

UNEDITED

# *The Private Investigators and Security Guards Act*

*being*

Chapter P-26 of *The Revised Statutes of Saskatchewan, 1978*  
(effective February 26, 1979).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER P-26

### An Act respecting Private Investigators and Security Guards

#### Short title

1 This Act may be cited as *The Private Investigators and Security Guards Act*.

R.S.S. 1978, c.P-26, s.1.

#### Interpretation

2 In this Act:

##### “licence”

(a) “**licence**” means a licence issued under this Act;

##### “licensee”

(b) “**licensee**” means the holder of a licence under this Act;

##### “minister”

(c) “**minister**” means the member of the Executive Council to whom the administration of this Act is assigned;

##### “private investigator”

(d) “**private investigator**” means a person who makes investigations and furnishes information for hire or reward, including a person who:

(i) searches for and furnishes information concerning the personal character or actions of a person, or the character or kind of business or occupation of a person; or

(ii) searches for offenders against the law; or

(iii) searches for missing persons or property;

##### “registrar”

(e) “**registrar**” means the person appointed under section 4;

##### “security guard”

(f) “**security guard**” means a person who, for hire or reward, guards or patrols for the purpose of protecting persons or property.

1976, c.48, s.2; R.S.S. 1978, c.P-26, s.2.

#### Exemption from Act

3 The following classes of persons are exempt from the provisions of this Act:

(a) officers, constables or employees of any police force, or constables appointed under the *Railway Act* (Canada), or officers or employees of the Government of Canada or the Government of Saskatchewan or a municipality while engaged in the performance of the duties of their offices or employment;

(b) while engaged in the regular practice of their profession, barristers and solicitors resident in Saskatchewan who hold valid and subsisting annual certificates issued by the Law Society of Saskatchewan entitling them to practise at the bar of any court of civil or criminal jurisdiction in Saskatchewan;

(c) credit reporting agencies that hold subsisting licences under *The Credit Reporting Agencies Act*;

(d) members of the Corps of Commissionaires while acting within the objects of incorporation of the Corps;

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- (e) insurance adjustment agencies, insurance companies, or their employees, while acting in the usual and regular scope of their employment;
- (f) 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;
- (g) any class of persons exempted under the regulations.

1976, c.48, s.3; R.S.S. 1978, c.P-26, s.3.

**Appointment of registrar**

4(1) The Lieutenant Governor in Council may appoint a person as registrar for the purposes of this Act.

(2) The Lieutenant Governor in Council may determine the remuneration for services and allowance for travelling and other expenses to be paid to the registrar.

(3) The minister may, in accordance with *The Public Service Act*, employ any staff or employees that may be required for carrying out the provisions of this Act and persons so employed shall be deemed to be members of the public service within the meaning of clause (o) of section 2 of *The Public Service Act*.

1976, c.48, s.4; R.S.S. 1978, c.P-26, s.4.

**Requirement for licence**

5(1) No person shall:

- (a) engage in the business of providing private investigators or security guards in the province; or
- (b) act as a private investigator or security guard;

unless he is licensed under this Act.

(2) No person shall hold himself out as a private investigator or a security guard or as being engaged in the business of providing private investigators or security guards unless he is licensed under this Act.

(3) A statement in a letter, advertisement, card or other document to the effect that a person is engaged in the business of providing private investigators or security guards or is acting as a private investigator or security guard is prima facie evidence that he is so engaged or acting or holding himself out, as the case may be.

1976, c.48, s.5; R.S.S. 1978, c.P-26, s.5.

**Employee required to be licensed**

6 No person engaged in the business of providing private investigators or security guards shall employ as a private investigator or a security guard a person who is not the holder of a licence.

1976, c.48, s.6; R.S.S. 1978, c.P-26, s.6.

**Application for licence**

7(1) Every applicant for a licence to engage in the business of providing private investigators or security guards or to act as a private investigator or security guard shall apply to the registrar for the licence in the form prescribed in the regulations.

(2) Every person licensed to engage in the business of providing private investigators or security guards shall apply to the registrar in the form prescribed in the regulations for the licence of each person employed by the applicant as a private investigator or a security guard.

(3) Each application under subsection (1) or (2) shall be accompanied by:

- (a) the prescribed fee;
- (b) a bond of guarantee approved under *The Guarantee Companies Securities Act* in the form and amount prescribed by the registrar;
- (c) in the case of an application under subsection (1), proof that the applicant is registered to do business in Saskatchewan; and
- (d) such other information that may be required by the regulations.

1976, c.48, s.7; R.S.S. 1978, c.P-26, s.7.

**Address for service**

8(1) Every applicant for a licence under subsection (1) of section 7 shall state in the application an address for service in Saskatchewan.

(2) All notices under this Act or the regulations are sufficiently given or served for all purposes if sent by registered mail or delivered to the latest address for service provided under subsection (1) or section 9.

1976, c.48, s.8; R.S.S. 1978, c.P-26, s.8.

**Notification of change**

9 Every person licensed to engage in the business of providing private investigators or security guards shall, within five days of:

- (a) any change in 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 officers or members in the case of an association of individuals, partnership or corporation; or
- (c) any termination of employment of a private investigator or security guard;

give written notification to the registrar of such change or termination.

1976, c.48, s.9; R.S.S. 1978, c.P-26, s.9.

**Inquiry by registrar**

10 The registrar, or any person authorized by him, may make any inquiry or investigation the registrar deems necessary and may require information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material submitted.

1976, c.48, s.10; R.S.S. 1978, c.P-26, s.10.

**Issue of licence**

**11** The registrar may grant a licence where, in his opinion, the applicant is suitable to be licensed and the proposed licensing is not for any reason objectionable; but the registrar may refuse to grant a licence if after investigation he is for any reason of opinion that the applicant should not be granted a licence.

1976, c.48, s.11; R.S.S. 1978, c.P-26, s.11.

**Expiration and renewal of licence**

**12** Subject to subsection (1) of section 18 and section 19, a licence issued under this Act shall expire at the end of one year from the date of its issue and the registrar may renew annually the licence upon his receiving:

- (a) an application for renewal;
- (b) payment of the prescribed fee; and
- (c) full particulars of any change in the facts set forth in the latest previous application of the applicant.

1976, c.48, s.12; R.S.S. 1978, c.P-26, s.12.

**Licence may be subject to conditions**

**13** The registrar may grant or renew a licence subject to any terms and conditions he deems advisable.

1976, c.48, s.13; R.S.S. 1978, c.P-26, s.13.

**Opportunity to be heard**

**14** No decision to refuse to grant or renew a licence shall be made by the registrar without his first giving the applicant an opportunity to be heard.

1976, c.48, s.14; R.S.S. 1978, c.P-26, s.14.

**Licence not be give to other person**

**15** No licensee shall give or make available to any other person his licence or a facsimile thereof.

1976, c.48, s.15; R.S.S. 1978, c.P-26, s.15.

**Licence to be displayed**

**16** A person licensed to engage in the business of providing private investigators or security guards must at all times cause to be displayed in his office his current licence.

1976, c.48, s.16; R.S.S. 1978, c.P-26, s.16.

**Temporary licence to executor or administrator**

**17** Where a person who is licensed to engage in the business of providing private investigators or security guards dies, the registrar may grant to his executor or administrator a temporary licence for a period stated in the licence, and all licensed employees of the deceased licensee at the time of his death shall be deemed to be licensed as employees of the executor or administrator.

1976, c.48, s.17; R.S.S. 1978, c.P-26, s.17.

**Cancellation of licence on termination of employment**

**18(1)** The licence of a private investigator or security guard obtained pursuant to an application under subsection (2) of section 7 is cancelled upon the termination of the employment in respect of which it was issued.

(2) When a licensed private investigator or security guard ceases to be employed as such, he shall surrender his licence immediately to his employer who shall forward it to the registrar.

(3) Every person licensed to engage in the business of providing private investigators or security guards shall, upon the termination of the business, immediately forward to the registrar his licence together with the licences of his employees.

1976, c.48, s.18; R.S.S. 1978, c.P-26, s.18.

**Cancellation or suspension of licence for cause**

**19(1)** The registrar may suspend or cancel a licence where:

- (a) the licensee is convicted of an offence under any Act of the Parliament of Canada or any Act of the Legislature or any regulation made thereunder;
- (b) the licensee is in breach of a term or condition of the licence; or
- (c) in the opinion of the registrar, it is in the public interest.

(2) Upon the suspension or cancellation of the licence of a person licensed to engage in the business of providing private investigators or security guards, the licences of all employees of that person are suspended or cancelled as the case may be.

(3) Where a licence is suspended or cancelled pursuant to this section the registrar may require the person whose licence was suspended or cancelled to forward his licence to the registrar.

(4) No decision to suspend or cancel a licence shall be made by the registrar without his first giving the licensee an opportunity to be heard.

1976, c.48, s.19; R.S.S. 1978, c.P-26, s.19.

**Seizure of licence**

**20** Where a licensee does not surrender a licence or forward it to the registrar in accordance with this Act, the registrar or a person authorized by him may seize the licence.

1976, c.48, s.20; R.S.S. 1978, c.P-26, s.20.

**Request for reasons for refusal to issue licence or basis for suspension or cancellation**

**21** Where the registrar refuses to grant or renew a licence, or suspends or cancels a licence, he shall, upon the request of the person whose licence or right to a licence is affected, give written reasons for his decision.

1976, c.48, s.21; R.S.S. 1978, c.P-26, s.21.

**Inquiry by registrar into complaint against licensee**

**22(1)** Where the registrar receives a complaint in writing in respect of the business of a person licensed to carry on the business of providing private investigators or security guards, the registrar may, in writing, request the person carrying on the business to furnish him with such information in respect of the matter complained of as the registrar requires.

(2) For the purposes of investigating a complaint under subsection (1), the registrar, or any person authorized in writing by him, may at any time enter any land or premises for the purposes of making an inspection of any books, documents and records of the person carrying on the business of providing private investigators or security guards and if necessary may seize any books, documents or records that may be evidence of a violation of this Act or the regulations.

(3) Where an inspection is made under subsection (2), the person inspecting shall have free access to all books of account, documents, bank accounts, voucher correspondence and records of every description of the person carrying on the business of providing private investigators or security guards, and no person shall withhold, destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

1976, c.48, s.22; R.S.S. 1978, c.P-26, s.22.

#### **Non-disclosure of information**

**23** Where information is received by the registrar or by the minister in connection with a record or return required under this Act or where information is received in the course of an inquiry or investigation authorized by this Act, the information so received shall not be disclosed without the consent of the minister except for the purposes of an appeal under this Act.

1976, c.48, s.23; R.S.S. 1978, c.P-26, s.23.

#### **Notification to persons affected by decision of registrar**

**24(1)** The registrar shall give any person who in the opinion of the registrar is affected thereby a notice of every direction, decision, order or ruling of the registrar.

(2) Notification under subsection (1) may be made by sending the notice by registered mail to the last known address of the person to be notified.

1976, c.48, s.24; R.S.S. 1978, c.P-26, s.24.

#### **Appeal of decision of registrar**

**25(1)** Where a person's licence or right to a licence is affected by a decision of the registrar the person may, within thirty days from the date of the decision, appeal to a judge of the Court of Queen's Bench who may, upon hearing the appeal, make any one or more of the following orders:

- (a) an order dismissing the appeal;
- (b) an order allowing the appeal;
- (c) an order allowing the appeal subject to terms and conditions;
- (d) an order varying the decision appealed against;
- (e) an order referring the matter back to the registrar for further consideration and decision;
- (f) an order awarding costs of the appeal;
- (g) such other order as to him seems just.

(2) The appeal shall be by notice of motion and a copy thereof shall be served upon the registrar not less than ten days before the day on which the motion is returnable.



(3) There shall be no further appeal.

1976, c.48, s.25; R.S.S. 1978, c.P-26, s.25.

**Prohibition of term “detective”, shall use proper name**

**26(1)** No person engaged in any business or employment, whether or not he is licensed under this Act, shall use the word “detective” in connection with such business or employment or hold himself out in any manner as a detective.

(2) No person shall engage in the business of providing private investigators or security guards in a name other than that under which he is licensed.

1976, c.48, s.26; R.S.S. 1978, c.P-26, s.26.

**Information confidential**

**27** Except as legally authorized or required, no person shall divulge to any person other than the client for whom the services were provided any information acquired while acting as a private investigator or security guard.

1976, c.48, s.27; R.S.S. 1978, c.P-26, s.27.

**Age limitation**

**28** No person shall act as a private investigator or a security guard unless he has attained the age of majority.

1976, c.48, s.28; R.S.S. 1978, c.P-26, s.28.

**Identification of private investigator**

**29(1)** No person acting as a private investigator shall have in his possession or display any badge, card or other identification or evidence of authority except:

- (a) his licence; and
- (b) a business card that does not contain any reference to licensing under this Act.

(2) Every private investigator shall, while on duty, carry on his person his licence and shall produce it for inspection at the request of any person.

1976, c.48, s.29; R.S.S. 1978, c.P-26, s.29.

**Uniform and identification of security guard**

**30(1)** No security guard shall wear a uniform unless it is approved by the registrar.

(2) No person acting as a security guard shall have on his uniform any badge or other identification containing the word “police”.

(3) Every security guard shall, while on duty, carry on his person his licence and shall produce it for inspection at the request of any person.

1976, c.48, s.30; R.S.S. 1978, c.P-26, s.30.

**Holding out as police prohibited**

**31** No licensee shall:

- (a) hold himself out in any manner as performing or providing services or duties connected with the police; or

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(b) include in any advertisement, notice or business card any reference to being licensed or bonded under this Act.

1976, c.48, s.31; R.S.S. 1978, c.P-26, s.31.

**Licensee not to act as collector**

**32** Notwithstanding *The Collection Agents Act*, no licensee shall act as a collector of accounts or undertake or hold himself out, or advertise as undertaking, to collect accounts for any person either with or without remuneration.

1976, c.48, s.32; R.S.S. 1978, c.P-26, s.32.

**Licensee acting as member of police force**

**33(1)** Subject to subsection (2), no licensee shall, by virtue of an agreement with a council or board of police commissioners or by some other means, act as a member of a police force.

(2) Subsection (1) does not apply to a licensee who has been appointed a special constable by a council or board of police commissioners and whose duties are limited by his appointment to the enforcement of traffic or parking laws or municipal bylaws, or the performance of a specific duty.

1976, c.48, s.33; R.S.S. 1978, c.P-26, s.33.

**False or misleading advertisement**

**34** Where, in the opinion of the registrar, any licensee makes false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the registrar may order immediate cessation of the use of the material.

1976, c.48, s.34; R.S.S. 1978, c.P-26, s.34.

**Recovery of money paid to person not licensed**

**35** Any money paid to a person who is engaged in the business of providing private investigators or security guards or who holds himself out as being so engaged but who is not properly licensed under this Act, or any money paid to a person who is acting as a private investigator or security guard or who holds himself out as so acting but who is not properly licensed under this Act, shall be recoverable by the payer in any court of competent jurisdiction.

1976, c.48, s.35; R.S.S. 1978, c.P-26, s.35.

**Offences and penalties**

**36** Every person who:

- (a) knowingly furnishes false information in any application under this Act or any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations;

is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year or to both such fine and imprisonment or, in the case of a corporation, to a fine of not more than \$5,000.

1976, c.48, s.36; R.S.S. 1978, c.P-26, s.36.

**Limitation of action**

**37** Proceedings to prosecute a person for an offence under this Act may be commenced within, but not after, two years after the occurrence of the facts upon which the proceedings are based.

1976, c.48, s.37; R.S.S. 1978, c.P-26, s.37.

**Certificate of registrar as evidence**

**38** A certificate signed by the registrar:

- (a) certifying that a person is licensed or not licensed under this Act;
- (b) certifying that a person has filed or not filed any document or material required or permitted to be filed with the registrar; or
- (c) concerning any other matter pertaining to licensing under this Act or filing of documents under this Act;

is, without proof of the office or signature of the registrar, prima facie proof of the facts certified therein for all purposes in any action, proceeding or prosecution.

1976, c.48, s.38; R.S.S. 1978, c.P-26, s.38.

**Regulations**

**39** The Lieutenant Governor in Council may make regulations:

- (a) exempting any person or class of persons from this Act or from any provisions thereof ;
- (b) prescribing the forms and other documents required under this Act and providing for their use;
- (c) requiring the payment of fees for the issuance or renewal of licences and prescribing amounts and conditions thereof;
- (d) governing the procedure for the issuance and renewal of licences and prescribing the terms and conditions thereof;
- (e) prescribing the amounts and form of bonds to be furnished under this Act, the conditions of forfeiture of bonds, the conditions upon which bonds may be cancelled, the period for which the bonds shall subsist, and respecting all matters consequent upon their forfeiture;
- (f) prescribing qualifications required to obtain a licence to act as a private investigator or security guard or a licence to engage in the business of providing private investigators or security guards;
- (g) requiring the keeping of books and records and the furnishing of information and returns by persons licensed under this Act;
- (h) prescribing the uniforms, badges and insignia that the registrar may approve for wearing by security guards;
- (i) prescribing the equipment and weapons that may be used by persons licensed under this Act;
- (j) defining any word or expression used in this Act but not defined in this Act;
- (k) respecting any other matter that he considers necessary or advisable to carry out effectively the intent and purpose of this Act.

1976, c.48, s.39; R.S.S. 1978, c.P-26, s.39.

**Transitional**

**40** Notwithstanding the repeal of *The Private Detectives Act*, a licence granted under that Act and in force upon the coming into force of this Act shall continue in force and effect until one year from the date of its issue unless cancelled sooner in accordance with this Act.

1976, c.48, s.41; R.S.S. 1978, c.P-26, s.40.

**Sums to be paid out of appropriation**

**41** Sums required for the purposes of this Act shall be paid out of moneys appropriated by the Legislature for the purpose.

1976, c.48, s.42; R.S.S. 1978, c.P-26, s.41.