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c 136 Fines and Forfeitures Act

Ontario

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CHAPTER 136

The Fines and Forfeitures Act

1. In this Act, "fine" includes all pecuniary fines, penalties or forfeitures. R.S.O. 1937, c. 144, s. 1. Interpre-
tation.

2.—(1) Where a fine is imposed for a contravention of an Act of this Legislature, and no other provision is made for the recovery thereof it shall be recoverable with costs by a civil action at the suit of the Crown or of any person suing as well for the Crown as for himself before any court of competent jurisdiction upon the evidence of one credible witness other than the person interested. Recovery of
penalties by
action.

(2) If no other provision is made and the recovery is at the suit of the Crown the fine shall belong to the Crown, and if at the suit of a private party then one-half shall belong to him and the other half shall belong to the Crown. Application
of penalty.

(3) Where a fine belongs to the Crown the Lieutenant-Governor in Council may allow any part thereof to any person by whose information or aid it was recovered. R.S.O. 1937, c. 144, s. 2. Allowing
part of
penalty to
informant.

3. Where the amount of the fine is in the discretion of the court or judge or in case the court or judge has power to impose imprisonment in addition to or in lieu of the 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. 1937, c. 144, s. 3. Recovery of
penalties 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 this 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. 1937, c. 144, s. 4. To whom
fine, etc.,
to be paid.

5.—(1) Where a fine is imposed by or under the authority of any Act of this 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 Remission
of penalty
by court or
judge.

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 the same is recoverable by indictment, information, summary process, action or otherwise.

Magistrates
and justices
of the peace.

(2) A magistrate or justice of the peace shall not have the authority herein mentioned. R.S.O. 1937, c. 144, s. 5.

Remission
by Lieuten-
ant-
Governor in
Council.

Rev. Stat.,
c. 202.

6.—(1) The Lieutenant-Governor in Council may at any time remit, in whole or in part, any fine mentioned in section 5 unless the same is 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 conse-
quences 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. R.S.O. 1937, c. 144, s. 6.

Costs not
to be
remitted.

7. Nothing in this Act shall authorize the remitting of costs incurred up to the time of remitting the penalty or forfeiture. R.S.O. 1937, c. 144, s. 7.