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c 27 Amusement Devices Amendment Act, 1989

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CHAPTER 27

An Act to amend the Amusement Devices Act, 1986

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. Section 6 of the *Amusement Devices Act, 1986*, being chapter 6, is amended by adding thereto the following subsection:

(4) No person shall behave in or on an amusement device or do any work on an amusement device in such manner as to, Dangerous
behaviour

(a) impair the safe operation of the device; or

(b) endanger any person.

2. Section 10 of the said Act is amended by adding thereto the following subsection:

(2a) An inspector designated under subsection (1), Idem

(a) may require that a part of an amusement device be sealed to prevent readjustment thereof; and

(b) if there is reasonable grounds to believe that an amusement device can not or will not be operated safely, may require the licensee of the device to conduct, at the licensee's expense, such tests as the inspector may specify.

3.—(1) Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

(1) An inspector who has reason to believe that an amusement device, Order not
to use

(a) is not being or can not be operated safely;

- (b) will be operated unsafely; or
- (c) is being operated other than in accordance with a permit,

shall order that the device not be operated or used and shall affix a seal thereto.

(2) Subsection 12 (2) of the said Act is amended by adding at the end thereof “or that the device will be operated in accordance with a permit, as the case may be”.

4. The said Act is amended by adding thereto the following section:

Where
contravention

12a.—(1) An inspector who has reason to believe that there is a contravention of this Act or the regulations that does not present an immediate hazard may serve the contravener or a person who has the authority to correct the contravention with a written order directing that the deficiency be corrected within the time specified in the order.

Idem

(2) Any person who receives an order under subsection (1) and complies with the order is not guilty of an offence in respect of the contravention that was the subject-matter of the order.

5. Subsection 13 (1) of the said Act is repealed and the following substituted therefor:

Appeal

(1) Any person affected by an order of an inspector may appeal at any time to the Director.

6. Subsections 16 (1) and (2) of the said Act are repealed and the following substituted therefor:

Notification
of accident,
etc.

(1) If an accident or an incident occurs in connection with an amusement device that results in the death of or serious injury to any person, the licensee responsible for the device shall immediately notify the Director of the accident or incident.

Idem

(2) Every licensee responsible for an amusement device that is involved in an accident or in any incident indicating that the device is potentially dangerous shall notify the Director, by telephone, within twenty-four hours after the accident or incident and shall submit to the Director, within seven days after the accident or incident, a written report setting out the particulars of the accident or incident.

7.—(1) Subsection 17 (1) of the said Act is amended by inserting after “regulations” in the second line “or who fails to comply with an order of an inspector”.

(2) Section 17 of the said Act is amended by adding thereto the following subsection:

(3) No proceedings under this Act may be commenced after one year after the date when the subject-matter occurred or is alleged to have occurred. Time limit

8.—(1) Subsection 18 (1) of the said Act is amended by adding thereto the following clauses:

(ma) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees are to be paid;

(mb) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors and prescribing by whom the fees shall be paid.

(2) Subsection 18 (4) of the said Act is repealed and the following substituted therefor:

(4) The Director may allow a variance from any regulation to accommodate technological problems or advances if, in the opinion of the Director, the variance would not detrimentally affect the safe use of the amusement device involved. Variance by Director

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. The short title of this Act is the *Amusement Devices Amendment Act, 1989*. Short title

