[Français](http://www.ontario.ca/fr/lois/loi/14s15)

Security for Electricity Generating Facilities and Nuclear Facilities Act, 2014

S.o. 2014, chapter 15  
Schedule 3

**Consolidation Period:** From June 24, 2015 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

Interpretation

[1.  (1)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s1s1)  In this Act,

“nuclear facility” means a facility referred to in the definition of “nuclear facility” in the Nuclear Safety and Control Act(Canada); (“installation nucléaire”)

“premises where a restricted access facility is located” means, with respect to a particular restricted access facility, any real property relating to the restricted access facility that is under the direct control of its operator, including any buildings and structures on that property; (“lieux où est située une installation à accès restreint”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“restricted access facility” means,

(a) a prescribed electricity generating facility, and

(b) a prescribed nuclear facility; (“installation à accès restreint”)

“security services” includes, without limitation, guarding or patrolling for the purpose of protecting persons or property. (“services de sécurité”)

Same

[(2)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s1s2)  A reference in this Act to premises includes a portion of the premises.

Appointment to provide security services

[2.](http://www.ontario.ca/fr/lois/loi/14s15" \l "s2)A person may be appointed in accordance with the regulations to provide security services in relation to premises where a restricted access facility is located.

Appointee is peace officer

[3.](http://www.ontario.ca/fr/lois/loi/14s15" \l "s3)Subject to the regulations, a person appointed under section 2 to provide security services in relation to premises where a restricted access facility is located is a peace officer while engaged in providing those services.

Powers relating to security services for restricted access facilities

[4.](http://www.ontario.ca/fr/lois/loi/14s15" \l "s4)A peace officer may exercise the following powers if it is reasonable to do so for the purpose of providing security services in relation to premises where a restricted access facility is located:

1. Require a person who wishes to enter the premises or who is on the premises,

i. to produce identification, and

ii. to provide information for the purpose of assessing whether the person poses a security risk.

2. Search, without warrant,

i. a person who wishes to enter the premises or who is on the premises,

ii. any vehicle that the person is driving, or in which the person is a passenger, while the person is on, entering or attempting to enter the premises, and

iii. any property in the custody or care of the person.

3. Refuse to allow a person to enter the premises or bring property onto the premises, and use reasonable force if necessary to prevent the person from doing so.

4. Demand that a person immediately leave the premises or immediately remove property in the custody or care of the person from the premises, and use reasonable force if necessary to remove the person or the property.

Arrest

[5.  (1)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s5s1)  A peace officer may arrest, without warrant, any person who,

(a) after being required to produce identification or provide information under paragraph 1 of section 4, enters or attempts to enter premises where a restricted access facility is located without producing the identification or providing the information;

(b) after being directed to submit to a search under paragraph 2 of section 4, enters or attempts to enter premises where a restricted access facility is located without submitting to the search;

(c) enters or attempts to enter premises where a restricted access facility is located, or brings or attempts to bring property onto such premises, after a refusal under paragraph 3 of section 4;

(d) enters, attempts to enter or is found on premises where a restricted access facility is located even though he or she knows, or ought to know, that entry to the premises is prohibited;

(e) does not immediately leave premises where a restricted access facility is located, or does not immediately remove property from such premises, after being demanded to do so under paragraph 4 of section 4; or

(f) in any other way obstructs or interferes with a peace officer in the exercise of the powers conferred by section 4.

Reasonable force

[(2)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s5s2)  Reasonable force may be used if necessary to make the arrest.

Delivery to police officer

[(3)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s5s3)  If the person who makes the arrest is not a police officer, he or she shall promptly call for the assistance of a police officer and give the person arrested into the custody of the police officer.

Deemed arrest

[(4)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s5s4)  A police officer to whom the custody of a person is given under subsection (3) shall be deemed to have arrested the person for the purposes of the provisions of the Provincial Offences Act applying to his or her release or continued detention and his or her bail.

Offences

[6.  (1)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s6s1)  A person is guilty of an offence if,

(a) after being required to produce identification or provide information under paragraph 1 of section 4, the person enters or attempts to enter premises where a restricted access facility is located without producing the identification or providing the information;

(b) after being directed to submit to a search under paragraph 2 of section 4, the person enters or attempts to enter premises where a restricted access facility is located without submitting to the search;

(c) the person enters or attempts to enter premises where a restricted access facility is located, or brings or attempts to bring property onto such premises, after a refusal under paragraph 3 of section 4;

(d) the person enters, attempts to enter or is found on premises where a restricted access facility is located even though he or she knows, or ought to know, that entry to the premises is prohibited;

(e) the person does not immediately leave premises where a restricted access facility is located, or does not immediately remove property from such premises, after being demanded to do so under paragraph 4 of section 4; or

(f) the person in any other way obstructs or interferes with a peace officer in the exercise of the powers conferred by section 4.

Penalty

[(2)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s6s2)  A person who is convicted of an offence under this section is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than 60 days, or to both.

Regulations

[7.  (1)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s7s1)  The Lieutenant Governor in Council may make regulations,

(a) prescribing electricity generating facilities for the purposes of clause (a) of the definition of “restricted access facility” in subsection 1 (1);

(b) prescribing nuclear facilities for the purposes of clause (b) of the definition of “restricted access facility” in subsection 1 (1);

(c) governing the appointment of persons under section 2, including providing different appointment processes for different classes of persons, different restricted access facilities or different circumstances, and governing the revocation of appointments;

(d) governing the qualifications and training of persons appointed under section 2;

(e) governing the exercise by persons appointed under section 2 of the powers of a peace officer;

(f) imposing duties on persons appointed under section 2 and governing those duties;

(g) providing for oversight of persons appointed under section 2, including, for example, providing processes for making and addressing complaints, reviewing actions and decisions, and conducting inspections and investigations;

(h) imposing on operators of restricted access facilities duties that relate to the security services to be provided by persons appointed under section 2, and governing those duties;

(i) governing the exercise of the powers conferred by section 4, including imposing restrictions, limitations and conditions on the exercise of those powers.

Rolling incorporation by reference

[(2)](http://www.ontario.ca/fr/lois/loi/14s15" \l "s7s2)  A regulation made under clause (1) (d), (e) or (i) that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made.

[8.](http://www.ontario.ca/fr/lois/loi/14s15" \l "s8)  Omitted (provides for coming into force of provisions of this Act).

[9.](http://www.ontario.ca/fr/lois/loi/14s15" \l "s9)  Omitted (enacts short title of this Act).

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