

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 788/96

Private Investigation and Security Services Regulations
under the
Private Investigation and Security Services Act
(O.C. 96-293)

Amended by:

70/07

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under the
Private Investigation and Security Services Act
(O.C. 96-293)

Under the authority of section 40 of the *Private Investigation and Security Services Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

REGULATIONS

Analysis

1. Short title
2. Definition
3. Application
4. Fees
5. Bond
6. Administrator shall issue licence
7. Administrator to issue licence
8. First time applicant
9. Proof of membership
10. Expiry of licence
11. Uniform
12. Penitentiary staff
13. Fire arms
14. Insignia
15. Display of licence
16. Fingerprints

16. Repeal

Short title

1. These regulations may be cited as the *Private Investigation and Security Services Regulations* .

227/81 s1

[Back to Top](#)

Definition

2. In these regulations "Act" means the *Private Investigation and Security Services Act* .

227/81 s2

[Back to Top](#)

Application

3. Application may be made for a licence or a renewal of a licence
 - (a) to engage in the business of an agency; or
 - (b) to act as an agent; and
 - (c) in the case of an agency, shall be submitted on the form approved by the minister for the purpose; and
 - (d) in the case of an agent, shall be submitted on the form approved by the minister for the purpose; and
 - (e) in the case of an agency licence, shall be on the form approved by the minister for the purpose and accompanied by the indicated affidavit; and
 - (f) in the case of an agent licence, shall be on the form approved by the minister for the purpose; and
 - (g) in the case of an agent notification of termination of employment, shall be on the form approved by the minister for the purpose.

227/81 s3

[Back to Top](#)

Fees

4. Upon application, the fees for licences, including in the case of an agent, upon application for a temporary or renewal of licences shall be as set by the minister.

228/85 s1

[Back to Top](#)

Bond

5. (1) A bond to be furnished under section 14 of the Act shall be on the form approved for the purpose by the minister and shall be in the amount of

- (a) a minimum of \$5,000, where the agency employs up to 5 licensed agents;
- (b) a minimum of \$10,000, where the agency employs not less than 6 licensed agents and not more than 10 licensed agents; and
- (c) a minimum of \$15,000, where the agency employs more than 10 licensed agents.

(2) A bond referred to in subsection (1) shall be forfeited where a judgment has been entered against the holder of a licence for the recovery of money paid for services not performed or for anything done while engaged in the business of an agency or while acting as an agent unless the holder of the licence satisfies the judgment by some other means.

(3) The administrator may hand over or assign a bond forfeited to a judgment creditor of the holder of the licence or the Registrar of the Supreme Court in trust for a person who becomes a judgment creditor of the licensee upon sufficient proof but in either case only in respect of claims arising out of the circumstances under which the security was forfeited.

(4) A licence may be revoked upon forfeiture of the bond.

(5) Nothing in the Act or the regulations pertaining to liability insurance or bonding applies to an agency supplying the services of armoured vehicle guards as defined in paragraph 2(c.1) of the Act.

(6) This section shall apply, with the necessary changes, to a security guard agency which employs security guards and is licensed under the Act.

227/81 s5; 70/07 s1

[Back to Top](#)

Administrator shall issue licence

6. Under subsection 15(1) of the Act, the administrator shall, upon receipt of an application, issue a licence to a person to carry on business as an agency unless after making the inquiry that he or she considers necessary, he or she is of the opinion that

- (a) the person does not comply with the requirements of the Act or the regulations;
- (b) the person has knowingly made or caused to be made a false or misleading statement in the application for the licence;
- (c) having regard to his or her financial position, the person cannot reasonably be expected to be financially responsible in the conduct of his or her business;
- (d) the person or the person who will manage the business is not competent to act responsibly in the conduct of the business that would be authorized by the licence;
- (e) the past conduct of the person or the person who will manage the business indicates that it will not be carried on in accordance with the law and with acceptable business practices;
- (f) where the person is a corporation, partnership or association of natural persons
 - (i) the officers or directors of the corporation or the members of the partnership or association of natural persons are not competent to act responsibly in the conduct of the business, or

- (ii) the past conduct of the officers or directors of the corporation affords reasonable grounds for belief that the business will not be carried on in accordance with law with acceptable business practices;
- (g) the person or the person who will manage the business is not in a position to observe or carry out the provisions of this Act and the regulations;
- (h) the person or the person who will manage the business is carrying on activities that are or will be if a licence is issued in contravention of this Act or the regulations;
- (i) the person or the person who will manage the business is engaged in or proposes to engage in an activity in addition to carrying on the business that may give rise to conflict of interest;
- (j) the proposed name of the agency is so similar to the name of an existing agency as to be likely to cause confusion between them or to mislead persons into believing that the agency is the existing agency;
- (k) another ground for refusal to issue prescribed by this Act or the regulations exists; or
- (l) for another reason to do so is not in the public interest.

227/81 s6

[Back to Top](#)

Administrator to issue licence

7. (1) Under paragraph 15(1)(a) of the Act the administrator shall upon receipt of an application issue a licence to a person to act as an agent unless after making such inquiry as he or she considers necessary, he or she is of the opinion that

- (a) the person does not comply with the requirements of the Act or the regulations for a licence;
- (b) the person has knowingly made or caused to be made a false or misleading statement in the application for the licence;
- (c) the past conduct of the person affords reasonable grounds for belief that he or she will not act as an agent in accordance with law and in accordance with acceptable standards;
- (d) the person is not in a position to observe or carry out the provisions of the Act and the regulations;
- (e) the person is engaged in or proposes to engage in an activity in addition to acting as an agent that may give rise to a conflict of interest;
- (f) another ground for refusal to issue prescribed by the Act or the regulations; or
- (g) for another reason to do so is not in the public interest.

(2) [Rep. by 70/07 s2]

(3) [Rep. by 70/07 s2]

(4) [Rep. by 70/07 s2]

227/81 s7; 70/07 s2

[Back to Top](#)

First time applicant

8. (1) Under paragraph 15(1)(a) of the Act, a first time applicant for a private investigator licence shall provide proof of successful completion of the training course or examination provided for this purpose by a community college established under the *College Act, 1996* .

(2) Proof of successful completion of a training course received from an institution in Canada other than a community college established under the *College Act, 1996* will be considered provided that course meets the training criteria established by the administrator.

(3) An applicant who has not completed the training program as set out in this section may be granted a licence which is subject to successful completion by the applicant of the course or examination within the period of time as set by the administrator.

[70/07 s3](#)

[Back to Top](#)

Proof of membership

9. Under subsection 15(3) of the Act, an applicant for a licence to conduct a business as a private investigation or a security guard agency, except an agency which only employs armoured vehicle guards, shall provide proof of membership in the Newfoundland Security Guards and Private Investigators Agencies Association Ltd.

[227/81 s9; 70/07 s4](#)

[Back to Top](#)

Expiry of licence

10. (1) A licence issued under the Act, unless sooner revoked, shall expire

- (a) for an agent - 12 months from the date of issue; and
- (b) for an agency - 12 months from the date of issue.

(2) Notwithstanding another provision of these regulations, a temporary licence may be issued to an agent to act as a private investigator for a period not to exceed 4 months in a 12 month period and the issue of the temporary licence shall not be subject to proof of successful completion of a course or examination.

[228/85 s2; 208/89 s1; 70/07 s5](#)

[Back to Top](#)

Uniform

11. A security guard, armoured vehicle guard and burglar alarm agent who installs, services, tests or patrols a burglar alarm system shall, while on duty, wear a uniform which

- (a) shall not resemble nor be easily confused with the uniforms of the Royal Canadian Mounted Police or the Royal Newfoundland Constabulary;
- (b) must display on the sleeves of all visible dress at the shoulders the words "security guard" or "security" in clear legible letters not less than 9.1 millimetres in height woven into the fabric of

the uniform or of a patch securely attached to it in such a way as to be legible whether in combination with other letters or symbols.

227/81 s11; 70/07 s6

[Back to Top](#)

Penitentiary staff

12. Under subsection 34(1) of the Act, regularly employed penitentiary staff appointed under section 4 of the *Prisons Act* shall not be eligible for licensing under the Act or these regulations, nor may they be employed by a security guard agency licensed under the Act or these regulations.

70/07 s7

[Back to Top](#)

Fire arms

13. Under section 35 of the Act, an armoured vehicle guard may carry firearms including registered restricted weapons provided the requirements of the *Criminal Code* are met and the administrator is provided with proof that he or she has received appropriate training in the safe handling and use of firearms.

227/81 s13

[Back to Top](#)

Insignia

14. No insignia or markings on vehicles or equipment operated by agencies shall be designed in a manner which would resemble the markings or the insignia of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police.

227/81 s14

[Back to Top](#)

Display of licence

15. (1) An agency licence shall be displayed by the holder in a permanent and conspicuous place within the premises in which the holder carries on business.

(2) An agent licence shall be carried by the holder on every occasion during which the holder acts as an agent.

227/81 s15

[Back to Top](#)

Fingerprints

16. At the discretion of the administrator, an applicant on request shall provide fingerprints.

227/81 s16

[Back to Top](#)

Repeal

17. The Private Investigation and Security Services Regulations, 1981, Newfoundland Regulation 227/81, are repealed.