

1986, chapter 50

# AN ACT TO AMEND THE ACT RESPECTING SAFETY IN SPORTS

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**Bill 66**

Introduced by Mr Yvon Picotte, Minister of Recreation, Fish and Game

Introduced 15 May 1986

Passage in principle 10 June 1986

Passage 19 June 1986

**Assented to 19 June 1986**

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**Coming into force: on the date fixed by the Government**

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**Act amended:**

Act respecting safety in sports (R.S.Q., chapter S-3.1)





## CHAPTER 50

### An Act to amend the Act respecting safety in sports

*[Assented to 19 June 1986]*

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. S-3.1, s.  
11, am. **1.** Section 11 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by adding, at the end of the third paragraph, the following words: “Only a commissioner may also exercise the powers conferred on the board under sections 44.2 and 44.3.”

c. S-3.1, ss.  
16.1-16.3,  
added **2.** The said Act is amended by inserting, after section 16, the following sections:

Immunity **“16.1** No extraordinary recourse provided for in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised nor any injunction granted against the board or its commissioners acting in their official capacity, except on a question of jurisdiction.

a. 33 of  
C.C.P. not  
applicable **“16.2** Article 33 of the Code of Civil Procedure does not apply to the board or its commissioners acting in their official capacity, except on a question of jurisdiction.

Decision  
annulled **“16.3** A judge of the Court of Appeal may, on a motion, summarily annul any decision rendered contrary to section 16.1 or 16.2.”

c. S-3.1, s.  
20, am. **3.** Section 20 of the said Act is amended  
(1) by replacing the first paragraph by the following paragraph:

Functions        **“20.** The board is responsible for supervising personal safety and integrity in the practice of sports.”;

(2) by adding, at the end, the following subparagraph:

“(7) preserve the good reputation of each category of sports contemplated in section 40.”

c. S-3.1, s. 21, am.        **4.** Section 21 of the said Act is amended by replacing paragraph 3 by the following paragraph:

“(3) issue to a person applying therefor a licence for the operation of a sports centre or for the holding of a sports event contemplated in Chapter V;”.

c. S-3.1, s. 22, am.        **5.** Section 22 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following words: “or be detrimental to the good reputation of any category of sports contemplated in section 40.”;

(2) by replacing the words “A person”, in the first line of the second paragraph, by the words “The board, or any person designated by it,”.

c. S-3.1, s. 24, am.        **6.** Section 24 of the said Act is amended by adding the following paragraph:

Applicability        “The first paragraph does not apply to an inquiry referred to in sections 44.2 and 44.3.”

c. S-3.1, s. 37, am.        **7.** Section 37 of the said Act is amended by striking out the second paragraph.

c. S-3.1, s. 41, replaced        **8.** Section 41 of the said Act is replaced by the following section:

Licence        **“41.** To be entitled to participate in a sports event contemplated in paragraph 1 of section 40, whether as an organizer or as a contestant, manager, trainer, second or official, or to be entitled to act on that occasion as a training partner, a ticket printer or person in charge of ticket sales, a person must hold a licence issued by the board for that purpose.”

c. S-3.1, s. 43, replaced        **9.** Section 43 of the said Act is replaced by the following section:

Licence

**“43.** To be entitled to participate in a sports event contemplated in paragraphs 2 to 4 of section 40 as an organizer or to act as an official at a sports event contemplated in paragraph 2 of that section, a person must hold a licence issued for that purpose by the board.”

c. S-3.1, s.  
44, am.

**10.** Section 44 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Applicable  
provisions

“Sections 32 to 34 and section 38 apply to the licences prescribed in section 41.

Applicable  
provisions

Sections 32 to 35, 37 and 38 apply to the licences prescribed in section 43.”

c. S-3.1, ss.  
44.1-44.4,  
added

**11.** The said Act is amended by inserting, after section 44, the following sections:

Combat  
sports

**“44.1** The holder of an organizer’s licence that is valid for a combat sports event shall pay to the Régie, according to the terms and conditions and at the time determined by regulation, duties representing 5% of the gross receipts, after deducting the duties prescribed by regulation for the issue of the licence.

Gross  
receipts

For the purposes of the first paragraph, the gross receipts are the receipts derived from the sale of tickets and broadcasting or rebroadcasting rights, after deduction of municipal amusement taxes.

Licence  
refused

**“44.2** The board, following an inquiry, may refuse to issue a licence required under section 41 in the following cases:

(1) where the applicant has been convicted of or has pleaded guilty to a penal or an indictable offence related to the activities referred to in section 41;

(2) where the applicant is unable to establish that he has the competence and honesty to carry on the activity in respect of which he is applying for the licence, owing to his previous conduct in carrying on an activity referred to in section 41;

(3) where the board has reasonable grounds to believe that the licence must be refused to ensure that, in the public interest, combat sports are carried on competently and honestly and that their good name is maintained;

(4) where the board has reasonable grounds to believe that the application is being made on behalf of another person to whom any of subparagraphs 1 to 3 would apply.

Disqualifica-  
tion

The grounds for refusal provided in subparagraph 1 of the first paragraph shall remain valid for five years after the expiry of the term of imprisonment fixed in the sentence and, in the case of the imposition of a fine only or of a suspended sentence, five years from the date of conviction, unless the applicant has been granted a pardon.

Licence  
suspended

**"44.3** The board may suspend or cancel a licence required under section 41 and, where applicable, confiscate the deposit of the holder in the following cases:

(1) where he is convicted of or pleads guilty to a penal or indictable offence related to the activities referred to in section 41;

(2) where, following an inquiry, the board has reasonable grounds to believe that he is not conducting the activities for which the licence was issued to him competently and honestly;

(3) where, following an inquiry, the board has reasonable grounds to believe that it is necessary to suspend or cancel his permit and, as the case may be, to confiscate his deposit to ensure, in the public interest, that combat sports are carried on competently and honestly and that their good reputation is maintained.

Licence  
suspended

The board may also suspend or cancel a licence and, as the case may be, confiscate the deposit of the holder in the cases determined under paragraphs 5 and 5.1 of section 54.

Medical  
reasons

**"44.4** In cases prescribed by regulation, a physician designated by the board may forthwith suspend the licence of a contestant or of a training partner for medical reasons."

c. S-3.1, s.  
45, am.

**12.** Section 45 of the said Act is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

"(1) prohibit the holding of a sports event or part thereof;"

c. S-3.1, ss.  
46.1, 46.2,  
added

**13.** The said Act is amended by inserting, after section 46, the following sections:

Inspector

**"46.1** The board may authorize a person to ascertain whether or not this chapter and the regulations thereunder are being complied with.

Powers

Every person authorized under this section may, for inspection purposes,

(1) enter, at any reasonable time, any premises where the holder of a licence required under section 41 carries on his activities;

(2) examine and make copies of the books, registers, accounts, records and other documents of the holder;

(3) require any information in relation to the administration of this Act, and the production of any document related thereto.

Cooperation

Any person having in his custody or possession the books, registers, accounts, records and other documents mentioned in the first paragraph shall put them at the disposal of the person authorized by the board and facilitate his examination of them.

Identification

**"46.2** The person authorized by the board, when exercising the powers conferred by section 46.1, shall, on request, identify himself and show the certificate of the board attesting his quality."

c. S-3.1,  
heading  
added

**14.** The said Act is amended by inserting, at the beginning of Chapter VI and after the word "APPEALS", the following:

#### "DIVISION I

##### "APPEALS BEFORE THE BOARD".

c. S-3.1,  
div. II (ss.  
53.1-53.7),  
added

**15.** The said Act is amended by inserting, after section 53, the following division and sections:

#### "DIVISION II

##### "APPEALS BEFORE THE PROVINCIAL COURT

Appeal to  
Provincial  
Court

**"53.1** Any person whose application for a licence is refused on any of the grounds referred to in section 44.2, any person whose licence is suspended or cancelled and, as the case may be, whose deposit is confiscated, on any of the grounds referred to in section 44.3 or in the regulations under paragraphs 5 and 5.1 of section 54, and any person in respect of whom a decision has been rendered by the board in accordance with subparagraph 1 or 3 of section 45, may appeal to the Provincial Court.

Filing of  
notice

**"53.2** The appeal is brought by filing a notice to that effect with the secretary of the board within thirty days from the date of the decision being appealed.

Service

The filing of the notice takes the place of service on the board.

Transmis-  
sion of  
notice

**“53.3** The secretary shall immediately transmit the notice of appeal to the office of the Provincial Court nearest to the appellant’s domicile or establishment, together with the record respecting the decision being appealed.

Record

The record includes the minutes of the hearing, the decision of the board and, as the case may be, the evidence presented and the transcript of the depositions taken down in stenography at the request and expense of the appellant.

Applicable  
provisions

**“53.4** Appeals are governed by articles 491 to 524 of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required. The parties, however, are required to file only four copies of the factum of their claims.

Appealed  
decision

**“53.5** The appeal does not suspend the execution of the appealed decision unless the Provincial Court decides otherwise.

Rules of  
practice

**“53.6** The Provincial Court may, in the manner prescribed in article 47 of the Code of Civil Procedure, make any rules of practice deemed necessary for the carrying out of this division.

Decision  
final

**“53.7** No appeal lies from the decision of the Provincial Court.”

c. S-3.1, s.  
54, am.

**16.** Section 54 of the said Act is amended

(1) by replacing the words “and the duties he must pay”, in the second line of paragraph 3, by the words “, the duties he must pay, the terms and conditions of payment of the duties and of those contemplated in section 44.1, and the time when they must be paid;”;

(2) by striking out the words “or promoter’s” in the third and fourth lines of paragraph 4.

c. S-3.1, s.  
55, am.

**17.** Section 55 of the said Act is amended

(1) by inserting, after paragraph 5, the following paragraph:

“(5.1) establish standards respecting the tenor of contracts entered into by the persons contemplated in section 41, in particular with respect to their duration and the respective obligations of the parties, including those related to the purse and the remuneration;”;

(2) by adding, at the end of paragraph 6, the words “and of their training partners”;

(3) by adding, at the end of paragraph 8, the words “or for any hearing it may hold;”.

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Coming into  
force

**18.** This Act comes into force on such date as may be fixed by the Government.