



1937

## c 397 Parole Act

Ontario

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## CHAPTER 397.

## The Parole Act.

Interpre-  
tation.**1.** In this Act,—

"Board."

(a) "Board" shall mean the Board of Parole;

"Prisoner."

(b) "Prisoner" shall mean and include a person convicted of an offence against a statute of Ontario or against a municipal by-law and sentenced to confinement in a reformatory, common gaol, industrial farm, industrial school or other place of safe custody and prisoners serving indeterminate sentences referred to in section 43 of the *Prisons and Reformatories Act* (Canada);R.S.C.,  
c. 163."Regula-  
tions."

(c) "Regulations" shall mean regulations made by the Board under the authority of this Act;

"Secre-  
tary."

(d) "Secretary" shall mean the secretary of the Board. R.S.O. 1927, c. 362, s. 1.

Board of  
Parole  
established.

R.S.C. c. 163.

**2.** For the purposes of this Act and of the said the *Prisons and Reformatories Act* (Canada), there is constituted a board to be known as the Board of Parole which shall be composed of not more than six persons to be appointed by the Lieutenant-Governor in Council and notwithstanding that such board has heretofore been composed of only five members, every act, order and proceeding of such board shall be deemed to be and to have been valid, binding and effective. R.S.O. 1927, c. 362, s. 2; 1933, c. 59, s. 30 (1); 1935, c. 66, s. 13.

Chairman  
and secre-  
tary.

**3.**—(1) The Lieutenant-Governor in Council shall appoint a chairman and secretary of the Board.

Quorum.

(2) Three members of the Board shall form a quorum. R.S.O. 1927, c. 362, s. 3.

Chief  
Parole  
Officer.

**4.** The Lieutenant-Governor in Council may appoint an officer to be known as the Chief Parole Officer, who shall have such powers and perform such duties as may be prescribed by the regulations, and may appoint such assistants to the Chief Parole Officer as may be deemed necessary, and shall define the powers and duties of such assistants. R.S.O. 1927, c. 362, s. 4.

Powers  
and duties.

5. The Chief Parole Officer and his assistants shall be paid such annual salary or other remuneration as may be determined by the Lieutenant-Governor in Council. R.S.O. 1927, c. 362, s. 5. Salary of Chief Parole Officer and assistants.

6. The secretary may be paid such annual or other salary or remuneration as may be determined by the Lieutenant-Governor in Council. R.S.O. 1927, c. 362, s. 6. Salary of secretary.

7. The members of the Board shall serve without remuneration, but the Lieutenant-Governor in Council may fix a *per diem* allowance to be payable to the members for their attendance at the meetings of the Board, or for other attendances in connection with the transaction of any business of the Board, and every member of the Board shall be entitled to his reasonable and necessary travelling and living expenses as certified by the chairman of the Board. 1933, c. 59, s. 30 (2). Allowance to members.

8. The salary of the secretary, and the allowances for travelling and other expenses of the members of the Board shall be paid out of such moneys as may be appropriated by the Legislature for the general purposes of the Board. R.S.O. 1927, c. 362, s. 8. Salaries, etc., how payable.

9.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,— Regulations.

- (a) defining the duties, powers and responsibilities of the Board, the Chief Parole Officer and his assistants and the secretary;
- (b) defining the conditions under which a prisoner may be paroled under this Act or under the *Prisons and Reformatories Act* (Canada); R.S.C. c. 163.
- (c) prescribing the powers of the Board in dealing with a prisoner on parole who fails to comply with the terms upon which he has been paroled;
- (d) prescribing the form of returns to be made by public officers and other persons containing information as to the antecedents of any prisoner;
- (e) generally for the better carrying out of the provisions of this Act and the *Prisons and Reformatories Act* (Canada).

(2) The regulations shall have force and effect as to prisoners referred to in section 43 of the *Prisons and Reformatories Act* (Canada) only so far as such regulations have been approved by the Minister of Justice of Canada. R.S.O. 1927, c. 362, s. 9. When approval of Minister of Justice required.  
R.S.C. c. 163.

Release of  
prisoners  
on parole.

**10.** Subject to the regulations the Board may order the release on parole of any prisoner upon such conditions as the Board may deem proper. R.S.O. 1927, c. 362, s. 10.

Re-taking  
prisoners  
on breach of  
conditions  
of parole.

**11.** Every parole granted to a prisoner shall be conditional, whether so expressed or not, and subject to the regulations, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by the Chief Parole Officer or his assistants or any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled. R.S.O. 1927, c. 362, s. 11.

Assistance  
to prisoners.

**12.** It shall be the duty of the Board to assist prisoners on parole in procuring employment with trustworthy persons and in this manner to ensure as far as possible the success of the parole system. R.S.O. 1927, c. 362, s. 12.

Returns.

**13.** It shall be the duty of every public officer or other person having information or having access to any information bearing upon the fitness of a prisoner to be paroled, to make such return in writing to the Board as may be required by the regulations. R.S.O. 1927, c. 362, s. 13.

Annual  
report of  
Board.

**14.** The Board shall in each year, on or before the 31st day of October, make a report in writing to the Lieutenant-Governor in Council of the history and proceedings of the Board during the preceding twelve months. R.S.O. 1927, c. 362, s. 14.

Pardoning  
powers not  
affected.

**15.** Nothing in this Act contained shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor-General of Canada or the Lieutenant-Governor of Ontario to grant a reprieve, pardon, or commutation of sentence in any case. R.S.O. 1927, c. 362, s. 15.

Prisoners'  
Assistance  
Fund.

**16.**—(1) Whenever the Assembly shall have voted a sum of money as a Prisoners' Assistance Fund under the appropriation for the general purposes of the Board, payments from such fund may be made from time to time under the direction of the Provincial Secretary to such officers and persons as he may think proper, to be expended for the assistance of paroled prisoners to secure employment or necessary tools or equipment or for such other purposes for the use and benefit of such paroled prisoners as he may approve.

Payments  
out of fund  
on certifi-  
cate of  
Minister.

(2) The certificate or order of the Provincial Secretary that such sum of money is required to be paid out of the fund shall be sufficient authority for the issue of a cheque by the Treasurer

of Ontario for the amount named in such certificate or order and the officer or other person to whom the cheque is issued shall account to the Provincial Secretary for the proper disbursement of the amount received by such officer or other person, and the approval of the Provincial Secretary shall be final and the account shall not be subject to further inquiry or audit. R.S.O. 1927, c. 362, s. 16.

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