

Gaming Control Act, 1992

S.O. 1992, CHAPTER 24

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**PART I
DEFINITIONS**

Definitions

1 (1) In this Act,

“Board” means the board of the Alcohol and Gaming Commission of Ontario established under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“conseil”)

“gaming event” means an occasion on which a lottery scheme is played; (“activité de jeu”)

“gaming site” means premises or an electronic channel maintained for the purpose of playing or operating a lottery scheme; (“site de jeu”)

“licence” means a licence issued under the *Criminal Code* (Canada), by or under the authority of the Lieutenant Governor in Council, to conduct or manage a lottery scheme; (“licence”)

“licensee” means a person to whom a licence is issued; (“titulaire de licence”)

“lottery scheme” has the same meaning as in subsection 207 (4) of the *Criminal Code* (Canada); (“loterie”)

“person” means an individual, corporation, organization, association or partnership; (“personne”)

“registered gaming assistant” means an individual registered as a gaming assistant under this Act; (“préposé au jeu inscrit”)

“registered supplier” means a person registered as a supplier under this Act; (“fournisseur inscrit”)

“Registrar” means the Registrar under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“registrateur”)

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

“Tribunal” means the Licence Appeal Tribunal established under the *Licence Appeal Tribunal Act, 1999* or whatever other tribunal is prescribed by the regulations. (“Tribunal”) 1992, c. 24, s. 1; 1993, c. 25, s. 26 (1, 2); 1996, c. 26, s. 4 (1, 2); 1999, c. 12, Sched. L, s. 19 (1, 2); 2002, c. 18, Sched. E, s. 4 (1, 2); 2011, c. 1, Sched. 1, s. 3 (1); 2011, c. 9, Sched. 17, s. 1 (2-5); 2018, c. 12, Sched. 2, s. 52.

(2) REPEALED: 2002, c. 18, Sched. E, s. 4 (3).

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

1993, c. 25, s. 26 (2) - 11/02/1994; 1996, c. 26, s. 4 (1) - 22/02/1998; 1999, c. 12, Sched. L, s. 19 (1, 2) - 01/04/2000

2002, c. 18, Sched. E, s. 4 (1-3) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (1) - 01/07/2011; 2011, c. 9, Sched. 17, s. 1 (2-5) - 01/06/2012

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2018, c. 12, Sched. 2, s. 52 - 16/11/2018

1.1, 1.2 REPEALED: 1996, c. 26, s. 4 (4).

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

1996, c. 26, s. 4 (4) - 22/02/1998

**PART I.1
OPERATION OF LOTTERY SCHEMES**

Prohibitions re minors

2 (1) No person who is authorized to sell lottery tickets, and no person acting on such a person's behalf, shall sell a lottery ticket to an individual under 18 years of age. 2011, c. 9, Sched. 17, s. 2 (2).

Exception

(2) Subsection (1) is not contravened if the person sells a lottery ticket to an individual relying on documentation of a type prescribed by the regulations and if there is no apparent reason to doubt the authenticity of the documentation or to doubt that it was issued to the individual producing it. 2011, c. 9, Sched. 17, s. 2 (2).

Entry

(3) No individual who is under 19 years of age shall enter or remain in a gaming site, except for an individual acting in the course of employment. 2011, c. 9, Sched. 17, s. 2 (2).

Playing

(4) No person shall permit an individual under 19 years of age to play a lottery scheme in a gaming site. 2011, c. 9, Sched. 17, s. 2 (2).

Facilitating playing

(5) No person shall facilitate a contravention of subsection (4). 2011, c. 9, Sched. 17, s. 2 (2).

Entry during play

(6) No individual shall enter or remain in a gaming site contrary to the regulations during the playing of a lottery scheme in the gaming site. 2011, c. 9, Sched. 17, s. 2 (2).

Same, Registrar's direction

(7) No individual shall enter or remain in a gaming site during the playing of a lottery scheme if the Registrar has served a direction on the individual in accordance with the regulations to leave or not to enter the gaming site. 2011, c. 9, Sched. 17, s. 2 (2).

Human Rights Code

(8) This section shall be deemed not to infringe the right of a person under section 1 of the *Human Rights Code* to equal treatment with respect to services, goods and facilities without discrimination because of age. 2011, c. 9, Sched. 17, s. 2 (2).

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

1996, c. 26, s. 4 (5) - 22/02/1998

2011, c. 9, Sched. 17, s. 2 (2) - 01/06/2012

3 REPEALED: 1996, c. 26, s. 4 (6).

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

1996, c. 26, s. 4 (6) - 22/02/1998

3.1-3.5 REPEALED: 1996, c. 26, s. 4 (7).

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

1996, c. 26, s. 4 (7) - 22/02/1998

Exclusion of individuals

3.6 (1) In accordance with the regulations, the Registrar may issue a written direction to the person who conducts and manages a lottery scheme in a gaming site requiring it to refuse access to the site to any individual who meets the criteria

prescribed by the regulations or to refuse to allow such an individual to play a lottery scheme in the site. 2011, c. 9, Sched. 17, s. 3 (1).

Non-application of SPPA

(2) The *Statutory Powers Procedure Act* does not apply to the exercise of the Registrar's power to issue a direction. 2011, c. 1, Sched. 1, s. 3 (3).

No appeal

(3) A direction of the Registrar is final and not subject to appeal. 2011, c. 1, Sched. 1, s. 3 (3).

List of individuals

(4) A direction shall name the individuals to whom access to a gaming site is to be refused. 1993, c. 25, s. 30; 1999, c. 12, Sched. L, s. 19 (4); 2011, c. 9, Sched. 17, s. 3 (2).

Notice

(5) Upon issuing a direction, the Registrar shall, in accordance with the regulations, serve a copy of it on the individuals named in it. 1993, c. 25, s. 30; 2002, c. 18, Sched. E, s. 4 (4); 2011, c. 1, Sched. 1, s. 3 (4).

Offence

(6) No individual named in a direction shall enter or remain in a gaming site or play a lottery scheme conducted and managed on the site after being served with a copy of the direction. 2011, c. 9, Sched. 17, s. 3 (3).

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

1993, c. 25, s. 30 - 11/02/1994; 1999, c. 12, Sched. L, s. 19 (3-5) - 01/04/2000

2002, c. 18, Sched. E, s. 4 (4) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (2-4) - 01/07/2011; 2011, c. 9, Sched. 17, s. 3 (1-3) - 01/06/2012

Rules of play

3.7 The Board may approve in writing rules of play for the playing of lottery schemes conducted and managed by the Ontario Lottery and Gaming Corporation if the regulations have not prescribed rules of play. 1999, c. 12, Sched. L, s. 19 (6); 2002, c. 18, Sched. E, s. 4 (4); 2011, c. 9, Sched. 17, s. 4.

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

1999, c. 12, Sched. L, s. 19 (6) - 01/04/2000

2002, c. 18, Sched. E, s. 4 (4) - 28/02/2003

2011, c. 9, Sched. 17, s. 4 - 01/06/2012

Other standards and requirements

3.8 (1) If the regulations have not prescribed standards and requirements for a matter described in this section, the Registrar may establish in writing standards and requirements for the conduct, management and operation of gaming sites, lottery schemes or businesses related to a gaming site or a lottery scheme or for goods or services related to that conduct, management or operation if the standards and requirements deal with,

- (a) prohibiting or restricting certain persons from entering gaming sites or playing lottery schemes;
- (b) the prevention of unlawful activities;
- (c) the integrity of a lottery scheme;
- (d) surveillance, security and access related to gaming sites or lottery schemes;
- (e) internal controls;
- (f) the protection of assets, including money and money equivalents;
- (g) the protection of players and responsible gambling; and
- (h) the keeping of records, including financial records. 2011, c. 9, Sched. 17, s. 5.

Not regulations

(2) Standards and requirements that the Registrar establishes under subsection (1) are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2011, c. 9, Sched. 17, s. 5.

Duty of compliance

(3) Registrants shall comply with standards and requirements that the Registrar establishes under subsection (1). 2011, c. 9, Sched. 17, s. 5.

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

1996, c. 26, s. 4 (7) - 22/02/1998

2011, c. 9, Sched. 17, s. 5 - 01/06/2012

Lottery schemes of OLG

3.9 (1) If the Ontario Lottery and Gaming Corporation conducts and manages a lottery scheme, it shall ensure that the lottery scheme, the gaming site for the lottery scheme and businesses related to the gaming site or lottery scheme are conducted, managed and operated in accordance with,

- (a) the rules of play prescribed by the regulations;
- (b) the rules of play approved in writing by the Board for lottery schemes, if none have been prescribed by the regulations; and
- (c) the standards and requirements prescribed by the regulations or established by the Registrar under section 3.8. 2011, c. 9, Sched. 17, s. 5.

Employees, etc.

(2) If the Ontario Lottery and Gaming Corporation conducts and manages a lottery scheme, every employee or other person retained by the Corporation for the purpose of conducting and managing the lottery scheme shall comply with the standards and requirements prescribed by the regulations or established by the Registrar under section 3.8. 2011, c. 9, Sched. 17, s. 5.

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

1996, c. 26, s. 4 (7) - 22/02/1998

2011, c. 9, Sched. 17, s. 5 - 01/06/2012

3.10-3.14 REPEALED: 1996, c. 26, s. 4 (7).

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

1996, c. 26, s. 4 (7) - 22/02/1998

PART II REGISTRATION

Restrictions on suppliers

4 (1) Except as provided in this Act and the regulations, no person shall provide goods or services with respect to the playing of a lottery scheme for which a licence is required or hold himself, herself or itself out as providing those goods or services, unless,

- (a) the person is registered as a supplier; and
- (b) the person is providing those goods or services to a licensee or a registered supplier. 1992, c. 24, s. 4 (1); 1993, c. 25, s. 31 (1).

(1.01) REPEALED: 1999, c. 12, Sched. L, s. 19 (7).

Same, lottery schemes of OLG

(1.1) Except as provided in this Act and the regulations, no person shall provide goods or services for a lottery scheme conducted and managed by the Ontario Lottery and Gaming Corporation or for any other business operated by, or on behalf of, or under contract with the Ontario Lottery and Gaming Corporation in conjunction with such a lottery scheme, unless,

- (a) the person is registered as a supplier; and
- (b) the person is providing those goods or services to the Ontario Lottery and Gaming Corporation or a registered supplier. 1999, c. 12, Sched. L, s. 19 (8); 2011, c. 9, Sched. 17, s. 6 (1).

Trade union

(1.2) In addition to any provision of the *Labour Relations Act, 1995*, no trade union within the meaning of that Act shall represent persons employed in or with respect to a gaming site or in the operation of a lottery scheme unless the trade union and those of its officers, officials and agents prescribed by the regulations are registered as suppliers. 2011, c. 9, Sched. 17, s. 6 (2).

Services

- (2) For the purposes of subsections (1) and (1.1), services include,
- (a) providing or operating a gaming site;
 - (b) providing management or consulting services, including technical and analytical services, with respect to the operation of a gaming site or the playing of a lottery scheme;
 - (c) supplying the services of a person who, for consideration, participates in or facilitates in any manner the playing of a lottery scheme; or
 - (d) making, fabricating, printing, distributing or otherwise supplying materials or equipment for the operation of a gaming site or the playing of a lottery scheme. 2011, c. 9, Sched. 17, s. 6 (2).

Change in officers, directors, or partners

(3) The registration of a corporation or a partnership as a supplier shall be deemed to expire immediately upon any change in the officers or directors of the corporation or any change in the membership of the partnership, unless the Registrar has consented in writing to the change. 1992, c. 24, s. 4 (3).

Name of registered supplier

(4) No registered supplier shall provide goods or services under a name other than the name under which the supplier is registered. 1992, c. 24, s. 4 (4); 1993, c. 25, s. 31 (4).

Location of site

(5) No registered supplier shall provide a gaming site except at premises or on a channel that is named in the supplier's registration. 2011, c. 9, Sched. 17, s. 6 (3).

(6) REPEALED: 2011, c. 9, Sched. 17, s. 6 (3).

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

1993, c. 25, s. 31 (1-5) - 11/02/1994; 1996, c. 26, s. 4 (9, 10) - 06/03/1997; 1999, c. 12, Sched. L, s. 19 (7-9) - 01/04/2000

2001, c. 9, Sched. D, s. 8 (1) - 29/06/2001

2011, c. 9, Sched. 17, s. 6 (1-3) - 01/06/2012

Restrictions on gaming assistants

5 (1) Except as provided in this Act and the regulations, no person shall, for consideration, participate in or provide any services related to the operation of a gaming site, the playing of a lottery scheme or the operation of a business related to a gaming site or a lottery scheme, unless,

- (a) the person is registered as a gaming assistant; and
- (b) the person is supplying those services to a registered supplier or to the Ontario Lottery and Gaming Corporation, as named in the gaming assistant's registration. 1992, c. 24, s. 5 (1); 1999, c. 12, Sched. L, s. 19 (10); 2011, c. 9, Sched. 17, s. 7 (1).

Exception

(2) Subsection (1) does not apply to registered suppliers who are acting in accordance with this Act, the regulations and the terms of their registration. 1992, c. 24, s. 5 (2).

Only individuals as gaming assistants

(3) No person who is not an individual is eligible to be registered as a gaming assistant. 1992, c. 24, s. 5 (3).

Use of gaming assistants

- (4) No person shall use or provide the services of a gaming assistant, unless,
- (a) the person is the Ontario Lottery and Gaming Corporation or a registered supplier; and

(b) the gaming assistant is a registered gaming assistant of the person. 1992, c. 24, s. 5 (4); 1999, c. 12, Sched. L, s. 19 (11).

Players excepted

(5) This section does not apply to players of a lottery scheme. 1992, c. 24, s. 5 (5); 2011, c. 9, Sched. 17, s. 7 (2).

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

1999, c. 12, Sched. L, s. 19 (10, 11) - 01/04/2000

2011, c. 9, Sched. 17, s. 7 (1, 2) - 01/06/2012

Application for registration

6 (1) A person who has attained the age of eighteen years may apply to the Registrar to be registered as a supplier or as a gaming assistant or to have a registration renewed. 1992, c. 24, s. 6 (1).

Form of application

(2) An applicant shall supply to the Registrar such information with respect to the application, including information relating to personal identification, and in such form as the Registrar determines or the regulations prescribe. 1992, c. 24, s. 6 (2).

Registrar's authority

(3) The Registrar may make such other decisions as he or she considers necessary with respect to the making of applications. 1992, c. 24, s. 6 (3).

Terms of registration

7 (1) A registration is subject to such terms to give effect to the purposes of this Act as the Registrar proposes and the applicant consents to, the Tribunal imposes or the regulations prescribe. 1992, c. 24, s. 7 (1); 2002, c. 18, Sched. E, s. 4 (6); 2011, c. 1, Sched. 1, s. 3 (5).

Examinations

(2) The Registrar may require, as a term of registration, that an applicant for registration or renewal of registration pass such examinations or attain such standards as may be prescribed by the regulations. 1992, c. 24, s. 7 (2).

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

2002, c. 18, Sched. E, s. 4 (6) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (5) - 01/07/2011

Interpretation, interested person

8 For the purposes of sections 9 to 11, a person shall be deemed to be interested in another person if,

- (a) the first person has, or may have in the opinion of the Registrar based on reasonable grounds, a beneficial interest in the other person's business;
- (b) the first person exercises, or may exercise in the opinion of the Registrar based on reasonable grounds, control either directly or indirectly over the other person's business; or
- (c) the first person has provided, or may have provided in the opinion of the Registrar based on reasonable grounds, financing either directly or indirectly to the other person's business. 1992, c. 24, s. 8.

Inquiries

9 (1) The Registrar may make such inquiries and conduct such investigations into the character, financial history and competence of an applicant for registration or renewal of registration, a registrant or persons interested in the applicant or registrant, as are necessary to determine whether the applicant meets the requirements of this Act and the regulations. 1992, c. 24, s. 9 (1).

Same

(1.1) The Registrar may make such inquiries and conduct such investigations into the character, financial history and competence of persons proposed to be members of the Board of the Ontario Lottery and Gaming Corporation and such employees of the Corporation as the Registrar determines exercise significant decision-making authority with respect to the conduct, management or operation of lottery schemes. 1999, c. 12, Sched. L, s. 19 (12); 2011, c. 9, Sched. 17, s. 8.

Rights

(1.2) A person who is the subject of an inquiry or investigation under subsection (1.1) has such rights as may be prescribed by regulation, in addition to the person's other rights at law. 1999, c. 12, Sched. L, s. 19 (12).

Corporations, partnerships

(2) If the applicant or registrant is a corporation or partnership, the Registrar may make the inquiries into or conduct the investigations of the officers, directors or partners of the applicant or registrant. 1992, c. 24, s. 9 (2).

Costs

(3) The applicant or registrant shall pay the reasonable costs of the inquiries or investigations or provide security to the Registrar in a form acceptable to him or her for the payment. 1992, c. 24, s. 9 (3).

Collection of information

(4) The Registrar may require information or material from any person who is the subject of the inquiries or investigations and may request information or material from any person who the Registrar has reason to believe can provide information or material relevant to the inquiries or investigations. 1993, c. 25, s. 32 (1).

Verification of information

(5) The Registrar may require that any information provided under subsection (4) be verified by statutory declaration. 1992, c. 24, s. 9 (5).

Disclosure

(6) Despite section 17 of the *Freedom of Information and Protection of Privacy Act* and section 10 of the *Municipal Freedom of Information and Protection of Privacy Act*, the head of an institution within the meaning of those Acts shall disclose to the Registrar the information or material that the Registrar requires under subsection (4). 1993, c. 25, s. 32 (2).

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

1993, c. 25, s. 32 (1, 2) - 11/02/1994; 1999, c. 12, Sched. L, s. 19 (12) - 01/04/2000

2011, c. 9, Sched. 17, s. 8 - 01/06/2012

Registration of suppliers

10 The Registrar shall refuse to register an applicant as a supplier or to renew the registration of an applicant as a supplier if,

- (a) there are reasonable grounds to believe that the applicant will not be financially responsible in the conduct of the business, having regard to the financial history of,
 - (i) the applicant or persons interested in the applicant, or
 - (ii) the officers, directors or partners of the applicant, or persons interested in those officers, directors or partners, in the case of an applicant that is a corporation or partnership;
- (b) there are reasonable grounds to believe that the applicant will not act as a supplier in accordance with law, or with integrity, honesty, or in the public interest, having regard to the past conduct of,
 - (i) the applicant or persons interested in the applicant,
 - (ii) the officers, directors or partners of the applicant, or persons interested in those officers, directors or partners, in the case of an applicant that is a corporation or partnership, or
 - (iii) officers, officials or agents of the applicant, or such other persons as are prescribed by the regulations, in the case of an applicant that is a trade union within the meaning of the *Labour Relations Act, 1995*; or
- (c) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act, the regulations, the standards and requirements established by the Registrar under section 3.8 or the terms of the registration. 1992, c. 24, s. 10; 1993, c. 25, s. 33; 1996, c. 26, s. 4 (11); 2011, c. 9, Sched. 17, s. 9.

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

1993, c. 25, s. 33 (1, 2) - 11/02/1994; 1996, c. 26, s. 4 (11) - 06/03/1997

2011, c. 9, Sched. 17, s. 9 - 01/06/2012

Registration of gaming assistants

11 The Registrar shall refuse to register an applicant as a gaming assistant or to renew the registration of an applicant as a gaming assistant if,

- (a) there are reasonable grounds to believe that the applicant will not act as a gaming assistant in accordance with law, or with integrity, honesty, or in the public interest, having regard to the past conduct of the applicant or persons interested in the applicant; or
- (b) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act, the regulations, the standards and requirements established by the Registrar under section 3.8 or the terms of the registration. 1992, c. 24, s. 11; 2011, c. 9, Sched. 17, s. 10.

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

2011, c. 9, Sched. 17, s. 10 - 01/06/2012

Proposal to suspend or revoke a registration

12 The Registrar may propose to suspend or to revoke a registration for any reason that would disentitle the registrant to registration or renewal of registration under section 10 or 11 if the registrant were an applicant. 1992, c. 24, s. 12.

Registrar's proposed order

13 (1) If the Registrar refuses to grant or renew a registration or proposes to suspend or revoke a registration, the Registrar shall serve notice of a proposed order, together with written reasons, on the applicant or registrant. 1992, c. 24, s. 13 (1).

Right to hearing

(2) The notice of the proposed order shall inform the applicant or registrant that the person is entitled to a hearing before the Tribunal. 1992, c. 24, s. 13 (2); 2002, c. 18, Sched. E, s. 4 (6); 2011, c. 1, Sched. 1, s. 3 (5).

Request for hearing

(3) To request a hearing, the person shall serve a written request on the Registrar and the Tribunal within fifteen days after the Registrar serves the notice of the proposed order. 1992, c. 24, s. 13 (3); 2002, c. 18, Sched. E, s. 4 (7); 2011, c. 1, Sched. 1, s. 3 (5).

If no hearing

(4) The Registrar may make the proposed order, if the person does not request a hearing within the allowed time. 1992, c. 24, s. 13 (4).

Scheduling the hearing

(5) If the person requests a hearing, the Tribunal shall schedule and hold the hearing. 1992, c. 24, s. 13 (5); 2002, c. 18, Sched. E, s. 4 (7); 2011, c. 1, Sched. 1, s. 3 (5).

(6) REPEALED: 2011, c. 1, Sched. 1, s. 3 (6).

(7) REPEALED: 1996, c. 26, s. 4 (12).

Order of Tribunal

(8) After holding a hearing, the Tribunal may by order,

- (a) confirm or set aside the proposed order;
- (b) direct the Registrar to take such action as the Tribunal considers the Registrar ought to take to give effect to the purposes of this Act. 1992, c. 24, s. 13 (8); 2002, c. 18, Sched. E, s. 4 (7); 2011, c. 1, Sched. 1, s. 3 (7, 8).

Discretion of Tribunal

(9) In making an order, the Tribunal may substitute its opinion for that of the Registrar. 1992, c. 24, s. 13 (9); 2002, c. 18, Sched. E, s. 4 (7); 2011, c. 1, Sched. 1, s. 3 (9).

Terms of order

(10) The Tribunal may attach such terms to its order or to the registration as it considers appropriate. 1992, c. 24, s. 13 (10); 2002, c. 18, Sched. E, s. 4 (7); 2011, c. 1, Sched. 1, s. 3 (9).

Transition

(11) If a person has requested a hearing under this section, as it read before the day section 3 of Schedule 1 to the *Good Government Act, 2011* comes into force, but the hearing has not commenced by that day, the Tribunal shall hold the hearing. 2011, c. 1, Sched. 1, s. 3 (10).

Same

(12) If a hearing before the Board under this section has not concluded by the day section 3 of Schedule 1 to the *Good Government Act, 2011* comes into force, then despite subsection (5), the Board shall continue to hold the hearing. 2011, c. 1, Sched. 1, s. 3 (10).

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

1993, c. 25, s. 34 (1) - no effect - see: 1999, c. 12, Sched. L, s. 20 - 01/04/2000; 1996, c. 26, s. 4 (12, 13) - 22/02/1998

2002, c. 18, Sched. E, s. 4 (6, 7) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (5-10) - 01/07/2011

Immediate suspension

14 (1) The Registrar may by order suspend a registration without serving a proposed order under section 13 if he or she considers it to be necessary in the public interest. 1992, c. 24, s. 14 (1).

Effect of order

(2) The Registrar shall serve a copy of the order made together with written reasons for it on the registrant and it takes effect immediately on being served. 1992, c. 24, s. 14 (2).

Right to hearing

(3) Subsections 13 (2), (3), (5), (8), (9) and (10) apply to the order in the same way as to a proposed order under that section. 1992, c. 24, s. 14 (3); 1996, c. 26, s. 4 (14).

Expiry of order

(4) If the registrant requests a hearing, the order expires on the day the order of the Tribunal takes effect. 1992, c. 24, s. 14 (4); 2002, c. 18, Sched. E, s. 4 (6); 2011, c. 1, Sched. 1, s. 3 (11).

Combined hearing

(5) If the Registrar makes an order under this section with respect to a registrant before a hearing is held under section 13 with respect to a notice of a proposed order that the Registrar has served on the registrant, the Tribunal may hold only one hearing to deal with both the order made and the proposed order. 1992, c. 24, s. 14 (5); 2002, c. 18, Sched. E, s. 4 (7); 2011, c. 1, Sched. 1, s. 3 (11).

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

1996, c. 26, s. 4 (14) - 22/02/1998

2002, c. 18, Sched. E, s. 4 (6, 7) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (11) - 01/07/2011

Continuation pending renewal

15 If within the time prescribed by the regulations, or if no time is prescribed, before the expiry of the registrant's registration, a registrant applies in accordance with the regulations for renewal of registration and pays the fee set out in the regulations, the registration shall be deemed to continue,

- (a) if the Registrar grants the renewal, until the renewal is granted;
- (b) if the Registrar refuses to grant the renewal and the registrant does not request a hearing under section 13, until the time for requesting a hearing has expired; or
- (c) if the Registrar refuses to grant the renewal and the registrant requests a hearing under section 13, until the Tribunal has made its order. 1992, c. 24, s. 15; 2002, c. 18, Sched. E, s. 4 (6); 2011, c. 1, Sched. 1, s. 3 (11).

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

2002, c. 18, Sched. E, s. 4 (6) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (11) - 01/07/2011

Cancellation of registration on request

16 The Registrar may cancel a registration upon the request in writing of the registrant and section 13 does not apply. 1992, c. 24, s. 16.

16.1 REPEALED: 2002, c. 18, Sched. E, s. 4 (8).

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

1993, c. 25, s. 35 - 11/02/1994

2002, c. 18, Sched. E, s. 4 (8) - 28/02/2003

Further applications

17 (1) No person who is refused registration or who is refused renewal of a registration or whose registration is revoked may apply to the Registrar for registration until at least two years have passed since the refusal or revocation. 1992, c. 24, s. 17 (1).

Suspended registrations

(2) No person whose registration is suspended may apply to the Registrar for registration during the suspension. 1992, c. 24, s. 17 (2).

Rejection of further application

(3) Despite section 13, the Registrar, without giving written reasons, reject an application made after the time period specified in subsection (1) if, in the opinion of the Registrar, the application discloses no substantial new evidence or no material change in circumstances since the refusal, revocation or suspension took effect. 2002, c. 18, Sched. E, s. 4 (9); 2011, c. 1, Sched. 1, s. 3 (12).

Not statutory power of decision

(4) The *Statutory Powers Procedure Act* does not apply to the exercise of the power of the Registrar under subsection (3). 2002, c. 18, Sched. E, s. 4 (9); 2011, c. 1, Sched. 1, s. 3 (12).

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

2002, c. 18, Sched. E, s. 4 (9) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (12) - 01/07/2011

Change in address for service

18 Every registered supplier and registered gaming assistant shall, not later than five days after the change, serve the Registrar with a written notice of any change in address for service. 1992, c. 24, s. 18.

PART III REGULATION OF REGISTRANTS

Restriction on services

19 (1) No registered supplier or registered gaming assistant shall provide goods or services related to the conduct, management or operation of a gaming site, a lottery scheme or a business related to a gaming site or a lottery scheme, other than those goods or services prescribed by the regulations. 2011, c. 9, Sched. 17, s. 11.

Standards

(2) A registered supplier or registered gaming assistant who provides goods or services in relation to a gaming site, a lottery scheme or a business related to a gaming site or a lottery scheme shall ensure that the goods or services do not contravene the standards and requirements prescribed by the regulations or established by the Registrar under section 3.8 or the terms of the licence for the lottery scheme. 2011, c. 9, Sched. 17, s. 11.

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

2011, c. 9, Sched. 17, s. 11 - 01/06/2012

Restriction on fees

20 (1) No registered supplier shall provide or offer to provide any goods or services in relation to a lottery scheme on payment or acceptance of a fee or other consideration that exceeds the amount prescribed by the regulations or permitted by the licence for the lottery scheme. 2011, c. 9, Sched. 17, s. 11.

Gaming event for more than one licensee

(2) If two or more licensees conduct a gaming event in concert with one another, no registered supplier shall charge more for the goods or services that they provide in relation to the event than the fee or other consideration prescribed by the regulations for a single gaming event. 2011, c. 9, Sched. 17, s. 11.

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

2011, c. 9, Sched. 17, s. 11 - 01/06/2012

Gaming site

21 (1) A registered supplier who provides a gaming site shall manage the site directly or shall ensure that the site is managed by a registered gaming assistant of the supplier. 2011, c. 9, Sched. 17, s. 11.

Duty of supplier

(2) A registered supplier who provides a gaming site shall ensure that the site is operated in accordance with this Act, the regulations, the standards and requirements established by the Registrar under section 3.8 and the terms of the supplier's registration and the licences for gaming events held at the site. 2011, c. 9, Sched. 17, s. 11.

Duty of gaming assistant

(3) A registered gaming assistant who is managing a gaming site shall ensure that the site is operated in accordance with this Act, the regulations, the standards and requirements established by the Registrar under section 3.8, the terms of the registration of the supplier of the site and the terms of the gaming assistant's registration and the licences for gaming events held at the site. 2011, c. 9, Sched. 17, s. 11.

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

2011, c. 9, Sched. 17, s. 11 - 01/06/2012

Rules of play

22 (1) No registered supplier who provides a gaming site, other than a gaming site maintained for playing a lottery scheme conducted and managed by the Ontario Lottery and Gaming Corporation, and no registered gaming assistant who provides services to the registered supplier shall permit the playing of a lottery scheme on the site except in accordance with the rules of play and other standards and requirements that are prescribed by the regulations or established by the Registrar under section 3.8. 2011, c. 9, Sched. 17, s. 11.

Same, lottery schemes of OLGC

(2) No registered supplier who provides services related to the operation of a gaming site maintained for playing a lottery scheme conducted and managed by the Ontario Lottery and Gaming Corporation and no registered gaming assistant who provides services to the Corporation or a registered supplier shall permit the playing of a lottery scheme on the site except in accordance with,

- (a) the rules of play prescribed by the regulations;
- (b) the rules of play approved in writing by the Board for lottery schemes, if none have been prescribed by the regulations; and
- (c) the other standards and requirements prescribed by the regulations or established by the Registrar under section 3.8. 2011, c. 9, Sched. 17, s. 11.

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

1993, c. 25, s. 36 (1, 2) - 11/02/1994; 1999, c. 12, Sched. L, s. 19 (13-15) - 01/04/2000

2002, c. 18, Sched. E, s. 4 (4) - 28/02/2003

2011, c. 9, Sched. 17, s. 11 - 01/06/2012

Money in lottery schemes

22.1 No registered supplier who provides services relating to the operation of a lottery scheme conducted and managed by the Ontario Lottery and Gaming Corporation and no registered gaming assistant who provides services to the registered supplier shall handle money or money equivalents received from players of the lottery scheme except in accordance with the rules prescribed by the regulations or approved by the Board under section 3.7 and the standards and requirements prescribed by the regulations or established by the Registrar under section 3.8. 2011, c. 9, Sched. 17, s. 11.

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

1993, c. 25, s. 37 - 11/02/1994; 1999, c. 12, Sched. L, s. 19 (16) - 01/04/2000

2011, c. 9, Sched. 17, s. 11 - 01/06/2012

Inducing breach of licence

23 No registered supplier or registered gaming assistant shall induce or cause or attempt to induce or cause any breach of the terms of a licence. 1992, c. 24, s. 23.

Inducing breach of contract

24 No registered supplier or registered gaming assistant shall induce or attempt to induce any party to a contract for gaming services to break the contract for the purpose of entering into another contract for gaming services. 1992, c. 24, s. 24.

Identification card

25 Subject to the regulations, a registered supplier or registered gaming assistant shall, while performing duties, carry an identification card that the Registrar has issued to the person under this Act and shall produce it for inspection upon request. 1992, c. 24, s. 25.

Records of registered suppliers

26 (1) Every registered supplier shall keep the records that are prescribed by the regulations or required by the standards and requirements established by the Registrar under section 3.8 with respect to each gaming site named in the supplier's registration and with respect to each gaming event for which the supplier provides goods or services. 2011, c. 9, Sched. 17, s. 12.

Financial records

(2) Every registered supplier shall keep financial records in the form and containing the information that is prescribed by the regulations or required by the standards and requirements established by the Registrar under section 3.8. 2011, c. 9, Sched. 17, s. 12.

Location of records

(3) Every registered supplier shall keep the records required under this Act in Ontario at the business premises identified in the supplier's application for registration. 1992, c. 24, s. 26 (3).

Other location

(4) Despite subsection (3), the Registrar, upon a request in writing, may authorize the records to be kept at any other location on such terms as the Registrar may impose. 1992, c. 24, s. 26 (4).

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

2011, c. 9, Sched. 17, s. 12 - 01/06/2012

Trust account

27 (1) Every registered supplier shall maintain for the benefit of licensees to whom the supplier provides goods or services an account designated as a trust account in a bank listed in Schedule I or II to the *Bank Act* (Canada), loan or trust corporation, or credit union as defined in the *Credit Unions and Caisses Populaires Act, 1994*. 1992, c. 24, s. 27 (1); 2002, c. 8, Sched. I, s. 13.

Money held in trust

(2) A registered supplier that receives money described in subsections (3) and (4) shall hold it in trust for the benefit of the licensees to whom the supplier supplies goods or services under a contract. 1992, c. 24, s. 27 (2).

Advances paid by licensee

(3) A registered supplier shall deposit in the trust account all money a licensee pays in advance to the supplier under a contract for the supply of goods or services and shall not pay it out except for expenses that the supplier actually incurs under the contract or except in accordance with the terms of the supplier's contract with the licensee. 1992, c. 24, s. 27 (3).

Licence fees

(4) A registered supplier that receives money to pay licence fees on behalf of a licensee shall deposit the money in the trust account and not pay it out except to a licence issuer in accordance with the terms of the supplier's contract with the licensee. 1992, c. 24, s. 27 (4).

Trust money held separately

(5) A registered supplier shall at all times keep money held in trust separate from money belonging to the supplier and shall disburse the money only in accordance with this Act and the regulations. 1992, c. 24, s. 27 (5).

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

2002, c. 8, Sched. I, s. 13 - 05/01/2005

Filing financial statement

28 When required by the Registrar, a registered supplier shall file an audited financial statement showing the matters specified by the Registrar. 1992, c. 24, s. 28.

29 REPEALED: 1996, c. 26, s. 4 (15).

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

1996, c. 26, s. 4 (15) - 06/03/1997

PART IV INVESTIGATIONS AND ENFORCEMENT

INVESTIGATIONS

Facilitating investigation

30 (1) It is a term of registration that every registered supplier and registered gaming assistant facilitate investigations under this Act. 1992, c. 24, s. 30.

Lottery schemes of OLG

(2) If an investigation under this Act relates to a lottery scheme conducted and managed by the Ontario Lottery and Gaming Corporation, the Corporation and every employee or other person retained by the Corporation for the purpose of conducting and managing the lottery scheme shall facilitate the investigation. 2011, c. 9, Sched. 17, s. 13.

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

2011, c. 9, Sched. 17, s. 13 - 01/06/2012

Investigators

31 (1) The Registrar may appoint any person to be an investigator for the purpose of determining whether there is compliance with this Act, the regulations, the terms of a licence or the terms of a registration. 1992, c. 24, s. 31 (1); 1993, c. 25, s. 38 (1); 2002, c. 18, Sched. E, s. 4 (10).

Certificate of appointment

(2) The Registrar shall issue to every investigator a certificate of appointment, bearing the Registrar's signature or a facsimile of it. 1993, c. 25, s. 38 (2); 2002, c. 18, Sched. E, s. 4 (5, 11).

Police officers

(3) Police officers, by virtue of office, are investigators for the purposes of this Act and the regulations, but subsection (2) does not apply to them. 1992, c. 24, s. 31 (3).

Proof of appointment

(4) Every investigator who exercises powers under this Act shall, upon request, produce the certificate of appointment as an investigator or identification as a police officer, as the case may be. 1992, c. 24, s. 31 (4).

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

1993, c. 25, s. 38 (1, 2) - 11/02/1994

2002, c. 18, Sched. E, s. 4 (5, 10, 11) - 28/02/2003

Definition: "record"

32 In sections 33 to 35,

"record" includes a book of account, bank book, voucher, invoice, receipt, contract, correspondence and any other document regardless of whether the record is on paper or is in electronic, photographic or other form. 1992, c. 24, s. 32.

Search without warrant

- 33** (1) For the purpose of carrying out an investigation, an investigator may,
- (a) subject to subsection (2), enter a gaming site and any other place that a licensee, a registered supplier or a registered gaming assistant is using in relation to the site, a lottery scheme or a business related to a gaming site or a lottery scheme, if the investigator believes on reasonable grounds that records or other things relevant to the investigation are located in the place;
 - (b) inquire into all financial transactions, records and other matters that are relevant to an investigation;
 - (c) demand the production for inspection of anything relevant to the investigation including things used in playing lottery schemes, records and cash;
 - (d) inspect anything relevant to the investigation, including things used in operating a gaming site, playing a lottery scheme or operating a business related to a gaming site or a lottery scheme, records and cash; and
 - (e) conduct such tests as are reasonably necessary for the investigation. 1992, c. 24, s. 33 (1); 1993, c. 25, s. 39; 2011, c. 9, Sched. 17, s. 14.

Entry to dwellings

- (2) For the purposes of carrying out an investigation, an investigator shall not, without the consent of the occupier, exercise a power to enter a place that is being used as a dwelling, except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act*. 1992, c. 24, s. 33 (2).

Use of force

- (3) An investigator shall not use force in carrying out an investigation unless the investigator believes on reasonable grounds that,
- (a) there is sufficient evidence for the issue of a warrant under section 158 of the *Provincial Offences Act*; and
 - (b) delay in obtaining the warrant could lead to the destruction, removal or loss of the evidence. 1992, c. 24, s. 33 (3).

Limits on force

- (4) In using force to carry out an investigation, an investigator shall use only such force as is necessary to carry out the investigation. 1992, c. 24, s. 33 (4).

Time for exercising powers

- (5) An investigator shall exercise the powers mentioned in subsection (1) only during normal business hours for the place that the investigator has entered. 1992, c. 24, s. 33 (5).

Written demand

- (6) A demand mentioned in clause (1) (c) shall be in writing and shall include a statement of the nature of the things required. 1992, c. 24, s. 33 (6).

Obligation to produce

- (7) If an investigator makes a demand under clause (1) (c), the person having custody of the things shall produce them to the investigator. 1992, c. 24, s. 33 (7).

Removal of things produced

- (8) On issuing a written receipt, the investigator may remove the things that are produced and may,
- (a) review or copy any of them; or
 - (b) bring them before a justice of the peace, in which case section 159 of the *Provincial Offences Act* applies. 1992, c. 24, s. 33 (8).

Return of things produced

- (9) The investigator shall carry out any reviewing or copying of things with reasonable dispatch, and shall forthwith after the reviewing or copying return the things to the person who produced them. 1992, c. 24, s. 33 (9).

Admissibility of copies

- (10) A copy certified by an investigator as a copy made under clause (8) (a) is admissible in evidence to the same extent, and has the same evidentiary value, as the thing copied. 1992, c. 24, s. 33 (10).

Assistance

(11) An investigator may call upon any expert for such assistance as he or she considers necessary in carrying out an investigation. 1992, c. 24, s. 33 (11).

Computer search

(12) For the purpose of carrying out an investigation, an investigator may use any data storage, processing or retrieval device or system belonging to the persons being investigated in order to produce a record in readable form. 1992, c. 24, s. 33 (12).

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

1993, c. 25, s. 39 - 11/02/1994

2011, c. 9, Sched. 17, s. 14 (1-3) - 01/06/2012

Search with warrant

34 (1) A justice of the peace may issue a warrant authorizing an investigator named in the warrant to exercise any of the powers mentioned in subsection 33 (1) with respect to a place described in that subsection and named in the warrant, if the justice of the peace is satisfied on information under oath that there are reasonable grounds to believe that the issuance of a warrant is necessary for the enforcement of this Act or the regulations, and,

- (a) the investigator has been denied entry to the place or has been obstructed in exercising any other of those powers with respect to the place; or
- (b) there are reasonable grounds to believe that the investigator will be denied entry to the place or obstructed in exercising any other of those powers with respect to the place. 1992, c. 24, s. 34 (1).

Expiry of warrant

(2) A warrant issued under this section shall name a date on which it expires, which date shall not be later than thirty days after its issue. 1992, c. 24, s. 34 (2).

Extension of time

(3) A justice of the peace may extend the date on which a warrant expires for an additional period of no more than thirty days upon application without notice by the investigator named in the warrant. 1992, c. 24, s. 34 (3).

Use of force

(4) A warrant issued under this section authorizes the investigator named in the warrant to call upon police officers as necessary and to use whatever force is necessary to execute the warrant. 1992, c. 24, s. 34 (4).

Time of execution

(5) Unless otherwise ordered, a warrant issued under this section shall be executed only during normal business hours for the place named in the warrant. 1992, c. 24, s. 34 (5).

Other matters

(6) Subsections 33 (7) to (12) apply with necessary modifications to an investigator executing a warrant issued under this section. 1992, c. 24, s. 34 (6).

Obstruction

35 (1) No person shall obstruct an investigator who is carrying out his or her duties under this Act. 1992, c. 24, s. 35 (1).

Assistance with records

(2) A person who is required to produce a record for an investigator shall, on request, provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce the record in a readable form. 1992, c. 24, s. 35 (2).

Non-compellable witness

36 No person employed in the administration or enforcement of this Act shall be required to give testimony in any civil proceeding, except in a proceeding under this Act, with regard to information obtained in the discharge of the person's duties. 1992, c. 24, s. 36.

REGISTRAR'S ORDERS

Freeze orders

37 (1) The Registrar may order a person who holds money or other assets on behalf of another person to retain the money or assets if,

- (a) an individual makes a statutory declaration to the Registrar in which the individual alleges, setting out facts supporting the allegation, that the person on whose behalf the money or assets are held,
 - (i) has contravened, is contravening or is about to contravene this Act or the regulations,
 - (ii) is subject to criminal proceedings or proceedings in relation to a contravention of any Act that are connected with or arise out of doing things for which registration is required under this Act, or
 - (iii) is the subject of an investigation under this Act; and
- (b) the Registrar, based on the statutory declaration, finds reasonable grounds to believe that the interests of the person on whose behalf the money or assets are held require protection. 1992, c. 24, s. 37 (1); 2002, c. 18, Sched. E, s. 4 (5).

Licensee's money or assets

(2) If the Registrar believes on reasonable grounds that it is advisable to make an order to ensure that a licensee uses money or assets in accordance with the terms of a licence, the Registrar may,

- (a) order the licensee who holds his, her or its own money or assets, or the person who holds money or assets of the licensee on behalf of the licensee, to retain the money or assets so held; or
- (b) order the licensee to refrain from withdrawing his, her or its own money or assets that another person holds on behalf of the licensee. 1992, c. 24, s. 37 (2); 2002, c. 18, Sched. E, s. 4 (5).

Effect of order

(3) An order made under this section takes effect immediately upon being served on the person against whom it is made. 1992, c. 24, s. 37 (3).

Branch names

(4) An order made against a bank, a loan or trust corporation or other financial institution applies only to the office, branch or agency named in the order. 1992, c. 24, s. 37 (4).

Term of order

(5) A person ordered to hold money or assets under this section shall hold the money or assets in trust for the beneficial owner until the Registrar revokes or varies the order or the court makes an order under section 38. 1992, c. 24, s. 37 (5); 2002, c. 18, Sched. E, s. 4 (5).

Variation or revocation of order

(6) The Registrar may vary or revoke an order made under this section and may require that the person, whose money or assets are subject to the order, file with the Registrar a form of security acceptable to the Registrar in an amount acceptable to the Registrar. 1992, c. 24, s. 37 (6); 2002, c. 18, Sched. E, s. 4 (5).

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

2002, c. 18, Sched. E, s. 4 (5) - 28/02/2003

Release orders

38 (1) If the Registrar has made an order under section 37, any party, on notice to the other parties, may make an application to the Superior Court of Justice for an order concerning the disposition of the money or assets. 1992, c. 24, s. 38 (1); 2001, c. 9, Sched. D, s. 8 (3); 2002, c. 18, Sched. E, s. 4 (5).

Parties to an application

(2) The parties to an application are,

- (a) the Registrar;
- (b) the person whose money or assets are the subject of the order;
- (c) any person against whom the order is made; and
- (d) any other person specified by the court. 1992, c. 24, s. 38 (2); 2002, c. 18, Sched. E, s. 4 (5).

Powers of court

(3) On hearing the application, the court may direct the disposition of the money or assets, set aside or vary the Registrar's order, or make any other order it considers appropriate. 1992, c. 24, s. 38 (3); 2002, c. 18, Sched. E, s. 4 (5).

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

2001, c. 9, Sched. D, s. 8 (3) - 29/06/2001

2002, c. 18, Sched. E, s. 4 (5) - 28/02/2003

Proposed order for compliance

39 (1) The Registrar may propose to make an order that a person stop contravening this Act and the regulations or not contravene this Act and the regulations if,

- (a) an individual makes a statutory declaration to the Registrar in which the individual alleges, setting out facts that support the allegation, that the person is contravening, has contravened or is about to contravene this Act or the regulations; and
- (b) the Registrar, based on the statutory declaration, finds reasonable grounds to believe the allegation. 1992, c. 24, s. 39 (1); 2002, c. 18, Sched. E, s. 4 (5).

Notice of proposed order

(2) The Registrar shall serve notice of the proposed order together with written reasons for it on each person to be named in the order. 1992, c. 24, s. 39 (2); 2002, c. 18, Sched. E, s. 4 (5).

Right to hearing

(3) The notice of the proposed order shall inform each person receiving it that the person is entitled to request a hearing by the Tribunal. 1992, c. 24, s. 39 (3); 2002, c. 18, Sched. E, s. 4 (6); 2011, c. 1, Sched. 1, s. 3 (13).

Request for hearing

(4) To request a hearing, the person shall serve a written request on the Registrar and the Tribunal within fifteen days after the Registrar serves the notice of the proposed order. 1992, c. 24, s. 39 (4); 2002, c. 18, Sched. E, s. 4 (5, 7); 2011, c. 1, Sched. 1, s. 3 (13).

If no hearing

(5) The Registrar may make the proposed order if the person does not request the hearing within the allowed time. 1992, c. 24, s. 39 (5); 2002, c. 18, Sched. E, s. 4 (5).

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

2002, c. 18, Sched. E, s. 4 (5-7) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (13) - 01/07/2011

Immediate order for compliance

40 (1) The Registrar may order a person to stop contravening this Act and the regulations or to not contravene this Act and the regulations without serving a proposed order under section 39 if,

- (a) an individual makes a statutory declaration to the Registrar in which the individual alleges, setting out facts which support the allegation, that the person is contravening, has contravened or is about to contravene this Act or the regulations;
- (b) the Registrar, based on the statutory declaration, finds reasonable grounds to believe the allegation; and
- (c) the Registrar believes it necessary to make an immediate order to protect the public. 1992, c. 24, s. 40 (1); 2002, c. 18, Sched. E, s. 4 (5).

Effect of order

(2) The Registrar shall serve a copy of the order made together with written reasons for it on each person named in it and it takes effect immediately upon being served. 1992, c. 24, s. 40 (2); 2002, c. 18, Sched. E, s. 4 (5).

Right to hearing

(3) The copy shall inform each person receiving it that the person is entitled to a hearing by the Tribunal. 1992, c. 24, s. 40 (3); 2002, c. 18, Sched. E, s. 4 (6); 2011, c. 1, Sched. 1, s. 3 (13).

Request for hearing

(4) To request a hearing, the person shall serve a written request on the Registrar and the Tribunal within fifteen days after the Registrar serves the copy of the order. 1992, c. 24, s. 40 (4); 2002, c. 18, Sched. E, s. 4 (5, 7); 2011, c. 1, Sched. 1, s. 3 (13).

Expiry of order

(5) If a person requests a hearing, the order expires on the day the order of the Tribunal takes effect under section 41. 1992, c. 24, s. 40 (5); 2002, c. 18, Sched. E, s. 4 (7); 2011, c. 1, Sched. 1, s. 3 (13).

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

2002, c. 18, Sched. E, s. 4 (5-7) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (13) - 01/07/2011

If hearing requested

41 (1) If a person requests a hearing under section 39 or 40, the Tribunal shall schedule and hold the hearing. 1992, c. 24, s. 41 (1); 2002, c. 18, Sched. E, s. 4 (6); 2011, c. 1, Sched. 1, s. 3 (13).

(2) REPEALED: 1993, c. 25, s. 40 (1).

(3) REPEALED: 1996, c. 26, s. 4 (16).

Order of Tribunal

(4) The Tribunal may by order,

(a) confirm or set aside a proposed order of the Registrar;

(b) order the Registrar to take such action as the Tribunal considers the Registrar ought to take to give effect to the purposes of this Act. 1992, c. 24, s. 41 (4); 2002, c. 18, Sched. E, s. 4 (5, 7); 2011, c. 1, Sched. 1, s. 3 (13, 14).

Discretion of Tribunal

(5) In making an order, the Tribunal may substitute its opinion for that of the Registrar. 1992, c. 24, s. 41 (5); 2002, c. 18, Sched. E, s. 4 (5, 7); 2011, c. 1, Sched. 1, s. 3 (15).

Terms of order

(6) The Tribunal may attach any terms to its order that it considers proper to give effect to the purposes of this Act. 1992, c. 24, s. 41 (6); 2002, c. 18, Sched. E, s. 4 (7); 2011, c. 1, Sched. 1, s. 3 (15).

Transition

(7) If a person has requested a hearing under section 39 or 40, as it read before the day section 3 of Schedule 1 to the *Good Government Act, 2011* comes into force, but the hearing has not commenced by that day, the Tribunal shall hold the hearing. 2011, c. 1, Sched. 1, s. 3 (16).

Same

(8) If a hearing before the Board under this section has not concluded by the day section 3 of Schedule 1 to the *Good Government Act, 2011* comes into force, then despite subsection (1), the Board shall continue to hold the hearing. 2011, c. 1, Sched. 1, s. 3 (16).

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

1993, c. 25, s. 40 (1) - 11/02/1994; 1996, c. 26, s. 4 (16, 17) - 22/02/1998

2002, c. 18, Sched. E, s. 4 (5-7) - 28/02/2003

2011, c. 1, Sched. 1, s. 3 (13-16) - 01/07/2011

Court order for compliance

42 (1) If a person fails to comply with a Registrar's order made under this Act, the Registrar may, in addition to any other rights, make an application to a judge of the Superior Court of Justice for an order directing the person to comply with the Registrar's order. 1992, c. 24, s. 42 (1); 2001, c. 9, Sched. D, s. 8 (3); 2002, c. 18, Sched. E, s. 4 (5).

Judge's power

(2) On hearing the application, the judge may make such order as he or she thinks fit. 1992, c. 24, s. 42 (2).

Appeal

(3) An appeal lies to the Divisional Court from the judge's order. 1992, c. 24, s. 42 (3).

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

2001, c. 9, Sched. D, s. 8 (4) - 29/06/2001

2002, c. 18, Sched. E, s. 4 (5) - 28/02/2003

PART V GENERAL

43 REPEALED: 1996, c. 26, s. 4 (18).

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

1996, c. 26, s. 4 (18) - 22/02/1998

List of registrants

44 The Registrar may distribute to the public or otherwise make available, in such form as the Registrar determines, a list of all persons registered under this Act. 1992, c. 24, s. 44.

45 REPEALED: 1996, c. 26, s. 4 (18).

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

1996, c. 26, s. 4 (18) - 22/02/1998

Offences

46 (1) Every person is guilty of an offence who,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order made under this Act; or
- (c) being a registered supplier, fails to comply with a term or condition of registration. 1992, c. 24, s. 46 (1); 1996, c. 26, s. 4 (19).

Same

(2) Every person is guilty of an offence who contravenes or fails to comply with subsection 2 (1), (3), (4), (5), (6) or (7), 3.6 (6), 3.8 (3), 3.9 (1) or (2), 4 (1), (1.1), (1.2), (4) or (5), 5 (1) or (4), 9 (6), section 18, 19, 20, 21, 22, 22.1, 23, 24 or 25, subsection 26 (1), (2) or (3), section 27 or 28, subsection 30 (2) or section 35 or a regulation made under clause 48 (1) (h), (i), (k), (l), (m), (m.1) or (m.2). 2011, c. 9, Sched. 17, s. 15 (1).

Directors, officers

(3) It is an offence for any director or officer of a corporation to cause, authorize, permit, or participate or acquiesce in the commission by the corporation of an offence mentioned in subsection (1) or (2). 1992, c. 24, s. 46 (3).

Penalty, non-corporations

(4) A person other than a corporation convicted of an offence under this Act, other than an offence with respect to section 2 or 18, is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both. 1992, c. 24, s. 46 (4); 2011, c. 9, Sched. 17, s. 15 (2).

Penalty, corporations

(5) A corporation convicted of an offence under this Act, other than an offence with respect to section 2 or 18, is liable to a fine of not more than \$500,000. 1992, c. 24, s. 46 (5); 2011, c. 9, Sched. 17, s. 15 (2).

Penalty, offences re minor

(5.1) A person who is convicted of an offence with respect to section 2 is liable to a fine of not more than \$50,000 in the case of an individual or \$250,000 in the case of a person who is not an individual. 2011, c. 9, Sched. 17, s. 15 (3).

Penalty, other offence

(6) A person who is convicted of an offence with respect to section 18 is liable to a fine of not more than \$50,000. 1992, c. 24, s. 46 (6).

Limitation period

(7) No proceeding under clause (1) (a) shall be commenced more than one year after the facts upon which it is based first came to the knowledge of the Registrar. 1992, c. 24, s. 46 (7).

Same

(8) No proceeding under clause (1) (b) or (c) or subsection (2) or (3) shall be commenced more than two years after the time when the subject matter of the proceeding arose. 1992, c. 24, s. 46 (8); 1996, c. 26, s. 4 (21).

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

1996, c. 26, s. 4 (19-21) - 06/03/1997; 1999, c. 12, Sched. L, s. 19 (17) - 01/04/2000

2001, c. 9, Sched. D, s. 8 (4) - 29/06/2001

2011, c. 9, Sched. 17, s. 15 (1-3) - 01/06/2012

Crown bound

47 This Act binds the Crown. 1992, c. 24, s. 47.

Gaming debt illegal

47.1 No person may use civil proceedings to recover money owing to the person resulting from the participating in or betting on a lottery scheme within the meaning of section 207 of the *Criminal Code* (Canada) conducted in Ontario unless the lottery scheme is authorized under subsection 207 (1) of the Code. 1993, c. 25, s. 42.

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

1993, c. 25, s. 42 - 11/02/1994

Regulations

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

- (a) prescribing anything that is referred to in this Act as being prescribed by the regulations;
- (b) exempting any person, class of persons, lottery scheme or class of lottery schemes from any or all of the provisions of this Act and the regulations;
- (b.1) prohibiting classes of individuals from entering or remaining on a gaming site during the playing of a lottery scheme on the site;
- (b.2) prescribing requirements for the service of directions for the purposes of subsection 2 (7) and the date on which the service shall be deemed to have been made;
- (c) classifying registered suppliers, registered gaming assistants, gaming sites and lottery schemes for the purpose of any requirement under this Act;
- (d) governing applications for registration or renewal of registration of suppliers and gaming assistants;
- (e) prescribing terms of registration for suppliers and gaming assistants;
- (f) REPEALED: 1996, c. 26, s. 4 (22).
- (f.1) REPEALED: 2002, c. 18, Sched. E, s. 4 (12).
- (g) requiring registrants to provide security in such form and on such terms as are prescribed, and providing for the forfeiture of the security and the disposition of the proceeds;
- (h) prescribing the goods or services that are related to the conduct, management or operation of a gaming site or a lottery scheme or a business related to a gaming site or a lottery scheme and that a registered supplier or registered gaming assistant may provide;
- (i) prescribing requirements or standards for goods or services provided by registered suppliers and registered gaming assistants in relation to gaming sites, lottery schemes or businesses related to a gaming site or a lottery scheme;
- (j) prescribing the fees or other consideration that registered suppliers may charge;
- (k) prescribing rules related to the scheduling of gaming events;
- (k.1) prescribing requirements and criteria for the purposes of subsection 3.6 (1);
- (k.2) REPEALED: 1996, c. 26, s. 4 (23).

- (l) requiring and setting standards for security and surveillance at gaming events;
- (m) prescribing rules of play for lottery schemes;
- (m.1) prescribing rules governing the use of credit extended to players of lottery schemes;
- (m.2) prescribing rules relating to the handling of money and money equivalents received from players of lottery schemes;
- (n) requiring and governing books, accounts and other records to be kept by registered suppliers, including prescribing time schedules for their retention;
- (o) governing trust accounts of registered suppliers, including the holding and disbursement of money in respect of those accounts;
- (p) prescribing the manner in which registered suppliers maintain their trust accounts and other records;
- (q) requiring registered suppliers or registered gaming assistants to make returns and furnish information to the Registrar;
- (r) requiring any information required to be furnished or contained in any form or return to be verified by statutory declaration;
- (s) REPEALED: 1996, c. 26, s. 4 (25).
- (t) respecting any matter necessary to facilitate the implementation of this Act. 1992, c. 24, s. 48; 1993, c. 25, s. 43 (1-3); 1996, c. 26, s. 4 (22-25); 1999, c. 12, Sched. L, s. 19 (18); 2002, c. 18, Sched. E, s. 4 (12); 2011, c. 9, Sched. 17, s. 16 (1, 2).
- (2) REPEALED: 2011, c. 9, Sched. 17, s. 16 (3).

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

1993, c. 25, s. 43 (1-4) - 11/02/1994; 1996, c. 26, s. 4 (22-24) - 22/02/1998; 1996, c. 26, s. 4 (25) - 06/03/1997; 1999, c. 12, Sched. L, s. 19 (18) - 01/04/2000

2002, c. 18, Sched. E, s. 4 (12) - 28/02/2003

2011, c. 9, Sched. 17, s. 16 (1-3) - 01/06/2012

49 OMITTED (AMENDS OR REPEALS OTHER ACTS). 1992, c. 24, s. 49.

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

1993, c. 25, s. 24 - 11/02/1994

50 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 1992, c. 24, s. 50.

51 OMITTED (ENACTS SHORT TITLE OF THIS ACT). 1992, c. 24, s. 51.

Français

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