

1989

c 24 Police and Sheriffs Statute Law Amendment Act, 1989

Ontario

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CHAPTER 24

**An Act to amend certain Acts
as they relate to Police and Sheriffs**

Assented to June 20th, 1989

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

57a.—(1) A board or council responsible for the policing of a municipality has the following responsibilities, with respect to premises where court proceedings are conducted:

Court security in municipalities with police forces

1. Ensuring the security of judges and of persons taking part in or attending proceedings.
2. During the hours when judges and members of the public are normally present, ensuring the security of the premises.
3. Ensuring the secure custody of persons in custody who are on or about the premises including persons taken into custody at proceedings.
4. Determining appropriate levels of security for the purposes of paragraphs 1, 2 and 3.

(2) The Ontario Provincial Police Force has the responsibilities set out in paragraphs 1, 2, 3 and 4 of subsection (1) in those parts of Ontario in which it has responsibility for policing.

Idem, other parts of Ontario

(3) The responsibilities created by this section replace any responsibility for ensuring court security that existed at common law.

Common law replaced

(2) No action or other proceeding for damages, specific performance or any other relief shall be instituted against Her

Contracts unenforceable

Majesty the Queen in right of Ontario or the Attorney General or their officers, employees or agents arising from the negotiation, performance or termination of any agreement relating to court security entered into before this Act comes into force.

2.—(1) Section 2 of the *Sheriffs Act*, being chapter 470 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed and the following substituted therefor:

Civil orders
directed to
sheriffs

2.—(1) Unless an Act provides otherwise, orders of a court arising out of a civil proceeding and enforceable in Ontario shall be directed to the sheriff for enforcement.

Police to
assist sheriff

(2) A sheriff who believes that the execution of an order may give rise to a breach of the peace may require a police officer to accompany the sheriff and assist in the execution of the order.

(2) Section 16 of the said Act is repealed.

(3) Section 17 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed.

3. Section 37 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended,

- (a) by striking out "the sheriff or a police force, or both" in the fourth last line of subsection (2) and inserting in lieu thereof "a police force";
- (b) by striking out "sheriff or" in the first line of subsection (4); and
- (c) by striking out "a sheriff or" in the second line of subsection (5).

4.—(1) Section 94 of the *Courts of Justice Act, 1984*, being chapter 11, is amended by inserting after "reporters" in the first line "court attendants".

(2) Subsection 108 (3) of the said Act is amended by striking out "and 146 (prohibition against photography at court hearings)" in the second and third lines and inserting in lieu thereof "146 (prohibition against photography at court hearings) and 152a (arrest and committal warrants enforceable by police)".

(3) The said Act is amended by adding thereto the following section:

152a. Warrants of committal, warrants for arrest and any other orders requiring persons to be apprehended or taken into custody shall be directed to police officers for enforcement. Orders enforceable by police

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

6. The short title of this Act is the *Police and Sheriffs Statute Law Amendment Act, 1989*. Short title

