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Prohibiting Profiting from Recounting Crimes Act, 2002

[S.O. 2002, Chapter 2](https://www.ontario.ca/laws/statute/s02002)

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CONTENTS

|  |  |
| --- | --- |
| [1.](#BK0) | Purpose |
| [2.](#BK1) | Definitions |
| [3.](#BK2) | Notice to Attorney General |
| [4.](#BK3) | Persons convicted of designated crimes: orders for payment and forfeiture |
| [5.](#BK4) | Persons convicted of designated crimes: interlocutory orders |
| [6.](#BK5) | Persons charged with designated crimes |
| [7.](#BK6) | Payment directly to Crown |
| [8.](#BK7) | Legal expenses |
| [9.](#BK8) | Special purpose account |
| [9.1](#BK9) | Management of property forfeited to the Crown |
| [10.](#BK10) | Standard of proof |
| [11.](#BK11) | Personal information |
| [12.](#BK12) | Protection from liability |
| [13.](#BK13) | Regulations |
| [14.](#BK14) | Transition: Victims’ Right to Proceeds of Crime Act, 1994 |

Purpose

**1** The purpose of this Act is to use proceeds of contracts for recounting crime to compensate persons who suffer pecuniary or non-pecuniary losses as a result of designated crimes and to assist victims of crime. 2002, c. 2, s. 1.

Definitions

**2** In this Act,

“agent” includes, with respect to a person convicted of or charged with a designated crime,

(a) a personal representative of the person convicted or charged, including an executor, administrator, administrator with the will annexed, guardian of property, attorney for property, committee, trustee or receiver of the person,

(b) a person who has been assigned rights of the person convicted or charged to receive money or other consideration under a contract for recounting crime,

(c) a corporation to which the person convicted or charged has a substantial connection, as prescribed by the regulations, and

(d) in the absence of evidence to the contrary,

(i) a spouse or a former spouse of the person convicted or charged, or

(ii) a person who has at any time been related by birth, adoption or marriage to the person convicted or charged; (“mandataire”)

“contract for recounting crime” means a contract under which money or other consideration is to be paid,

(a) to a person convicted of a designated crime or the agent of a person convicted of a designated crime,

(i) for the use of recollections of the convicted person that relate to the crime, including the use of those recollections in a publication, interview or appearance, but not including the use of those recollections in an appearance to address a victims’ group or imprisoned persons, or

(ii) for the use of documents or other things that relate to the crime and that are or have at any time been in the possession of the convicted person, or

(b) to a person charged with a designated crime or the agent of a person charged with a designated crime,

(i) for the use of recollections of the person charged that relate to the alleged crime, including the use of those recollections in a publication, interview or appearance, but not including the use of those recollections in an appearance to address a victims’ group or imprisoned persons, or

(ii) for the use of documents or other things that relate to the alleged crime and that are or have at any time been in the possession of the person charged,

whether the contract was entered into before or after this Act came into force; (“contrat d’utilisation du récit d’un acte criminel”)

“convicted” includes found guilty or found not criminally responsible on account of mental disorder; (“déclaré coupable”)

“designated crime” means an act or omission that,

(a) is an indictable offence under the Criminal Code (Canada) for which the maximum punishment is imprisonment for five years or a more severe punishment and that involves,

(i) the use or attempted use of violence against another person, or

(ii) conduct that endangered or was likely to endanger the life or safety of another person or that inflicted or was likely to inflict severe psychological damage on another person,

(b) is an offence or attempt to commit an offence under section 271, 272 or 273 of the Criminal Code (Canada),

(c) is an offence under the Criminal Code (Canada) that is prescribed by the regulations as a serious property offence, or

(d) is an offence under the criminal law of a jurisdiction outside Canada, if a similar act or omission would be an offence referred to in clause (a), (b) or (c) if it were committed in Canada,

whether the act or omission occurred before or after this Act came into force; (“acte criminel désigné”)

“Director” means the Director of Asset Management – Civil appointed under section 15.1 of the Civil Remedies Act, 2001; (“directeur”)

“legitimate owner” means, with respect to property referred to in clause (b) of the definition of “proceeds of a contract for recounting crime”, a person who,

(a) acquired the property for fair value and did not know and could not reasonably have known at the time of the acquisition that the property was proceeds of a contract for recounting crime, or

(b) acquired the property from a person mentioned in clause (a); (“propriétaire légitime”)

“proceeds of a contract for recounting crime” means,

(a) money or other consideration paid under a contract for recounting crime to a person convicted of or charged with a designated crime or the agent of a person convicted of or charged with a designated crime, whether the money or other consideration is paid before or after this Act came into force, or

(b) property acquired, directly or indirectly, in whole or in part, from money or other consideration referred to in clause (a), whether the property was acquired before or after this Act came into force; (“produit d’un contrat d’utilisation du récit d’un acte criminel”)

“property” means real or personal property, and includes any interest in property; (“bien”)

“publication” includes an electronic publication; (“publication”)

“regulations” means the regulations made under this Act; (“règlements”)

“spouse” means,

(a) a spouse as defined in section 1 of the Family Law Act, or

(b) either of two persons who live together in a conjugal relationship outside marriage. (“conjoint”) 2002, c. 2, s. 2; 2005, c. 5, s. 59; 2005, c. 33, s. 14; 2007, c. 13, s. 46 (1).

**Section Amendments with date in force (d/m/y)**

[2005, c. 5, s. 59 (1-3)](http://www.ontario.ca/laws/statute/S05005" \l "s59s1) - 09/03/2005; [2005, c. 33, s. 14](http://www.ontario.ca/laws/statute/S05033" \l "s14) - 15/12/2005

[2007, c. 13, s. 46 (1)](http://www.ontario.ca/laws/statute/S07013" \l "s46s1) - 04/06/2007

Notice to Attorney General

**3** (1)  Each party to a contract for recounting crime entered into after this section comes into force shall, not later than 15 days after the contract is entered into,

(a) give written notice to the Attorney General of the names and addresses of all the parties to the contract; and

(b) if the contract is in writing, give the Attorney General a copy of the contract or, if the contract is not in writing, give the Attorney General written notice of the terms of the contract. 2002, c. 2, s. 3 (1).

Same

(2)  Each party to a contract for recounting crime entered into on or after May 1, 1995 and before this section comes into force shall, not later than 15 days after this section comes into force,

(a) give written notice to the Attorney General of the names and addresses of all the parties to the contract; and

(b) if the contract is in writing, give the Attorney General a copy of the contract or, if the contract is not in writing, give the Attorney General written notice of the terms of the contract. 2002, c. 2, s. 3 (2).

Offence

(3)  A person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $50,000. 2002, c. 2, s. 3 (3).

Directors and officers

(4)  If a corporation commits an offence under subsection (3), a director or officer of the corporation who directed, authorized, participated in, assented to or acquiesced in the commission of the offence is guilty of the offence and on conviction is liable to the punishment provided for under subsection (3), whether or not the corporation has been prosecuted or convicted. 2002, c. 2, s. 3 (4).

Persons convicted of designated crimes: orders for payment and forfeiture

**4** (1)  In a proceeding commenced by the Attorney General, the Superior Court of Justice shall, except where it would clearly not be in the interests of justice,

(a) make an order requiring a person who is required to pay money or other consideration to another person under a contract to instead pay it to the Crown in right of Ontario, if the court finds that the money or other consideration is payable under a contract for recounting crime to a person convicted of a designated crime or to the agent of a person convicted of a designated crime; and

(b) subject to subsection (3), make an order forfeiting property that is in Ontario to the Crown in right of Ontario, if the court finds that the property is proceeds of a contract for recounting crime under which money or other consideration is payable to a person convicted of a designated crime or to the agent of a person convicted of a designated crime. 2002, c. 2, s. 4 (1).

Action or application

(2)  The proceeding may be by action or application. 2002, c. 2, s. 4 (2).

Legitimate owners

(3)  In the case of an order under clause (1) (b), if the court finds that property is proceeds of a contract for recounting crime and a party to the proceeding proves that he, she or it is a legitimate owner of the property, the court, except where it would clearly not be in the interests of justice, shall make such order as it considers necessary to protect the legitimate owner’s interest in the property. 2002, c. 2, s. 4 (3).

Same

(4)  Without limiting the generality of subsection (3), an order made under subsection (3) may,

(a) sever or partition any interest in the property or require any interest in the property to be sold or otherwise disposed of, to protect the legitimate owner’s interest in the property; or

(b) provide that the Crown in right of Ontario takes the property subject to the interest of the legitimate owner. 2002, c. 2, s. 4 (4).

Limitation period

(5)  A proceeding under this section shall not be commenced after the 15th anniversary of the first payment under the contract for recounting crime. 2002, c. 2, s. 4 (5).

Persons convicted of designated crimes: interlocutory orders

**5** (1)  On motion by the Attorney General in a proceeding or intended proceeding under section 4, the Superior Court of Justice may make any or all of the following interlocutory orders:

1. An order requiring a person who is required to pay money or other consideration to another person under a contract to instead pay it into court.

2. An order for the preservation, management or disposition of any property that is the subject of the proceeding, including,

i. an order restraining the disposition of the property,

ii. an order for the possession, delivery or safekeeping of the property,

iii. an order appointing a receiver or receiver and manager for the property,

iv. an order for the sale or other disposition of the property if it is perishable or of a rapidly depreciating nature,

v. an order to sever or partition any interest in the property or to require any interest in the property to be sold or otherwise disposed of, and for all or part of the proceeds of the severance, partition, sale or other disposition to be paid to the Crown in right of Ontario as compensation for its costs incurred in preserving, managing or disposing of the property and in enforcing or complying with any other order made under this subsection in respect of the property,

vi. an order giving the Crown in right of Ontario a lien for an amount fixed by the courton the property or on other property specified in the order to secure performance of an obligation imposed by another order made under this paragraph, or

vii. an order that notice of the proceeding or of any order made under this subsection be registered in a land registry office against the property or any other property specified in the order.

3. Any other interlocutory order that the court considers just. 2002, c. 2, s. 5 (1); 2005, c. 33, s. 15 (1).

Same

(2)  Except where it would clearly not be in the interests of justice, the court shall make an order under subsection (1) if the court is satisfied that there are reasonable grounds to believe that,

(a) money or other consideration is payable under a contract for recounting crime to a person convicted of a designated crime or to the agent of a person convicted of a designated crime; or

(b) property that is the subject of the proceeding is proceeds of a contract for recounting crime under which money or other consideration is payable to a person convicted of a designated crime or to the agent of a person convicted of a designated crime. 2002, c. 2, s. 5 (2).

Motion made without notice

(3)  An order under subsection (1) may be made on motion without notice for a period not exceeding 10 days. 2002, c. 2, s. 5 (3).

Extension

(4)  If an order under subsection (1) is made on a motion without notice, a motion to extend the order may be made only on notice to every party affected by the order, unless the court is satisfied that because a party has been evading service or because there are other exceptional circumstances, the order ought to be extended without notice to the party. 2002, c. 2, s. 5 (4).

Same

(5)  An extension may be granted on a motion without notice for a further period not exceeding 10 days. 2002, c. 2, s. 5 (5).

Liens on personal property

(6)  If an order under subparagraph 2 vi of subsection (1) gives the Crown a lien on personal property,

(a) the Personal Property Security Act applies with necessary modifications to the lien, despite clause 4 (1) (a) of that Act;

(b) the lien shall be deemed to be a security interest that has attached for the purposes of the Personal Property Security Act; and

(c) the Attorney General may perfect the security interest referred to in clause (b) for the purposes of the Personal Property Security Act by the registration of a financing statement under that Act. 2002, c. 2, s. 5 (6); 2005, c. 33, s. 15 (2).

Assignment of duties to Director

(7)  When the Attorney General requests it, the court making an order under paragraph 2 of subsection (1) shall assign any duties in respect of the property to the Director. 2005, c. 33, s. 15 (3).

On-going management of property

(8)  If an order is made under paragraph 2 of subsection (1) assigning a person other than the Director any duties in respect of the property, the person may do anything the court authorizes, either in that order or in an order made under subsection (9), for the on-going management or operation of the property before its final disposition, including,

(a) complying with the terms of any other order to which the property is subject, including an order to comply with environmental, industrial, labour or property standards or to pay taxes, utility charges or other charges;

(b) making improvements to the property to maintain its economic value; or

(c) pledging, hypothecating, mortgaging or otherwise using the property as security. 2005, c. 33, s. 15 (3).

Same

(9)  On motion, on notice to all of the parties to the proceeding, by a person described in subsection (8), the court may make an order authorizing the person to take any action that the court considers just for the on-going management or operation of the property before its final disposition. 2005, c. 33, s. 15 (3).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 15 (1-3)](http://www.ontario.ca/laws/statute/S05033" \l "s15s1) - 15/12/2005

[CTS 20 SE 10 - 10](http://www.ontario.ca/laws/consolidated-statutes-change-notices) - 20/09/2010

Persons charged with designated crimes

**6** (1)  On the application of the Attorney General, the Superior Court of Justice shall, except where it would clearly not be in the interests of justice, make one or more of the orders described in subsection (2) if the court is satisfied that there are reasonable grounds to believe that,

(a) money or other consideration is payable under a contract for recounting crime to a person charged with a designated crime or to the agent of a person charged with a designated crime; or

(b) property that is the subject of the application is proceeds of a contract for recounting crime under which money or other consideration is payable to a person charged with a designated crime or to the agent of a person charged with a designated crime. 2002, c. 2, s. 6 (1).

Orders

(2)  The orders referred to in subsection (1) are the following:

1. An order requiring a person who is required to pay money or other consideration under a contract for recounting crime to the person charged with a designated crime or the agent to instead pay it into court.

2. An order for the preservation, management or disposition of any property that is proceeds of a contract for recounting crime, including,

i. an order restraining the disposition of the property,

ii. an order for the possession, delivery or safekeeping of the property,

iii. an order appointing a receiver or receiver and manager for the property,

iv. an order for the sale or other disposition of the property if it is perishable or of a rapidly depreciating nature,

v. an order to sever or partition any interest in the property or to require any interest in the property to be sold or otherwise disposed of, and for all or part of the proceeds of the severance, partition, sale or other disposition to be paid to the Crown in right of Ontario as compensation for its costs incurred in preserving, managing or disposing of the property and in enforcing or complying with any other order made under this subsection in respect of the property,

vi. an order giving the Crown in right of Ontario a lien for an amount fixed by the courton the property or on other property specified in the order to secure performance of an obligation imposed by another order made under this paragraph, or

vii. an order that notice of the proceeding or of any order made under this subsection be registered in a land registry office against the property or any other property specified in the order.

3. Any other order that the court considers just. 2002, c. 2, s. 6 (2); 2005, c. 33, s. 16 (1).

Application may be made without notice

(3)  An application under subsection (1) may be made without notice, subject to the right of a person affected by any order made under subsection (1) to move under the Rules of Civil Procedure to set aside or vary the order. 2002, c. 2, s. 6 (3).

Order after prosecution determined

(4)  After the prosecution is finally determined, the court shall, on motion,

(a) set aside any order made under subsection (1) and order that money or other consideration paid into court pursuant to any order made under subsection (1) be paid to the person to whom it would otherwise have been payable, if,

(i) the result of the prosecution is that the person charged with a designated crime was not convicted of a designated crime, or

(ii) the result of the prosecution is that the person charged with a designated crime was convicted of a designated crime but the Attorney General did not commence a proceeding under section 4 within 90 days after the prosecution was finally determined; or

(b) if the result of the prosecution is that the person charged with a designated crime was convicted of a designated crime and the Attorney General commenced a proceeding under section 4 within 90 days after the prosecution was finally determined, direct that any order made under subsection (1) continue in force, subject to any order made in the proceeding commenced under section 4. 2002, c. 2, s. 6 (4).

Liens on personal property

(5)  Subsection 5 (6) applies with necessary modifications if an order under subparagraph 2 vi of subsection (2) gives the Crown a lien on personal property. 2005, c. 33, s. 16 (2).

Limitation period

(6)  An application under this section shall not be commenced after the 15th anniversary of the first payment under the alleged contract for recounting crime. 2002, c. 2, s. 6 (6).

Assignment of duties to Director

(7)  When the Attorney General requests it, the court making an order under paragraph 2 of subsection (2) shall assign any duties in respect of the property to the Director. 2005, c. 33, s. 16 (3).

On-going management of property

(8)  If an order is made under paragraph 2 of subsection (2) assigning a person other than the Director any duties in respect of the property, the person may do anything the court authorizes, either in that order or in an order made under subsection (9), for the on-going management or operation of the property before its final disposition, including,

(a) complying with the terms of any other order to which the property is subject, including an order to comply with environmental, industrial, labour or property standards or to pay taxes, utility charges or other charges;

(b) making improvements to the property to maintain its economic value; or

(c) pledging, hypothecating, mortgaging or otherwise using the property as security. 2005, c. 33, s. 16 (3).

Same

(9)  On motion, on notice to all of the parties to the proceeding, by a person described in subsection (8), the court may make an order authorizing the person to take any action that the court considers just for the on-going management or operation of the property before its final disposition. 2005, c. 33, s. 16 (3).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 16 (1-3)](http://www.ontario.ca/laws/statute/S05033" \l "s16s1) - 15/12/2005

[CTS 20 SE 10 - 10](http://www.ontario.ca/laws/consolidated-statutes-change-notices) - 20/09/2010

Payment directly to Crown

**7** (1)  A person who is required by a contract for recounting crime to pay money or other consideration to a person convicted of or charged with a designated crime or the agent of a person convicted of or charged with a designated crime may instead pay it to the Crown in right of Ontario, and payment under this subsection shall be deemed to be compliance with the contract to the extent of the payment to the Crown. 2002, c. 2, s. 7 (1).

Repayment if no proceeding commenced

(2)  If money or other property is paid to the Crown in right of Ontario under subsection (1), the Crown, not later than 90 days after receiving the payment, shall pay the money or other property to the person to whom it would otherwise have been payable under the contract unless the Attorney General has commenced a proceeding under section 4 or 6 and has paid the money or other property into court in the proceeding. 2002, c. 2, s. 7 (2).

Legal expenses

**8** (1)  Subject to the regulations, a person who claims an interest in money or other property that is paid into court in a proceeding commenced under section 4 or 6 or that is subject to an order for the preservation of property made under section 5 or 6 may make a motion to the Superior Court of Justice for an order directing that reasonable legal expenses incurred by the person be paid out of the money or other property. 2002, c. 2, s. 8 (1).

Restrictions on order

(2)  The court may make an order under subsection (1) only if it finds that,

(a) the moving party has, in the motion,

(i) disclosed all interests in property held by the moving party, and

(ii) disclosed all other interests in property that, in the opinion of the court, other persons associated with the moving party should reasonably be expected to contribute to the payment of the legal expenses;

(b) the interests in property referred to in clause (a) that are not subject to the order made under section 5 or 6 are not sufficient to cover the legal expenses sought in the motion. 2002, c. 2, s. 8 (2).

Special purpose account

**9** (1)  If money is paid to or forfeited to the Crown in right of Ontario under an order made under section 4 in respect of a designated crime, or other property is paid to or forfeited to the Crown in right of Ontario under an order made under section 4 in respect of a designated crime and is converted to money, the money shall be deposited in a separate, interest bearing account in the Consolidated Revenue Fund. 2002, c. 2, s. 9 (1).

Same

(2)  For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose. 2002, c. 2, s. 9 (2).

Payments out of account for Crown’s costs

(2.1)  If money is deposited in an account under subsection (1), the Minister of Finance shall make payments out of the account, at the request of the Director and in the amounts determined by the Director under subsection (3.4), to compensate the Crown in right of Ontario for its costs incurred,

(a) in conducting the proceeding under this Act with respect to the property;

(b) in determining whether the proceeding under this Act with respect to the property should be commenced;

(c) in preserving, managing or disposing of the property under this Act; and

(d) in enforcing or complying with orders made under this Act in respect of the property. 2005, c. 33, s. 17 (1).

Other payments out of account

(3)  Subject to the regulations and after making the payments, if any, out of the account under subsection (2.1), the Minister of Finance may make payments out of the account described in subsection (1) for the following purposes:

1. To compensate persons who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, as a result of the crime.

2. To assist victims of crime.

3. If, according to the criteria prescribed by the regulations, the amount of money in the account is more than is required for the purposes referred to in paragraphs 1 and 2, such other purposes as are prescribed by the regulations. 2005, c. 33, s. 17 (2).

Director’s election to give priority to persons who suffered loss

(3.1)  The Director may elect not to request payment out of the account under subsection (2.1) if, in his or her opinion, all or substantially all of the money in the account is needed to compensate the persons who are entitled to compensation under paragraph 1 of subsection (3). 2005, c. 33, s. 17 (2).

Payment for Crown’s costs after payment to persons who suffered loss

(3.2)  If the Director elects not to request payment under subsection (2.1), the Minister of Finance shall, at the request of the Director and in the amounts determined by the Director under subsection (3.4), make payments to compensate the Crown in right of Ontario for its costs incurred as described in subsection (2.1) out of the account, after the payments are made to compensate the persons who are entitled to compensation under paragraph 1 of subsection (3). 2005, c. 33, s. 17 (2).

Payment for Crown’s costs out of other accounts

(3.3)  If the amount of money in the account is insufficient to satisfy the Crown’s costs pursuant to a request made by the Director under subsection (2.1) or (3.2), the Minister of Finance shall make payments to compensate the Crown in right of Ontario for its unsatisfied costs out of another account into which money is deposited under subsection (1) as a result of another proceeding, after payments have been made out of that account to compensate the persons who are entitled to compensation out of that account under paragraph 1 of subsection (3) and to compensate the Crown for its costs incurred in respect of that account. 2005, c. 33, s. 17 (2).

Determination of Crown’s costs

(3.4)  The amount of the Crown’s costs under subsection (2.1) or (3.2) shall be determined by the Director on any basis, or combination of them, that he or she considers appropriate in the circumstances, including,

(a) a flat rate for every forfeiture;

(b) a flat rate for every step taken;

(c) an hourly rate;

(d) the actual costs; or

(e) a percentage of the value of the property forfeited. 2005, c. 33, s. 17 (2).

Series of crimes

(4)  If the Minister of Finance is satisfied that two or more designated crimes are part of a series of related crimes, he or she may deposit money relating to all the crimes into one account under subsection (1) and may make payments under this section in respect of any of the crimes out of the account. 2005, c. 33, s. 17 (3).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 17 (1-3)](http://www.ontario.ca/laws/statute/S05033" \l "s17s1) - 15/12/2005

Management of property forfeited to the Crown

**9.1** (1)  Property that is forfeited to the Crown in right of Ontario under an order made under this Act shall be dealt with and disposed of by the Director of Asset Management – Civil as provided under Part IV.1 of the Civil Remedies Act, 2001. 2005, c. 33, s. 18; 2007, c. 13, s. 46 (2).

Escheats Act, 2015 does not apply

(2)  The Escheats Act, 2015 does not apply to property that is forfeited to the Crown in right of Ontario under an order made under this Act. 2015, c. 38, Sched. 4, s. 29.

*Fines and Forfeitures Act* does not apply

(3)  The Fines and Forfeitures Act does not apply to property that is forfeited to the Crown in right of Ontario under an order made under this Act. 2005, c. 33, s. 18.

Mining lands

(4)  Despite subsection (1), where mining lands as defined in the Mining Act have become forfeited to the Crown in right of Ontario under an order made under this Act, such mining lands shall be dealt with and disposed of as Crown lands in the manner provided in the Mining Act. 2005, c. 33, s. 18.

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 18](http://www.ontario.ca/laws/statute/S05033" \l "s18) - 15/12/2005

[2007, c. 13, s. 46 (2)](http://www.ontario.ca/laws/statute/S07013" \l "s46s2) - 04/06/2007

[2015, c. 38, Sched. 4, s. 29](http://www.ontario.ca/laws/statute/S15038" \l "sched4s29) - 10/12/2016

Standard of proof

**10** Except as otherwise provided in this Act, findings of fact in proceedings under this Act shall be made on the balance of probabilities. 2002, c. 2, s. 10.

Personal information

**11** (1)  The Attorney General may collect personal information for any of the following purposes:

1. To determine whether a proceeding should be commenced under this Act.

2. To conduct a proceeding under this Act.

3. To identify and locate persons who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, in order to compensate such persons under paragraph 1 of subsection 9 (3) or subsection 9 (4).

4. To assist the Director in performing his or her duties and exercising his or her powers in respect of any property that is or may be the subject of a proceeding under this Act.

5. To enforce or comply with an order made under this Act. 2002, c. 2, s. 11 (1); 2005, c. 33, s. 19 (1).

Manner of collection

(2)  Personal information may be collected under subsection (1) directly from the individual to whom the information relates or in any other manner. 2002, c. 2, s. 11 (2).

Disclosure to assist in administration or enforcement of the law

(3)  The Attorney General shall disclose information collected under subsection (1) to a law enforcement agency or another person engaged in the administration or enforcement of the law if the Attorney General is of the opinion that the disclosure would assist in the administration or enforcement of the law, would be in the public interest and would not be contrary to the interests of justice. 2002, c. 2, s. 11 (3).

Obligation to disclose information to Attorney General

(4)  On the request of the Attorney General, a person who has knowledge of personal information or other information to which the Freedom of Information and Protection of Privacy Act or the Municipal Freedom of Information and Protection of Privacy Act applies and who acquired that knowledge in the circumstances prescribed by the regulations shall, despite those Acts and despite any confidentiality provision of any other Act, disclose the information to the Attorney General if the Attorney General indicates that the disclosure would assist in,

(a) determining whether a proceeding should be commenced under this Act;

(b) conducting a proceeding under this Act;

(c) identifying and locating persons who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, in order to compensate such persons under paragraph 1 of subsection 9 (3) or subsection 9 (4);

(d) assisting the Director in performing his or her duties and exercising his or her powers in respect of any property that is or may be the subject of a proceeding under this Act; or

(e) enforcing or complying with an order made under this Act. 2002, c. 2, s. 11 (4); 2005, c. 33, s. 19 (2).

Exception

(5)  Subsection (4) does not require a person to disclose information if the person believes that the disclosure would unduly interfere with the administration or enforcement of any Act of Canada or Ontario. 2002, c. 2, s. 11 (5).

Evidence in proceeding

(6)  Despite any confidentiality provision of any Act, a person who disclosed information under subsection (4) may be required to give evidence related to that information in a proceeding under this Act. 2002, c. 2, s. 11 (6).

Definition

(7)  In this section,

“personal information” means personal information within the meaning of Part III of the Freedom of Information and Protection of Privacy Act. 2002, c. 2, s. 11 (7).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 19 (1, 2)](http://www.ontario.ca/laws/statute/S05033" \l "s19s1) - 15/12/2005

Protection from liability

**12** No action or other proceeding may be commenced against the Attorney General, the Crown in right of Ontario or any person acting on behalf of, assisting or providing information to the Attorney General or the Crown in right of Ontario in respect of the commencement or conduct in good faith of a proceeding under this Act or in respect of the enforcement in good faith of an order made under this Act. 2002, c. 2, s. 12.

Regulations

**13** (1)  The Lieutenant Governor in Council may make regulations,

(a) prescribing circumstances in which a person has a substantial connection to a corporation for the purpose of clause (c) of the definition of “agent” in section 2;

(b) prescribing offences under the Criminal Code (Canada) as serious property offences for the purpose of clause (c) of the definition of “designated crime” in section 2;

(c) providing that orders under section 8 may apply only to legal expenses incurred for a purpose prescribed by the regulations and are subject to monetary limits prescribed by the regulations;

(d) governing payments out of accounts referred to in section 9, including governing the circumstances in which payments may be made, governing the amounts of payments, governing procedures for determining what payments are made and, in the case of payments under paragraph 1 of subsection 9 (3),

(i) providing that payments be made only with the approval of a person or body specified in the regulations, and

(ii) providing that a decision under subclause (i) to approve or not approve a payment is final and not subject to appeal, and shall not be altered or set aside in an application for judicial review or in any other proceeding unless the decision is patently unreasonable;

(e) prescribing circumstances for the purpose of subsection 11 (4);

(f) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the purpose of this Act. 2002, c. 2, s. 13 (1); 2019, c. 7, Sched. 11, s. 6.

General or particular

(2)  A regulation made under subsection (1) may be general or particular in its application. 2002, c. 2, s. 13 (2).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 11, s. 6](http://www.ontario.ca/laws/statute/S19007" \l "sched11s6) - 01/01/2022

Transition: *Victims’ Right to Proceeds of Crime Act, 1994*

**14** (1)  Any trust created by subsection 3 (1) of the Victims’ Right to Proceeds of Crime Act, 1994 is terminated on the day section 17 comes into force. 2002, c. 2, s. 14 (1).

Same

(2)  If a trust that is terminated under subsection (1) was established in respect of a contract that is a contract for recounting crime and the contract provides for money to be paid to a person convicted of a designated crime or the agent of a person convicted of a designated crime, any money held in the trust by the Public Guardian and Trustee on the day section 17 comes into force shall be deposited in a separate, interest bearing account in the Consolidated Revenue Fund, and section 9 applies, with necessary modifications, to the account. 2002, c. 2, s. 14 (2).

Same

(3)  If a trust is terminated under subsection (1) and subsection (2) does not apply, any money held in the trust by the Public Guardian and Trustee on the day section 17 comes into force shall be paid to the person to whom it would otherwise have been payable under the contract. 2002, c. 2, s. 14 (3).

**15-19** Omitted (amends or repeals other Acts). 2002, c. 2, ss. 15-19.

**20** Omitted (provides for coming into force of provisions of this Act). 2002, c. 2, s. 20.

**21** Omitted (enacts short title of this Act). 2002, c. 2, s. 21.

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[Back to top](#Top)