



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

COURT SECURITY ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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COURT SECURITY ACT

CHAPTER C-27.1

1. Definitions

In this Act

- (a) “**court**” means the Court of Appeal, the Supreme Court, the Provincial Court, the Youth Court and includes any place where a justice of the peace holds court;
- (b) “**courthouse**” means the courthouses in Charlottetown, Summerside, Georgetown, Souris and Alberton and includes a building in which a courtroom is located but does not include any portion of that building not used in connection with the courtroom;
- (c) “**restricted area**” means any portion of a courthouse to which access by the public is restricted and is designated by a sign indicating it is a restricted area;
- (d) “**security officer**” means a person appointed by the Minister of Justice and Public Safety and Attorney General under section 2;
- (e) “**weapon**” means any instrument which in the opinion of a security officer could be used to threaten or harm any person or cause damage to any property. *1990, c.7, s.1; 1993, c.29, s.4; 1997, c.20, s.3; 2000, c.5, s.3; 2008, c.20, s.72(18); 2010, c.14, s.3; 2012, c.17, s.2; 2015, c.28, s.3.*

2. Security officers, appointment

- (1) For the purpose of providing security in a courthouse, the Minister of Justice and Public Safety and Attorney General may appoint security officers.

Powers

- (2) Every security officer appointed pursuant to subsection (1) is a peace officer and has the powers, authority, privileges, rights and immunities of a police officer as set out in subsection 15(2) of the *Police Act R.S.P.E.I. 1988, Cap. P-11.1. 1990, c.7, s.2; 1993, c.29, s.4; 1997, c.20, s.3; 2000, c.5, s.3; 2006, c.16, s.63(1.3); 2010, c.14, s.3; 2012, c.17, s.2; 2015, c.28, s.3.*

3. Identity check and weapon screening on entering courthouse

- (1) Where a person enters a courthouse or courtroom, a security officer may
 - (a) require the person to satisfy the security officer as to the person’s identity; and
 - (b) where the security officer is not satisfied that the person is a peace officer, an officer of the court or a person authorized by the regulations to have possession of a weapon in a courthouse, screen the person for weapons.

Refusal of entry

- (2) Where the security officer is not satisfied as to the person’s identity, the person refuses to be screened for weapons or the person is carrying a weapon, the security officer may refuse the

person entry to the courthouse or a courtroom and use as much force as is reasonably necessary to prevent such entry.

Requiring person to leave courthouse

- (3) A security officer may at any time require a person, other than a person referred to in clause (1)(b), whom the security officer reasonably believes is carrying a weapon, to leave the courthouse or courtroom and may use as much force as is reasonably necessary to force the person to leave. *1990, c.7, s.3.*

4. Offence, entry after request to leave

- (1) Every person who enters or attempts to enter or who remains in a courthouse or restricted area in a courthouse after having been refused permission to enter or after having been requested to leave by a security officer is guilty of an offence.

Offence, possession of weapon

- (2) Every person who has a weapon in that person's possession in a courthouse, other than a peace officer, officer of the court in the performance of the officer's duties or a person authorized by the regulations, is guilty of an offence. *1990, c.7, s.4.*

5. Saving for other powers of judges

Nothing in this Act derogates from or is intended to replace the power of a judge, whether established by common law or otherwise, to control proceedings in a courtroom. *1990, c.7, s.5.*

6. Regulations

The Lieutenant Governor in Council may make regulations

- (a) providing for the organization, co-ordination, supervision, discipline and control of security officers;
- (b) designating persons authorized to have possession of weapons in a courthouse;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *1990, c.7, s.6.*

7. Penalty

Every person who contravenes the provisions of this Act or any regulations made thereunder is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$10,000 or imprisonment for a period not exceeding six months. *1990, c.7, s.7.*

