



1914

c 99 Fines and Forfeitures Act

Ontario

© Queen's Printer for Ontario, 1914

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Fines and Forfeitures Act, RSO 1914, c 99

Repository Citation

Ontario (1914) "c 99 Fines and Forfeitures Act," *Ontario: Revised Statutes*: Vol. 1914: Iss. 1, Article 102.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1914/iss1/102>

CHAPTER 99.

An Act respecting Fines, Penalties and Forfeitures.

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

1. This Act may be cited as *The Fines and Forfeitures* short title.
Act.

2.—(1) Where a pecuniary fine, penalty or forfeiture is imposed for a contravention of an Act of this Legislature, Recovery of penalties by action. and no other provision is made for the recovery thereof, the fine, penalty or forfeiture 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.

(2) If no other provision is made and the recovery is at the suit of the Crown the fine, penalty or forfeiture 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. 7 Edw. VII. c. 26, s. 1. Application of penalty.

(3) Where a fine, penalty or forfeiture belongs to the Crown, the Lieutenant-Governor in Council may allow any part thereof to any person by whose information or aid the fine, penalty or forfeiture was recovered. 9 Edw. VII. c. 26, s. 3 (1). Allowing part of penalty to informant.

3. Where the amount of the fine, penalty or forfeiture 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, penalty or forfeiture, and no other mode of recovery is prescribed, the penalty or forfeiture may be recovered upon indictment in the High Court Division or General Sessions of the Peace. 7 Edw. VII. c. 26, s. 2. Recovery of penalties by indictment.

4. Where, by an Imperial Statute in force in Ontario, a pecuniary fine, penalty or forfeiture is imposed in respect of a matter within the legislative authority of this Legislature and the whole or part of the fine, penalty or forfeiture is in any manner appropriated for the support of the poor or to any parochial or other purpose inapplicable to Ontario, the fine, penalty or forfeiture or the part thereof so appropriated shall belong to the county, or city or town Application of penalties imposed under certain Imperial Acts.

separated from the county, in which the conviction has taken place, and in case a conviction has taken place in some part of Ontario without county organization then the fine, penalty or forfeiture shall belong to the Crown. 7 Edw. VII. c. 26, s. 3.

To whom fines,
etc., to be paid.

5. Every pecuniary fine and penalty imposed for a contravention of any Statute in force in Ontario and the proceeds of every forfeiture imposed and given to the Crown by any such Statute 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. 7 Edw. VII. c. 26, s. 4.

Remission of
penalty by
court or judge.

6.—(1) Where a pecuniary fine, penalty or forfeiture 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 in part such fine, penalty or forfeiture 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. 7 Edw. VII. c. 26, s. 5 (1); 9 Edw. VII. c. 26, s. 3 (2).

Authority not
extended to
justices of the
peace.

(2) This section shall not be held to give to a police-magistrate or justice of the peace the authority herein mentioned. 7 Edw. VII. c. 26, s. 5 (2).

Remission by
Lieutenant-
Governor in
Council.

Rev. Stat. c. 11.

7.—(1) The Lieutenant-Governor in Council may at any time remit any fine, penalty or forfeiture mentioned in the next preceding section in whole or in part 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. 7 Edw. VII. c. 26, s. 6.

Relief against
civil conse-
quences of
conviction.

(2) Where a fine, penalty or forfeiture is remitted, the Lieutenant-Governor in Council may also relieve the offender from any other penalty or forfeiture consequent upon his conviction. 9 Edw. VII. c. 26, s. 3 (3).

Costs not to
be remitted.

8. Nothing herein contained shall authorize the remitting of costs incurred up to the time of remitting the penalty or forfeiture. 7 Edw. VII. c. 26, s. 7.