



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **PRIVATE INVESTIGATORS AND SECURITY GUARDS ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 2, 2015. 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)).

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## PRIVATE INVESTIGATORS AND SECURITY GUARDS ACT

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## PRIVATE INVESTIGATORS AND SECURITY GUARDS ACT

### CHAPTER P-20

#### 1. Definitions

In this Act

- (a) “**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;
- (b) “**license**” means a license issued under this Act;
- (c) “**licensee**” means the holder of a license;
- (d) “**Minister**” means the Minister of Justice and Public Safety and Attorney General;
- (e) “**person**” includes a corporation and a partnership;
- (f) “**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;
- (g) “**regulations**” means the regulations made under this Act;
- (h) “**security guard**” means a person who for hire or reward provides security services with respect to persons or property including protection services by use of guard dogs. 1987, c.54, s.1; 1993, c.29, s.4; 1997,c.20,s.3; 2000,c.5,s.3; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3.

#### 2. Persons to whom Act does not apply

This Act does not apply to

- (a) barristers, solicitors and attorneys 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 any municipality;

- (e) insurance adjusters and their employees licensed under the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4, 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 security guards who are permanently employed by one employer in a business or undertaking other than the business of providing private investigators or security guards and whose work is confined to the affairs of that employer;
- (h) employees of a municipality while acting within the scope of their employment;
- (i) an officer or employee of the Government of Canada or of the province while acting in the usual and regular scope of his employment; or
- (j) persons residing outside the province who are genuine employees of private investigation or private guard agencies licensed or registered in a jurisdiction outside Prince Edward Island who
  - (i) on behalf of an employer or client who resides outside Prince Edward Island, make an investigation or inquiry partly outside Prince Edward Island and partly within Prince Edward Island, and
  - (ii) come into Prince Edward Island solely for the purpose of that investigation or inquiry. *1987, c.54, s.2; 2015,c.36,s.40(2).*

### 3. Requirement for license

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 security guards; or
- (b) act as a private investigator or security guard,

unless he is the holder of a license. *1987, c.54, s.3; 2015,c.36,s.40(2).*

### 4. Applications

Every applicant for a license to engage in the business of providing private investigators or security guards shall apply to the Minister, in such form as may be approved by the Minister for a license and licenses for each employee or partner who is a private investigator or security guard, if any, and the application shall be accompanied by

- (a) the fee prescribed by the regulations; and
- (b) a security bond of such description as may be prescribed by the regulations. *1987, c.54, s.4; 1994, c.48, s.14; 2015,c.36,s.40(3).*

### 5. Minister may require further information

The Minister may require an applicant for a license or renewal of a license or a licensee to furnish such information and may make such inquiry and investigation as he considers necessary respecting the character, financial position, and competence of an applicant or licensee and may require verification by affidavit or otherwise of any such information, character, financial position or competence. *1987, c.54, s.5.*

### 6. Minimum age

No person shall act as a private investigator or security guard unless he is eighteen years of age or over. *1987, c.54, s.6.*

**7. Issue of license**

The Minister may issue a license or a renewal of a license where, in his opinion, to do so is not against the public interest. *1987, c.54, s.7.*

**8. Duration of license**

- (1) Every license and renewal of a license, other than a temporary license, expires on the anniversary of the date of issue unless sooner suspended or revoked by the Minister.

**Application for renewal**

- (2) Every applicant for renewal of a license to engage in the business of providing private investigators or security guards shall, on or before March 1 of each year, apply to the Minister for the renewal of the license and the renewal of the licenses for each employee who is a private investigator or security guard, if any, upon the form prescribed by the regulations which shall be accompanied by
- (a) the fee prescribed by the regulations; and
  - (b) a security bond of such description as may be prescribed by the regulations. *1987, c.54, s.8; 1994, c.48, s.14; 2015, c.36, s.40(3).*

**9. Death of licensee, effect on employees**

Where a person who is licensed to engage in the business of providing private investigators or security guards dies, the Minister 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. *1987, c.54, s.9.*

**10. Revocation or suspension of license**

The Minister 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 Minister determines that cause for revocation or suspension of the license exists. *1987, c.54, s.10.*

**11. Complaints to Minister**

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

**Power to inspect records**

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

**Refusal to produce records or furnish information**

- (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. *1987, c.54, s.11.*

**12. Address for service**

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

**Notification of changes of address, etc.**

- (2) Every person licensed to engage in the business of providing private investigators or security guards shall within seven days notify the Minister 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 security guard.
- 1987, c.54, s.12; 2015, c.36, s.40(4).*

**13. Revocation of investigator's license**

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

**License to be returned to Minister on termination of employment**

- (2) When a licensed private investigator or security 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 Minister.

**Revocation of business license**

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

**License to be returned to Minister**

- (4) Every person who is licensed to engage in the business of providing private investigators or security guards shall immediately upon the termination of such business forward to the Minister his license and identification card, together with the licenses and identification cards of his employees. *1987, c.54, s.13.*

**14. Filing of returns**

The holder of a license to engage in the business of providing private investigators or security guards shall file with the Minister, upon application for renewal of a license, 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 security guards during the immediately preceding license year;
- (b) the names and addresses of each employee who was employed by him during the immediately preceding license year; and
- (c) such other information as may be prescribed by the regulations. *1987, c.54, s.14; 2015, c.36, s.40(3).*



**15. Display of license**

Immediately upon the receipt of a license to engage in the business of providing private investigators or security guards, the licensee shall cause it to be displayed in a conspicuous place in the office of the business for which it is issued. *1987, c.54, s.15.*

**16. Private investigator, evidence of authority**

- (1) 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.

**Private investigator, identification card**

- (2) 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.

**Investigator not to wear uniform as security guard**

- (3) No private investigator who is also licensed as a security guard shall act as a private investigator while in uniform. *1987, c.54, s.16.*

**17. Security guard evidence of authority**

- (1) No security 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.

**Security guard, identification card**

- (2) Every security 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.

**Uniform**

- (3) Every security guard shall, while acting as a security guard, wear a uniform that indicates he is acting as such. *1987, c.54, s.17.*

**18. Licensee not to collect accounts**

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. *1987, c.54, s.18; 2015, c.36, s.40(5).*

**19. Minister not to disclose information**

Any information received by the Minister 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 Minister. *1987, c.54, s.19.*

**20. Confidentiality of information**

No person shall divulge to anyone, except as is legally authorized or required, any information acquired by him as a private investigator. *1987, c.54, s.20.*

**21. Statement of Minister as evidence**

- (1) A statement as to
- (a) whether any person is or is not licensed;
  - (b) whether any document or material required or permitted to be filed with the Minister has or has not been filed;
  - (c) the time when the facts upon which proceedings are based came to the knowledge of the Minister; or
  - (d) any other matter pertaining to licensing or filing of any document or material,

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

**Other statements 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 security guard or is acting as a private investigator or security guard is admissible in evidence as *prima facie* proof that he is so engaged or acting, as the case may be. *1987, c.54, s.21.*

**22. Employment of unlicensed person**

No person engaged in the business of providing private investigators or security guards shall employ as private investigator or security guard a person who is not the holder of a license. *1987, c.54, s.22.*

**23. Offences**

- (1) Every person who violates section 3 is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000.

***Idem***

- (2) Except as provided in subsection (1), every person who violates any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$500. *1987, c.54, s.23.*

**24. Regulations**

The Lieutenant Governor in Council may make regulations. *1987, c.54, s.24.*