

# Private Investigators and Private Guards Act

CHAPTER 356

OF THE

REVISED STATUTES, 1989

amended 1992, c. 28, s. 29

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## An Act to Provide for Private Investigators and Private Guards

### Short title

1 This Act may be cited as the *Private Investigators and Private Guards Act*. R.S., c. 356, s. 1.

### Interpretation

2 In this Act,

(a) *repealed 1992, c. 28, s. 29.*

(b) "employee" includes an agent, a partner and an officer of a corporation but does not include an employee engaged solely in a clerical or stenographic capacity;

(c) "license" means a license issued under this Act;

(d) "licensee" means the holder of a license under this Act;

(e) "person" includes a corporation and a partnership which holds a certificate of registration under the *Partnerships and Business Names Registration Act*;

(f) "private guard" means a person who for hire or reward

(i) provides security services with respect to persons or property, including the services of a guard dog,

(ii) accompanies a guard dog while the dog is guarding or patrolling;

(g) "private investigator" means a person who investigates and furnishes information for hire or reward, including a person who

(i) searches for and furnishes information as to the personal character or actions of a person, or the character or kind of business or occupation of a person,

(ii) searches for offenders against the law, or

(iii) searches for missing persons or property. R.S., c. 356, s. 2; 1992, c. 28, s. 29.

### Act does not apply

3 This Act does not apply to

(a) barristers or solicitors in the practice of their profession or their employees;

(b) persons who search for and furnish information

- (i) as to the financial credit rating of persons,
  - (ii) to employers as to the qualifications and suitability of their employees or prospective employees, or
  - (iii) as to the qualifications and suitability of applicants for insurance, security, indemnity or surety bonds or bonds of a like nature,
- and who do not otherwise act as private investigators;
- (c) the Canadian Corps of Commissionaires or to its members while acting within the scope of the objects of its incorporation;
  - (d) a person who is a member of any police force of Canada, the Province or of any municipality;
  - (e) insurance adjusters and their employees licensed under the *Insurance Act* while acting in the usual and regular scope of their employment;
  - (f) insurance companies and their employees licensed under the *Insurance Act* while acting in the usual and regular scope of their employment;
  - (g) private investigators and private guards who are permanently employed by one employer in a business or undertaking other than the business of providing private investigators or private guards and whose work is confined to the affairs of that employer;
  - (h) employees of a city, town or municipality, as city, town and municipality are defined in the *Municipal Affairs Act*, while acting within the scope of their employment;
  - (i) an officer or employee of the Government of Canada or the Government of Nova Scotia while acting in the usual and regular scope of his employment;
  - (j) persons residing outside the Province who are *bona fide* employees of private investigation or private guard agencies licensed or registered in a jurisdiction outside the Province who
    - (i) on behalf of an employer or client who resides outside the Province, make an investigation or inquiry partly outside the Province and partly within the Province, and
    - (ii) come into the Province solely for the purpose of such investigation or inquiry. R.S., c. 356, s. 3.

#### **License required**

##### **4 No person shall**

- (a) engage in, carry on, advertise or hold himself out as carrying on the business or practice of providing private investigators or private guards; or
- (b) act as a private investigator or private guard,

unless he is the holder of a license therefor issued under this Act. R.S., c. 356, s. 4.

#### **Application for license**

**5** Every applicant for a license to engage in the business of providing private investigators or private guards shall apply to the Solicitor General for the license and the licenses for each employee or partner who is a private investigator or private guard, if any, upon the form prescribed by the regulations which shall be accompanied by

- (a) the fee prescribed by the regulations;
- (b) evidence of the liability insurance required by the regulations; and
- (c) such other information as may be required by the regulations. R.S., c. 356, s. 5; 1992, c. 28, s. 29.

#### **Information respecting applicant**

**6** The Solicitor General may require an applicant for a license or a licensee to furnish such information and may

make such inquiry and investigation as the Solicitor General deems necessary respecting the character, financial position and competency of an applicant or licensee and may require verification by affidavit or otherwise of any such information, character, financial position or competency. R.S., c. 356, s. 6; 1992, c. 28, s. 29.

#### **Age qualification**

7 No person shall act as a private investigator or private guard unless he is nineteen years of age or over. R.S., c. 356, s. 7.

#### **Issue of license**

8 (1) The Solicitor General may issue a license or a renewal of a license where, in the opinion of the Solicitor General, the proposed licensing is not against the public interest.

#### **Refusal of license**

(2) The Solicitor General shall not refuse to issue or refuse to renew a license without giving the applicant an opportunity to be heard. R.S., c. 356, s. 8; 1992, c. 28, s. 29.

#### **Expiry of license**

9 (1) Every license and renewal of a license, other than a temporary license, expires on the thirty-first day of March of each year unless sooner suspended or revoked by the Solicitor General.

#### **Application for renewal**

(2) Every applicant, for renewal of a license to engage in the business of providing private investigators or private guards, shall, on or before the first day of March of each year, apply to the Solicitor General for the renewal of the license and the renewal of the licenses for each employee or partner who is a private investigator or private guard, if any, upon the form prescribed by the regulations which shall be accompanied by

- (a) the fee prescribed by the regulations;
- (b) evidence of the liability insurance required by the regulations; and
- (c) such other information as may be required by the regulations. R.S., c. 356, s. 9; 1992, c. 28, s. 29.

#### **Temporary license**

10 (1) Where a person applies for a license or the renewal of a license, the Solicitor General may issue a temporary license for a period stated in the temporary license not exceeding three months.

#### **Temporary license for executor**

(2) Where a person who is licensed to engage in the business of providing private investigators or private guards dies, the Solicitor General may grant a temporary license to his executors or administrators, and all licensed employees of the deceased licensee at the time of his death for the purposes of this Act shall be deemed to be licensed as employees of such executor or administrator.

#### **Temporary license to partnership**

(3) Where another certificate of registration is issued pursuant to Section 9 of the *Partnership and Business Names Registration Act* to a partnership as a result of a change in the membership of a partnership that is authorized to engage in the business of providing private investigators or private guards, the Solicitor General may grant a temporary license to the partnership under the new certificate of registration and all employees of the partnership under the former certificate of registration for the purposes of this Act shall be deemed to be employees of the partnership under the new certificate of registration. R.S., c. 356, s. 10; 1992, c. 28, s. 29.

#### **Suspension or revocation of license**

11 The Solicitor General may at any time investigate the activities of a licensee and, after giving the licensee an opportunity to be heard, may revoke or suspend a license if the Solicitor General determines that cause for revocation or suspension of the license exists. R.S., c. 356, s. 11; 1992, c. 28, s. 29.

#### **Complaint**

**12 (1)** Where the Solicitor General receives a complaint in respect of the carrying on of the business of providing private investigators or private guards and so requests in writing, the person carrying on the business shall furnish the Solicitor General with such information respecting the matter complained of as the Solicitor General requires.

#### **Inspection of records**

**(2)** For the purposes of subsection (1), the Solicitor General or any person designated in writing by the Solicitor General may at any time make an inspection of the books, documents and records of any licensee.

#### **Right of access**

**(3)** Upon an inspection under subsection (2), the person inspecting is entitled to free access to all books of accounts, cash, documents, bank accounts, vouchers, correspondence and records of every description of the licensee, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection. R.S., c. 356, s. 12; 1992, c. 28, s. 29.

#### **Address for service**

**13 (1)** Every applicant for a license shall state in the application an address for service in the Province, and all notices under this Act or the regulations are sufficiently given or served for all purposes if sent by registered mail or delivered to the latest address for service so stated.

#### **Notice of changes**

**(2)** Every person licensed to engage in the business of providing private investigators or private guards shall within seven days notify the Solicitor General in writing of

(a) any change in his address for service or in the address of any place at which he carries on business or at which he invites the public to deal;

(b) any change in the officers or members in the case of a corporation or partnership; and

(c) any termination of employment of a private investigator or private guard. R.S., c. 356, s. 13; 1992, c. 28, s. 29.

#### **Revocation upon termination of employment**

**14 (1)** The license of a private investigator or private guard is revoked upon the termination of the employment in respect of which it was issued.

#### **Surrender of license and card**

**(2)** When a licensed private investigator or private guard ceases to be employed as such, he shall give his license and identification card immediately to his employer who shall forward them to the Solicitor General.

#### **Revocation upon termination of business**

**(3)** The license of every person who is licensed to engage in the business of providing private investigators or private guards is revoked upon the termination of such business.

#### **Surrender of licenses and cards**

**(4)** Every person who is licensed to engage in the business of providing private investigators or private guards shall immediately, upon the termination of such business, forward to the Solicitor General his license and identification card, if any, together with the licenses and identification cards of his employees. R.S., c. 356, s. 14; 1992, c. 28, s. 29.

#### **Annual return**

**15** The holder of a license to engage in the business of providing private investigators or private guards shall file with the Solicitor General, upon application for renewal of a license or, in any event, not later than the thirtieth day of April in each year, a return showing

(a) the address of each office or other place of business in which he engaged in the business of providing private

investigators or private guards during the immediately preceding license year;

(b) the names and addresses of each employee who acted or was employed for or by him during the immediately preceding license year; and

(c) such other information as may be prescribed by the regulations. R.S., c. 356, s. 15; 1992, c. 28, s. 29.

### **Display of license**

**16** Immediately upon the receipt of a license to engage in the business of providing private investigators or private guards, the licensee shall cause it to be displayed in a conspicuous place in the office of the business for which it is issued. R.S., c. 356, s. 16.

### **Identification of investigator**

**17 (1)** Every private investigator shall, while investigating, carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person.

### **Evidence of authority**

**(2)** No person acting as a private investigator shall have in his possession or display any badge, shield, card or other identification or evidence of authority except

(a) the prescribed identification card issued under this Act; and

(b) a business card containing no reference to licensing under this Act.

### **Restriction on uniform**

**(3)** No private investigator who is also licensed as a private guard shall act as a private investigator while in uniform. R.S., c. 356, s. 17.

### **Identification of guard**

**18 (1)** Every private guard while on duty shall carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person.

### **Evidence of authority**

**(2)** No private guard while on duty shall have in his possession or display any evidence of authority except his uniform and the prescribed identification card issued under this Act.

### **Uniform**

**(3)** Every private guard shall wear a uniform while acting as a private guard. R.S., c. 356, s. 18.

### **Collections or bailiff**

**19** No licensee shall act as a collector of accounts or bailiff or undertake or hold himself out, or advertise as undertaking, to collect accounts or act as a bailiff for any person either with or without remuneration. R.S., c. 356, s. 19.

### **Impersonation of police**

**20 (1)** No licensee shall hold himself out in any manner as being a member of a police force.

### **Membership in police force**

**(2)** No licensee shall at any time, whether by agreement with a municipality or otherwise, act as a member of a police force. R.S., c. 356, s. 20.

### **Protection of information received by Solicitor General**

**21** Any information received by the Solicitor General, in connection with an application or a record or return required under this Act or in the course of an inquiry or investigation authorized by this Act, shall not be disclosed

without the consent of the Solicitor General. R.S., c. 356, s. 21; 1992, c. 28, s. 29.

#### **Protection of information acquired by investigator**

**22** No person shall divulge to anyone, except as is legally authorized or required, any information acquired by him as a private investigator. R.S., c. 356, s. 22.

#### **Certified statement as evidence**

**23 (1)** A statement as to

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Solicitor General;
- (c) the time when the facts upon which proceedings are based came to the knowledge of the Solicitor General; or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing or to any such person, document or material,

purporting to be certified by the Solicitor General is, without proof of the office or signature of the Solicitor General, admissible in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

#### **Other statement as evidence**

**(2)** A statement in a letter, advertisement, card or other document or paper to the effect that a person is engaged in the business of a private investigator or private guard or is acting as a private investigator or private guard is admissible in evidence as *prima facie* proof that he is so engaged or acting, as the case may be. R.S., c. 356, s. 23; 1992, c. 28, s. 29.

#### **Employment of non-licensee**

**24** No person engaged in the business of providing private investigators or private guards shall employ as a private investigator or private guard a person who is not the holder of a license. R.S., c. 356, s. 24.

#### **Penalty respecting Section 4**

**25 (1)** Every person who violates Section 4 shall be guilty of an offence and liable on summary conviction to a penalty not exceeding five hundred dollars.

#### **Penalty**

**(2)** Except as provided in subsection (1), every person who violates any provision of this Act or the regulations is liable, on summary conviction, to a penalty not exceeding two hundred dollars. R.S., c. 356, s. 25.

#### **Regulations**

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

- (a) respecting the use and control of guard dogs provided by private guards;
- (b) respecting the use and control of guard dogs by a person to protect non-residential premises;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

#### **Regulations Act**

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. R.S., c. 356, s. 26.