

1980

c 162 Fines and Forfeitures Act

Ontario

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CHAPTER 162

Fines and Forfeitures Act

1. In this Act, "fine" includes all pecuniary fines, penalties and forfeitures. R.S.O. 1970, c. 167, s. 1. Interpretation

2.—(1) Where a fine has been imposed for a contravention of an Act of the Legislature or a regulation made thereunder and no other provision is made for its recovery, it is recoverable with costs by a civil action at the suit of the Crown. Recovery of fines by action

(2) Notwithstanding any general or special Act, no fine recovered for a contravention of an Act of the Legislature or a by-law or regulation made thereunder or any part of such fine shall be paid to a person acting as an informer or a prosecutor. R.S.O. 1970, c. 167, s. 2. No fines payable to informer or prosecutor

3. Where the amount of a fine is in the discretion of a court or judge or in case a court or judge has power to impose imprisonment in addition to or in lieu of a fine and no other mode of recovery is prescribed, it may be recovered upon indictment in the Supreme Court or court of general sessions of the peace. R.S.O. 1970, c. 167, s. 3. Recovery of fine by indictment

4. Every fine imposed for a contravention of any statute in force in Ontario and the proceeds of every forfeiture imposed and given to the Crown shall, where the disposal thereof is within the power of the Legislature, and except so far as other provision is made in respect thereto, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1970, c. 167, s. 4. To whom fine, etc., to be paid

5.—(1) Where a fine is imposed by or under the authority of an Act of the Legislature, the court or judge having cognizance of the proceedings for the recovery thereof may at any time after the commencement thereof remit in whole or in part such fine, whether the money is in whole or in part payable to the Crown or to some person other than the Crown and whether it is recoverable by indictment, information, summary process, action or otherwise. Remission of fine by court or judge

(2) A provincial judge or justice of the peace does not have the authority mentioned in subsection (1). R.S.O. 1970, c. 167, s. 5. Provincial judges and justices of the peace

Claimant of interest in personal property forfeited to Crown

6.—(1) Where there is a forfeiture of personal property to the Crown, any person who claims an interest in the property forfeited as owner, mortgagee, lien-holder or holder of a similar interest may, upon seven days notice to the Attorney General, apply for an order declaring his interest in the property immediately before forfeiture. R.S.O. 1970, c. 167, s. 6 (1); 1972, c. 1, s. 9 (7).

Application to judge

(2) An application under subsection (1) shall be made within sixty days of the date of forfeiture to a judge of the county or district court of the county or district in which forfeiture was made or in which the property was at the time of forfeiture.

Conditions of order

(3) On such application, where the claimant establishes to the satisfaction of the judge,

(a) that he had a *bona fide* interest in the property forfeited to the Crown; and

(b) that he exercised reasonable care with respect to the person given possession of the property to satisfy himself that the person was not likely to use the property contrary to any Act of the Legislature,

the judge shall make an order declaring the interest of the claimant in the property immediately before forfeiture. R.S.O. 1970, c. 167, s. 6 (2, 3).

Remission by Lieutenant Governor in Council
R.S.O. 1980, c. 235

7.—(1) The Lieutenant Governor in Council may at any time remit, in whole or in part, any fine mentioned in section 5 unless it was imposed by the *Legislative Assembly Act*, or by some Act respecting the election of members to the Assembly, or is recoverable in respect of any offence committed in connection with any such election.

Relief against civil consequences of conviction

(2) Where a fine is remitted, the Lieutenant Governor in Council may also relieve the offender from any other penalty or forfeiture consequent upon his conviction.

Remission of interest in personal property

(3) Upon receipt of an order made under section 6, the Lieutenant Governor in Council may remit, in whole or in part, the interest of the person in whose favour the order was made or afford such other relief as he sees fit. R.S.O. 1970, c. 167, s. 7.

Costs not to be remitted

8. Nothing in this Act authorizes the remitting of costs incurred up to the time of remitting the penalty or forfeiture. R.S.O. 1970, c. 167, s. 8.