

# Ontario Lottery and Gaming Corporation Act, 1999

## S.O. 1999, CHAPTER 12 Schedule L

**Consolidation Period:** From November 16, 2018 to the [e-Laws currency date](#).

Last amendment: 2018, c. 12, Sched. 2, s. 59.

Legislative History: 2004, c. 8, s. 46, Table; 2004, c. 17, s. 31; 2006, c. 33, Sched. Z; 2008, c. 7, Sched. Q (But see 2011, c. 9, Sched. 34, s. 13); 2011, c. 9, Sched. 34; 2015, c. 38, Sched. 16; 2017, c. 34, Sched. 46, s. 40; 2018, c. 12, Sched. 2, s. 59.

### CONTENTS

#### [INTERPRETATION](#)

<a href="#">0.1</a>	Purposes of Act
<a href="#">1.</a>	Definitions
	<a href="#">ONTARIO LOTTERY AND GAMING CORPORATION</a>
<a href="#">2.</a>	Corporation established
<a href="#">3.</a>	Objects of the Corporation
<a href="#">4.</a>	Powers of the Corporation
<a href="#">5.</a>	Board of directors
<a href="#">6.</a>	Powers of the board
<a href="#">7.</a>	Remuneration of senior employees
<a href="#">8.</a>	No personal liability
<a href="#">9.</a>	Accounting system
<a href="#">10.</a>	Annual report
<a href="#">10.1</a>	Tabling of annual report
<a href="#">10.2</a>	Other reports, etc.
<a href="#">11.</a>	Access by Corporation to other records

#### [GAMING SITES](#)

<a href="#">12.</a>	Requirements re gaming sites
	<a href="#">FINANCIAL SUPPORT FOR LIVE HORSE RACING</a>
<a href="#">12.1</a>	Grant program
<a href="#">12.2</a>	Administration of grant program
<a href="#">12.3</a>	Transition, transfer of program
<a href="#">12.4</a>	Expenditures for grant program, etc.

#### [GENERAL](#)

<a href="#">13.</a>	Funding of major capital expenditures
<a href="#">14.</a>	Payments from revenue
<a href="#">14.1</a>	Publication of First Nations agreements
<a href="#">15.</a>	Regulations

### INTERPRETATION

#### **Purposes of Act**

**0.1** The purposes of this Act are,

- (a) to enhance the economic development of the Province;
- (b) to generate revenues for the Province;
- (c) to promote responsible gaming with respect to lottery schemes; and
- (d) to ensure that anything done for a purpose set out in clause (a), (b) or (c) is also done for the public good and in the best interests of the Province. 2011, c. 9, Sched. 34, s. 1; 2015, c. 38, Sched. 16, s. 1.

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

2011, c. 9, Sched. 34, s. 1 - 01/06/2012

2015, c. 38, Sched. 16, s. 1 - 01/03/2016

## **Definitions**

**1** In this Act,

“board” means the board of directors of the Corporation; (“conseil”)

“Corporation” means the Ontario Lottery and Gaming Corporation; (“Société”)

“employee” means a permanent full-time employee; (“employé”)

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

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

“Minister” means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act; (“ministre”)

“prescribed” means prescribed by a regulation made under this Act. (“prescrit”) 1999, c. 12, Sched. L, s. 1; 2011, c. 9, Sched. 34, s. 2.

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

2011, c. 9, Sched. 34, s. 2 (1-6) - 01/06/2012

## **ONTARIO LOTTERY AND GAMING CORPORATION**

### **Corporation established**

**2** (1) A corporation without share capital is hereby established to be known in English as the Ontario Lottery and Gaming Corporation and in French as Société des loteries et des jeux de l’Ontario. 1999, c. 12, Sched. L, s. 2 (1).

### **Composition**

(2) The Corporation is composed of at least five members to be appointed by the Lieutenant Governor in Council. 1999, c. 12, Sched. L, s. 2 (2).

### **Crown agency**

(3) The Corporation is for all its purposes an agent of Her Majesty and all its powers may be exercised only as an agent of Her Majesty. 1999, c. 12, Sched. L, s. 2 (3).

### **Fiscal year**

(4) The fiscal year of the Corporation is the same as the fiscal year of the Province. 1999, c. 12, Sched. L, s. 2 (4).

### **Other Acts**

(5) The *Corporations Act* and the *Corporations Information Act* do not apply to the Corporation. 1999, c. 12, Sched. L, s. 2 (5).

**Note:** On the first day that both section 3 of Schedule 34 to the *Better Tomorrow for Ontario Act (Budget Measures), 2011* and subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* are in force, subsection (5) is amended by striking out “The *Corporations Act*” at the beginning and substituting “The *Not-for-Profit Corporations Act, 2010*”. See: 2011, c. 9, Sched. 34, ss. 3, 14.

### **Conflict of interest and indemnification**

(6) Sections 132 and 136 of the *Business Corporations Act* apply to the Corporation and to the members of the board. 1999, c. 12, Sched. L, s. 2 (6).

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

2011, c. 9, Sched. 34, s. 3 - not in force

## **Objects of the Corporation**

**3** The following are the objects of the Corporation:

1. To develop, undertake, organize, conduct and manage lottery schemes on behalf of Her Majesty in right of Ontario.
2. To provide for the operation of gaming sites.

3. To ensure that lottery schemes and gaming sites are conducted, managed and operated in accordance with the *Criminal Code* (Canada), this Act and the *Gaming Control Act, 1992* and the regulations made under them.
4. To provide for the operation of any business that the Corporation considers to be reasonably related to operating a gaming site or lottery scheme, including any business that offers goods and services to persons who play lottery schemes in a gaming site.
5. If authorized by the Lieutenant Governor in Council, to enter into agreements to develop, undertake, organize, conduct and manage lottery schemes on behalf of, or in conjunction with, the government of one or more provinces of Canada.
- 5.1 To undertake activities with respect to the support of live horse racing in Ontario.
6. To do such other things as the Lieutenant Governor in Council may by order direct. 1999, c. 12, Sched. L, s. 3; 2011, c. 9, Sched. 34, s. 4; 2015, c. 38, Sched. 16, s. 2.

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

2011, c. 9, Sched. 34, s. 4 (1-3) - 01/06/2012

2015, c. 38, Sched. 16, s. 2 - 01/03/2016

#### **Powers of the Corporation**

**4** (1) Except as limited by this Act, the Corporation has the capacity, rights, powers and privileges of a natural person for carrying out its objects. 1999, c. 12, Sched. L, s. 4 (1).

#### **Restriction, real property**

(2) The Corporation is not authorized to acquire, hold or dispose of any interest in real property except with the approval of the Chair of Management Board and the Minister of Finance and on the terms set by them. 1999, c. 12, Sched. L, s. 4 (2).

#### **Same, borrowing**

(3) The Corporation may not borrow money or give security against property except with the approval of the Minister and the Minister of Finance. 2011, c. 9, Sched. 34, s. 5.

#### **Borrowing, approval**

(3.1) An approval under subsection (3) may be subject to such terms and conditions as the Minister and the Minister of Finance consider advisable. 2008, c. 7, Sched. Q, s. 1.

#### **Guarantee of loan**

(4) Subject to the approval of the Lieutenant Governor in Council, the Minister of Finance may, upon such conditions as he or she considers proper, guarantee, on behalf of Ontario, the repayment of any loan made to the Corporation, together with interest on the loan. 1999, c. 12, Sched. L, s. 4 (4).

#### **Same, pari-mutuel system of betting**

(5) The Corporation is not authorized to operate a pari-mutuel system of betting (within the meaning of section 204 of the *Criminal Code* (Canada)). 2015, c. 38, Sched. 16, s. 3.

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

2008, c. 7, Sched. Q, s. 1 - 14/05/2008

2011, c. 9, Sched. 34, s. 5 - 01/06/2012

2015, c. 38, Sched. 16, s. 3 - 01/03/2016

#### **Board of directors**

**5** (1) The board of the Corporation is composed of the members of the Corporation. 1999, c. 12, Sched. L, s. 5 (1).

#### **Chair and vice-chair**

(2) The Lieutenant Governor in Council may designate a chair and a vice-chair of the board from among the members of the board. 1999, c. 12, Sched. L, s. 5 (2).

#### **Remuneration**

(3) The members of the board shall be paid such remuneration as the Lieutenant Governor in Council determines. 1999, c. 12, Sched. L, s. 5 (3).

## **Quorum**

(4) A majority of members of the board constitutes a quorum. 1999, c. 12, Sched. L, s. 5 (4).

## **Powers of the board**

**6** The board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation. 1999, c. 12, Sched. L, s. 6.

## **Remuneration of senior employees**

**7** (1) The remuneration, including salary and benefits, of senior employees of the Corporation must be approved by the Minister. 1999, c. 12, Sched. L, s. 7 (1).

## **Employees' pension plan**

(2) The Corporation shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act* as an organization whose employees are required to be members of the Public Service Pension Plan. 1999, c. 12, Sched. L, s. 7 (2).

## **Service with predecessor corporations**

(3) Service with the Ontario Lottery Corporation and the Ontario Casino Corporation of an employee shall be deemed to be service with the Corporation for the purpose of determining probationary periods, benefits or any other employment-related entitlements under the *Employment Standards Act, 2000* or any other Act or under any employment contract. 2011, c. 9, Sched. 34, s. 6.

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

2011, c. 9, Sched. 34, s. 6 - 01/06/2012

## **No personal liability**

**8** No action or other proceeding may be instituted against any member of the Corporation or person appointed to the service of the Corporation for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty. 1999, c. 12, Sched. L, s. 8.

## **Accounting system**

**9** (1) The Corporation shall establish and maintain an accounting system satisfactory to the Minister of Finance. 1999, c. 12, Sched. L, s. 9 (1).

## **Auditor**

(2) The board shall appoint one or more auditors licensed under the *Public Accounting Act, 2004* to audit the accounts and financial transactions of the Corporation annually. 1999, c. 12, Sched. L, s. 9 (2); 2004, c. 8, s. 46.

## **Same**

(3) The Minister may at any time require that any aspect of the affairs of the Corporation be audited by an auditor appointed by the Minister. 1999, c. 12, Sched. L, s. 9 (3).

## **Auditor's report**

(4) The board shall give the Minister a copy of every auditor's report. 2017, c. 34, Sched. 46, s. 40 (1).

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

2004, c. 8, s. 46, Table - 01/11/2005

2017, c. 34, Sched. 46, s. 40 (1) - 01/01/2018

## **Annual report**

**10** (1) The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public. 2017, c. 34, Sched. 46, s. 40 (2).

## **Same**

(2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and

(c) when and how to make it available to the public. 2017, c. 34, Sched. 46, s. 40 (2).

#### **Same**

(3) The Corporation shall include such additional content in the annual report as the Minister may require. 2017, c. 34, Sched. 46, s. 40 (2).

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

2017, c. 34, Sched. 46, s. 40 (2) - 01/01/2018

#### **Tabling of annual report**

**10.1** The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it. 2017, c. 34, Sched. 46, s. 40 (2).

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

2017, c. 34, Sched. 46, s. 40 (2) - 01/01/2018

#### **Other reports, etc.**

**10.2** The Corporation shall give the Minister such additional information and reports as the Minister may request. 2017, c. 34, Sched. 46, s. 40 (2).

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

2017, c. 34, Sched. 46, s. 40 (2) - 01/01/2018

#### **Access by Corporation to other records**

**11** (1) The Corporation shall ensure that any person with whom it has entered into a contract to provide for the operation of a gaming site or a related business is required to make available immediately to the Corporation upon request all reports, accounts, records and other documents in respect of the operation of the gaming site or related business. 2011, c. 9, Sched. 34, s. 7.

#### **Auditor General**

(2) The reports, accounts, records and other documents shall be deemed to form part of the accounts of the Corporation for the purpose of the *Auditor General Act*. 1999, c. 12, Sched. L, s. 11 (2); 2004, c. 17, s. 31.

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

2004, c. 17, s. 31 - 30/11/2004

2011, c. 9, Sched. 34, s. 7 - 01/06/2012

### **GAMING SITES**

#### **Requirements re gaming sites**

**12** The Corporation shall not authorize a gaming site to be established until the Corporation takes the prescribed steps and unless the Corporation requires the prescribed conditions to be met in respect of the proposed gaming site. 1999, c. 12, Sched. L, s. 12; 2011, c. 9, Sched. 34, s. 9.

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

2011, c. 9, Sched. 34, s. 8, 9 - 01/06/2012

### **FINANCIAL SUPPORT FOR LIVE HORSE RACING**

#### **Grant program**

**12.1** (1) The Minister may establish a grant program for the purpose of supporting live horse racing in Ontario and may establish guidelines for the program. 2015, c. 38, Sched. 16, s. 4.

#### **Grant agreements**

(2) For the purposes of the program, the Minister may enter into grant agreements, on such terms as he or she considers advisable, with the owners or operators of race courses in Ontario where live horse races are held. 2015, c. 38, Sched. 16, s. 4.

### **Delegation to the Corporation**

(3) The Minister may delegate his or her powers under subsection (2) to the Corporation and may impose conditions and restrictions with respect to the delegation. 2015, c. 38, Sched. 16, s. 4.

### **Authority to pay grants**

(4) The Minister may make grants under the program to owners and operators who have entered into a grant agreement. 2015, c. 38, Sched. 16, s. 4.

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

2015, c. 38, Sched. 16, s. 4 - 01/03/2016

### **Administration of grant program**

**12.2** (1) The Minister may enter into agreements with the Corporation for the administration of a grant program under section 12.1, and an agreement may provide for the payment of grants on the Minister's behalf. 2015, c. 38, Sched. 16, s. 5.

### **Disclosure of information**

(2) Information received directly or indirectly by the Minister in connection with the grant program, including information received in connection with a grant agreement, may be disclosed to the Corporation, the Alcohol and Gaming Commission of Ontario and the Licence Appeal Tribunal. 2015, c. 38, Sched. 16, s. 5.

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

2015, c. 38, Sched. 16, s. 5 - 01/03/2016

### **Transition, transfer of program**

**12.3** (1) On or before March 31, 2016, the Minister may designate a grant program established under section 12.1 as the successor to the Horse Racing Partnership Funding Program established under section 7 of the *Ministry of Agriculture, Food and Rural Affairs Act*, in order to enable the continued administration of that Program. 2015, c. 38, Sched. 16, s. 6.

### **Designation of agreements**

(2) For the purposes of this section, the Minister may, by regulation, designate one or more of the following transfer payment agreements:

1. A transfer payment agreement entered into by the Ontario Racing Commission under the Horse Racing Partnership Funding Program established under section 7 of the *Ministry of Agriculture, Food and Rural Affairs Act*.
2. Any other transfer payment agreement entered into by the Ontario Racing Commission to provide operational and purse support for the operator of a race track in Ontario. 2015, c. 38, Sched. 16, s. 6.

### **Status of designated agreements**

(3) If the Minister designates a grant program as the successor to the Horse Racing Partnership Funding Program as described in subsection (1), the designated agreements are deemed to be grant agreements for the purposes of the grant program. 2015, c. 38, Sched. 16, s. 6.

### **Minister as party to designated agreements**

(4) On the day on which this section comes into force, the Crown as represented by the Minister replaces the Ontario Racing Commission as a party to each designated agreement and references in those agreements to the Commission are deemed to be references to the Crown as represented by the Minister. 2015, c. 38, Sched. 16, s. 6.

### **Effect of transfer of program, etc.**

(5) This section does not constitute a breach, termination or repudiation of a designated agreement or the frustration of the agreement, or an event of default or force majeure. 2015, c. 38, Sched. 16, s. 6.

### **Delegation to the Corporation**

(6) The Minister may delegate his or her powers under a designated agreement to the Corporation and may impose conditions and restrictions with respect to the delegation. 2015, c. 38, Sched. 16, s. 6.

### **Disclosure of information**

(7) Information received directly or indirectly by the Minister in connection with the Horse Racing Partnership Funding Program established under section 7 of the *Ministry of Agriculture, Food and Rural Affairs Act*, including information received in connection with a transfer payment agreement referred to in subsection (2), may be disclosed to the Corporation, the Alcohol and Gaming Commission of Ontario and the Licence Appeal Tribunal. 2015, c. 38, Sched. 16, s. 6.

## **Interpretation**

(8) A reference in this section to the Horse Racing Partnership Funding Program established under section 7 of the *Ministry of Agriculture, Food and Rural Affairs Act* is a reference to the Program as established by Order in Council O.C. 251/2014, amended by O.C. 528/2014 and terminated by O.C. 894/2015. 2015, c. 38, Sched. 16, s. 6.

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

2015, c. 38, Sched. 16, s. 6 - 01/03/2016

### **Expenditures for grant program, etc.**

**12.4** Expenditures required for the purposes of sections 12.1, 12.2 and 12.3 shall be funded out of money appropriated for those purposes by the Legislature. 2015, c. 38, Sched. 16, s. 7.

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

2015, c. 38, Sched. 16, s. 7 - 01/03/2016

## **GENERAL**

### **Funding of major capital expenditures**

**13** (1) If the Corporation proposes to undertake a major capital expenditure, the Corporation shall borrow the necessary funds with the approval required by subsection 4 (3). 2011, c. 9, Sched. 34, s. 10.

### **Major capital expenditure**

(2) An expenditure is a major capital expenditure for the purposes of this section in either of the following circumstances:

1. If it satisfies the prescribed criteria for a major capital expenditure or any class of major capital expenditure.
2. If the Minister notifies the Corporation in writing that the expenditure is a major capital expenditure for the purposes of this Act. 2011, c. 9, Sched. 34, s. 10.

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

2011, c. 9, Sched. 34, s. 10 - 01/06/2012

**13.1** REPEALED: 2011, c. 9, Sched. 34, s. 10.

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

2008, c. 7, Sched. Q, s. 2 - no effect - see 2011, c. 9, Sch. 34, s. 13 - 01/06/2012

2011, c. 9, Sched. 34, s. 10 - 01/06/2012

### **Payments from revenue**

**14** (1) The Corporation shall make the following payments out of the revenue that it receives from all gaming sites and lottery schemes and the operation of all related businesses, in the following order of priority:

1. Payment of prizes and winnings to players.
2. Payments that the regulations made under this Act require the Corporation to make to the Consolidated Revenue Fund.
3. Payment of the operating expenses of the Corporation.
4. Payment of money to the Alcohol and Gaming Commission of Ontario under subsection 8 (2) of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*.
5. Payments required to be made by the Corporation under an agreement relating to the distribution of a portion of the Corporation's revenues to First Nations of Ontario that is,
  - i. entered into by the Province of Ontario and representatives of First Nations of Ontario, and
  - ii. approved by the Lieutenant Governor in Council on the recommendation of the Minister and the Minister of Finance.
6. Payments relating to the support of live horse racing in Ontario that are required by regulation and are made for the purposes specified in the regulations and in accordance with such conditions and restrictions as may be prescribed. 2011, c. 9, Sched. 34, s. 10; 2015, c. 38, Sched. 16, s. 8; 2018, c. 12, Sched. 2, s. 59.

### **Same, certain capital expenditures**

(2) After making the payments required by subsection (1), the Corporation may make payments out of the remaining revenue described in that subsection for capital expenditures in relation to the operation of gaming sites or lottery schemes, other than major capital expenditures referred to in section 13. 2011, c. 9, Sched. 34, s. 10.

### **Payments from net revenue**

(3) After making the payments required by subsection (1) and permitted by subsection (2), the Corporation shall pay the amount remaining from the revenue described in subsection (1) into the Consolidated Revenue Fund at such times and in such manner as the Minister of Finance may direct. 2011, c. 9, Sched. 34, s. 10.

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

2006, c. 33, Sched. Z, s. 1 (1, 2) - 11/02/2008

2008, c. 7, Sched. Q, s. 3 (1-4) - no effect - see 2011, c. 9, Sch. 34, s. 13 - 01/06/2012

2011, c. 9, Sched. 34, s. 10 - 01/06/2012

2015, c. 38, Sched. 16, s. 8 - 23/04/2018

2018, c. 12, Sched. 2, s. 59 - 16/11/2018

### **Publication of First Nations agreements**

**14.1** The Minister shall publish any agreement described in paragraph 5 of subsection 14 (1), and any amendments to such agreements, in *The Ontario Gazette*. 2011, c. 9, Sched. 34, s. 10.

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

2006, c. 33, Sched. Z, s. 2 - 11/02/2008

2011, c. 9, Sched. 34, s. 10 - 01/06/2012

**14.2** REPEALED: 2011, c. 9, Sched. 34, s. 10.

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

2006, c. 33, Sched. Z, s. 2 - 11/02/2008

2011, c. 9, Sched. 34, s. 10 - 01/06/2012

### **Regulations**

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

- (a) defining words and expressions used in this Act that are not defined in this Act;
- (b) regulating lottery schemes conducted and managed by the Corporation;
- (c) prescribing the conditions and qualifications to entitlement to prizes in any lottery scheme conducted and managed by the Corporation;
- (d) prescribing requirements for the establishment of a gaming site;
- (e) prohibiting classes of individuals from entering or remaining in a gaming site during the playing of a lottery scheme in the site;
- (e.1) requiring payments to be made by the Corporation relating to the support of live horse racing in Ontario and prescribing purposes, conditions and restrictions in connection with those payments as referred to in paragraph 6 of subsection 14 (1);
- (f) prescribing criteria for determining whether an expenditure or class of expenditures is a major capital expenditure for the purposes of section 13;
- (f.1) REPEALED: 2011, c. 9, Sched. 34, s. 11 (4).
- (g) requiring the Corporation to pay into the Consolidated Revenue Fund a specified percentage of the revenue that it receives from the operation of gaming sites, lottery schemes and related businesses under this Act after paying prizes and winnings to players, and prescribing the time for making such payments;
- (h) exempting any person, premises, channel or lottery scheme from any requirement of this Act or of a regulation made under it, subject to any conditions that may be prescribed;



- (i) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act. 1999, c. 12, Sched. L, s. 15 (1); 2008, c. 7, Sched. Q, s. 4; 2011, c. 9, Sched. 34, s. 11 (1-4); 2015, c. 38, Sched. 16, s. 9.

**Same**

- (2) The *Statutory Powers Procedure Act* does not apply to the exercise of the power to make regulations under clause (1) (e). 1999, c. 12, Sched. L, s. 15 (2).

**Same**

- (3) The percentage of revenue prescribed for the purposes of clause (1) (g) must not exceed 20 per cent. 1999, c. 12, Sched. L, s. 15 (3).

**Classes**

- (4) A regulation may establish different requirements for different classes of person, premises, channel, lottery scheme or activity. 1999, c. 12, Sched. L, s. 15 (4); 2011, c. 9, Sched. 34, s. 11 (5).

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

2008, c. 7, Sched. Q, s. 4 - 14/05/2008

2011, c. 9, Sched. 34, s. 11 (1-5) - 01/06/2012

2015, c. 38, Sched. 16, s. 9 - 23/04/2018

**16** (1) REPEALED: 2011, c. 9, Sched. 34, s. 12.

(2), (3) REPEALED: 2015, c. 38, Sched. 16, s. 10.

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

2011, c. 9, Sched. 34, s. 12 - 01/06/2012

2015, c. 38, Sched. 16, s. 10 - 01/03/2016

**17-22** REPEALED: 2011, c. 9, Sched. 34, s. 12.

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

2011, c. 9, Sched. 34, s. 12 - 01/06/2012

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Back to top