

1992 Legislative Session: 1st Session, 35th Parliament
THIRD READING

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Certified correct as passed Third Reading on the 18th day of June, 1992
Ian D. Izard, Law Clerk.

ATTORNEY GENERAL

BILL 43 -- 1992
PRIVATE INVESTIGATORS AND SECURITY AGENCIES
AMENDMENT ACT, 1992

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 The Private Investigators and Security Agencies Act, S.B.C. 1980, c. 45, is amended by adding the following section:

Temporary licences

13.2 (1) Subject to the regulations, the registrar may, on application, issue a temporary licence to a person who has secured an offer of employment from a licensed security business.

(2) The term of a temporary licence issued under subsection (1) shall not exceed 30 days.

2 Section 20 is repealed and the following substituted:

Inspections

20 (1) For the purpose of ensuring compliance with this Act and the regulations, the registrar or a person authorized in writing by the registrar may conduct an inspection under this section and may, for that purpose,

(a) require any person who has possession of or control over any of the records or things of a security business to produce records and things that may be

relevant to the inspection, including all records and things touching on any of the matters referred to in section 14, and

(b) inspect and remove any of the records and things produced under paragraph (a) that are relevant to the inspection for the purpose of making copies or extracts.

(2) A person conducting an inspection under the authority of this section

(a) may attend at the business premises of a security business during business hours for the purposes of requesting the production of or inspecting any records or things relevant to the inspection,

(b) shall carry identification in the prescribed form, and

(c) shall present the identification to the owner or occupant of the premises.

(3) Where a person conducting an inspection removes any records or things under subsection (1) (b), that person shall give a receipt for them to the person from whom they are taken.

(4) A person conducting an inspection may request the production of all records of the security business that may be relevant to the inspection, including, without limitation,

(a) accounting books,

(b) cash,

(c) bank account records,

(d) vouchers,

(e) correspondence,

(f) contracts entered into with clients,

(g) sample client contracts,

(h) advertising contracts and related records and material,

(i) bonding and insurance records and contracts,

(j) records relating to the training provided to employees, and

(k) records in respect of employees that touch on any of the matters referred to in section 14.

(5) No person shall obstruct a person conducting an inspection under this section or withhold, destroy, conceal or refuse to produce any information, record or thing that is required by the person conducting the inspection or is otherwise relevant to any of the matters in respect of which the inspection may be conducted.

Warrants

20.1 (1) A justice may, in respect of an inspection under section 20, issue a warrant authorizing the person named in the warrant and, where appropriate, any peace officer that the person may call on for assistance under subsection (8) to do one or more of the following:

(a) to enter the business premises of the security business being inspected for the purpose of searching for, inspecting and removing any records and things relevant to the inspection;

(b) to enter any other premises, including a room actually used as a dwelling, for the purpose of searching for, inspecting and removing any records and things relevant to the inspection;

(c) to enter onto any other property or to search any thing for the purpose of searching for, inspecting and removing any records and things relevant to the inspection.

(2) A warrant may be issued under subsection (1) if the justice is satisfied on information under oath that,

(a) in the case of a warrant to be issued under subsection (1)

(a), there are reasonable grounds to believe that a person who has possession of or control over any of the records or things of a security business has not produced or will refuse to produce one or more of those records and things that are relevant to the inspection to a person duly authorized to conduct an inspection under section 20 (1), or

(b) in the case of a warrant to be issued under subsection (1) (b) or (c), there are reasonable grounds to believe that

(i) an offence under section 27 (1) has been committed, and

(ii) there is on or in the premises, the property or the thing to be searched, as the case may be, a record or thing that will provide evidence of the commission of the offence.

- (3) A warrant issued under this section shall specify the hours and days during which it may be executed.
- (4) Unless renewed, a warrant issued under this section expires not later than 30 days after the date on which it is made.
- (5) An application for the issue or renewal of a warrant under this section may be made without notice.
- (6) A warrant issued under this section may be renewed for any reason for which it may be issued.
- (7) A person carrying out an inspection under this section may call on such experts as are reasonably necessary to assist the person in carrying out the inspection.
- (8) A person doing anything under the authority of a warrant issued under this section may, whether or not the warrant expressly authorizes a peace officer to assist the person, call on peace officers to assist if necessary in the execution of the warrant.

Copies of records

20.2 (1) A person conducting an inspection under section 20 or 20.1 who removes any records or things may make copies of, take extracts from or otherwise record them and shall return them within a reasonable time.

(2) Copies of or extracts from records or things removed under section 20 or 20.1 that are certified by the person who made them as being true copies of or extracts from the originals are admissible in evidence to the same extent, and have the same evidentiary value, as the original records or things.

3 Section 24 is repealed and the following substituted:

Confidentiality

24 No person, including the commission, shall disclose or be compelled to disclose any information or record that is required to be filed under this Act or that is obtained in the course of an inspection authorized by or under this Act unless

- (a) the disclosure is necessary in the administration of this Act, or
- (b) the disclosure is required in a court proceeding.

4 Section 25 (3) is amended

(a) by repealing paragraph (a) and substituting the following:

(a) through the registrar, to advise the minister on matters that relate to this Act or that are referred to it by the minister, , **and**

(b) by striking out "and" at the end of paragraph (b), by adding ", and" at the end of paragraph (c) and by adding the following:

(d) to make recommendations to the registrar on the training to be undertaken by applicants for licences and by licensees including, without limitation, recommendations on the nature, location, duration or course content of the required training.

5 Section 26 is amended

(a) by repealing subsection (1),

(b) in subsection (2) by striking out "The Attorney General may make regulations" and substituting "The Lieutenant Governor in Council may make regulations, and, without limitation, may make regulations",

(c) in subsection (2) by repealing paragraphs (a) and (b),

(d) in subsection (2) by striking out "and" after paragraph (m) and by adding the following:

(o) respecting the types of licences that may be issued under this Act, the nature and extent of the services that may be provided under each type of licence and the terms and conditions of each type of licence,

(p) establishing for each type of licence the qualifications that must be held by an applicant for that type of licence, including, without limitation,

(i) the training standards that must be met by an applicant, and

(ii) where the applicant for a security business licence is a corporation, the personal standing and qualifications that must be held by the corporation's members, officers and employees,

(q) providing, with respect to licences, for

(i) the information to be disclosed by applicants, and

(ii) licence fees, including fees calculated by reference to the term of a new licence, and

(r) providing that specified classes of employees of security businesses are not security employees. ,

(e) in subsection (3) by striking out "subsection (1) (a)" and substituting "subsection (2) (q)", and

(f) in subsection (4) by striking out "Attorney General" and substituting "minister".

6 Section 27 (1) (a) is amended by striking out "20," and substituting "20 (5),".

Commencement

7 This Act comes into force by regulation of the Lieutenant Governor in Council.

[Return to: [Legislative Assembly Home Page](#)]