[Français](http://www.ontario.ca/fr/lois/loi/90a34)

Athletics Control Act

R.S.O. 1990, Chapter A.34

**Consolidation Period:** From May 29, 2019 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Note: This Act is repealed on a day to be named by proclamation of the Lieutenant Governor. (See: 2019, c. 7, Sched. 9, s. 51)

Last amendment: [2019, c. 7, Sched. 9, s. 51](http://www.ontario.ca/laws/statute/S19007" \l "sched9s51).

Legislative History: 1998, c. 18, Sched. E, s. 1-4; [2004, c. 19, s. 1](http://www.ontario.ca/laws/statute/S04019" \l "s1s1); [2006, c. 34, s. 2](http://www.ontario.ca/laws/statute/S06034" \l "s2s1); [2007, c. 4, s. 20](http://www.ontario.ca/laws/statute/S07004" \l "s20); [2009, c. 33, Sched. 6, s. 41](http://www.ontario.ca/laws/statute/S09033" \l "sched6s41); [2019, c. 7, Sched. 9, s. 51](http://www.ontario.ca/laws/statute/S19007" \l "sched9s51).

Definitions

**1** In this Act,

“Commissioner” means the Athletics Commissioner; (“commissaire”)

“Minister” means the Minister responsible for the administration of this Act; (“ministre”)

“official” includes an examiner, judge, master of ceremonies, legally qualified medical practitioner, referee and timekeeper; (“officiel”)

“person” includes a corporation, association, club and any unincorporated organization; (“personne”)

“professional contest or exhibition” means a contest or exhibition of professional boxing or any other professional sport that is designated by the regulations; (“compétition ou exhibition professionnelle”)

“regulations” means the regulations made under this Act. (“règlements”) R.S.O. 1990, c. A.34, s. 1; 1998, c. 18, Sched. E, s. 1; 2006, c. 34, s. 2 (1, 2).

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

1998, c. 18, Sched. E, s. 1 - 18/12/1998

[2006, c. 34, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S06034" \l "s2s1) - 20/12/2006

Direction and control

**2** The administration of this Act is under the direction and control of the Minister. R.S.O. 1990, c. A.34, s. 2.

Commissioner

**3** The Deputy Minister shall appoint a person as the Athletics Commissioner. 1998, c. 18, Sched. E, s. 2.

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

1998, c. 18, Sched. E, s. 2 - 18/12/1998

Functions of Commissioner

**4** (1)  The Commissioner may issue licences under this Act and the regulations. R.S.O. 1990, c. A.34, s. 4 (1).

(2)  Repealed: 2006, c. 34, s. 2 (3).

Idem

(3)  The Commissioner is responsible for the supervision of professional contests or exhibitions and, under the direction and control of the Minister, shall assist in the administration of this Act and the regulations. R.S.O. 1990, c. A.34, s. 4 (3); 2006, c. 34, s. 2 (4).

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

[2006, c. 34, s. 2 (3, 4)](http://www.ontario.ca/laws/statute/S06034" \l "s2s3) - 20/12/2006

Amount payable

**5** (1)  Every person conducting a professional contest or exhibition shall pay to the Minister an amount not less than 1 per cent and not more than 5 per cent of the gross receipts in respect of such contest or exhibition as shall be determined by the Minister with the approval of the Lieutenant Governor in Council. R.S.O. 1990, c. A.34, s. 5 (1); 2006, c. 34, s. 2 (5).

Reduction of amount payable

(2)  Where a professional contest or exhibition is not the sole or main attraction offered at a presentation or exhibition for which admission is charged, the Minister may accept such amount as in the circumstances he or she considers proper in lieu of the percentage of the gross receipts payable under subsection (1). R.S.O. 1990, c. A.34, s. 5 (2); 2006, c. 34, s. 2 (6).

Idem

(3)  If the Minister is satisfied that the entire proceeds of a professional contest or exhibition are for charitable purposes, the Minister may accept such amount as in the circumstances he or she considers proper in lieu of the percentage of the gross receipts payable under subsection (1). R.S.O. 1990, c. A.34, s. 5 (3); 2006, c. 34, s. 2 (6).

Remission of amount payable

(4)  Every person conducting a professional contest or exhibition shall, within three days of the holding of such contest or exhibition, remit to the Minister by registered mail the amount payable under subsection (1). R.S.O. 1990, c. A.34, s. 5 (4); 2006, c. 34, s. 2 (6).

Offence

(5)  Every person who conducts or participates in conducting or holding a professional contest or exhibition and who fails to comply with this section, in addition to the payment of the amounts provided in subsection (1), is guilty of an offence and on conviction is liable to a fine of not less than an amount equal to such amounts. R.S.O. 1990, c. A.34, s. 5 (5); 2006, c. 34, s. 2 (6).

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

[2006, c. 34, s. 2 (5, 6)](http://www.ontario.ca/laws/statute/S06034" \l "s2s5) - 20/12/2006

Impounding of purses

**6** (1)  The Commissioner may order any person to deliver to him or her forthwith any money that was paid or may be payable in connection with a professional contest or exhibition if the Commissioner or any other person charges that,

(a) the contest or exhibition was conducted in contravention of this Act or the regulations;

(b) an agreement, contract or undertaking with respect to the contest or exhibition was entered into in contravention of this Act or the regulations; or

(c) the conduct of a person connected with or participating in the contest or exhibition was in contravention of this Act or the regulations or was not in the interest of the professional sport involved. 2006, c. 34, s. 2 (7).

Same

(1.1)  The Commissioner shall impound the money delivered under subsection (1) pending the disposition of the charge. 2006, c. 34, s. 2 (7).

Investigation

(2)  The Minister may direct the Commissioner or any other person to hold an investigation into the charge so made and to report thereon to him or her and, if in the Minister’s opinion the charge has been proven, he or she may declare the money impounded to be forfeited, and such money thereupon becomes the property of the Crown. R.S.O. 1990, c. A.34, s. 6 (2).

Release of impounded money

(3)  If the Minister does not direct an investigation or if he or she is of the opinion that the charge has not been proven, the Minister shall order any money impounded to be released. R.S.O. 1990, c. A.34, s. 6 (3).

Offence

(4)  Every person who fails to deliver money to the Commissioner in pursuance of an order made under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than an amount equal to twice the amount of the money ordered to be delivered. R.S.O. 1990, c. A.34, s. 6 (4).

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

[2006, c. 34, s. 2 (7)](http://www.ontario.ca/laws/statute/S06034" \l "s2s7) - 20/12/2006

Investigations

**7** The Minister may direct the Commissioner or any other person to hold an investigation,

(a) where a league, body or person connected with amateur sport operating in Ontario requests the Minister to cause an investigation to be held into any matter that the league, body or person considers should be investigated in the interest of amateur sport in Ontario; or

(b) upon any matter that is considered by the Minister to be in the public interest. R.S.O. 1990, c. A.34, s. 7.

Application of Public Inquiries Act, 2009

**8** Section 33 of the Public Inquiries Act, 2009 applies to an investigation under section 6 or 7. 2009, c. 33, Sched. 6, s. 41.

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

[2009, c. 33, Sched. 6, s. 41](http://www.ontario.ca/laws/statute/S09033" \l "sched6s41) - 01/06/2011

Payment into Consolidated Revenue Fund

**9** The money received by the Minister under section 5, together with all money received from licence and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration, shall be paid into the Consolidated Revenue Fund. R.S.O. 1990, c. A.34, s. 9.

Prohibiting use of building

**10** (1)  If money payable to the Minister under this Act or the regulations in respect of a professional contest or exhibition is not received by the Minister within one week of the holding of the contest or exhibition, the Minister may direct that the building or other place where the contest or exhibition was held shall not be used for the holding of any professional contest or exhibition until the money has been paid to the Minister. 2006, c. 34, s. 2 (8).

Offence

(2)  Where notice in writing of a direction made under subsection (1) is served upon or sent by registered mail to the owner, lessee or other person having control over the building or other place, the owner, lessee or other person is guilty of an offence and on conviction is liable to a fine of not less than $20 and not more than $100 in respect of every professional contest or exhibition held in such building or at such place during the continuance in force of the direction. R.S.O. 1990, c. A.34, s. 10 (2); 2006, c. 34, s. 2 (9).

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

[2006, c. 34, s. 2 (8, 9)](http://www.ontario.ca/laws/statute/S06034" \l "s2s8) - 20/12/2006

Contracts to manage participants

**11** A contract or agreement entered into for the management of a person taking part in professional contests or exhibitions, or for the taking part in any such contest or exhibition, is not valid or of any force or effect unless it is in writing signed by the parties thereto and approved by the Commissioner, and the Commissioner may at any time, by notice in writing to the parties, revoke any approval given by him or her and thereupon the contract or agreement is for all purposes void and of no effect. R.S.O. 1990, c. A.34, s. 11; 2006, c. 34, s. 2 (10).

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

[2006, c. 34, s. 2 (10)](http://www.ontario.ca/laws/statute/S06034" \l "s2s10) - 20/12/2006

Powers of Commissioner

**12** (1)  The Commissioner may,

(a) delegate to any person any of the powers or duties conferred or imposed upon the Commissioner by this Act or the regulations;

(b) designate the officials for any professional contest or exhibition and fix the fees that shall be paid to them by the person holding the contest or exhibition. R.S.O. 1990, c. A.34, s. 12 (1); 2006, c. 34, s. 2 (11).

Admission

(2)  The Commissioner or a person to whom he or she has delegated any of the Commissioner’s powers or duties shall be admitted without charge to professional contests or exhibitions. 2006, c. 34, s. 2 (12).

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

[2006, c. 34, s. 2 (11, 12)](http://www.ontario.ca/laws/statute/S06034" \l "s2s11) - 20/12/2006

Power of Minister

**12.1**The Minister may by order require the payment of fees for licences or permits required under this Act and may approve the amount of those fees. 2006, c. 34, s. 2 (13).

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

1998, c. 18, Sched. E, s. 3 - 18/12/1998

[2006, c. 34, s. 2 (13)](http://www.ontario.ca/laws/statute/S06034" \l "s2s13) - 20/12/2006

Confidentiality

**12.2**(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 legislation that protects consumers or to any other entity to which the administration of legislation similar to this Act or legislation that protects consumers has been assigned;

(b.1) as authorized under the Regulatory Modernization Act, 2007;

(c) to an entity or organization prescribed by the regulations, if the purpose of the communication is consumer protection or assisting in the supervision of professional contests or exhibitions;

(d) to a law enforcement agency;

(e) to his, her or its counsel; or

(f) with the consent of the person to whom the information relates. 2004, c. 19, s. 1 (1); 2006, c. 34, s. 2 (14); 2007, c. 4, s. 20.

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. 2004, c. 19, s. 1 (1).

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

[2004, c. 19, s. 1 (1)](http://www.ontario.ca/laws/statute/S04019" \l "s1s1) - 31/03/2007

[2006, c. 34, s. 2 (14)](http://www.ontario.ca/laws/statute/S06034" \l "s2s14) - 20/12/2006

[2007, c. 4, s. 20](http://www.ontario.ca/laws/statute/S07004" \l "s20) - 17/01/2008

Regulations

**13** (1)  Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(0.a) designating a professional sport, other than boxing, for the purposes of the definition of “professional contest or exhibition”;

(a) prescribing the powers and duties of the Commissioner;

(b) authorizing the Commissioner to regulate and provide for the conduct of professional contests or exhibitions;

(b.1) requiring the Commissioner to maintain a public record of certain documents and information, prescribing the documents and information that must be kept in the public record, and governing the public record and access to it;

(b.2) requiring the Commissioner to publish certain documents and information, prescribing the documents and information that must be published, and governing their publication and access to them;

(b.3) authorizing the Commissioner to conduct quality assurance programs in relation to the administration of this Act or the regulations and to use information collected under this Act for the purpose of those programs;

(c) prescribing the equipment to be used for and the rules applicable to the conduct of professional contests or exhibitions, including the appointment and duties of the officials of the contests or exhibitions, the definition of fouls and the manner of determining the winners;

(d) providing for the issuing of licences and permits for the holding of professional contests or exhibitions and for the suspension and cancellation of the licences and the cancellation of the permits;

(e) providing for the licensing of participants in professional contests or exhibitions, managers of the participants and referees, seconds and other officials officiating at professional contests or exhibitions and providing for the suspension and cancellation of the licences;

(f), (g)  Repealed: 1998, c. 18, Sched. E, s. 4 (1).

(h) authorizing the Commissioner to levy fines or other pecuniary penalties against officials or against persons who are the holders or who by the regulations are required to be the holders of licences under this Act for failure to comply with any provision of this Act or of the regulations;

(i) prescribing the forms of contracts to be used in connection with the services and management of participants in professional contests or exhibitions;

(j) prescribing the duties of persons holding professional contests or exhibitions;

(k) prescribing the security to be furnished to the Commissioner by persons holding professional contests or exhibitions to ensure payment of officials and participants and the amount payable to the Minister under section 5;

(l) Repealed: 2006, c. 34, s. 2 (18).

(m) prescribing the classes of persons who may take part in professional contests or exhibitions;

(n) defining “amateur”, “combative sports” and “professional” for the purposes of this Act and the regulations;

(n.1) prescribing entities and organizations for the purpose of clause 12.2 (1) (c);

(n.2) governing amateur combative sports, including providing for the licensing of participants in the sports, specifying qualifications and conditions for licences, providing for the term, suspension and cancellation of licences and regulating the conduct of the sports;

(o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. A.34, s. 13 (1); 1998, c. 18, Sched. E, s. 4 (1); 2004, c. 19, s. 1 (2, 3); 2006, c. 34, s. 2 (15-20).

Note: Regulations made under clause (f) or (g), as those clauses read immediately before December 18, 1998, continue until the Minister makes an order under section 12.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 3, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 4 (2).

Note: The Lieutenant Governor in Council may by regulation revoke regulations made under clause (f) or (g), as those clauses read immediately before December 18, 1998, if the Minister makes an order under section 12.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 3, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 4 (3).

General penalty

(2)  Every person who contravenes any provision of this Act or of the regulations is guilty of an offence and on conviction is liable, if no other penalty is provided, to a fine of not more than $10,000. R.S.O. 1990, c. A.34, s. 13 (2).

Duplication of penalties

(3)  Where a fine or other pecuniary penalty has been levied by the Commissioner under the regulations and such fine or other penalty has been paid, no proceedings shall be taken under the *Provincial Offences Act* in respect of the same matter. R.S.O. 1990, c. A.34, s. 13 (3).

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

1998, c. 18, Sched. E, s. 4 (1) - 18/12/1998

[2004, c. 19, s. 1 (2, 3)](http://www.ontario.ca/laws/statute/S04019" \l "s1s2) - 31/03/2007

[2006, c. 34, s. 2 (15-20)](http://www.ontario.ca/laws/statute/S06034" \l "s2s15) - 20/12/2006

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

[Français](http://www.ontario.ca/fr/lois/loi/90a34)

[Back to top](#Top)