[Français](http://www.ontario.ca/fr/lois/loi/90c49)

Crown Attorneys Act

R.S.O. 1990, Chapter C.49

**Consolidation Period:** From July 1, 2019 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. 58](http://www.ontario.ca/laws/statute/S19007" \l "sched17s58).

Legislative History: 1997, c. 26, Sched.; [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2); [2005, c. 33, s. 2-4](http://www.ontario.ca/laws/statute/S05033" \l "s2); [2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1); [2006, c. 35, Sched. C, s. 22](http://www.ontario.ca/laws/statute/S06035" \l "schedcs22); [2015, c. 38, Sched. 4, s. 28](http://www.ontario.ca/laws/statute/S15038" \l "sched4s28); [2019, c. 7, Sched. 17, s. 58](http://www.ontario.ca/laws/statute/S19007" \l "sched17s58).

Appointment

**1** (1)  The Lieutenant Governor in Council may appoint a Crown Attorney for each county and district and such Crown Attorneys and assistant Crown Attorneys for the Province as the Lieutenant Governor in Council considers necessary.

Province-wide authority

(2)  The Crown Attorneys and assistant Crown Attorneys appointed for the Province or a county or district thereof shall act anywhere in the Province as directed by the Deputy Attorney General. R.S.O. 1990, c. C.49, s. 1.

Assistant Crown Attorneys

**2** The Lieutenant Governor in Council may appoint one or more assistant Crown Attorneys for any county or district who shall act under the direction of the Crown Attorney and when so acting has the like powers and shall perform the like duties as the Crown Attorney. R.S.O. 1990, c. C.49, s. 2.

City of Toronto

**3** (1)  The Lieutenant Governor in Council may appoint a Crown Attorney, a Deputy Crown Attorney and such assistant Crown Attorneys as the Lieutenant Governor in Council considers necessary for the City of Toronto who shall be known respectively as the Crown Attorney, the Deputy Crown Attorney and the Assistant Crown Attorneys for the City of Toronto. R.S.O. 1990, c. C.49, s. 3 (1); 1997, c. 26, Sched.

Idem

(2)  The Deputy Crown Attorney and the Assistant Crown Attorneys for the City of Toronto shall act under the direction of the Crown Attorney for the City of Toronto and when so acting shall have the like powers and perform the like duties as the Crown Attorney for the City of Toronto. R.S.O. 1990, c. C.49, s. 3 (2); 1997, c. 26, Sched.

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

1997, c. 26, Sched. - 01/01/1998

Qualification

**4** No person shall be appointed a Crown Attorney or assistant Crown Attorney or act in either of such capacities who is not a member of the bar of Ontario. R.S.O. 1990, c. C.49, s. 4.

Temporary appointments

**5** (1)  When a Crown Attorney or an assistant Crown Attorney is absent or ill or is unable to perform all his or her duties, the Deputy Attorney General may appoint a member of the bar of Ontario to act as Crown Attorney or assistant Crown Attorney, as the case may be, during the period that the Crown Attorney or assistant Crown Attorney is absent or ill or is unable to perform all his or her duties.

Idem

(2)  When there is a vacancy in the office of Crown Attorney, the Deputy Attorney General may appoint a member of the bar of Ontario to act as Crown Attorney until the vacancy is filled by the Lieutenant Governor in Council. R.S.O. 1990, c. C.49, s. 5.

Provincial prosecutors

**6** (1)  The Attorney General may by order authorize public servants employed under Part III of the Public Service of Ontario Act, 2006 to be provincial prosecutors. R.S.O. 1990, c. C.49, s. 6 (1); 2006, c. 35, Sched. C, s. 22.

Qualifications

(2)  A provincial prosecutor may be a person who is not a member of the bar. R.S.O. 1990, c. C.49, s. 6 (2).

Jurisdiction

(3)  A provincial prosecutor shall act anywhere in Ontario as directed by the Deputy Attorney General or a person designated by the Deputy Attorney General. R.S.O. 1990, c. C.49, s. 6 (3).

Duties

(4)  A provincial prosecutor shall conduct such prosecutions for provincial offences and offences punishable on summary conviction as are delegated to him or her by the Crown Attorney for the county or district in which the provincial prosecutor acts and shall be subject to the direction and supervision of the Crown Attorney. R.S.O. 1990, c. C.49, s. 6 (4).

Oath

(5)  Every provincial prosecutor, before entering upon his or her duties, shall take and subscribe before a Crown Attorney the following oath:

I swear (or affirm) that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of provincial prosecutor for Ontario without favour or affection to any party: So help me God. (Delete if affirmed)

R.S.O. 1990, c. C.49, s. 6 (5).

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

[2006, c. 35, Sched. C, s. 22](http://www.ontario.ca/laws/statute/S06035" \l "schedcs22) - 20/08/2007

Security

**7** Every Crown Attorney shall give security for the due performance of the duties of his or her office and for the due payment of all money received by him or her by virtue thereof, in such sum, and with so many sureties, and in such manner and form as the Lieutenant Governor in Council may direct. R.S.O. 1990, c. C.49, s. 7.

Oath of office

**8** Every Crown Attorney and every assistant Crown Attorney, before entering upon his or her duties, shall take and subscribe before a judge of the Superior Court of Justice the following oath:

I swear (or affirm) that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of Crown Attorney (or assistant Crown Attorney) without favour or affection to any party: So help me God. (Delete if affirmed)

R.S.O. 1990, c. C.49, s. 8; 2006, c. 19, Sched. C, s. 1 (1).

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

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Prohibition

**9** (1)  No Crown Attorney or assistant Crown Attorney shall, personally or through any partner in the practice of law, act or be directly or indirectly concerned as counsel or solicitor for any person in respect of any offence charged against the person under the laws in force in Ontario.

Exception

(2)  Subsection (1) does not apply to part-time assistant Crown Attorneys. R.S.O. 1990, c. C.49, s. 9.

Attorney-General’s agent

**10** Every Crown Attorney and every provincial prosecutor is the agent of the Attorney General for the purposes of theCriminal Code (Canada). R.S.O. 1990, c. C.49, s. 10.

Duties:

**11** The Crown Attorney shall aid in the local administration of justice and perform the duties that are assigned to Crown Attorneys under the laws in force in Ontario, and, without restricting the generality of the foregoing, every Crown Attorney shall,

to examine informations, etc.

(a) examine informations, examinations, depositions, recognizances, inquisitions and papers connected with offences against the laws in force in Ontario that the provincial judges, justices of the peace and coroners are required to transmit to him or her, and, where necessary, cause such charges to be further investigated, and additional evidence to be collected, and sue out process to compel the attendance of witnesses and the production of papers, so that prosecutions may not be delayed unnecessarily or fail through want of proof;

to conduct prosecutions

(b) conduct, on the part of the Crown, preliminary hearings of indictable offences and prosecutions for indictable offences,

(i) at the sittings of the Superior Court of Justice where no law officer of the Crown or other counsel has been appointed by the Attorney General,

(ii) before provincial judges in summary trials of indictable offences under the Criminal Code (Canada),

in the same manner as the law officers of the Crown conduct similar prosecutions at the sittings of the Superior Court of Justice, and with the like rights and privileges, and attend to all criminal business at such courts;

special Crown counsel

(c) where a law officer of the Crown or other counsel has been appointed by the Attorney General, deliver to the Crown officer or other counsel all papers connected with the criminal business at the sittings of the Superior Court of Justice before the opening of the court and, if required, be present at the court and assist the Crown officer or other counsel;

cases brought by private prosecutors

(d) watch over cases conducted by private prosecutors and, without unnecessarily interfering with private individuals who wish in such cases to prosecute, assume wholly the conduct of the case where justice towards the accused seems to demand his or her interposition;

summary conviction matters

(e) where in his or her opinion the public interest so requires, conduct proceedings in respect of any provincial offence or offence punishable on summary conviction;

government prosecutions

(f) when requested in writing, cause prosecutions for offences against any Act of the Legislature to be instituted on behalf of any governmental ministry or agency and conduct such prosecutions to judgment and to appeal, if so instructed;

summary conviction appeals

(g) where in his or her opinion the public interest so requires, conduct appeals to the Superior Court of Justice for provincial offences and offences punishable on summary conviction;

justices of the peace

(h) advise justices of the peace with respect to offences against the laws in force in Ontario;

bail

(i) where a prisoner is in custody charged with or convicted of an offence and an application is made for bail, inquire into the facts and circumstances and satisfy himself or herself as to the sufficiency of the surety or sureties offered, and examine and approve of the bail bonds where bail is ordered. R.S.O. 1990, c. C.49, s. 11; 2006, c. 19, Sched. C, s. 1 (1).

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

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Provincial judges and justices to deliver informations, etc., to Crown Attorney

**12** Where a person is committed for trial to answer a criminal charge, the committing provincial judge shall deliver or cause to be delivered without delay to the Crown Attorney the informations, depositions, examinations, recognizances and papers connected with the charge, and the Crown Attorney is the “proper officer of the court by which the accused is to be tried” within the meaning of the committal for trial provisions of theCriminal Code (Canada) and, where an information has been laid before a justice of the peace, whether proceedings have been taken thereon or not, the justice shall deliver to the Crown Attorney all papers connected therewith on being required by the Crown Attorney so to do. R.S.O. 1990, c. C.49, s. 12.

Collection and payment over of fees

**13** Every Crown Attorney, except a Crown Attorney on fees, shall collect all fees payable to him or her as Crown Attorney and remit them to the Deputy Attorney General by cheque payable to the Treasurer of Ontario quarterly on the 1st day of January, April, July and October in each year, together with a statement showing the fees collected. R.S.O. 1990, c. C.49, s. 13.

Annual returns

**14** Every Crown Attorney shall, on or before the 31st day of January in every year, make to the Deputy Attorney General a return, verified by statutory declaration, of the aggregate amount of the fees and emoluments of his or her office during the preceding year, up to and including the 31st day of December. R.S.O. 1990, c. C.49, s. 14.

Director of Asset Management – Criminal

**14.1**  (1)  The Attorney General shall appoint a person to be the Director of Asset Management – Criminal who shall be responsible for,

(a) taking control of and managing or otherwise dealing with property that is the subject of a management order obtained by the Attorney General under section 83.13, 462.331 or 490.81 of the Criminal Code (Canada);

(b) administering and managing property that is the subject of a restraint order obtained by the Attorney General under section 462.33 or 490.8 of the Criminal Code (Canada);

(c) preserving, managing, selling or otherwise disposing of or dealing with property forfeited to the Crown in right of Ontario under section 83.14, 199, 462.37, 462.38, 462.43, 490, 490.01, 490.1, 490.2 or 491.1 of the Criminal Code (Canada); and

(d) taking control of, preserving, managing, selling or otherwise disposing of or dealing with any other property that is forfeited to the Crown in right of Ontario under a prescribed provision of the Criminal Code (Canada). 2005, c. 33, s. 2.

Same

(2)  The Director shall perform any additional duties assigned to him or her by the Attorney General. 2005, c. 33, s. 2.

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

[2005, c. 33, s. 2](http://www.ontario.ca/laws/statute/S05033" \l "s2) - 01/08/2006

Acting Director

**14.2**  (1)  The powers and duties of the Director of Asset Management – Criminal may be exercised and performed by an employee of the Ministry of the Attorney General appointed as Acting Director if,

(a) the Director is absent or unable to act; or

(b) the individual who was appointed Director has ceased to be the Director and no new Director has been appointed. 2005, c. 33, s. 2.

Same

(2)  An Acting Director shall be appointed by the Director or, if the Director is absent or unable to act, by the Deputy Attorney General. 2005, c. 33, s. 2.

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

[2005, c. 33, s. 2](http://www.ontario.ca/laws/statute/S05033" \l "s2) - 01/08/2006

Director’s powers

**14.3**  (1)  The Director of Asset Management – Criminal may preserve, manage, sell or otherwise dispose of or deal with any property described in clause 14.1 (1) (c) or (d) that is not money in any manner that he or she considers proper. 2005, c. 33, s. 2.

Same

(2)  Without limiting the generality of subsection (1), the Director may,

(a) take possession of and preserve or manage the property for the length of time and on the terms that he or she considers proper;

(b) convert the property to money at the price and on the terms that he or she considers proper;

(c) sell, assign, dispose of, use, give or transfer the property, or any interest in the property, at the price and upon the terms that he or she considers proper;

(d) do anything he or she considers advisable for the on-going management or operation of the property before its final disposition, including,

(i) complying with the terms of any 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, or

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

(e) sell or otherwise dispose of perishable or rapidly depreciating property. 2005, c. 33, s. 2.

Protection from personal liability

(3)  No action or other proceeding for damages shall be instituted against the Attorney General, the Director of Asset Management – Criminal, any employee of the Ministry of the Attorney General or any person acting on behalf of the Director for any act done in good faith in the performance or intended performance of any duty under this section or in the exercise or in the intended exercise of any power under this section, or for any neglect or default in the performance or exercise in good faith of any such duty or power. 2005, c. 33, s. 2.

Same

(4)  Despite subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, subsection (3) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (3) to which it would otherwise be subject. 2005, c. 33, s. 2; 2019, c. 7, Sched. 17, s. 58.

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

[2005, c. 33, s. 2](http://www.ontario.ca/laws/statute/S05033" \l "s2) - 01/08/2006

[2019, c. 7, Sched. 17, s. 58](http://www.ontario.ca/laws/statute/S19007" \l "sched17s58) - 01/07/2019

Management of property forfeited to the Crown

**14.4**  (1)  Property that is forfeited to the Crown in right of Ontario as described in clause 14.1 (1) (c) or (d) shall be dealt with and disposed of by the Director of Asset Management – Criminal as provided under sections 14.1 and 14.3. 2005, c. 33, s. 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 as described in clause 14.1 (1) (c) or (d). 2015, c. 38, Sched. 4, s. 28.

Mining lands

(3)  Despite subsection 14.1 (1) and subsection (1) of this section, where mining lands as defined in the Mining Act have become forfeited to the Crown in right of Ontario as described in clause 14.1 (1) (c) or (d), 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. 2.

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

[2005, c. 33, s. 2](http://www.ontario.ca/laws/statute/S05033" \l "s2) - 01/08/2006

[2015, c. 38, Sched. 4, s. 28](http://www.ontario.ca/laws/statute/S15038" \l "sched4s28) - 10/12/2016

Expenses

**14.5**  The money required for the purposes of the Director of Asset Management – Criminal shall be paid out of the amounts appropriated by the Legislature for those purposes. 2005, c. 33, s. 2.

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

[2005, c. 33, s. 2](http://www.ontario.ca/laws/statute/S05033" \l "s2) - 01/08/2006

Money credited to Forfeited Proceeds of Crime Accounts

**14.6**  (1)  Despite the Fines and Forfeitures Act, the following money shall be credited to the separate non-interest bearing accounts in the Consolidated Revenue Fund known as the Ministry of the Attorney General Forfeited Proceeds of Crime Account and the Ministry of Community Safety and Correctional Services Forfeited Proceeds of Crime Account, which may be referred to in French as Compte des produits de la criminalité confisqués du ministère du Procureur général and Compte des produits de la criminalité confisqués du ministère de la Sécurité communautaire et des Services correctionnels, respectively, in the proportions agreed upon by the Attorney General and the Minister of Community Safety and Correctional Services from time to time:

1. Subject to section 462.49 of the Criminal Code (Canada),

i. money forfeited to the Crown in right of Ontario under section 83.14, 199, 462.37, 462.38, 462.43, 490, 490.01, 490.1, 490.2 or 491.1 of the Criminal Code (Canada), and

ii. money that is the proceeds of the sale or other disposition of property described in clause 14.1 (1) (c) or (d).

2. Money provided to the Attorney General or the government that was paid as a fine under,

i. subsection 462.37 (3) of the Criminal Code (Canada),

ii. any similar provision of any other federal Act, or

iii. any similar provision of the laws of a jurisdiction outside of Ontario. 2005, c. 33, s. 3.

Money for a special purpose

(2)  Money standing to the credit of these accounts is, for the purpose of the Financial Administration Act, money paid to Ontario for a special purpose. 2005, c. 33, s. 3.

Same

(3)  The amounts from time to time standing to the credit of these accounts,

(a) may be paid from the Consolidated Revenue Fund for the purpose of complying with a court order relating to any interest in property that has been forfeited to the Crown in right of Ontario; and

(b) subject to the approval of the Management Board of Cabinet, may be used to reimburse the Consolidated Revenue Fund for any expenditures incurred for the purposes of crime prevention, law enforcement or the administration of criminal justice, including property management as provided under sections 14.1 and 14.3 and victim restitution, in accordance with the principles agreed upon by the Attorney General and the Minister of Community Safety and Correctional Services from time to time. 2005, c. 33, s. 3.

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

[2005, c. 33, s. 3](http://www.ontario.ca/laws/statute/S05033" \l "s3) - 01/08/2006

Regulations

**15** The Lieutenant Governor in Council may make regulations,

(a) prescribing fees and travelling allowances for Crown Attorneys or any class thereof in connection with prosecutions instituted on behalf of any governmental ministry or agency, and providing for the payment and disposition thereof;

(b) prescribing fees and travelling allowances for Crown Attorneys or any class thereof in connection with appeals to the Superior Court of Justice for provincial offences and offences punishable on summary conviction, and providing for the payment thereof;

(c) fixing the responsibility for the payment of fees and travelling allowances of Crown Attorneys;

(d) providing that counsel fees collected from defendants under the Provincial Offences Act shall be credited on the Crown Attorney’s fees that are properly payable to him or her by a municipality or a governmental ministry or agency;

(e) providing fees and charges payable to Crown Attorneys not otherwise provided for under this or any other Act, and providing for the payment thereof;

(f) for carrying out the provisions of any Act imposing duties upon or touching the office of Crown Attorney;

(g) with respect to the prosecution by Crown Attorneys of offenders against the laws in force in Ontario;

(h) providing for the safekeeping, inspection and destruction of books, documents and papers of Crown Attorneys;

(h.1) prescribing provisions of the Criminal Code (Canada) for the purpose of clause 14.1 (1) (d);

(i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. C.49, s. 15; 2005, c. 33, s. 4; 2006, c. 19, Sched. C, s. 1 (1).

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

[2005, c. 33, s. 4](http://www.ontario.ca/laws/statute/S05033" \l "s4) - 01/08/2006

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Status quo maintained

**16** The repeal of the Municipal Act on January 1, 2003 does not affect the validity of the appointments of Crown Attorneys and assistant Crown Attorneys existing on that date or subsequent to that date. 2002, c. 17, Sched. F, Table.

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

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

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