[Français](http://www.ontario.ca/fr/lois/loi/90c52)

Crown Witnesses Act

R.S.O. 1990, Chapter C.52

**Consolidation Period:** From April 1, 2024 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2019, c. 1, Sched. 4, s. 13](http://www.ontario.ca/laws/statute/S19001" \l "sched4s13).

Legislative History: [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2); [2006, c. 19, Sched. B, s. 5](http://www.ontario.ca/laws/statute/S06019" \l "schedbs5); [2009, c. 33, Sched. 2, s. 23](http://www.ontario.ca/laws/statute/S09033" \l "sched2s23s1); [2018, c. 3, Sched. 5, s. 15](http://www.ontario.ca/laws/statute/S18003" \l "sched5s15) (see: [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5)); [2019, c. 1, Sched. 4, s. 13](http://www.ontario.ca/laws/statute/S19001" \l "sched4s13).

Definitions

**1** In this Act,

“trial” means any proceeding in a criminal matter in a court or before a justice of the peace, but does not include a proceeding in a matter arising out of a contravention of a by-law of a municipality or local board thereof, including a school board and a conservation authority; (“procès”)

“witness” means a person who attends at the instance of the Crown to give evidence at a trial. (“témoin”) R.S.O. 1990, c. C.52, s. 1; 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

Fees for Crown witnesses

**2** (1)  Witnesses attending trials at the instance of the Crown shall be paid the fees and allowances prescribed under the Administration of Justice Act. R.S.O. 1990, c. C.52, s. 2 (1).

Exception

(2)  No witness fee or allowance shall be paid under subsection (1) to a member of a police service who attends a trial held in the county or district within which the police service is responsible for policing an area. R.S.O. 1990, c. C.52, s. 2 (2); 2019, c. 1, Sched. 4, s. 13.

Compensation for preparatory work

(3)  The Crown Attorney, with the approval of the Deputy Attorney General, may order the payment of a sum in addition to the fees and allowances referred to in subsection (1) that he or she considers reasonable and sufficient to compensate the witness for doing any work in preparation for a trial or preparing any document or article for use at a trial. R.S.O. 1990, c. C.52, s. 2 (3).

Increase of fees in special circumstances

(4)  Where the Deputy Attorney General is of the opinion that the fees and allowances payable to a witness under subsection (1) are insufficient having regard to special circumstances, he or she may authorize the payment of such higher fee or allowance as he or she considers appropriate. R.S.O. 1990, c. C.52, s. 2 (4).

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

[2018, c. 3, Sched. 5, s. 15](http://www.ontario.ca/laws/statute/S18003" \l "sched5s15) - no effect - see [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5) - 26/03/2019

[2019, c. 1, Sched. 4, s. 13](http://www.ontario.ca/laws/statute/S19001" \l "sched4s13) - 01/04/2024

Witness fees, etc., payable on prosecution of claims, etc., by Her Majesty

**3** In the case of an information, action or other legal proceeding by or on behalf of the Crown, for the prosecution of rights, claims or demands of Her Majesty against any person for the use of Ontario, or for the recovery of the possession of any land, deeds or personal property to which Her Majesty claims to be entitled for the use of Ontario, the witnesses are entitled to be paid the same witness fees and allowances as are payable in actions between subject and subject. R.S.O. 1990, c. C.52, s. 3.

Where evidence taken by commission

**4** Where a commission has issued to take the evidence of a witness, the fees and expenses incurred in and by the issue of the commission and taking of the evidence shall be paid in the same manner as witness fees. R.S.O. 1990, c. C.52, s. 4.

Fees, etc., not payable in advance

**5** A witness is not entitled to require payment of any witness fee or allowance under this Act before the determination by adjournment or otherwise of the trial at which he or she attends as a witness. R.S.O. 1990, c. C.52, s. 5.

Agreements relating to confidential name changes

Purpose

**6** (1)  The purpose of an agreement under this section is to facilitate, in circumstances that the Attorney General considers appropriate, with respect to persons who have undergone confidential name changes, and with respect to any other persons who live with or are related to them,

(a) the provision of services and benefits to which they would otherwise be entitled, or the provision of equivalent services and benefits; and

(b) the enforcement of financial obligations to the Crown to which they would otherwise be subject. 2006, c. 19, Sched. B, s. 5.

Agreements with other authorities in Ontario

(2)  The Attorney General and any of the following may enter into an agreement under this section:

1. Another minister of the Crown.

2. An agency, board or commission of the Government of Ontario.

3. A municipality as defined in the Municipal Affairs Act. 2006, c. 19, Sched. B, s. 5.

Agreements with other governments in Canada

(3)  The Attorney General may enter into an agreement under this section with the Government of Canada or with the government of any province or territory. 2006, c. 19, Sched. B, s. 5.

Delegation

(4)  The Attorney General may, in writing, delegate any power conferred on him or her by this section to the Deputy Attorney General or to any other employee of the Ministry, subject to any limitations, restrictions, conditions and requirements that are set out in the delegation. 2006, c. 19, Sched. B, s. 5.

Same

(5)  An agreement entered into by a person authorized to do so by a delegation made under subsection (4) has the same effect as if entered into by the Attorney General, despite section 6 of the Executive Council Act. 2006, c. 19, Sched. B, s. 5.

Alternate criteria and mechanisms

(6)  An agreement under this section may provide for,

(a) alternate eligibility criteria and alternate delivery mechanisms that are designed to allow persons described in subsection (1) to receive services and benefits that are as nearly equivalent as possible to those to which they would otherwise be entitled; and

(b) alternate mechanisms that are designed to permit the Attorney General and the other party to the agreement to enforce financial obligations to the Crown to which persons described in subsection (1) would otherwise be subject. 2006, c. 19, Sched. B, s. 5.

Powers

(7)  The Attorney General and the other party to an agreement under this section have all the powers necessary to give effect to the agreement. 2006, c. 19, Sched. B, s. 5.

Deemed compliance

(8)  The criteria and mechanisms described in subsection (6), and any arrangements made under them, shall be deemed to comply with the law of Ontario. 2006, c. 19, Sched. B, s. 5.

(9)  Repealed: 2009, c. 33, Sched. 2, s. 23 (1).

Conflict

(10)  This section applies despite any other Act or regulation. 2006, c. 19, Sched. B, s. 5.

Definition

(11)  In this section,

“confidential name change” means a name change under subsection 8 (2) of the Change of Name Act or under a similar provision of the law of another jurisdiction. 2006, c. 19, Sched. B, s. 5.

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

[2006, c. 19, Sched. B, s. 5](http://www.ontario.ca/laws/statute/S06019" \l "schedbs5) - 22/06/2006

[2009, c. 33, Sched. 2, s. 23 (1)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s23s1) - 10/12/2014

Prohibition

**7** (1)  The following information is confidential and privileged, and, subject to subsection (2), no person shall, directly or indirectly, knowingly disclose any such information:

1. Information respecting the location or change of identity of a person who receives protective assistance under a witness protection program.

2. Information respecting,

i. the provision of protective assistance under a witness protection program, or

ii. operational matters relating to the provision of that assistance.

3. Information relating to the application of section 6. 2009, c. 33, Sched. 2, s. 23 (2).

Exceptions

(2)  Information listed in subsection (1) may be disclosed,

(a) if the disclosure of the information is made for the purpose of providing protective assistance under a witness protection program or improving or otherwise administering the program;

(b) if the Attorney General consents to the disclosure of the information;

(c) if the information is important to the ability of an accused person to make full answer and defence;

(d) if the disclosure of the information is essential to the administration of justice; or

(e) in any other circumstance prescribed by the regulations made under this section. 2009, c. 33, Sched. 2, s. 23 (2).

Offence and penalty

(3)  A person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $25,000 or to imprisonment for a term of not more than one year, or to both. 2009, c. 33, Sched. 2, s. 23 (2).

Prosecution

(4)  No prosecution shall be commenced with respect to an alleged contravention of subsection (1) without the consent of the Attorney General or the Deputy Attorney General. 2009, c. 33, Sched. 2, s. 23 (2).

Regulations

(5)  The Attorney General may make regulations,

(a) prescribing additional circumstances in which information listed in subsection (1) may be disclosed, for the purposes of clause (2) (e);

(b) prescribing programs for the purposes of the definition of “witness protection program” in subsection (6). 2009, c. 33, Sched. 2, s. 23 (2).

Definitions

(6)  In this section,

“disclose” means, with respect to information listed in subsection (1), to disclose, release, produce or otherwise make the information available to any person; (“divulguer”)

“witness protection program” means any program providing protective assistance to individuals involved in investigations and prosecutions that is prescribed by the regulations made under this section. (“programme de protection des témoins”) 2009, c. 33, Sched. 2, s. 23 (2).

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

[2009, c. 33, Sched. 2, s. 23 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s23s2) - 10/12/2014

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