

Concerning the application of the Regulations of the Private Security Bill

THE MINISTER OF PUBLIC SECURITY,

Given that paragraphs 1 to 5 of section 107 of the Bill on Private Security (L.R.Q ., c. S-3.5) foresee that the Bureau de la sécurité privée has to adopt regulations concerning the subjects contained in these paragraphs; Given that section 108 of this Bill foresees that the Bureau de la sécurité privée can adopt regulations concerning the subjects contained in this section;

Given that the first paragraph of section 109 of this bill foresees that the Bureau's regulations taken in application of these paragraphs and this section are subject to approval by the Minister of Public Security, who can approve them with or without modification;

Given that the proposed Private Security Act Regulations were published in Part 2 of the *Gazette officielle du Québec* on February 10th, 2010, in compliance with sections 10 and 11 of the Law on Regulations (L.R.Q ., c. R-18.1), with notice that they could be approved by the Minister at the expiration of a 45-day delay as of the date of publication;

Given that the 45-day delay has expired;

Given that the Bureau de la sécurité privée adopted the proposed Private Security Act Regulations on May 13th, 2010;

Given that it is fit to approve with modification the aforementioned Regulations project;

THE FOLLOWING HAS BEEN ADOPTED:

The Private Security Act Regulations, annexed to the present order, are approved.
Quebec, May 28th, 2010

The Minister of Public Security,
JACQUES P. DUPUIS

The Private Security Act Regulations

Private Security Bill
(L.R.Q., c. S-3.5, a. 107, 108)

SECTION I

AGENCY LICENCE

1. An agency licence request is submitted by the company representative on the form supplied by the Bureau de la sécurité privée. This request contains the following information:

- 1 the name, date of birth and the home and work addresses of the company representative;
- 2 the name under which the company does business;
- 3 the addresses of the company's head office and each of its Québec branches;
- 4 the name, date of birth and home address of the company's owner, of every partner or shareholder having a major interest in the company, according to section 8 of the Bill on Private Security (L.R.Q ., c. S-3.5), and of every director, as the case may be, as well as their status and their interest in the company;
- 5 the category of licence requested.

2. The agency licence request is accompanied by the following documents:

- 1 a copy of the incorporation papers, the deed of partnership or the registration statement made for the enterprise registrar, as the case may be;
- 2 proof that the company and its representative are solvent;
- 3 a certificate that the company holds liability insurance according to section 5;

- 4 proof of the Bond requested in section 6;
 - 5 a declaration by the representative that he is engaged full-time in the activities of the enterprise.
- 3.** The agency licence request is also accompanied, according to the licence category, by the following fees, reimbursed to the applicant should the licence not be delivered or renewed:
- 1 security guard agency: \$2,400;
 - 2 investigation agency: \$1,700;
 - 3 locksmith and electronic security systems agency: \$1,100 for each category;
 - 4 valuables transportation agency: \$1,100;
 - 5 security consulting agency: \$1,700.

The fee of \$102, non-refundable, is included for every person concerned by sections 7 and 8 of the Bill that must be submitted to security checks as foreseen in section 27 of the Bill.

- 4.** Apart from satisfying the conditions of section 7 of the Bill, the company representative who requests an agency licence must be solvent.
- 5.** The holder of an agency licence has to have a civil liability insurance policy for an amount equal to \$1,000,000 per disaster, covering him for the duration of his licence against the pecuniary consequences ensuing from a harmful incident occurring during the fulfillment of his activities, for the repair of physical, moral or material damages.
- 6.** An agency licence holder has to supply the Bureau with a security bond in the form of cash, bonds, or an insurance policy for the amount of \$10,000.
- 7.** The request for the renewal of an agency licence must be submitted at least 60 days prior to the licence expiry date. It is submitted on the form supplied by the Bureau, containing the information stipulated in section 1, and is accompanied by documents and amounts described in sections 2 and 3.
- 8.** An agency licence holder has to pay, on his licence renewal or issue anniversary date, the amount stipulated in section 3. The amount described in the first paragraph of this article is reimbursed should the licence be revoked pursuing verifications made according to section 27 of the Bill.
- 9.** The fee for a copy or the replacement of an agency licence is \$25.

SECTION II

AGENT LICENCE

- 10.** A request for an agent licence is requested on the form supplied by the Bureau. This request contains the following information:
- 1 the name, date of birth and applicant's home and work addresses;
 - 2 the name of the applicant's employer or that of the person who contracts his services, if such is the case;
 - 3 any other job the applicant may hold;
 - 4 the requested licence category.
- 11.** The following documents must accompany a request for an agent licence:
- 1 if necessary, a copy of the documents proving that the applicant meets the training requirements described in paragraph 1, section 19 of the Bill;
 - 2 a birth certificate;
 - 3 a statement by the applicant proving that he is aware of the responsibilities and obligations he faces by virtue of the Bill and of the Regulations that guide its application;

- 4 two identical colour photos, 50 by 70 millimetres, taken during the 6 months prior to the application, on a white background, facing forward, head and shoulders, bareheaded, dated on the back by means of a dater, one of which is authenticated by a person capable of confirming the applicant's identity.

12. The agent's licence application is also accompanied by the following amounts:

- 1 \$38 fee, reimbursed to the applicant should the licence not be delivered or renewed;
- 2 \$102 fee, non-refundable, to cover expenses to proceed with the security checks as foreseen in section 27 of the Bill.

13. The person who applies for a security consulting agent's licence has to, besides meeting the requirements foreseen in section 19 of the Bill, prove, to the Bureau's satisfaction that she possesses the practical knowledge and the professional skills to exercise this activity. For this purpose, the Bureau can require this person to undergo an interview, an exam or both.

14. The application for the renewal of an agent's licence must be submitted at least 45 days before the licence expiry date. It is submitted on the form supplied by the Bureau, which contains the information foreseen in section 10, and is accompanied by 2 photos respecting the requirements of paragraph 4, section 11 and the foreseen fee in section 12.

15. The holder of an agent's licence has to pay, at the time of his licence issuing or renewal date, an \$80 annual fee.

16. The fee for the replacement of an agent licence is \$25.

SECTION III

TEMPORARY AGENT'S LICENCE

17. The Bureau can deliver a temporary agent's licence to a person, to exercise a private security activity, in one of the following cases:

- 1 while he undergoes training that can qualify him to be issued an agent's licence by virtue of section 21 of the Bill, notably when he undergoes practical training;
- 2 when the particular needs of an inquiry justify resorting to the services of this person, notably to act as an infiltrator or double agent;
- 3 when a company needs to employ temporary manpower on the occasion of particular events, notably during sports or cultural activities, during industrial conflicts, during a disaster or during a pandemic.

Sections 10 to 12 apply to an application for a temporary agent's licence. Besides, the request must be supported by a statement by the person for whom the holder of the temporary licence will exercise the private security activity, giving evidence of the purpose for which he needs to resort to the services of the applicant.

18. Paragraph 1, section 19 of the Bill does not apply to the person who applies for a temporary agent's licence. Neither does paragraph 4 of this section apply to a person who applies for a temporary licence for the purposes specified in paragraph 1, section 17.

19. The holder of a temporary agent's licence must at all times remain under the responsibility of the person for whom he exercises a private security activity. He also has to remain under the supervision of a holder of an agent's licence, delivered according to section 21 of the Bill, when he exercises this activity.

20. The holder of a temporary agent's licence cannot exercise a security activity for any purpose other than the one for which he obtained the licence.

21. The person for whom the temporary agent's licence holder exercises a private security activity has to inform the Bureau when he stops using that person's services.
22. A temporary agent's licence can be renewed as long as the holder needs it for the purpose for which he obtained it. In case of renewal, the fee foreseen in section 12 is payable once a year.

SECTION IV

PAYMENT AND ANNUAL FEE ADJUSTMENTS

23. The payment of the fees stipulated by the present regulations is made by certified cheque or money order made out to the Bureau de la sécurité privée, by credit card or cash at the Bureau's head office.
24. The rights foreseen in sections 3, 12 and 15 are indexed on January 1st of every year according to the rate of increase of the general index of consumer prices for Canada for the 12 month period ending on September 30th of the previous year, as determined by Statistics Canada.
This indexing is decreased to the closest dollar if it includes a fraction of dollar lower than \$0.50. It is increased to the closest dollar if it includes a fraction of a dollar equal or superior to \$0.50. The Bureau publishes the result of this indexing by means of a notice in the Gazette officielle du Québec or by any other appropriate means.

SECTION V

REGISTER

25. The holder of an agency licence has to establish and update, in his main establishment in Quebec, a register of the persons in his service exercising a private security activity. The names of these persons and the activities they exercise are kept in this register as well as their hiring dates and, if such is the case, their termination of employment dates.

SECTION VI

EFFECTIVE DATE

26. The present regulations become effective on the fifteenth day following their publication date in the Gazette officielle du Québec. 53975