



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **COURT SECURITY ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to August 1, 2023. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

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](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*

*Tel: (902) 368-4292*

*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



## 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 judicial 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; 2018, c.52, s.52.*

#### 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.*