[Français](http://www.ontario.ca/fr/lois/loi/19c07b)

Combative Sports Act, 2019

[S.o.](https://www.ontario.ca/laws/statute/S19007" \l "BK11) 2019, chapter 7  
Schedule 9

**Consolidation Period:** From March 6, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2019, c. 7, Sched. 17, s. 171 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched17s171s1).

Legislative History: [2019, c. 7, Sched. 17, s. 171 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched17s171s1).

CONTENTS

|  |  |
| --- | --- |
| [Interpretation](#BK0) | |
| [1.](#BK1) | Definitions |
| [Commissioner](#BK2) | |
| [2.](#BK3) | Commissioner |
| [Ontario Combative Sport Advisory Council](#BK4) | |
| [3.](#BK5) | Ontario Combative Sport Advisory Council |
| [4.](#BK6) | Functions of Advisory Council |
| [5.](#BK7) | Meetings |
| [Licences](#BK8) | |
| [6.](#BK9) | Licence required |
| [7.](#BK10) | Application for licence |
| [8.](#BK11) | Issuance of licence |
| [9.](#BK12) | Refusal to issue a licence |
| [10.](#BK13) | Suspension or cancellation of a licence |
| [11.](#BK14) | Terms and conditions of a licence |
| [12.](#BK15) | Licence not transferable |
| [13.](#BK16) | Expiry of licence |
| [14.](#BK17) | Requirement to notify Commissioner if circumstances change |
| [Event Permit](#BK18) | |
| [15.](#BK19) | Event permit required |
| [16.](#BK20) | Prohibition re owner, occupier or operator of venue |
| [17.](#BK21) | Application for event permit |
| [18.](#BK22) | Issuance of event permit |
| [19.](#BK23) | Event permit not required for certain amateur combative sport contests or exhibitions |
| [20.](#BK24) | Refusal to issue event permit |
| [21.](#BK25) | Suspension or cancellation of event permit |
| [22.](#BK26) | Terms and conditions of an event permit |
| [23.](#BK27) | Event permit not transferable |
| [24.](#BK28) | Expiry of event permit |
| [25.](#BK29) | Permit holder to notify Commissioner if circumstances change |
| [26.](#BK30) | Security for professional combative sport contest or exhibition |
| [27.](#BK31) | Event administration fee |
| [Notification by Commissioner](#BK32) | |
| [28.](#BK33) | Notice of intention to refuse, etc. |
| [Inspections](#BK34) | |
| [29.](#BK35) | Appointment of inspectors |
| [30.](#BK36) | Purpose of inspection |
| [31.](#BK37) | Inspections without warrant |
| [32.](#BK38) | Powers on inspection |
| [33.](#BK39) | Warrants |
| [34.](#BK40) | Inspection report |
| [35.](#BK41) | Admissibility of certain documents |
| [Enforcement](#BK42) | |
| [36.](#BK43) | Compliance order |
| [37.](#BK44) | Notice of administrative penalty |
| [38.](#BK45) | Enforcement of administrative penalty |
| [Miscellaneous](#BK46) | |
| [39.](#BK47) | Crown debt |
| [40.](#BK48) | Enforcement measures |
| [41.](#BK49) | Consideration of past conduct |
| [42.](#BK50) | Offence |
| [43.](#BK51) | Special deeming rules re Criminal Code (Canada) |
| [44.](#BK52) | Protection from personal liability |
| [45.](#BK53) | No Crown liability |
| [46.](#BK54) | Confidentiality |
| [47.](#BK55) | Payment into CRF |
| [48.](#BK56) | Refunds |
| [Regulations](#BK57) | |
| [49.](#BK58) | Regulations — Minister |
| [50.](#BK59) | Regulations — Lieutenant Governor in Council |

Interpretation

Definitions

**1** (1)  In this Act,

“Advisory Council” means the Ontario Combative Sport Advisory Council established under section3; (“Conseil consultatif”)

“amateur combative sport contest or exhibition” has the meaning set out in the regulations; (“compétition ou exhibition de sports de combat amateurs”)

“combative sport” has the meaning set out in subsection (2); (“sport de combat”)

“Commissioner” means the Commissioner appointed under section 2; (“commissaire”)

“designated senior employee” means a person employed in the Ministry as an assistant deputy minister or in a position prescribed by the regulations; (“titulaire d’un poste supérieur désigné”)

“matchmaker” means a person who arranges a professional combative sport contest or exhibition; (“promoteur de match”)

“Minister” means the member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the Executive Council Act; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“official” means a person who participates in a professional combative sport contest or exhibition as a referee, judge or in any other prescribed capacity; (“officiel”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“professional combative sport contest or exhibition” has the meaning set out in the regulations; (“compétition ou exhibition de sports de combat professionnels”)

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

Note: Subsections 1 (2) and (3) and section 2 come into force on a day to be named by proclamation of the Lieutenant Governor.

Combative sport

(2)  A reference to “combative sport” in this Act and the regulations, including within the definitions of “amateur combative sport contest or exhibition” and “professional combative sport contest or exhibition” in subsection (1), means a sport in which contestants meet by previous arrangement for the purpose of an encounter or fight and,

(a) strike their opponents using their hands, fists, feet or any other body part or any combination of them;

(b) use throwing, grappling or submission techniques; or

(c) engage in any other prescribed technique.

Same

(3)  The Minister may set out in the regulations, for information purposes, sports that are combative sports.  However, for clarity, a sport may be a combative sport even if it has not been set out in the regulations.

Commissioner

Commissioner

**2** (1)  The Minister shall appoint, in writing, a person employed in the Ministry as the Commissioner for the purposes of this Act.

Powers and duties

(2)  The Commissioner shall have the powers and duties set out in this Act and such other powers and duties as may be prescribed.

Delegation

(3)  The Commissioner may delegate, in writing, any of the Commissioner’s powers or duties under this Act or the regulations to any person, including any person not employed in the Ministry, subject to any limitations, conditions and requirements set out in the delegation.

Ontario Combative Sport Advisory Council

Ontario Combative Sport Advisory Council

**3** (1)  A council known as the Ontario Combative Sport Advisory Council in English and Conseil consultatif ontarien des sports de combat in French is established.

Members

(2)  The composition of the Advisory Council shall be as provided in the regulations, and the members shall be appointed by the Lieutenant Governor in Council.

Chair, vice-chairs

(3)  The Lieutenant Governor in Council may designate one of the members of the Advisory Council to be the chair and one or more members of the Advisory Council to be vice-chairs.

Vice-chairs

(4)  A vice-chair shall act as and have all the powers and authority of the chair if the chair is absent or unable to act or if the chair’s position is vacant.

Remuneration and expenses

(5)  The Lieutenant Governor in Council may determine the remuneration and expenses of persons appointed under subsection (2).

Support

(6)  The Minister may designate any persons employed in the Ministry to provide support to the Advisory Council in the performance of its functions under this Act and the regulations.

Functions of Advisory Council

**4** The Advisory Council shall,

(a) advise the Minister regarding regulations under section 49; and

(b) perform any other duties as may be prescribed.

Meetings

**5** (1)  The Advisory Council may only hold meetings as directed by the Minister.

Meetings by telephone or other communications

(2)  A member of the Advisory Council may participate in a meeting by telephone or other means of communication that permits all of the persons participating to communicate, and a member so participating is considered to be present at the meeting.

Quorum

(3)  A majority of the members of the Advisory Council constitutes a quorum.

Note: Sections 6 to 48 come into force on a day to be named by proclamation of the Lieutenant Governor.

Licences

Licence required

**6** No person shall do any of the following unless the person holds a valid licence authorizing the activity:

1. Promote, conduct or hold a professional combative sport contest or exhibition.

2. Participate as a contestant in a professional combative sport contest or exhibition.

3. Provide services as a manager, matchmaker, second orofficial with respect to a professional combative sport contest or exhibition.

4. Engage in any other prescribed activity.

Application for licence

**7** A person may apply to the Commissioner for a licence by,

(a) submitting to the Commissioner,

(i) the prescribed information, authorizations and records,

(ii) any information, application form and other records required by the Commissioner, and

(iii) the prescribed fees; and

(b) complying with any additional prescribed requirements.

Issuance of licence

**8** The Commissioner shall issue a licence to an applicant, if the Commissioner,

(a) receives an application under section 7; and

(b) is satisfied that the applicant has complied with this Act and the regulations.

Refusal to issue a licence

**9** Subject to section 28, on receipt of an application under section 7, the Commissioner may refuse to issue a licence if,

(a) the applicant, or any of the officers, directors or representatives of the applicant,

(i) has contravened this Act, the regulations or the terms and conditions of a licence, or

(ii) fails to meet the requirements for the licence;

(b) the Commissioner has reasonable grounds to believe that,

(i) based on the past conduct of the applicant, or any officers, directors or representatives of the applicant, the applicant will not carry on business with honesty and integrity and in accordance with this Act, the regulations or any term or condition of the licence,

(ii) the applicant has made a false or misleading statement, with respect to any matter that the Commissioner considers material, in an application under section 7 or 17 or in any of the information or material submitted to the Commissioner in support of an application,

(iii) the issuance of the licence is not in the interest of the health and safety of the contestant, or

(iv) it is not in the public interest to issue the licence; or

(c) any other prescribed circumstances exist.

Suspension or cancellation of a licence

**10** (1)  Subject to section 28, the Commissioner may suspend or cancel a licence on any ground on which the Commissioner might have refused to issue the licence under section 9.

Reinstatement

(2)  If the Commissioner considers it appropriate to do so, and on receipt of any prescribed reinstatement fee, the Commissioner may reinstate a licence that has been suspended.

Terms and conditions of a licence

**11** (1)  On issuing or reinstating a licence, the Commissioner shall include the prescribed terms and conditions, if any, and may include any other terms and conditions that the Commissioner considers appropriate.

Amendment or imposition of new terms and conditions

(2)  Subject to section 28, at any time after a licence is issued or reinstated, the Commissioner may amend the terms and conditions imposed by the Commissioner under subsection (1) or impose new terms and conditions.

Licence not transferable

**12** A licence is not transferable.

Expiry of licence

**13** Unless cancelled under section 10 or14, a licence expires on the expiration of the prescribed period.

Requirement to notify Commissioner if circumstances change

**14** (1)  Within 30 days after a prescribed change in circumstances, an applicant for a licence or licensee shall notify the Commissioner in writing of the change.

Powers after receipt of information

(2)  Subject to section 28, after receiving information that there has been a change in circumstances in accordance with subsection (1), the Commissioner may,

(a) in the case of an applicant for a licence, refuse to issue a licence; or

(b) in the case of a licensee,

(i) suspend or cancel the licence, or

(ii) amend the terms and conditions imposed by the Commissioner under subsection 11 (1) or impose new terms and conditions.

Failure to comply with subs. (1)

(3)  Subject to section 28, if an applicant for a licence or licensee fails to comply with subsection (1), the Commissioner may,

(a) in the case of an applicant for a licence, refuse to issue a licence; or

(b) in the case of a licensee,

(i) suspend or cancel the licence, or

(ii) amend the terms and conditions imposed by the Commissioner under subsection 11 (1) or impose new terms and conditions.

Event Permit

Event permit required

**15** No person shall promote, conduct or hold an amateur combative sport contest or exhibition or a professional combative sport contest or exhibition unless the person holds a valid event permit authorizing the contest or exhibition.

Prohibition re owner, occupier or operator of venue

**16** No owner, occupier or operator of a building, structure or other premises shall allow the conduct or holding of an amateur combative sport contest or exhibition or a professional combative sport contest or exhibition in or at the building, structure or premises unless the Commissioner has issued a valid event permit for the contest or exhibition to be held in or at that building, structure or premises.

Application for event permit

**17** A person may apply to the Commissioner for an event permit by,

(a) submitting to the Commissioner,

(i) the prescribed information, authorizations and records,

(ii) any information, application form and other records required by the Commissioner, and

(iii) the prescribed fees; and

(b) complying with any additional prescribed requirements.

Issuance of event permit

**18** (1)  The Commissioner shall issue an event permit to an applicant if the Commissioner,

(a) receives an application under section 17; and

(b) is satisfied that the applicant has complied with this Act and the regulations.

Event permit re professional combative sport contest or exhibition

(2)  An event permit issued for a professional combative sport contest or exhibition shall only be in respect of a single contest or exhibition.

Event permit re amateur combative sport contest or exhibition

(3)  An event permit issued for an amateur combative sport contest or exhibition may be in respect of a single or multiple contests or exhibitions.

Appointment of officials

(4)  The Commissioner may appoint the officials for any professional combative sport contest or exhibition and require the prescribed fees and eligible expenses to be paid to the officials by the Commissioner on behalf of the event permit holder.

Event permit not required for certain amateur combative sport contests or exhibitions

**19** An amateur combative sport contest or exhibition may be held without an event permit if,

(a) the contest or exhibition is held with the permission of a prescribed person or entity or is held under any of the prescribed circumstances; or

(b) the contest or exhibition satisfies the prescribed criteria.

Refusal to issue event permit

**20** Subject to section 28, on receipt of an application under section 17, the Commissioner may refuse to issue an event permit if,

(a) the applicant, or any of the officers, directors or representatives of the applicant,

(i) has contravened this Act, the regulations or the terms and conditions of an event permit, or

(ii) fails to meet the requirements for the event permit; or

(b) the Commissioner has reasonable grounds to believe that,

(i) based on the past conduct of the applicant, or any officers, directors or representatives of the applicant, the applicant will not carry on business with honesty and integrity and in accordance with this Act, the regulations or any term or condition of the event permit,

(ii) the applicant has made a false or misleading statement, with respect to any matter that the Commissioner considers material, in an application under section 7 or 17or in any of the information or material submitted to the Commissioner in support of an application, or

(iii) it is not in the public interest to issue the event permit; or

(c) any other prescribed circumstances exist.

Suspension or cancellation of event permit

**21** Subject to section 28,the Commissioner may suspend or cancel an event permit on any ground on which the Commissioner might have refused to issue the event permit under section 20.

Terms and conditions of an event permit

**22** (1)  On issuing an event permit, the Commissioner shall include the prescribed terms and conditions, if any, and may impose any other terms and conditions that the Commissioner considers appropriate.

Amendment or imposition of new terms and conditions

(2)  Subject to section 28,at any time after an event permit is issued, the Commissioner may amend the terms and conditions imposed by the Commissioner under subsection (1) or impose new terms and conditions.

Event permit not transferable

**23** An event permit is not transferable.

Expiry of event permit

**24** Unless cancelled under section 21 or 25, an event permit expires on the expiration of the prescribed period.

Permit holder to notify Commissioner if circumstances change

**25** (1)  Within 30 days after a prescribed change in circumstances, an applicant for an event permit or a holder of an event permit shall notify the Commissioner in writing of the change.

Powers after receipt of information

(2)  Subject to section 28, after receiving information that there has been a change in circumstances in accordance with subsection (1), the Commissioner may,

(a) in the case of an applicant for an event permit, refuse to issue an event permit; or

(b) in the case of a holder of an event permit,

(i) suspend or cancel the event permit, or

(ii) amend the terms and conditions imposed by the Commissioner under subsection 22 (1) or impose new terms and conditions.

Failure to comply with subs. (1)

(3)  Subject to section 28, if an applicant for an event permit or holder of an event permit fails to comply with subsection (1), the Commissioner may,

(a) in the case of an applicant for an event permit, refuse to issue an event permit; or

(b) in the case of a holder of an event permit,

(i) suspend or cancel the event permit, or

(ii) amend the terms and conditions imposed by the Commissioner under subsection 22 (1) or impose new terms and conditions.

Security for professional combative sport contest or exhibition

**26** (1)  Before issuing an event permit for a professional combative sport contest or exhibition, the Commissioner shall require the applicant to post security, in accordance with the regulations, to ensure compliance with this Act, the regulations and the terms and conditions of the event permit.

Amount of security

(2)  The security referred to in subsection (1) shall be in an amount sufficient to cover,

(a) the fees and eligible expenses payable to officials appointed by the Commissioner under subsection 18 (4);

(b) the event administration fee payable under section 27; and

(c) any other amounts prescribed by regulation.

Form of security

(3)  The security referred to in subsection (1) shall be posted in one of the prescribed forms.

Forfeiture

(4)  A security required under this section shall be forfeited to the Crown in the prescribed circumstances and in accordance with the prescribed rules.

Event administration fee

**27** The holder of an event permit for a professional combative sport contest or exhibition shall pay to the Minister an event administration fee, in accordance with the requirements set out in the regulations.

Notification by Commissioner

Notice of intention to refuse, etc.

**28** (1)  The Commissioner shall notify the applicant, licensee or event permit holder, as the case may be, in writing if the Commissioner intends to,

(a) refuse to issue a licence;

(b) refuse to issue an event permit;

(c) suspend or cancel a licence or event permit; or

(d)amend the terms and conditions of a licence or event permit or impose new terms and conditions on a licence or event permit.

Contents of notice

(2)  The notice under subsection (1) shall set out the reasons for the proposed action and shall state that the applicant, licensee or event permit holder is entitled to a hearing by the Licence Appeal Tribunal if the applicant, licensee or event permit holder, within 15 days after service of the notice, serves a written request for a hearing on the Commissioner and the Tribunal.

If no request for hearing

(3)  If the applicant, licensee or event permit holder does not request a hearing in accordance with subsection (2), the Commissioner may take the action set out in the notice.

Exception, immediate action

(4)  Despite subsections (1) and (2), if the Commissioner considers that it is necessary and in the public interest or in the interest of health and safety to take immediate action, the Commissioner may immediately suspend or cancel a licence or an event permit without providing written notice to the licensee or event permit holder under subsections (1) and (2), but the Commissioner shall give the licensee or event permit holder a notice setting out the reasons for the suspension or cancellation and the notice shall state that the licensee or event permit holder is entitled to a hearing by the Licence Appeal Tribunal if the licensee or event permit holder, within 15 days after service of the notice, serves a written request for a hearing on the Commissioner and the Tribunal.

Same, no stay of action

(5)  A request for a hearing under subsection (4) does not stay the operation of the action taken by the Commissioner under that subsection.

Hearing

(6)  If the applicant, licensee or event permit holder requests a hearing in accordance with subsection (2) or (4), the Licence Appeal Tribunal shall appoint a time for and hold the hearing.

Powers of Tribunal

(7)  After holding the hearing, the Licence Appeal Tribunal may,

(a) by order, direct the Commissioner to carry out the action set out in the notice, with or without amendments, or substitute its opinion for that of the Commissioner; and

(b) by order, direct the Commissioner to take such action as the Tribunal considers he or she should take in accordance with this Act and the regulations.

Appeals from orders of the Tribunal

(8)  If an applicant, licensee or event permit holder appeals an order of the Licence Appeal Tribunal, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal.

Inspections

Appointment of inspectors

**29** (1)  The Minister may appoint any person to be an inspector for the purposes of this Act.

Commissioner is an inspector

(2)  The Commissioner is, by virtue of his or her office, an inspector.

Powers and duties

(3)  An inspector shall have the powers and duties set out in this Act and such other powers and duties as may be prescribed by the regulations.

Restrictions

(4)  The Minister may restrict an inspector’s powers of entry and inspection to specified premises.

Certificate of appointment

(5)  The Minister shall issue to every inspector a certificate of appointment which the inspector shall produce, upon request, when acting in the performance of his or her duties.

Purpose of inspection

**30** An inspector shall conduct inspections for the purpose of enforcing this Act and the regulations.

Inspections without warrant

**31** (1)  An inspector may, at any reasonable time and without a warrant, enter and inspect,

(a) a premises where an amateur combative sport contest or exhibition or professional combative sport contest or exhibition is being held or is scheduled to be held or where the inspector suspects on reasonable grounds that such a contest or exhibition is being held or is scheduled to be held; or

(b) a premises where the inspector suspects on reasonable grounds that a person has not complied with or is not complying with this Act or the regulations.

Dwellings

(2)  The power to enter and inspect a premises described in subsection (1) without a warrant shall not be exercised to enter and inspect a premises that is used as a dwelling, except with the consent of the occupier of the premises.

Powers on inspection

**32** (1)  An inspector conducting an inspection may,

(a) examine a record or other thing that is relevant to the inspection;

(b) demand the production for inspection of a document or other thing that is relevant to the inspection;

(c) on issuing a written receipt, remove for review and copying a record or other thing that is relevant to the inspection;

(d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business on the premises;

(e) take photographs, video recordings or other visual or audio recordings that are relevant to the inspection; and

(f) question a person on matters relevant to the inspection.

Limitation re photographs and recordings

(2)  A photograph or recording made under clause (1) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

Written demand

(3)  A demand that a record or other thing be produced for inspection must be in writing and must state,

(a) the nature of the record or thing required; and

(b) when the record or thing is to be produced.

Obligation to produce and assist

(4)  If an inspector demands that a record or other thing be produced for inspection, the person having custody of the record or other thing shall produce it for the inspector within the time provided for in the demand, and shall, upon the inspector’s demand,

(a) provide whatever assistance is reasonably necessary to produce a record in a readable form, including using a data storage, processing or retrieval device or system; and

(b) provide whatever assistance is reasonably necessary to interpret a record for the inspector.

Power to exclude persons

(5)  An inspector who questions a person under clause (1) (f) may exclude from the questioning any person except counsel for the individual being questioned.

Return of things

(6)  A record or other thing that has been removed for review and copying,

(a) shall be made available to the person from whom it was removed on request and at a time and place that are convenient for the person and for the inspector; and

(b) shall be returned to the person within a reasonable time.

Definition of record

(7)  In this section,

“record” means any document or record of information, in any form, including a record of personal information.

Warrants

**33** (1)  An inspector may, without notice, apply to a justice for a warrant under this section.

Issuance of warrant

(2)  A justice may issue a warrant authorizing an inspector named in the warrant to enter the premises specified in the warrant, and to exercise any of the powers mentioned in section 32, if the justice is satisfied on information under oath or affirmation,

(a) that,

(i) an amateur combative sport contest or exhibition or professional combative sport contest or exhibition is being held or is scheduled to be held at the premises or where the inspector suspects on reasonable grounds that such a contest or exhibition is being held or is scheduled to be held, or

(ii) the inspector suspects on reasonable grounds that a person has not complied with or is not complying with this Act or the regulations; and

(b) that,

(i) the inspector has been prevented from exercising a right of entry to the premises under section 31 or a power under subsection 32 (1), or

(ii) there are reasonable grounds to believe that the inspector will be prevented from exercising a right of entry to the premises under section 31 or a power under subsection 32 (1).

Dwellings

(3)  The power to enter a premises described in subsection (2) with a warrant shall not be exercised to enter a premises that is used as a dwelling, except where,

(a) the justice is informed that the warrant is being sought to authorize entry into a dwelling; and

(b) the justice authorizes the entry into the dwelling.

Expert help

(4)  The warrant may authorize persons who have special, expert or professional knowledge to accompany and assist the inspector in the execution of the warrant.

Expiry of warrant

(5)  A warrant issued under this section shall name a date on which it expires, which shall be no later than 30 days after the warrant is issued.

Extension of time

(6)  A justice may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days, upon application without notice by the inspector named in the warrant.

Police assistance, etc.

(7)  An inspector named in a warrant issued under this section may use whatever force is necessary to execute the warrant and may call upon a police officer for assistance in executing the warrant.

Other matters

(8)  Subsections 32 (3) to (7) apply, with necessary modifications, with respect to the exercise of the powers mentioned in subsection (2) under a warrant issued under this section.

Definition

(9)  In this section,

“justice” means a provincial judge or a justice of the peace.

Inspection report

**34** After completing an inspection, an inspector shall prepare an inspection report and, if the inspector is not the Commissioner, give a copy of the report to the Commissioner.

Admissibility of certain documents

**35** A copy made under subsection32 (1) that purports to be certified by the inspector as being a true copy of the original is admissible in evidence in any proceeding to the same extent as, and has the same evidentiary value as, the original.

Enforcement

Compliance order

**36** (1)  If the Commissioner or an inspector believes on reasonable grounds that a person is not in compliance with a provision of this Act or the regulations, the Commissioner or inspector may make a compliance order,

(a) ordering the person to comply with the provision;

(b) ordering the person to do or refrain from doing anything specified in the order; and

(c) specifying dates by which the person is required to do or refrain from doing the things specified.

Content of order

(2)  A compliance order shall include the information prescribed by the regulations.

Service

(3)  The order shall be served on the person whom the Commissioner or inspector believes is not in compliance with this Act or the regulations.

Amendment or revocation of order

(4)  If the Commissioner or inspector makes an order under subsection (1), he or she may amend or revoke it.

Notice

(5)  Upon amending or revoking an order under subsection (4), the Commissioner or inspector shall give written notice of the amendment or revocation to the person to whom the order is directed.

Notice of administrative penalty

**37** (1)  The Commissioner may issue a notice in writing requiring a person to pay an administrative penalty in the amount set out in the notice if the Commissioner is of the opinion that the person has contravened this Act or the regulations.

Purpose of administrative penalty

(2)  A notice of administrative penalty may be issued under this section for the purpose of,

(a) encouraging compliance with this Act and the regulations; or

(b) preventing a person from deriving, directly or indirectly, any economic benefit as a result of a contravention of this Act or the regulations.

Amount of administrative penalty

(3)  Subject to subsection (4), the amount of an administrative penalty in respect of a contravention,

(a) shall not exceed $10,000, except as otherwise prescribed;

(b) shall be determined by the Commissioner in accordance with the regulations; and

(c) shall reflect the purpose referred to in subsection (2).

One-year limitation

(4)  A notice of administrative penalty shall not be issued under this section more than one year after the day the most recent contravention on which the notice is based first came to the knowledge of the Commissioner.

Content of notice of administrative penalty

(5)  A notice of administrative penalty shall,

(a) contain or be accompanied by information setting out the nature of the contravention including, if relevant, the date on which and location where the contravention occurred;

(b) set out the amount of the penalty to be paid and specify the time and manner of the payment; and

(c) inform the person of his, her or its right to request a review of the notice by a designated senior employee.

Right to review

(6)  A person who receives a notice of administrative penalty may request a designated senior employee to review the notice by applying to the designated senior employee for a review in a form approved by the Minister,

(a) within 15 days after the notice is served; or

(b) within a longer period specified by the designated senior employee, if he or she considers it appropriate in the circumstances to extend the time for applying.

If no review requested

(7)  If a person who has received a notice of administrative penalty does not apply for a review under subsection (6), the person shall pay the penalty within 30 days after the day the notice was served.

If review requested

(8)  If a person who has received a notice of administrative penalty applies for a review under subsection (6), the designated senior employee shall conduct the review in accordance with the regulations.

Designated senior employee’s decision

(9)  Upon a review, the designated senior employee may,

(a) find that the person did not contravene the provision of this Act or regulations specified in the notice of administrative penalty, and rescind the notice;

(b) find that the person did contravene the provision of this Act or regulations specified in the notice of administrative penalty and affirm the notice; or

(c) find that the person did contravene the provision but that the penalty is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances, and in that case the employee shall amend the notice by reducing the amount of the penalty.

Decision final

(10)  The designated senior employee’s decision is final.

Non-application of SPPA

(11)  The Statutory Powers Procedure Act does not apply to a review conducted under subsection (8).

Payment after review

(12)  If the designated senior employee finds under clause (9) (b) or (c) that a person has contravened the provision of this Act or regulations specified in the notice of administrative penalty, the person shall pay the penalty required by the designated senior employee within 30 days after the day the decision was made.

Payment to Minister of Finance

(13)  A person who is required to pay an administrative penalty under this section shall pay the penalty to the Minister of Finance.

Enforcement of administrative penalty

**38** (1)  If a person who is required to pay an administrative penalty under section 37 fails to pay it within the time required under subsection 37 (7) or (12), the notice of administrative penalty or the designated senior employee’s decision, as the case may be, may be filed with a local registrar of the Superior Court of Justice and may be enforced as if it were an order of the court.

Same

(2)  Section 129 of the Courts of Justice Act applies in respect of a notice of administrative penalty or decision filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date on which the notice of administrative penalty or decision is filed under subsection (1) is deemed to be the date of the order that is referred to in section 129 of the Courts of Justice Act.

Miscellaneous

Crown debt

**39** An event administration fee payable under section 27or an administrative penalty imposed under section 37 that is not paid within the time required under that section is a debt due to the Crown and enforceable as such.

Enforcement measures

**40** The use of an enforcement measure provided for in this Act in respect of a contravention of this Act or the regulations does not prohibit the use, at the same time or different times, of any other enforcement measure or remedy provided for in this Act or otherwise available in law in respect of the same contravention.

Consideration of past conduct

**41** In making a decision under this Act, the Commissioner or a designated senior employee may consider any person’s current or past failures to comply with this Act or the regulations that the Commissioner or designated senior employee considers relevant.

Offence

**42** (1)  Every person who contravenes any provision of this Act or of the regulations is guilty of an offence.

Corporation

(2)  An officer or director of a corporation is guilty of an offence if he or she fails to take reasonable care to prevent the corporation from committing an offence mentioned in subsection (1).

Penalties

(3)  A person that is convicted of an offence under this Act is liable to,

(a) a fine of not more than $10,000 or to imprisonment for a term of not more than two years, or both, if the person is an individual; or

(b) a fine of not more than $100,000, if the person is not an individual.

Penalty re monetary benefit

(4)  The court that convicts a person of an offence under this section, in addition to any other penalty imposed by the court, may increase a fine imposed on the person by an amount equal to three times the court’s estimation of the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, despite the maximum fine provided in clause (3) (a) or (b).

Limitation

(5)  No proceeding under this section shall be commenced more than two years after the facts upon which the proceeding is based first came to the knowledge of the Commissioner.

Special deeming rules re Criminal Code (Canada)

**43** For the purposes of paragraph 83 (2) (c) of the Criminal Code (Canada),

(a) an event permit for an amateur combative sport contest or exhibition issued under section 18 is deemed to be permission to hold the contest or exhibition by the Lieutenant Governor in Council; and

(b) an amateur combative sport contest or exhibition that satisfies any of the criteria set out in section 19 is deemed to be held with the permission of the Lieutenant Governor in Council.

Protection from personal liability

**44** (1)  No action or other proceeding may be instituted against the Minister, the Deputy Minister of the Ministry, a member of the Advisory Council, any officer or employee who works in the Ministry including the Commissioner or a designated senior employee, any delegate of the Commissioner, or an inspector for any act done in good faith in the exercise or intended exercise of a power conferred under this Act or the regulations or in the execution or intended execution of a duty imposed under this Act or the regulations or for an alleged neglect or default in the execution in good faith of the power or duty.

Crown liability

(2)  Despite subsections 5 (2) and (4) of the Proceedings Against the Crown Act, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which the Crown would otherwise be subject.

Note: On the later of the day section 171 of Schedule 17 (Crown Liability and Proceedings Act, 2019) to the Protecting What Matters Most Act (Budget Measures), 2019 comes into force and the day subsection 44 (2) of Schedule 9 (Combative Sports Act, 2019) to the Protecting What Matters Most Act (Budget Measures), 2019 comes into force, subsection 44 (2) of the Act is amended by striking out “subsections 5 (2) and (4) of the Proceedings Against the Crown Act” and substituting “subsection 8 (3) of the Crown Liability and Proceedings Act, 2019” (See: 2019, c. 7, Sched. 17, s. 171 (1))

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

[2019, c. 7, Sched. 17, s. 171 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched17s171s1) - not in force

No Crown liability

**45** (1)  No cause of action arises against the Crown, a minister of the Crown, a Crown employee or a Crown agent as a result of any act or omission of a person who is not a minister of the Crown, a Crown employee or a Crown agent, if the act or omission is related, directly or indirectly, to an amateur combative sport contest or exhibition or a professional combative sport contest or exhibition, including but not limited to the activities mentioned in section 6.

No proceeding

(2)  No proceeding for damages, including but not limited to a proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation, shall be instituted against the Crown, a minister of the Crown, a Crown employee or a Crown agent by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

Confidentiality

**46** (1)  A person who obtains information in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations shall preserve secrecy with respect to the information and shall not communicate the information to any person except,

(a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act or the regulations;

(b) to a ministry, department or agency of a government engaged in the administration of legislation similar to this Act or to any other entity to which the administration of legislation similar to this Act has been assigned;

(c) as authorized under the Regulatory Modernization Act, 2007;

(d) to an entity or organization prescribed by the regulations, if the purpose of the communication is to assist in the supervision of a professional combative sport contest or exhibition;

(e) to a law enforcement agency;

(f) to his, her or its counsel;

(g) as required by law; or

(h) with the consent of the person to whom the information relates.

Testimony

(2)  Except in a proceeding under this Act, no person shall be required to give testimony in a civil proceeding with regard to information obtained in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations.

Payment into CRF

**47** (1)  All money received under the authority of this Act and the regulations shall be paid into the Consolidated Revenue Fund.

Money for special purpose

(2)  All amounts received in respect of fees and eligible expenses payable to officials appointed by the Commissioner under subsection 18 (4) are deemed, for the purposes of the Financial Administration Act, to be money paid to Ontario for a special purpose.

Refunds

**48** (1)  The Minister shall refund the security provided under section 26 to an applicant for an event permit or an event permit holder, less all sums owing under this Act and the regulations, in accordance with the regulations.

Same

(2)  The Minister may refund all or any part of a fee charged, in accordance with the regulations.

Regulations

Regulations — Minister

**49** (1)  The Minister may make regulations,

(a) setting out sports as combative sports for the purposes of subsection 1 (3);

(b) governing the conduct of an amateur combative sport contest or exhibition and the conduct of a professional combative sport contest or exhibition, including prescribing rules relating to such contests and exhibitions;

(c) governing fees and eligible expenses under subsection 18 (4), including,

(i) prescribing the amount of fees and expenses or the manner of determining fees and expenses, and

(ii) prescribing the manner in which and the period within which fees and expenses must be paid.

Restriction on Minister’s regulations

(2)  Except in urgent circumstances, the Minister shall not make a regulation under subsection (1) unless he or she has given a copy of the proposed regulation to the Advisory Council and allowed the Council at least one month to consider it and to provide advice on it to the Minister.

Rules under subs. (1) (b) apply even if no event permit

(3)  For greater certainty, a regulation made under clause (1) (b) applies to an amateur combative sport contest or exhibition even if an event permit under this Act is not required in respect of the contest or exhibition.

Exemption from rules prescribed under subs. (1) (b)

(4)  A regulation made under clause (1) (b) may permit the Minister to exempt an amateur combative sport contest or exhibition or professional combative sport contest or exhibition from the rules set out in the regulation that apply to the combative sport, provided that the Minister is satisfied that the contest or exhibition satisfies such requirements as set out in the regulation.

Where no rules prescribed in respect of combative sport

(5)  If no regulation is made under clause (1) (b) prescribing rules in respect of a particular combative sport, the Minister may make regulations requiring a person wishing to promote, conduct or hold an amateur combative sport contest or exhibition or professional combative sport contest or exhibition involving the combative sport to obtain the Minister’s approval of rules that will apply to the contest or exhibition.

Regulations — Lieutenant Governor in Council

**50** (1)  The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or advisable for the purposes of this Act, including,

(a) governing licences and event permits required under this Act;

(b) prescribing or otherwise providing for anything required or permitted under this Act, except anything referred to in subsection 49 (1), to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations;

(c) defining “professional combative sport contest or exhibition” and “amateur combative sport contest or exhibition” for the purposes of subsection 1 (1), including prescribing criteria for determining whether a person is a professional contestant or an amateur contestant in a particular combative sport;

(d) governing fees under this Act, other than for the purposes of subsection 18 (4), including,

(i) requiring the payment of fees in relation to any matter under this Act, including any services provided by or through the Ministry or the Commissioner,

(ii) prescribing the amount of fees or the manner of determining fees, and

(iii) prescribing the manner in which and the period within which fees must be paid;

(e) requiring licensees to have written contracts and prescribing the terms and conditions that must be included in the contracts;

(f) governing administrative penalties and all matters necessary and incidental to the administration of a system of administrative penalties under this Act;

(g) governing inspections conducted under this Act;

(h) defining any term that is used in this Act and that is not defined in this Act;

(i) governing transitional matters that may arise due to the enactment of this Act or the repeal of the Athletics Control Act.

Classes of persons, etc.

(2)  A regulation made in respect of licences and event permits may create different classes of persons and may establish different entitlements for, or relating to, each class or impose different requirements, conditions or restrictions on, or relating to, each class.

Regulation may set out different requirements

(3)  A regulation made under subsection (1) may establish,

(a) different requirements that apply to an amateur combative sport contest or exhibition and that apply to a professional combative sport contest or exhibition; and

(b) different requirements for different combative sports.

Exemptions, etc.

(4)  A regulation made under subsection (1) may exempt a person or class of persons from a specified requirement imposed by this Act or a regulation in such circumstances as may be prescribed or provide that a specified provision of this Act or a regulation does not apply to the person or class in such circumstances as may be prescribed.

**51, 52** Omitted (amends, repeals or revokes other legislation).

**53** Omitted (provides for coming into force of provisions of this Act).

**54** Omitted (enacts short title of this Act).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Français](http://www.ontario.ca/fr/lois/loi/19c07b)

[Back to top](#Top)