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Ian D. Izard, Q.C., Law Clerk

HONOURABLE JOHN LES
MINISTER OF PUBLIC SAFETY
AND SOLICITOR GENERAL

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SECURITY SERVICES ACT

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

Definitions

1 In this Act:

"armoured car guard service" means a person who provides the service of transporting property in an armoured vehicle;

"business entity" means

- (a) a corporation,
- (b) a partnership,
- (c) a society, or
- (d) another person prescribed by regulation;

"crime" means

- (a) an indictable offence under an Act of Canada, and

(b) an offence, under an Act of Canada or of a province, that is

(i) punishable only on summary conviction,
and

(ii) prescribed by the Lieutenant Governor in Council to be a crime for the purpose of this Act;

"inspector" means a person appointed as an inspector under section 30;

"licence" means a security business licence or a security worker licence or both, as the context requires, issued under this Act;

"locking device" means a device designed to secure a door, window, lid, drawer or other point of access by mechanical, electrical or electromagnetic means, and includes any device prescribed by regulation, but does not include any device designed to secure a point of access on a motor vehicle;

"locksmith" means a person who

(a) makes, services, repairs, codes, recodes, rekeys or repins any locking device, except a person who codes or recodes a device that the person owns,

(b) cuts, makes, sells or otherwise provides restricted keys,

(c) cuts, makes, sells or otherwise provides keys from a numerical or alphabetical code or a combination of numerical and alphabetical codes, or

(d) sells, services or repairs safes, vaults or other similar secure storage methods;

"private dwelling" means

(a) a structure that is used solely as a private residence, or

(b) if only part of a structure is used solely as a private residence, that part of the structure;

"private investigator" means a person who, for consideration, seeks or obtains information about any of the following:

(a) crimes, offences, contraventions or misconduct, or allegations of crimes, offences, contraventions or misconduct;

(b) the activities, character or repute of a person or organization;

(c) the whereabouts of a person;

(d) the location, disposition or recovery of lost, stolen or missing property;

(e) the cause of or the responsibility for any fire, accident or incident in which damage to property or injury to any person has occurred;

"property" means real and personal property and includes information and data;

"registrar" means the Registrar of Security Services appointed under section 49;

"restricted key" means a key, card or other lock operating device that is

(a) made

(i) from a numerical or alphabetical code, or a combination of numerical and alphabetical codes, registered to the keyholder, and

(ii) using equipment unique to that type of key, card or lock operating device,

(b) the property of

- (i) the government, a local government body as defined in the *Freedom of Information and Protection of Privacy Act* or the government of Canada or another province, or
- (ii) an agent of the government or any other government referred to in subparagraph (i), or
- (c) prescribed as a restricted key;

"security alarm" means any assembly of electronic equipment and devices intended to protect property, other than motor vehicles, from vandalism, intrusion, trespass or theft, and includes

- (a) any system of security alarms and the interconnecting parts of the system, and
- (b) any prescribed electronic equipment or electronic device or system;

"security alarm service" means a person who

- (a) sells, supplies, provides advice on, services or installs a security alarm or offers to do any of these things, unless the person does so without attending at the premises where the security alarm has been or will be installed, or
- (b) repairs, maintains, monitors or responds to security alarms installed on the property of another person;

"security business" means the business carried on by any of the following:

- (a) an armoured car guard service;
- (b) a locksmith;
- (c) a private investigator;
- (d) a security alarm service;

- (e) a security consultant;
- (f) a security guard service;

"security consultant" means a person who

- (a) advises on methods of protecting property from vandalism, intrusion, trespass or theft, or
- (b) provides the service of detecting electromagnetic, acoustical or other devices by which private communications or records may be intercepted, transmitted or examined;

"security guard service" includes a person who

- (a) provides or supervises a guard patrol or watch of property,
- (b) provides or supervises a guard of an individual,
- (c) performs services to prevent the loss of property, and
- (d) provides door security at an establishment licensed under the *Liquor Control and Licensing Act*;

"security work" means the work of, or any aspect of the services provided by, any of the following:

- (a) an armoured car guard service;
- (b) a locksmith;
- (c) a private investigator;
- (d) a security alarm service;
- (e) a security consultant;
- (f) a security guard service.

PART 1 — SECURITY WORKERS

Security worker licence required

- 2 An individual must not engage in any kind of security work, or hold himself or herself out to be so employed or employable, unless
- (a) the individual holds a valid security worker licence for that kind of security work,
 - (b) the individual is exempt by regulation from the requirement to hold a security worker licence, or
 - (c) the registrar determines that the security work in which the individual is engaged is incidental to the individual's primary work.

Applying for security worker licence

- 3 (1) An individual may apply to the registrar for a security worker licence or renewal of a security worker licence.
- (2) An applicant for a security worker licence or its renewal must be
- (a) ordinarily resident in Canada, and
 - (b) unless exempt by regulation, at least 19 years of age.
- (3) An application for a security worker licence or its renewal must
- (a) be in the form and manner required by the registrar,
 - (b) include authorizations for the registrar to carry out the prescribed checks regarding the applicant, and
 - (c) be accompanied by the prescribed application fee.
- (4) An applicant for a security worker licence or its renewal must meet all conditions, qualifications and requirements imposed by this Act and the regulations.

Refusal of security worker licences

4 (1) The registrar may refuse to issue or renew a security worker licence if any of the following apply:

(a) the applicant or licensee fails in any way to comply with or does not meet the requirements of section 3 [*applying for security worker licence*];

(b) the registrar considers that the applicant's or licensee's conduct, education, training, experience, skill, mental condition, character or repute makes it undesirable that he or she be licensed;

(c) the registrar considers that it is not in the public interest that the applicant or licensee be licensed;

(d) the registrar is satisfied that the licensee has done something that

(i) justifies refusal to renew a licence to the licensee,

(ii) contravenes a provision of this Act or the regulations, or

(iii) contravenes a condition of the licence;

(e) the applicant or licensee is charged with or convicted of a crime;

(f) the applicant is a peace officer.

(2) The registrar may hold a hearing before making a decision under subsection (1).

(3) The registrar must give the applicant or licensee written reasons for a decision under subsection (1).

Security worker licences

5 (1) The registrar may issue a security worker licence or renew a security worker licence for a term not exceeding the prescribed length of time.

(2) The registrar may

- (a) impose any conditions on a security worker licence that the registrar considers appropriate, and
 - (b) remove or amend those conditions.
- (3) The registrar must give an applicant or a licensee written reasons for a decision under subsection (2).
- (4) A holder of a security worker licence must
 - (a) comply with this Act and the regulations, and
 - (b) comply with all conditions of the licence.

Temporary licence

- 6** (1) Subject to the regulations, the registrar may issue a temporary security worker licence to an individual who has secured an offer of employment from a licensed security business and who applies to the registrar for a temporary security worker licence.
- (2) The term of a temporary security worker licence issued under subsection (1) must not exceed the prescribed length of time.

Use and surrender of licence

- 7** (1) A security worker licence must not be transferred.
- (2) An individual must not use or display as identification a security worker licence that is issued to another individual.
- (3) On the expiry, cancellation, suspension or refusal of renewal of a security worker licence, the licensee must immediately surrender the licence to the registrar.

Production of licence

- 8** An individual who holds a security worker licence must, while engaged in security work,
 - (a) carry the licence, and

(b) produce it on the request of any person to whom the individual holds himself or herself out to be a security worker.

Security worker reporting requirements

9 An individual who holds a security worker licence must report to the registrar the occurrence of any of the following within 14 days after the occurrence:

- (a) a change in the individual's residential address;
- (b) a charge laid against the individual for a crime;
- (c) a conviction against the individual for a crime.

Out-of-Province private investigators

10 (1) The registrar may grant an exemption from the requirement to hold a security worker licence if an individual

- (a) is a private investigator licensed or registered in a jurisdiction outside British Columbia,
- (b) conducts or continues an investigation inside British Columbia on behalf of an employer or client outside British Columbia, and enters British Columbia solely for the purpose of that investigation,
- (c) notifies the registrar of his or her presence in British Columbia and supplies the registrar with particulars of the work he or she proposes to undertake, and
- (d) applies for the exemption in the form and manner required by the registrar.

(2) An exemption under subsection (1) may be granted for a period of time the registrar considers appropriate.

PART 2 — SECURITY BUSINESSES

Security business licence required

- 11** (1) In this section, "**carry on a security business**" includes
- (a) holding oneself out as carrying on a security business, and
 - (b) soliciting or procuring for others the services of a security business.
- (2) A person must not carry on a security business unless the person holds a valid security business licence or is exempt by regulation from the requirement to hold a security business licence.

Applying for security business licence

- 12** (1) A person may apply to the registrar for a security business licence or renewal of a security business licence.
- (2) An application for a security business licence or its renewal must be
- (a) in the form and manner required by the registrar, and
 - (b) accompanied by the prescribed application fee.
- (3) A person applying for a security business licence or its renewal must meet all conditions, qualifications and requirements imposed by this Act and the regulations.

Business-entity applicants

- 13** A business entity applying for a security business licence or its renewal must, in addition to any other disclosure required under this Act, file with the registrar a statement disclosing, to the satisfaction of the registrar, the identity of the individuals who control or who are able to control the business entity.

Residency, age and management

14 (1) Subject to subsection (2), an applicant for a security business licence or its renewal must be

- (a) ordinarily resident in Canada, and
- (b) at least 19 years of age.

(2) If an applicant for a security business licence or its renewal is a business entity, the business entity must have a manager who is

- (a) responsible for the day-to-day supervision of licensed security workers, and
- (b) at least 19 years of age.

Refusal of security business licences

15 (1) The registrar may refuse to issue or renew a security business licence if any of the following apply:

- (a) the applicant or licensee fails in any way to comply with or does not meet the requirements of section 12, 13 or 14;
- (b) the registrar considers that the applicant's or licensee's conduct, education, training, experience, skill, mental condition, character or repute makes it undesirable that he or she be licensed;
- (c) the registrar considers that it is not in the public interest that the applicant or licensee be licensed;
- (d) the registrar is satisfied that the licensee has done something that
 - (i) justifies refusal to renew a licence to the licensee,
 - (ii) contravenes a provision of this Act or the regulations, or
 - (iii) contravenes a condition of the licence;

(e) the applicant or licensee is charged with or convicted of a crime;

(f) the applicant is a peace officer.

(2) For the purpose of this section, if the applicant or licensee is a business entity, the registrar may

(a) consider anything done by a person about whom disclosure is required by section 13 [*business-entity applicants*] as an act of the business entity, and

(b) refuse to issue or renew the security business licence on any of the grounds set out in subsection (1).

(3) The registrar may hold a hearing before making a decision under subsection (1).

(4) The registrar must give the applicant or licensee written reasons for a decision under subsection (1).

Security business licences

16 (1) The registrar may issue a security business licence or renew a security business licence for a term not exceeding the prescribed length of time.

(2) The registrar may

(a) impose any conditions on a security business licence that the registrar considers appropriate, and

(b) remove or amend those conditions.

(3) Without limiting subsection (2), the registrar may impose one or both of the following conditions on the security business licence:

(a) the security business must be carried on only at or from an address specified in the licence;

(b) the security business must be confined to an activity or aspect of a security business specified in the licence.

(4) The registrar must give an applicant or a licensee written reasons for a decision under subsection (2) or (3).

(5) A holder of a security business licence must

(a) comply with this Act and the regulations, and

(b) comply with all conditions of the licence.

Display of security business licence

17 (1) A person who holds a security business licence must post the licence, or a branch office security business licence issued under subsection (2),

(a) in each location from which the security business is permitted under the licence to carry on the security business, and

(b) in a conspicuous place that is accessible to the public.

(2) For the purposes of subsection (1), the registrar may issue a branch office security business licence in the same name, and in the same categories, as the original for each location from which a security business operates.

Prohibited use and display of security business licence

18 (1) A person who holds a security business licence must not carry on the security business using a name other than the name specified in the licence.

(2) A person must not display, at a place where the person carries on the security business, a security business licence issued to another person.

Use and surrender of licence

- 19** (1) A security business licence must not be transferred unless the registrar consents in writing to the transfer.
- (2) A person must not use a security business licence that is issued to another person.
- (3) On the expiry, cancellation, suspension or refusal of renewal of a security business licence, the licensee must immediately surrender the licence and all duplicates to the registrar.

Requirement to employ or engage only licensed security workers for security work

- 20** A person who holds a security business licence must not employ or engage an individual for any kind of security work unless the individual holds a security worker licence for that kind of security work.

Requirement to maintain records and insurance

- 21** A person who holds a security business licence must
- (a) maintain the prescribed books and records, and
 - (b) carry and maintain the prescribed insurance and other coverage.

Security business reporting requirements

- 22** (1) A person who holds a security business licence must report the occurrence of any of the following within 14 days after the occurrence:
- (a) a change in the person's residential or security business address;
 - (b) a change in ownership or management of the security business;
 - (c) a charge laid against the person for a crime;
 - (d) a conviction against the person for a crime;

(e) a criminal charge laid or a criminal conviction against an individual employed or engaged by the person for security work.

(2) A business entity that holds a security business licence must report to the registrar under subsection (1) and, in addition, must report any change in the particulars referred to in section 13 [*business-entity applicants*] within 14 days after the change.

Interim security business licence in the event of death or incapacity

23 (1) If an individual who holds a security business licence dies or becomes incapable of managing his or her affairs, the licence expires on the individual's death or incapacity.

(2) A representative of a deceased or incapacitated licensee may apply to the registrar for an interim security business licence if the registrar is satisfied that the representative

(a) has sufficient interest in the security business of the licensee, and

(b) was authorized by the licensee to make this application.

(3) The registrar may issue an interim security business licence to a representative of a deceased or incapacitated licensee if the registrar considers that it is in the public interest.

(4) An interim security business licence issued under subsection (3) may be for any period of time the registrar considers appropriate.

Alarm service must notify clients if alarms monitored by other businesses

24 If a security business that is a security alarm service enters into an agreement with another security alarm service to monitor security alarms or sells its contracts to monitor security alarms, the security business

(a) must give written notice to its clients within 14 days after entering into the agreement or completing the sale, and

(b) must include in the notice the name and address of the other security alarm service.

PART 3 — GENERAL PROVISIONS

Restricted keys and locksmith's instruments

25 (1) In this section, "**authorized person**" means a person who

(a) holds a valid security business licence to carry on the security business of a locksmith,

(b) holds a valid security worker licence and is employed as a locksmith by a person referred to in paragraph (a),

(c) is designated by the regulations as an authorized person for the purposes of this section, or

(d) is authorized in writing by the registrar to do a thing that this section otherwise prohibits.

(2) The registrar

(a) may impose conditions he or she considers appropriate in giving an authorization under subsection (1) (d), and

(b) may cancel an authorization if he or she considers it appropriate.

(3) A person must not cut, make, transfer, lend or give a restricted key to anyone unless the person is

(a) an authorized person,

(b) the owner of the locking device that is to be operated by the restricted key, or

(c) an employee of, and acting with the authority of, the owner of the locking device that is to be operated by the restricted key.

(4) A person, other than an authorized person or an owner of a locking device, must not possess any instrument designed or adapted to open or bypass a locking device without using the key or combination unique to that locking device, including any of the following:

- (a) a key;
- (b) a pick;
- (c) a rocker key;
- (d) a vibrating pick tool.

Carrying of firearms prohibited

26 (1) Subject to subsection (2), a person licensed under this Act must not carry a firearm in the course of security business or employment or while engaged in any security work.

(2) Subject to the regulations, the registrar may permit an individual engaged in security work as an armoured car guard service to carry, while engaged in that security work, a firearm of the type the registrar specifies, if the registrar is satisfied that

- (a) the individual
 - (i) is competent in using the firearm, and
 - (ii) holds all licences and permits required by law in relation to that firearm, and
- (b) the firearm is registered
 - (i) under the *Firearms Act* (Canada) and the *Criminal Code*, and
 - (ii) in the name of the security business through which the individual is engaged in the security work.

Prohibited employment and engagement

27 A business entity that does not hold a security business licence must not employ or engage an individual to perform any kind of security work unless

(a) the individual has a valid security worker licence for that kind of security work,

(b) the individual is exempt by regulation from the requirement to hold a security worker licence,

(c) the registrar has determined under section 2 (c) that the security work in which the individual is engaged is incidental to the individual's primary work, or

(d) the registrar has granted the individual an exemption under section 10.

PART 4 — ENFORCEMENT

Licence cancellation or suspension

28 (1) The registrar may cancel, or suspend for a period of time, a licence for any of the reasons under section 4 [*refusal of security worker licences*] or 15 [*refusal of security business licences*].

(2) The registrar must

(a) hold a hearing before making a decision under subsection (1), and

(b) provide the licensee with written reasons for a decision under subsection (1).

Summary action to protect public

29 (1) If the registrar considers it necessary to protect the public, the registrar, immediately and without notice, may cancel or suspend a licence for a period of time.

(2) As soon as practicable after making a decision under subsection (1), the registrar must provide the person whose licence was cancelled or suspended with written reasons for the decision.

(3) Within 15 days after the date that the registrar provides written reasons under subsection (2), the person may file a written reply with the registrar.

(4) On receipt of a written reply under subsection (3), the registrar may do one or both of the following, as the registrar considers appropriate:

(a) temporarily rescind the licence cancellation or suspension until the registrar makes a decision under paragraph (b) of this subsection;

(b) confirm, rescind, vary or substitute his or her decision.

(5) The registrar must not act under subsection (4) (a) unless the registrar is satisfied that

(a) further time is needed to consider the written reply,

(b) the written reply sets out facts or arguments that, if confirmed, would establish reasonable grounds for the registrar to rescind, vary or substitute the decision under subsection (4) (b), and

(c) it is reasonable to conclude that

(i) if the registrar temporarily rescinds the licence cancellation or suspension, no person's health or safety will be placed at risk, and

(ii) the person whose licence was cancelled or suspended will suffer a significant loss as a result of the cancellation or suspension.

(6) The registrar must give written reasons for a decision under subsection (4) to the person whose licence was cancelled or suspended.

(7) The person whose licence was cancelled or suspended under this section may not give the registrar a further written reply concerning the matter on or after receipt of written reasons under subsection (6).

Appointment of inspectors

30 (1) The registrar may appoint persons or persons within a class of persons as inspectors.

(2) The registrar may impose restrictions on the powers, duties and functions that an inspector may carry out under this Act.

Inspections

31 An inspector may conduct an inspection for one or both of the following purposes:

(a) determining whether a person has failed to comply with this Act, the regulations or the conditions of a licence;

(b) assisting the registrar in making a decision under section 4 [*refusal of security worker licences*], 15 [*refusal of security business licences*], 28 [*licence cancellation or suspension*] or 29 [*summary action to protect public*].

Inspection powers

32 (1) For the purposes of an inspection, an inspector may do any of the following:

(a) enter and inspect the premises, vehicle or vessel of a security business or of a person who engages in security work or where security work is being carried out;

(b) inquire into any business, affairs or conduct of a person;

(c) inspect, audit or examine any record, goods or other thing, or the provision of services, in the premises, vehicle or vessel;

(d) demand that a document or any other thing be produced for inspection;

(e) make a record, including a record on film, audio tape or otherwise, of the premises, vehicle or vessel or of any thing in or on the premises, vehicle or vessel;

(f) remove a record or any other thing for review and copying;

(g) remove and retain any record or other thing that may be required as evidence from the premises, vehicle or vessel;

(h) question a person;

(i) attend a training program of the security business.

(2) On the request of the registrar or an inspector, a peace officer may assist the inspector in carrying out an inspection.

(3) If a record or thing is removed under subsection (1) (f) or (g), the inspector

(a) may make copies of, take extracts from or otherwise record it, and

(b) must give a receipt to the person from whom it is taken.

(4) The authority under subsection (1) must not be used to enter a private dwelling except with the consent of the occupant or under the authority of a warrant under section 33.

(5) The inspector, on request of a person whose premises the inspector enters, must produce identification provided by the minister for this purpose.

Warrants

33 (1) If satisfied by evidence given under oath that entry on or into a building, receptacle or place, including a private dwelling, is necessary for any purpose related to conducting an inspection under this Act, a justice may issue a warrant authorizing an inspector to enter on or into that building, receptacle or place and conduct an inspection.

(2) In the warrant, a justice may authorize an inspector to do one or both of the following:

(a) enter at a specified time or within a specified period of time;

(b) enter by force, if necessary.

(3) An inspector may make an application for a warrant under subsection (1) without notice to any other person.

Complaints process

34 (1) In accordance with a process established by the minister, the registrar must deal with complaints from the public respecting matters that relate to this Act.

(2) Despite subsection (1), the registrar may refuse to investigate a complaint, or may stop investigating a complaint, if, in the opinion of the registrar, any of the following apply:

(a) more than one year has elapsed between the date the complainant knew of the facts on which the complaint is based and the date the registrar receives the complaint;

(b) there is a remedy available in law that is adequate for the complainant and there is no

reasonable justification for the complainant's failure to take advantage of the remedy;

(c) the complaint is frivolous, vexatious or not made in good faith;

(d) further investigation is not necessary in order to consider the complaint;

(e) investigation would not benefit the complainant.

(3) The registrar must promptly give written notice to the complainant of the registrar's decision whether or not to investigate the matter, and may indicate any other recourse that may be available to the complainant.

(4) The registrar may exercise the powers described in section 29 [*summary action to protect public*] as a result of information obtained in the course of the investigation of a complaint under this section.

Administrative penalties

35 (1) After giving a person an opportunity to be heard, the registrar may impose an administrative penalty on the person if the person contravenes

(a) a prescribed provision of this Act or the regulations, or

(b) a condition of a licence.

(2) Before the registrar imposes an administrative penalty on a person, the registrar must consider the following:

(a) previous enforcement actions for contraventions of a similar nature by the person;

(b) the gravity and magnitude of the contravention;

(c) the extent of the harm to others resulting from the contravention;

- (d) whether the contravention was repeated or continuous;
- (e) whether the contravention was deliberate;
- (f) any economic benefit derived by the person from the contravention;
- (g) the person's efforts to correct the contravention.

(3) If the registrar imposes an administrative penalty on a person, a prosecution for an offence under this Act for the same contravention may not be brought against the person.

(4) A person who has been charged with an offence under this Act may not be subject to an administrative penalty in respect of the circumstances that gave rise to the charge.

(5) If a business entity contravenes a prescribed provision of this Act or the regulations or a condition of a licence, an officer, director or agent of the business entity who authorized, permitted or acquiesced in the contravention is also liable under this section, whether or not an administrative penalty is imposed on the business entity.

Amount of administrative penalty

36 (1) An individual on whom an administrative penalty is imposed is liable to a penalty of not more than \$5 000.

(2) A business entity on which an administrative penalty is imposed is liable to a penalty of not more than \$50 000.

Notice of administrative penalty

37 (1) If the registrar imposes an administrative penalty on a person, the registrar must give to the person a notice imposing the administrative penalty that specifies the following:

- (a) the contravention;
- (b) the amount of the penalty;
- (c) the date by which the penalty must be paid;

(d) the person's right to have this decision reconsidered;

(e) an address to which a request for a reconsideration may be given.

(2) A notice imposing an administrative penalty may be reconsidered in accordance with section 51 [*reconsiderations*].

Due date of administrative penalty

38 The person on whom an administrative penalty is imposed must pay the administrative penalty

(a) within 30 days after the date on which the person receives the notice referred to in section 37, or

(b) if the person requests a reconsideration of the administrative penalty under section 51, within 30 days after the date on which the person receives the notice referred to in section 51 (3) (b).

Enforcement of administrative penalty

39 (1) Subject to a reconsideration of an administrative penalty or the expiry of the period of time within which a reconsideration may be requested, an administrative penalty constitutes a debt payable by the person on whom the penalty is imposed.

(2) If a person fails to pay an administrative penalty as required under section 38, the registrar may file with the Supreme Court or Provincial Court a certified copy of the notice imposing the administrative penalty and, on being filed, the notice has the same force and effect, and all proceedings may be taken on the notice, as if it were a judgment of that court.

Revenue from administrative penalties

40 The registrar must pay all amounts derived from administrative penalties into the consolidated revenue fund.

Limitation period

- 41** The time limit for giving a notice imposing an administrative penalty is 2 years after the date on which the contravention occurred.

Injunction

- 42** (1) On application by the registrar, the Supreme Court may grant an injunction
- (a) restraining a person or business entity from contravening this Act or the regulations if the court is satisfied that there are reasonable grounds to believe that the person or business entity has contravened or is likely to contravene this Act or the regulations,
 - (b) requiring a person or business entity to comply with this Act or the regulations if the court is satisfied that there are reasonable grounds to believe that the person or business entity has not complied or is not likely to comply with this Act or the regulations, or
 - (c) requiring a person or business entity not to hold themselves out as being licensed if they are not licensed under this Act
- and, until disposition of the injunction proceeding, the court may grant an interim injunction.
- (2) An injunction regarding a contravention may be granted under subsection (1) whether or not a penalty or other remedy is provided by this Act for the contravention.
- (3) With respect to considering an interim injunction under subsection (1),
- (a) the court must give greater weight, importance and the balance of convenience to the enforcement of this Act than to the continued operation of the person or business entity,
 - (b) the registrar must not be required to post a bond or give an undertaking as to damages, and

(c) the registrar need not establish that irreparable harm will be done if the interim injunction is not issued.

Sections 4 and 5 of *Offence Act* do not apply

43 Sections 4 and 5 of the *Offence Act* do not apply to this Act or the regulations.

Offences

44 (1) A person who contravenes section 2, 5 (4), 7 (2) or (3), 8, 9, 11 (2), 16 (5), 17 (1), 18, 19, 20 to 22, 24, 25 (3) or (4), 26 or 27 or subsection (2), (4) or (5) of this section commits an offence.

(2) When applying for a licence or when requested, ordered or directed by the registrar or an inspector to supply information, a person must not supply false or misleading information.

(3) A person does not commit an offence under subsection (2) if, at the time the information was supplied, the person did not know that the information was false or misleading and, with the exercise of reasonable diligence, could not have known that the information was false or misleading.

(4) A person must not obstruct, impede or refuse to admit an inspector or a peace officer who is performing duties or exercising powers under this Act or the regulations or a warrant issued under this Act.

(5) A person engaged in security work, or carrying on a security business, must not use the words "detective", "law enforcement", "peace officer" or "police", either alone or in conjunction with other words, to describe or identify the person's security business or security work.

(6) If a business entity commits an offence under subsection (1), an employee, officer, director or agent of the business

entity who authorizes, permits or acquiesces in the commission of the offence also commits an offence.

(7) Subsection (6) applies whether or not the business entity is prosecuted for the offence.

(8) A charge for an offence under this section may not be laid more than one year after the commission of the offence.

Offence penalties

45 (1) A person licensed to carry on a security business who commits an offence under this Act is liable to the following penalties:

(a) in the case of a first offence, a fine of not more than \$50 000, and in the case of a continuing offence, a further fine of not more than \$5 000 for each day during which the offence continues after the first day;

(b) in the case of a subsequent offence, a fine of not more than \$100 000, and in the case of a continuing offence, a further fine of not more than \$10 000 for each day during which the offence continues after the first day.

(2) A person licensed to engage in security work who commits an offence under this Act is liable to the following penalties:

(a) in the case of a first offence, a fine of not more than \$5 000, and in the case of a continuing offence, a further fine of not more than \$500 for each day during which the offence continues after the first day;

(b) in the case of a subsequent offence, a fine of not more than \$10 000, and in the case of a continuing offence, a further fine of not more than \$1 000 for each day during which the offence continues after the first day.

(3) A person who commits an offence by failing to comply with section 27 [*prohibited employment and engagement*] is liable to the following penalties:

(a) in the case of a first offence, a fine of not more than \$50 000, and in the case of a continuing offence, a further fine of not more than \$5 000 for each day during which the offence continues after the first day;

(b) in the case of a subsequent offence, a fine of not more than \$100 000, and in the case of a continuing offence, a further fine of not more than \$10 000 for each day during which the offence continues after the first day.

Compensation and restitution

46 (1) When sentencing a person convicted of an offence under this Act or the regulations, the court may order the offender to pay compensation or make restitution to the government, the registrar or a person for the actual loss or damage caused by or arising out of the commission of the offence, including compensation or restitution for

(a) any costs incurred in connection with any inspection related to the investigation of the offence, and

(b) any other costs incurred in relation to the investigation of the offence.

(2) An order for compensation or restitution under subsection (1) is in addition to and not in place of any other fine described in section 45.

(3) If an order is made under subsection (1), the government, registrar or person in whose favour the order is made may enter as a judgment, by filing the order in a registry of the Supreme Court, the amount ordered to be paid, and that judgment is

enforceable against the offender in the same manner as if it were a judgment of that court.

(4) Nothing in this section precludes the government, the registrar or any person from taking any civil action or exercising any right of recovery against a person who commits an offence under this Act.

Certificate evidence

47 (1) A certificate signed by the registrar regarding the status of a licence or a document in the registrar's records is proof, in the absence of evidence to the contrary, of the matters stated in the certificate.

(2) A document, or a certified copy of a document, issued by the registrar is proof, in the absence of evidence to the contrary, of the document and the registrar's authority to issue that document.

Sending of notices and requests

48 (1) Any notice, request or written reasons referred to in this Part may be sent by

- (a) ordinary mail,
- (b) electronic transmission, including facsimile or electronic mail, or
- (c) personal delivery.

(2) If a notice or request is sent by ordinary mail, the notice or request is deemed to be received

- (a) on the 5th day after the day it was mailed, or
- (b) if the 5th day is a Saturday or holiday, on the next day that is not a holiday.

(3) If a notice or request is sent by electronic transmission, the notice or request is deemed to be received

- (a) on the day after it was sent, or

(b) if that day is a Saturday or holiday, on the next day that is not a holiday.

(4) If a person who acts in good faith does not, through absence, accident, illness or other cause beyond the person's control, receive a notice until a date later than the deemed day of receipt, the registrar may waive the deemed day of receipt and accept a later day of receipt.

PART 5 — REGISTRAR OF SECURITY SERVICES

Registrar

49 (1) The minister must appoint, under the *Public Service Act*, an individual as the Registrar of Security Services.

(2) The registrar has the powers conferred and the obligations imposed on the registrar by this Act.

Investigations

50 To assist the registrar to decide whether to issue, renew, suspend or cancel a licence, or to refuse to issue or refuse to renew a licence, the commissioner of the Provincial police force or a chief constable, on request by the registrar, must have the background of the applicant or licensee investigated and report the results of the investigation to the registrar.

Reconsiderations

51 (1) A person may request the registrar to reconsider a decision under section 4 (1) [*refusal of security worker licences*], 5 (2) [*security worker licences*], 15 (1) [*refusal of security business licences*], 16 (2) [*security business licences*], 28 (1) [*licence cancellation or suspension*] or 37 [*notice of administrative penalty*]

(a) within 30 days after receiving notice of or reasons for the decision, or

- (b) within the period of time specified by the registrar, if the registrar is satisfied that
 - (i) special circumstances existed which precluded the filing of a request for reconsideration within the period of time required in paragraph (a) of this subsection, and
 - (ii) an injustice would otherwise result.

(2) A person must make the request under subsection (1) in writing and must identify the error the person believes was made or the other grounds on which a reconsideration is requested.

- (3) On receiving a request under this section, the registrar must
- (a) confirm, vary or cancel the decision, and
 - (b) notify the person in writing of the registrar's decision under paragraph (a) and of the reasons for the decision.

PART 6 — REGULATIONS

Power to make regulations

52 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) respecting forms of applications and licences;
- (b) prescribing checks regarding applicants for the purposes of section 3 (3) (b);
- (c) prescribing classes of persons or individuals for the purposes of section 2 [*security worker licence required*] or 11 (2) [*security business licence required*];

(d) designating authorized persons for the purposes of section 25 (1) [*restricted keys and locksmith's instruments*];

(e) prescribing fees for

(i) the purposes of sections 3 (3) (c) [*applying for security worker licence*] and 12 (2) (b) [*applying for security business licence*], and

(ii) the filing of other applications, records or reports with the registrar;

(f) prescribing maximum lengths of time for the purposes of sections 5 (1) [*security worker licences*], 6 (2) [*temporary licence*] and 16 (1) [*security business licences*];

(g) prescribing keys, cards or other lock operating devices as restricted keys;

(h) respecting the types of licences that may be issued under this Act, the nature and extent of the security work that may be provided under each type of licence, and the conditions that may be imposed on each type of licence;

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

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

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

(j) prescribing the information that an applicant for a licence is required to disclose.

(3) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) specifying the kinds and amounts of insurance and other coverage a security business must carry and maintain under section 21 (b) [*requirement to maintain records and insurance*];
- (b) requiring that bonds be provided by a security business or security worker and specifying the kinds of bonds and their amounts;
- (c) regulating the cutting of keys;
- (d) respecting the carrying and use of equipment and weapons, and the wearing of uniforms, badges and insignia, by persons employed or engaged in security work;
- (e) respecting the equipment, insignia and appearance of vehicles used by a security business, its employees or a person engaged or employed in security work;
- (f) respecting the training and use of dogs for the purposes of security work;
- (g) respecting the installation of security alarms;
- (h) respecting the books and records to be maintained by security businesses;
- (i) respecting advertising by security businesses.

(4) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) exempting, on any conditions, for any periods of time and in any circumstances that are considered advisable, a class of persons from all or any part of this Act or the regulations;
- (b) prescribing types of persons for the purposes of the definition of "business entity" in section 1;

(c) prescribing an offence as a crime for the purposes of paragraph (b) (ii) of the definition of "crime" in section 1;

(d) prescribing a device as a locking device for the purposes of the definition of "locking device" in section 1;

(e) prescribing electronic equipment or an electronic device or system as a security alarm for the purposes of the definition of "security alarm" in section 1;

(f) defining any expression used but not defined in this Act.

(5) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

(a) prescribing provisions for the purposes of section 35 (1) (a) and (5) [*administrative penalties*];

(b) creating an offence for the contravention of a regulation and prescribing a penalty for that offence up to the maximum penalties set out in section 45 [*offence penalties*].

PART 7 — TRANSITIONAL PROVISION, REPEAL AND CONSEQUENTIAL AMENDMENTS

Transitional

53 (1) In this section, "**former Act**" means the *Private Investigators and Security Agencies Act*.

(2) If, immediately before the coming into force of this section, a person held a valid licence under the former Act, the licence remains in full force and effect until the date of its expiry.

Repeal

54 The *Private Investigators and Security Agencies Act*, R.S.B.C. 1996, c. 374, is repealed.

Consequential Amendments

Freedom of Information and Protection of Privacy Act

55 *Schedule 2 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended by striking out the following:*

Public Private Investigators and Security Agencies
Body: Advisory Board

Head: Chair .

Miscellaneous Statutes Amendment Act (No. 2), 2005

56 *Section 3 of the Miscellaneous Statutes Amendment Act (No. 2), 2005, S.B.C. 2005, c. 35, is amended by repealing section 142.1 (3) (o) of the Business Practices and Consumer Protection Act as enacted by that section and substituting the following:*

(o) the *Security Services Act*; .

Police Act

57 *Section 40 (1) (i) of the Police Act, R.S.B.C. 1996, c. 367, is amended by striking out "Private Investigators and Security Agencies Act" and substituting "Security Services Act".*

Police Amendment Act, 1997

58 *Section 69 (c) of the Police Amendment Act, 1997, S.B.C. 1997, c. 37, is repealed.*

Commencement

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