
INFORMATION GUIDE FOR PROVINCIAL CIVIL CONSTABLES

Provincial Civil Constable Authority

A provincial civil constable may execute anywhere in the Province process of a civil nature including any notice, order, warrant, summons other than a notice, order, warrant, summons or other process required to be executed or served by a sheriff or a functionary appointed under another enactment or by another officer, person or body.

As the authority of a provincial civil constable is only for the specific function of civil process, it does not cover all duties you may choose to perform, such as “private bailiff services” which falls outside the scope of a provincial civil constable.

To clarify, when a person is carrying out civil process under S.4 of the *Police Services Act*, they are acting within the authority of their appointment. However, when an individual carries out other duties such as “private bailiff services” (e.g. repossession as an agent of a company or occupancy checks for a landlord) then they are carrying on private duties on behalf of a private entity. This falls outside the scope of the authority set out in S. 4 of the Act and therefore, falls outside the scope of your provincial civil constable appointment. **This does not mean you cannot perform private bailiff services, it simply means you cannot represent yourself as a provincial civil constable while performing these duties.**

Process of Service

To assist you in the process of service, please find the link to the Civil Procedure Rules for your reference: http://www.courts.ns.ca/civil_procedure_rules/cpr_home.htm. Provincial Civil Constables should call on the police if there are reasonable grounds to believe that the service of a document will lead to a serious breach of the peace.

If a person has any general questions related to the service of court orders (e.g. eviction/execution orders, etc.) they should be directed to Deputy Sheriff Dave MacNeil at the Law Courts at 902-424-6255.

Identification/Representation

A person appointed as a Provincial Civil Constable is not a police officer or government employee or a representative of government. A Provincial Civil Constable must not identify themselves verbally or in any other manner, such as uniform or vehicle markings, advertisements, business cards, badge or similar materials, as a representative of government (i.e., Dept. of Justice, Sheriff) or any municipal or provincial police agency.

A person acting as a Provincial Civil Constable should display the identification card issued by our office as proof of identification to members of the public. This office does not recommend the use of a metal badge as this form of identification may create confusion and mislead the public regarding their authority if the shape, design or wording is similar to a municipal or provincial police agency or a representative of government. If this should come to our attention, it would be a violation of Section 69 of the *Nova Scotia Police Act*.

While engaging in their duties, Provincial Civil Constables are not permitted to abbreviate their appointment term “Provincial Civil Constable”, ie. “Constable,” “Civil Constable” or “Provincial Constable”, as this may create a potential misperception to the public that they have the authority of a municipal or provincial police constable.

The use of the Provincial Coat of Arms and House of Assembly Crest **is not permitted**. The Shield of Arms alone or the Nova Scotia public flag image are permitted for use on the condition the use of the design conforms to good taste; however, **they cannot be used in conjunction with the term “Province of Nova Scotia.”** If you require assistance please feel free to contact our office.

Uniform/Vehicle Markings used by Provincial Civil Constables

Provincial Civil Constables shall not at any time while engaged in their duties wear any article of clothing or insignia, use vehicle markings or other signs or symbols (i.e., police style badge) that would indicate they are or have the authority of a municipal or provincial police officer in this Province. If this should come to our attention, it would be a violation of the *Nova Scotia Police Act* as stated below:

Section 69 of the Nova Scotia Police Act states:

69 (1) *No person or organization shall use the uniform, insignia, vehicle markings or other signs or symbols of a police department.*

(2) *Where the Minister is of the opinion that the uniform, insignia, vehicle markings or other signs or symbols employed by a person or organization are so similar to those used by a police department that the public or a member of the public may be misled, the Minister may, by order in writing, require the person or organization to cease using the uniform, insignia, vehicle markings or other signs or symbols.*

Age Disqualification

Pursuant to the *Police Services Act*, the requirement of section 3(3)(a) respecting age restriction, which notes *no person shall be appointed as a provincial civil constable who is over the age of sixty-five year* will not be enforced as we do not discriminate against a person because of their age of sixty-five. The legislation will be amended to reflect this concern.

Carrying of prohibited or restricted weapons by Provincial Civil Constables

Provincial Civil Constables must not at any time while engaged in their official duties carry any type of firearm or weapon as defined in Section 84 of the *Criminal Code* of Canada.

The appointment as a Provincial Civil Constable does not provide authority to possess or use pepper spray (also known as OC spray or capsicum spray) in the course of or for the purpose of their duties as a Provincial Civil Constable. OC spray is a “**prohibited weapon**” in accordance with S. 84(1) of the *Criminal Code* of Canada.

A Provincial Civil Constable found in possession of a prohibited or restricted weapon without authorization may be subject to prosecution for possession of a prohibited weapon and their provincial civil constable appointment may be suspended or revoked.

For more information please contact the Security Programs Office at 902-424-8805 or Ellen.Brooks@novascotia.ca.