insurance required by clauses 5(b) and 9(2)(b) of the Act must be in the form of a certificate issued by the insurer.

Business license endorsements if providing private guard services

4 An applicant for a business license or renewal of a business license to provide private guard services may apply for the following endorsements to their business license:

(a) a license endorsement to allow the applicant to provide armoured vehicle services, by completing the appropriate sections on Form 1 or Form 2;

(b) a license endorsement to allow the applicant to provide guard dogs for hire, by

(i) completing the appropriate sections on Form 1 or Form 2, and

(ii) completing and attaching a Form 5 for each guard dog, together with 2 current colour photographs of the guard dog, one of which is a full front head shot and the other a full side view of the dog.

Liability insurance requirement for business license

5 (1) An applicant for a business license or renewal of a business license must have an insurance policy that provides broad form, comprehensive liability insurance coverage for the business and its employees, that is acceptable to the Minister.

(2) An insurance policy required by subsection (1) must contain a 30-day cancellation clause.

(3) A business licensee must notify the Minister immediately if the insurance policy for their business is cancelled.

(4) When the Minister receives notice that a business licensee's insurance policy is cancelled, the Minister must suspend their license.

(5) A license that is suspended under subsection (4) is invalid until the business licensee provides the Minister with evidence of their liability insurance coverage in accordance with subsection 3(4).

Application for individual license

6 (1) An application for an individual license must be in Form 3 and an application for renewal of an individual license must be in Form 4.

(2) An application for an individual license or renewal of an individual license must be accompanied by all of the following:

- (a)** the applicable fee prescribed in Section 9;
- (b)** 1 current full-face photograph of the applicant, at least 2.54 cm by 2.86 cm in size;
- (c)** a copy of a photograph identification card of the applicant, issued by Nova Scotia or any other Canadian province;
- (d)** if born outside Canada, a copy of immigration papers, Canadian citizenship papers or work visa.

Individual license endorsements

7 (1) An applicant for an individual license to act as a private guard or for renewal of an individual license to act as a private guard may apply for the following endorsements to their individual license:

- (a)** a license endorsement to allow the applicant to act as an armed private guard, by
 - (i)** completing the applicable portions of Form 3 or Form 4,
 - (ii)** attaching a copy of the applicant's Possession and Acquisition License for firearms and their Authorization to Carry issued under the *Firearms Act* (Canada) and regulations, and
 - (iii)** attaching written proof that the applicant has completed the firearms proficiency test required by subsection 16(1);
- (b)** a license endorsement to allow the applicant to act as a guard dog handler, by completing the applicable portions of Form 3 or Form 4;
- (c)** a license endorsement to allow the applicant to carry a baton, by
 - (i)** completing the applicable portions of Form 3 or Form 4,
 - (ii)** attaching written proof of training acceptable to the Minister that the applicant has received in the use of a baton, and
 - (iii)** attaching written authorization from any business that employs the applicant as a private investigator or private guard for the applicant to carry a baton;
- (d)** a license endorsement to allow the applicant to carry a restraining device, by
 - (i)** completing the applicable portions of Form 3 or Form 4,
 - (ii)** attaching written proof of training acceptable to the Minister that the applicant has received in the use of the restraining device, and
 - (iii)** attaching written authorization from any business that employs the applicant as a private investigator or private guard for the applicant to carry the restraining device.

(2) An applicant for an individual license to act as a private investigator or for renewal of an individual license to act as a private investigator may apply for the following endorsements to their individual license:

(a) a license endorsement to allow the applicant to carry a baton, by

(i) completing the applicable portions of Form 3 or Form 4,

(ii) attaching written proof of training acceptable to the Minister that the applicant has received in the use of a baton, and

(iii) attaching written authorization from any business that employs the applicant as a private investigator or private guard for the applicant to carry a baton;

(b) a license endorsement to allow the applicant to carry a restraining device, by

(i) completing the applicable portions of Form 3 or Form 4,

(ii) attaching written proof of training acceptable to the Minister that the applicant has received in the use of the restraining device, and

(iii) attaching written authorization from any business that employs the applicant as a private investigator or private guard for the applicant to carry the restraining device.

Police records and background check

8 The following persons must consent to a police records and background check as part of the application process:

(a) an individual who is a sole proprietor of a business applying for a business license;

(b) each partner of a partnership applying for a business license;

(c) each director and officer of a corporation applying for a business license;

(d) an individual applying for an individual license.

License application fees

9 (1) Application fees for licenses are payable to the Minister of Finance as follows:

(a) for business license (private investigators or private guards) \$319

(b) for business license (private investigators and private guards) \$619

(c) for individual license (private investigator) \$21

(d) for individual license (private guard) \$21

(e) for individual license (private investigator and private guard) \$32

(f) for identification card for a guard dog for hire \$21

(2) The application fee payable for a license issued after September 30 in any year is 50% of the fee prescribed in subsection (1) for the license.

(3) Application fees are non-refundable.

Replacement license

10 An individual licensee may apply to the Minister for a replacement individual license by submitting Form 6 together with a replacement photograph that meets the specifications in clause 6(2)(b).

Form of licenses

11 (1) A business license must be in a form prescribed by the Minister.

(2) An individual license must be in the form of an identification card as prescribed by the Minister.

(3) A license for a guard dog for hire must be in the form of an identification card as prescribed by the Minister.

Endorsement required

12 (1) No person is permitted to engage in, carry on, advertise or hold themselves out as providing armoured vehicle services, unless they hold a business license that is endorsed for providing armoured vehicle services.

(2) No person is permitted to engage in, carry on, advertise or hold themselves out as providing guard dogs for hire, unless they hold a business license that is endorsed for providing guard dog for hire services.

(3) No person is permitted to act as an armed private guard unless they hold an individual license that is endorsed for acting as an armed private guard.

(4) No person is permitted to act as a guard dog handler unless they hold an individual license that is endorsed for acting as a guard dog handler.

(5) No person is permitted to carry a baton unless they hold an individual license that is endorsed for carrying a baton.

(6) No person is permitted to carry a restraining device unless they hold an individual license that is endorsed for carrying the restraining device.

Private investigator, private guard not permitted to carry firearm

13 (1) A private investigator is not permitted to carry a firearm in the performance of their duties as a private investigator.

(2) A private guard is not permitted to carry a firearm unless their individual license is endorsed for acting as an armed private guard, and they are acting as an armed private guard.

Private guard uniforms

14 (1) A uniform to be worn by a private guard, other than an armed private guard, must be

approved by the Minister and, unless the Minister approves an exemption under subsection (5), must display all of the following:

(a) on the chest of its outermost garment, the words "private guard" or "security" or "security guard" in block letters that are

(i) at least 2.54 cm in height and cumulatively at least 7.62 cm in width, and

(ii) a contrasting colour to the colour of the garment;

(b) across the back of its outermost garment, the word "security" in block letters that are

(i) at least 7.62 cm in height, and

(ii) a contrasting colour to the colour of the garment;

(c) the name of the business licensee that is providing the private guard's services.

(2) A uniform to be worn by an armed private guard must be approved by the Minister and must display all of the following:

(a) on the chest of its outermost garment, the words "armed guard" in block letters that are

(i) at least 2.54 cm in height and cumulatively at least 7.62 cm in width, and

(ii) a contrasting colour to the colour of the garment;

(b) the name of the business licensee that is providing the armed private guard's services.

(3) A private guard must not have the words "police", "sheriff" or "officer" displayed on their uniform.

(4) A private guard must not display any metal badge or shield other than the identification card prescribed under these regulations.

(5) The minister may exempt a private guard from wearing a uniform while performing retail security.

Motor vehicles used by private guards

15 (1) A motor vehicle used by a private guard for security patrol must

(a) comply with the *Motor Vehicle Act* and regulations respecting lighting equipment;

(b) display the word "SECURITY" on the side panels of the motor vehicle in block letters at least 12.7 cm in height;

(c) display the name of the business licensee on the side panels of the motor vehicle in clearly visible letters; and

(d) not resemble a police or sheriff motor vehicle nor display the words "police" or "sheriff" nor any other word that would tend to confuse the public about the purpose of the motor vehicle.

(2) The words required to be displayed by clauses (1)(b) and (c) may be displayed separately or in conjunction with one another.

(3) An armoured vehicle used for transporting or protecting cash, negotiable instruments or other goods of substantial value must comply with clauses (1)(a), (c) and (d).

(4) In addition to complying with subsections (1) and (2), a motor vehicle used by armed private guards to service automated teller machines or automated banking machines must clearly display the words "no cash or valuables on board".

Armed private guards

16 (1) An armed private guard must pass an annual firearms proficiency test that is acceptable to the Minister.

(2) An armed private guard is permitted to work only

(a) from an armoured vehicle when handling, transporting or protecting cash, negotiable instruments or other goods of substantial value; or

(b) from a non-armoured motor vehicle when not handling, transporting or protecting cash and when servicing automated teller machines or automated banking machines.

(3) For greater certainty, no person is permitted to work as an armed private guard except as provided in subsection (2).

(4) An armed private guard must be accompanied by at least 1 other armed private guard while acting as an armed private guard.

Using guard dogs for hire

17 (1) A guard dog handler must not use a guard dog for hire unless an identification card for the guard dog has been issued in accordance with these regulations and the identification card is valid and in the possession of the guard dog handler.

(2) Except as provided in subsection (3), a guard dog handler must ensure that a guard dog for hire is under their direct control at all times.

(3) A guard dog for hire may be at large on premises, other than premises to which members of the public have access, if reasonable precautions are taken to prevent the dog from escaping from the premises.

(4) A warning that a guard dog for hire is present on premises must be clearly displayed on the premises, whether the guard dog is secured or at large.

(5) A guard dog for hire must not be used as a guard dog

(a) on public streets, in parks, or in other common areas where the public have the right of access;

(b) at concerts, festivals or other public gatherings; or

(c) if it is suffering from injury or illness that might adversely affect its behaviour.

(6) A guard dog for hire must wear a day-glo red collar when acting as a guard dog.

Certificate from veterinarian for injured or ill guard dog for hire

18 (1) After a guard dog for hire is injured or has suffered an illness that might adversely affect its behaviour, the Minister may require the owner to provide a certificate from a veterinarian as to the health and physical condition of the dog.

(2) The Minister may suspend the license of a guard dog for hire if the health or physical condition of the dog might adversely affect the dog's behaviour.

Transporting guard dogs for hire

19 A guard dog for hire must be transported

(a) in a vehicle that provides reasonable protection to prevent the dog from escaping; and

(b) in a compartment that is separate from the driver of the vehicle and cannot be opened from the outside except by an authorized person.

Guard dogs not trained to kill or seriously injure

20 No person is permitted to train a guard dog for hire to kill or seriously injure persons or animals.

Contravention of Act or regulations

21 Failure by an individual or business licensee or an employee of a business licensee to comply with the Act or regulations or with any endorsement or condition or term of a license is cause for revocation or suspension of the license by the Minister.

Form 1 - 6

[NOTE: The forms to these regulations are not available in this format, but may be viewed online as published in the Royal Gazette Part II. For more information or to obtain a hard copy, please contact the Registry of Regulations or the Department of Justice, Policing and Victim Services Division - Security Program Office.]