

Defence Controlled Access Area Regulations

SOR/86-957

NATIONAL DEFENCE ACT

Registration 1986-09-11

REGULATIONS RESPECTING ACCESS TO, EXCLUSION FROM AND SAFETY AND CONDUCT OF PERSONS IN, ON OR ABOUT ANY DEFENCE ESTABLISHMENT, WORK FOR DEFENCE OR MATERIEL

P.C. 1986-2078 1986-09-11

Her Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased hereby, pursuant to section 12 of the *National Defence Act*, to revoke the *Defence Establishment Trespass Regulations*, C.R.C., c. 1047 and, pursuant to section 231.1* of the said Act, to make the annexed *Regulations respecting access to, exclusion from and safety and conduct of persons in, on or about any defence establishment, work for defence or materiel*, in substitution therefor.

*S.C. 1985, c. 26, s. 64

SHORT TITLE

1. These Regulations may be cited as the *Defence Controlled Access Area Regulations*.

INTERPRETATION

2. In these Regulations,

"controlled access area" means any defence establishment, work for defence or materiel and includes any restricted area within such place or materiel; (*secteur d'accès contrôlé*)

"designated authority" means the Minister, the Chief of the Defence Staff or the officer in command or person in charge of a controlled access area; (*autorité compétente*)

"pass" means an authorization to enter a controlled access area in accordance with section 5; (*laissez-passer*)

"security guard" means

- (a) a peace officer,
- (b) a member of the Corps of Commissionaires,
- (c) an officer or non-commissioned member, or
- (d) an employee or other person engaged directly or indirectly by the Canadian Forces or the Department

to whom a designated authority has assigned duties relating to the enforcement of these Regulations. (*garde de sécurité*)

APPLICATION

3. These Regulations apply to all persons except those who are subject to the Code of Service Discipline.

PART I

ACCESS TO AND EXCLUSION FROM A CONTROLLED ACCESS AREA

4. Every person is prohibited from entering, exiting or remaining in or on any controlled access area except in compliance with these Regulations.

5. (1) No person shall enter a controlled access area without first obtaining a pass where a designated authority requires that a pass be obtained prior to entry.

(2) Where a designated authority or a security guard authorized by the designated authority to grant passes has reasonable grounds to believe that it is necessary for the purpose of maintaining security or preserving the routine, administration or order in, on or about a controlled access area, the designated authority or the security guard may delay the issue of or refuse to grant a pass and may withhold or revoke a pass.

6. (1) Notwithstanding any other provision of these Regulations, where a designated authority has reasonable grounds to believe that it is necessary for the purpose of maintaining security or preserving the routine, administration or order in, on or about a controlled access area, the designated authority may prohibit any person from entering a controlled access area by notice in writing to the person specifying

(a) the period for which the prohibition is in effect; and

(b) the reason or reasons for the prohibition.

(2) No person shall enter a controlled access area during any period that the person has been prohibited from doing so under subsection (1).

7. A pass shall be valid only for the person to whom it is granted and for the purpose, period and specific controlled access area for which it is granted.

8. Every person to whom a pass is granted, other than a person to whom a pass is granted orally, shall

(a) retain it in his possession at all times while in or on the controlled access area except when required to surrender it;

(b) produce it on the demand of a security guard as often as may be required while remaining in or on the controlled access area;

(c) surrender it to any security guard and immediately leave the controlled access area on the demand of the security guard; and

(d) surrender it in the manner provided for by the designated authority on its revocation or expiration.

SOR/90-686, s. 1(F).

9. Every person shall

(a) enter and exit a controlled access area only by way of an established entrance or exit or such other way as may be authorized by a designated authority;

(b) comply with every direction given by or under the authority of a designated authority, including every written or printed direction contained in a pass and any written or printed notice, direction, rule, regulation or order displayed in, on or about a controlled access area; and

(c) immediately leave a controlled access area on the demand of a security guard.

10. Every person found in or on a controlled access area in contravention of these Regulations may be removed therefrom by a security guard, but the security guard shall use only such force as is necessary and that removal shall be without prejudice to any other proceedings that may be taken.

PART II

SEARCH

11. As a condition of being given access to any defence establishment, work for defence or materiel, every person shall, on the demand of a security guard, submit to a search of his person or personal property while entering or exiting any such place or materiel or any restricted area within such place or materiel.

12. Where a person refuses to submit to a search of his person or personal property when required to do so pursuant to section 11, the person may

(a) if the person is seeking entry, be denied access; or

(b) if the person is exiting, have his person and his personal property searched by a security guard who shall use only such force as is necessary for that purpose.

13. Except where there are reasonable grounds to believe that an immediate search is necessary to maintain security or to prevent danger to the safety of any person, a search of a person shall be carried out only by a person of the same sex.

14. A security guard may search without warrant any personal property about a controlled access area where the security guard has reasonable grounds to believe that the personal property is or may contain anything that is likely to endanger the safety of any person within the controlled access area.

PART III

SAFETY AND CONDUCT OF PERSONS

15. No person shall break down, damage, weaken or destroy any gate, fence, post, barrier, building or structure in or on a controlled access area.

16. No person shall remove, obliterate, deface or destroy any written or printed sign, notice, direction, rule, regulation or order that is posted, attached or affixed to or on any gate, fence, post, barrier, building or structure in or on a controlled access area.

17. Except with the prior consent of a designated authority, no person shall attach or affix anything to or on any gate, fence, post, barrier, building or structure in or on a controlled access area.

18. No person shall cause or participate in any disturbance while in, on or about a controlled access area.

19. Except with the prior consent of a designated authority, no person shall convey or cause to be conveyed alcoholic beverages into, within or from a controlled access area.

20. No person shall be in an intoxicated condition in or on a controlled access area.

21. Except with the prior consent of a designated authority, no person shall bring into or have on any controlled access area any photographic equipment or any recording or transmitting device, whether such device records or transmits images, sounds, data or other information of any type whatsoever.