

Regulations and other Acts

M.O., 2020

Order number AM 0061-2020 of the Minister of Public Security dated 2 October 2020

Private Security Act
(chapter S-3.5)

CONCERNING the Regulation to amend the Regulation under the Private Security Act

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING that paragraphs 1 and 2 of section 107 of the Private Security Act (chapter S-3.5) provide that the Bureau de la sécurité privée must make regulations determining the form in which an application for a licence must be filed and the documents and fee that must be submitted with the application, and the annual fee that a licence holder must pay, which may vary according to the verification required;

CONSIDERING that paragraphs 1 and 2 of section 108 of the Act provide that the Bureau de la sécurité privée may make regulations determining the nature, form and content of the books, registers and records that an agency licence holder must keep and the rules relating to their preservation, use and destruction, and setting conditions additional to those prescribed in the Act for the issue of a licence;

CONSIDERING that the first paragraph of section 109 of the Act provides that regulations made by the Bureau de la sécurité privée under those paragraphs must be submitted to the Minister, who may approve them with or without amendments;

CONSIDERING that the Bureau de la sécurité privée made the draft Regulation to amend the Regulation under the Private Security Act on 30 January 2020;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation under the Private Security Act was published in Part 2 of the *Gazette officielle du Québec* of 4 March 2020 with a notice that it could be submitted to the Minister of Public Security who could approve it, with or without amendments, on the expiry of 45 days following that publication;

CONSIDERING that the 45-day period has expired and that no comments have been received;

CONSIDERING that it is expedient to approve the draft Regulation without amendment;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation under the Private Security Act, attached to this Order, is hereby approved.

Québec, 2 October 2020

GENEVIÈVE GUILBAULT,
Minister of Public Security

Regulation to amend the Regulation under the Private Security Act

Private Security Act
(chapter S-3.5, ss. 107 and 108)

1. The Regulation under the Private Security Act (chapter S-3.5, r. 1) is amended in section 1

(1) by inserting “current” in the first paragraph before “form”;

(2) by replacing “the” in subparagraph 2 of the second paragraph by “every”;

(3) by striking out “status and” in subparagraphs 4 and 4.1 of the second paragraph.

2. Section 2 is amended

(1) by replacing “as the case may be” in paragraph 1 by “as applicable”;

(2) by inserting “, on the current form provided by the Bureau,” in paragraph 3 after “a document”;

(3) by inserting the following after paragraph 4:

“(4.1) designation, on the current form provided by the Bureau, of the agency’s representative by a duly authorized person; and”.

3. Section 3 is amended

(1) by inserting “one-half of” in the portion before subparagraph 1 of the first paragraph before “which”;

(2) by striking out the last sentence of the second paragraph.

4. Section 7 is amended by inserting “current” in the second paragraph before “form”.

5. Section 8 is amended

(1) by replacing “on the anniversary dates” by “at least 60 days before the anniversary dates”;

(2) by replacing “The fee” by “One-half of the fee”.

6. Section 10 is amended by inserting “current” in the first paragraph before “form”.

7. Section 11 is amended by replacing subparagraph 2 by the following:

“(2) a copy of both sides of a valid piece of identification issued by the Government of Canada or a provincial or territorial government or, failing that, by a foreign government, containing at the least the applicant’s name, date of birth, photo and signature;

(2.1) a document evidencing that the applicant has Canadian citizenship, permanent resident status or a work permit issued by the competent Canadian immigration authorities;

(2.2) at the request of the Bureau, a medical certificate certifying that the applicant is in a physical and mental condition such that he or she is able to carry on the private security activity for which the licence is applied for;”.

8. Section 12 is amended

(1) by adding “, which are not reimbursed” in the portion before paragraph 1 after “fees”;

(2) by striking out “, reimbursed to the applicant if the licence is not issued or renewed” in paragraph 1;

(3) by striking out “non-reimbursable” in paragraph 2.

9. The Regulation is amended by inserting the following after section 12:

“**12.1.** A person who applies for an agent licence must

(1) have Canadian citizenship, permanent resident status or a work permit issued by the competent Canadian immigration authorities; and

(2) be in a physical and mental condition such that the person is able to carry on the private security activity for which the licence is applied for.”.

10. Section 14 is amended

(1) by inserting “current” in the second paragraph before “form”;

(2) by adding “, which are not reimbursed” at the end of the second paragraph.

11. Section 15 is amended by adding “, which are not reimbursed” in the portion before paragraph 1 after “fees”.

12. The heading of Division IV is amended by striking out “PAYMENT AND”.

13. Section 23 is revoked.

14. Section 24 is amended

(1) by replacing “provided for in sections 3, 12 and 15” in the first paragraph by “set under this Regulation” and “September” by “June”;

(2) by replacing the second paragraph by the following:

“The adjusted fees are rounded off as follows:

(1) where the annual increase resulting from the adjustment is between \$0.01 and \$0.25, they are increased by \$0.25;

(2) where the annual increase resulting from the adjustment is between \$0.25 and \$0.50, they are increased by \$0.50;

(3) where the annual increase resulting from the adjustment is between \$0.50 and \$1.00, they are increased by \$1.00;

(4) where the annual increase resulting from the adjustment is greater than \$1.00,

(a) they are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; or

(b) they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.”.

15. Section 25 is amended

(1) by inserting “and the date of birth” in the second paragraph after “names” and “, the number of their agent licence” after “carry on”;

(2) by adding the following paragraph at the end:

“The information entered in the register for those persons must be kept for a minimum of 2 years after the date on which their employment is terminated.”.

16. The fees set by paragraph 2 of section 12 of the Regulation under the Private Security Act (chapter S-3.5, r. 1) are

(1) \$92 as of (*insert the date of coming into force of this Regulation*); and

(2) \$100 as of 1 January 2021.

The fees set by paragraph 2 of section 15 of the Regulation under the Private Security Act are

(1) \$20 as of (*insert the date of coming into force of this Regulation*); and

(2) \$15 as of 1 January 2021.

Despite section 24 of the Regulation under the Private Security Act, as amended by section 14 of this Regulation, the fees are not adjusted in 2021.

17. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.