



[Français](#) [English](#)

[Home](#) > [Quebec](#) > [Statutes and Regulations](#) > [R.S.Q. c. S-3.1](#) > Complete text

# Safety in sports, An Act respecting, R.S.Q. c. S-3.1

Citation: Safety in sports, An Act respecting, R.S.Q. c. S-3.1  
Information about this text: Consolidation: Updated to 1 August 2008  
Enabled Regulations: [15 Regulations](#)  
URL: <http://www.canlii.org/qc/laws/sta/s-3.1/20080818/whole.html>  
Version downloaded by CanLII on 2008-08-18

© Éditeur officiel du Québec  
This document is not the official version.

*Latest version available*  
**Updated to 1 August 2008**

R.S.Q., chapter S-3.1

## **An Act respecting safety in sports**

### **CHAPTER I**

#### DEFINITIONS AND APPLICATION

Interpretation:

**1.** In this Act, unless the context indicates otherwise,

1) (*paragraph repealed*);

“sports event”;

2) “sports event” means a sports event, contest or exhibition in which professional contestants participate;

3) (*paragraph repealed*);

“sports body”;

4) “sports body” means a group of natural persons who are individual members of a federation, or a body, association, league or club formed to organize or practise a sport;

“sport”.

5) “sport” means a physical activity engaged in at the beginner or expert level, for competition or recreation and involving a form of training, the observance of rules of practice, supervision, technical content or a period of practice.

1979, c. 86, s. 1; 1984, c. 47, s. 147; 1988, c. 26, s. 1; 1997, c. 79, s. 1.

Combat sports.

**2.** This Act applies to professional sports only in the case of combat sports.

1979, c. 86, s. 2; 1984, c. 47, s. 148; 1988, c. 26, s. 2; 1997, c. 79, s. 2.

Binding on Government.

**2.1.** This Act is binding on the Government, its departments and bodies which are mandataries of the State.

1988, c. 26, s. 2; 1999, c. 40, s. 263.

## **CHAPTER II**

### **FUNCTIONS AND POWERS OF THE MINISTER**

#### **DIVISION I**

*Repealed, 1997, c. 79, s. 4.*

**3.** *(Repealed).*

1979, c. 86, s. 3; 1984, c. 47, s. 149; 1997, c. 79, s. 4.

**4.** *(Repealed).*

1979, c. 86, s. 4; 1997, c. 79, s. 4.

**5.** *(Repealed).*

1979, c. 86, s. 5; 1997, c. 79, s. 4.

**6.** *(Repealed).*

1979, c. 86, s. 6; 1997, c. 79, s. 4.

**7.** *(Repealed).*

1979, c. 86, s. 7; 1983, c. 55, s. 161; 1997, c. 79, s. 4.

**8.** *(Repealed).*

1979, c. 86, s. 8; 1997, c. 79, s. 4.

**9.** *(Repealed).*

1979, c. 86, s. 9; 1997, c. 79, s. 4.

**10.** *(Repealed).*

1979, c. 86, s. 10; 1997, c. 79, s. 4.

**11.** *(Repealed).*

1979, c. 86, s. 11; 1986, c. 50, s. 1; 1988, c. 26, s. 3; 1997, c. 43, s. 672; 1997, c. 79, s. 4.

**12.** *(Repealed).*

1979, c. 86, s. 12; 1997, c. 79, s. 4.

**13.** *(Repealed).*

1979, c. 86, s. 13; 1988, c. 26, s. 4; 1997, c. 79, s. 4.

**14.** *(Repealed).*

1979, c. 86, s. 14; 1997, c. 37, s. 1; 1997, c. 79, s. 4.

**15.** *(Repealed).*

1979, c. 86, s. 15; 1997, c. 79, s. 4.

**16.** *(Repealed).*

1979, c. 86, s. 16; 1997, c. 79, s. 4.

**16.1.** *(Repealed).*

1986, c. 50, s. 2; 1997, c. 43, s. 673; 1997, c. 79, s. 4.

**16.2.** *(Replaced).*

1986, c. 50, s. 2; 1997, c. 43, s. 673.

**16.3.** *(Replaced).*

1986, c. 50, s. 2; 1997, c. 43, s. 673.

**16.4.** *(Repealed).*

1988, c. 26, s. 5; 1997, c. 43, s. 674; 1997, c. 79, s. 4.

**17.** *(Repealed).*

1979, c. 86, s. 17; 1984, c. 47, s. 150; 1994, c. 17, s. 64; 1997, c. 79, s. 4.

**18.** *(Repealed).*

1979, c. 86, s. 18; 1997, c. 79, s. 4.

**19.** *(Repealed).*

1979, c. 86, s. 19; 1997, c. 79, s. 4.

**DIVISION II**

*Heading repealed, 1997, c. 79, s. 5.*

Functions.

**20.** The Minister of Education, Recreation and Sports is responsible for supervising personal safety and integrity in the practice of sports.

Functions.

The Minister shall supervise the carrying out of this Act and the regulations and, for that purpose, shall, in particular,

- 1) gather, analyse and disseminate information on sports safety;
- 2) conduct or cause others to conduct studies and research on sports safety;
- 3) participate in educating the public on safety in relation to the practice of sports;
- 4) participate in preparing safety training methods for persons who work in the sports field.
- 5) give technical assistance to a sports federation or unaffiliated sports body, toward preparing and disseminating safety regulations;
- 6) advise any person requesting advice on means of ensuring sports safety;
- 7) *(subparagraph repealed)*;
- 8) foster non-violence in sports.

1979, c. 86, s. 20; 1986, c. 50, s. 3; 1988, c. 26, s. 6; 1997, c. 79, s. 6; 1999, c. 43, s. 15; 2003, c. 19, s. 250; 2005, c. 28, s. 196.

Powers.

**21.** The Minister may, in carrying out the functions of the Minister,

- 1) approve, with or without amendment, the safety regulations of a sports federation or unaffiliated sports body, to ensure the safety of sports participants and spectators;
- 2) make regulations to ensure the safety of sports participants and spectators;
- 3) *(paragraph repealed)*;
- 4) in accordance with the law, enter into any agreement with another government, a department or body thereof or any other person for the application of this Act or the regulations.

1979, c. 86, s. 21; 1986, c. 50, s. 4; 1988, c. 26, s. 7; 1997, c. 79, s. 7.

Inquiry.

**22.** The Minister may inquire or designate a person to inquire into any situation that could endanger the safety of a person practising a sport.

1979, c. 86, s. 22; 1984, c. 47, s. 151; 1986, c. 50, s. 5; 1988, c. 26, s. 8; 1997, c. 79, s. 8.

**23.** *(Repealed)*.

1979, c. 86, s. 23; 1984, c. 47, s. 152.

Notice of inquiry.

**24.** The Minister shall, whenever an inquiry is held, give notice, in a newspaper circulated in the place where the inquiry is held, of the date, time and place the sittings will begin.

1979, c. 86, s. 24; 1986, c. 50, s. 6; 1997, c. 79, s. 9.

Power to ascertain compliance.

**25.** The Minister may authorize, in writing, a person to ascertain whether or not this Act and the regulations are being complied with.

Inspection.

Every person so authorized may, for the purposes of an inspection,

- 1) enter, at any reasonable time, any premises where a sport can be practised, make tests, take photographs and recordings and examine the equipment and facilities, including those used for the practice of a sport;
- 2) take, for analysis purposes and free of charge, water and air samples on the premises the person is authorized to enter;
- 3) *(subparagraph repealed)*;
- 4) require of the owner or operator of premises where a sport can be practised or of any person who uses equipment or facilities in practising a sport that the owner, operator or person perform or order the testing, verification or analysis of any material, equipment or facility or the analysis of the quality of air or water in order to ascertain that it conforms to this Act and the regulations;
- 5) install a measuring device and collect the data therefrom or require of the owner or operator of premises where a sport can be practised that the owner or operator install a measuring device and transmit to the authorized person the data collected;
- 6) *(subparagraph repealed)*;
- 7) require any information relevant to the application of this Act and the regulations and the production of any document relating thereto;
- 8) require of the owner or operator of premises where a sport can be practised that the owner or operator provide the authorized person with the necessary means to carry out an inspection;
- 9) compel any person on the premises of the inspection to provide him with reasonable assistance and to accompany him on the premises.

Identification.

The person authorized by the Minister shall, on request, identify himself and show the certificate of the Minister attesting his capacity.

1979, c. 86, s. 25; 1988, c. 26, s. 9; 1997, c. 79, s. 10.

Immunity.

**25.1.** In no case may proceedings be instituted against a person by reason of an official act done in good faith in the performance of the person's duties under a delegation, designation or authorization obtained pursuant to this Act.

1999, c. 59, s. 39.

## CHAPTER III

### SPORTS FEDERATIONS AND SPORTS BODIES

Safety regulations.

**26.** Every sports federation and every unaffiliated sports body shall adopt safety regulations concerning the matters prescribed by regulation of the Government, and see that they are observed by its members.

Content.

The safety regulations may, in particular, include provisions respecting

- 1) the condition of the premises;
- 2) the equipment used by participants;
- 3) the verification of participants' state of health;
- 4) the instruction and training of participants;
- 5) the standards for practising a given sport;
- 6) sanctions for cases where the regulations are not observed.

1979, c. 86, s. 26; 1984, c. 47, s. 153.

Approval.

**27.** A sports federation or unaffiliated sports body must have its safety regulations approved by the Minister.

Approval.

The Minister shall approve the safety regulations, with or without amendment.

Amendment.

The Minister may order a sports federation or an unaffiliated sports body to amend, within the time the Minister fixes, all or part of its safety regulations where after their approval by the Minister, the regulations or any provision thereof prove ineffective to ensure public safety in the practice of sports.

Amendment by the Minister.

If the federation or body fails to amend its regulations within the time fixed by the Minister, the latter may amend in its place the provisions which have proved ineffective.

Application for approval.

Every application for approval or amendment shall be transmitted within the time, in the form and according to the terms and conditions prescribed by regulation of the Minister.

1979, c. 86, s. 27; 1984, c. 47, s. 154; 1988, c. 26, s. 10; 1997, c. 79, s. 11.

**28.** *(Repealed).*

1979, c. 86, s. 28; 1988, c. 26, s. 11; 1997, c. 79, s. 12.

Decision.

**29.** A sports federation or unaffiliated sports body, after rendering a decision in accordance with its safety regulations, shall transmit a copy thereof, by registered or certified mail, to the person affected by the decision within 10 days following the decision and inform the person that an application for a review by the Minister may be filed within 30 days of receiving copy of the decision.

1979, c. 86, s. 29; 1988, c. 26, s. 12; 1997, c. 43, s. 675; 1997, c. 79, s. 13.

Order to comply.

**29.1.** The Minister may order a member of a sports federation or unaffiliated sports body to observe the safety regulations of the federation or body where the federation or body fails to enforce them.

1988, c. 26, s. 13; 1997, c. 79, s. 14.

Information to the Minister.

**30.** A sports federation or unaffiliated sports body shall provide the Minister with any information required by the latter concerning the carrying out of this Act and with an annual report, in the form and with the content prescribed by the Minister, on the accidents having occurred in connection with the practice of a sport governed by the federation or body and having caused injuries.

1979, c. 86, s. 30; 1988, c. 26, s. 14; 1997, c. 79, s. 15.

## CHAPTER IV

*Repealed, 1997, c. 79, s. 16.*

**31.** *(Repealed).*

1979, c. 86, s. 31; 1988, c. 84, s. 700; 1997, c. 79, s. 16.

**32.** *(Repealed).*

1979, c. 86, s. 32; 1997, c. 79, s. 16.

**33.** *(Repealed).*

1979, c. 86, s. 33; 1997, c. 79, s. 16.

**34.** *(Repealed).*

1979, c. 86, s. 34; 1984, c. 47, s. 155; 1997, c. 79, s. 16.

**35.** *(Repealed).*

1979, c. 86, s. 35; 1986, c. 95, s. 303; 1997, c. 79, s. 16.

**36.** *(Repealed).*

1979, c. 86, s. 36; 1997, c. 79, s. 16.

**37.** *(Repealed).*

1979, c. 86, s. 37; 1984, c. 47, s. 156; 1986, c. 50, s. 7; 1997, c. 79, s. 16.

**38.** *(Repealed).*

1979, c. 86, s. 38; 1997, c. 43, s. 676; 1997, c. 79, s. 16.

**39.** *(Repealed).*

1979, c. 86, s. 39; 1997, c. 79, s. 16.

## CHAPTER V

### PROFESSIONAL COMBAT SPORTS

#### Licence and permit.

**40.** No person may act as an organizer of a combat sports event unless the person holds a yearly licence and a valid permit for the event issued by the Régie des alcools, des courses et des jeux established by the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1).

1979, c. 86, s. 40; 1988, c. 26, s. 15; 1997, c. 79, s. 17.

#### Yearly licence.

**41.** No person may act as a contestant, manager, trainer, corner attendant, official or printer in connection with a sports event unless the person holds a yearly licence issued therefor by the board.

#### Official's permit.

However, a person who is not domiciled in Québec and who acts as an official or judge in connection with a sports event must hold a valid official's permit for the event.

1979, c. 86, s. 41; 1986, c. 50, s. 8; 1997, c. 79, s. 17.

#### Conditions.

**42.** All applicants must, upon making an application for a licence or permit, establish that they fulfil the conditions provided for in this chapter as well as any other condition prescribed by regulation.

1979, c. 86, s. 42; 1984, c. 47, s. 157; 1997, c. 79, s. 17.

#### Applicants.

**43.** All applicants who are natural persons must be of full age. Where the applicant is a legal person, all the directors must meet the requirements determined by regulation. The application must be accompanied with a deposit and a civil liability insurance policy of the nature and for the amount prescribed by regulation.

1979, c. 86, s. 43; 1984, c. 47, s. 158; 1986, c. 50, s. 9; 1997, c. 79, s. 17.

#### Untransferability.

**44.** The board shall issue the licence or permit in the name of the applicant on payment of the prescribed fees. Licences or permits cannot be transferred.

1979, c. 86, s. 44; 1986, c. 50, s. 10; 1997, c. 79, s. 17.

**44.1.** *(Replaced).*

1986, c. 50, s. 11; 1988, c. 26, s. 16; 1997, c. 79, s. 17.

**44.2.** *(Replaced).*

1986, c. 50, s. 11; 1990, c. 4, s. 807; 1997, c. 79, s. 17.

**44.3.** *(Replaced).*

1986, c. 50, s. 11; 1990, c. 4, s. 808; 1997, c. 79, s. 17.

**44.4.** *(Replaced).*

1986, c. 50, s. 11; 1997, c. 79, s. 17.

Duties.

**45.** Every organizer holding a permit that is valid for a sports event shall pay duties to the board for an amount that is either a percentage of the gross receipts of the sports event or an amount, determined by regulation, less any amount required by regulation as fees for the issue of the permit.

Payment.

Duties are paid according to the terms and at the time determined by regulation.

Gross receipts.

For the purposes of this section, gross receipts are the receipts derived from the sale of tickets and from broadcasting or rebroadcasting rights, less applicable taxes.

1979, c. 86, s. 45; 1986, c. 50, s. 12; 1996, c. 2, s. 892; 1997, c. 79, s. 17.

Refusal to issue.

**46.** The board may refuse to issue a licence or permit

- 1) where the applicant has been convicted of a penal or indictable offence related to a sports event;
- 2) where the applicant is unable to establish the competence and integrity required to engage in the activity for which the licence or permit is applied for, owing to previous conduct in connection with an activity referred to in section 40 or 41;
- 3) where the board has reasonable grounds to believe that the licence or permit must be refused to ensure that, in the public interest, professional combat sports are engaged in with competence and integrity and that their good reputation is maintained;
- 4) where the board has reasonable grounds to believe that the application is being made for the benefit of another person.

Term of validity.

The grounds for refusal referred to 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.

1979, c. 86, s. 46; 1997, c. 79, s. 17.

Suspension or cancellation.

**46.1.** The board may suspend or cancel a licence or permit and, where applicable, confiscate the deposit of the holder

- 1) where the holder is convicted of a penal or indictable offence related to a sports event;
- 2) where the board has reasonable grounds to believe that the holder is not engaging in the activities for which the licence or permit was issued with competence and integrity;
- 3) where the board has reasonable grounds to believe that it is necessary to suspend or cancel the licence or permit and, where applicable, to confiscate the holder's deposit to ensure, in the public interest, that professional combat sports are engaged in with competence and integrity and that their good reputation is maintained.

#### Suspension or cancellation.

The board may also suspend or cancel a licence or permit and, where applicable, confiscate the holder's deposit in cases determined pursuant to paragraphs 4 and 5 of section 55.3.

1986, c. 50, s. 13; 1988, c. 26, s. 17; 1997, c. 79, s. 17.

#### Medical reasons.

**46.2.** A physician designated by the board may, for medical reasons, suspend forthwith the licence or permit of a contestant in the cases prescribed by regulation.

1986, c. 50, s. 13; 1988, c. 26, s. 17; 1997, c. 79, s. 17.

#### Non-compliance.

**46.2.1.** Whenever a provision of this chapter or of a regulation respecting combat sports events is not complied with, the board or any person authorized therefor may, forthwith,

- 1) prohibit a sports event or part thereof;
- 2) order a sports event stopped;
- 3) order the confiscation, in whole or in part, of the purse or remuneration intended for a contestant.

#### Remittance of purse.

The confiscated purse or remuneration shall be remitted to a non-profit sports organization designated by the board.

1997, c. 79, s. 17.

#### Compliance.

**46.2.2.** A person authorized by the president of the board shall ascertain compliance with the provisions of this chapter and of a regulation respecting combat sports events.

#### Powers of authorized person.

The person so authorized may, for inspection purposes,

- 1) at any reasonable time, enter any premises where a sports event is being held or any sports facility to conduct tests, take photographs and make recordings, and examine the equipment and installations found on the premises as well as those used to engage in a combat sport;
- 2) take, in the cases and according to the procedure prescribed by regulation of the board, breath or urine samples from contestants who are participating in a sports event;
- 3) require any person acting at or in connection with a sports event in any capacity referred to in section 40 or 41 to carry out or order the testing, verification or analysis of any material, equipment or installation to ensure that it meets the requirements of this chapter and of a regulation respecting combat sports events;
- 4) examine and make copies of the books, registers, accounts, records and other documents of any person acting at or in connection with a sports event in any capacity referred to in section 40 or 41;
- 5) require any information relevant to the application of the provisions of this chapter and of a regulation respecting combat sports events, and the production of any related document;
- 6) require any person acting in any capacity referred to in section 40 or 41 at or in connection with a sports event to provide the authorized person with the necessary means to carry out an inspection;

7) require any person on the premises of the inspection to accompany the person designated on the premises and to provide reasonable assistance.

1997, c. 79, s. 17.

#### Identification.

**46.2.3.** The person authorized by the board to act for the purposes of section 46.2.1 or 46.2.2 must, on request, produce identification and show the certificate of the board attesting the person's capacity.

1997, c. 79, s. 17.

#### Official.

**46.2.4.** In the cases determined by regulation, only a person designated and remunerated by the board may act as an official at a sports event.

1997, c. 79, s. 17.

#### Information and training methods.

**46.2.5.** The board may, in the exercise of its functions,

- 1) gather, analyse and disseminate information on safety in professional combat sports;
- 2) participate in the preparation of safety training methods for persons who work in the field of professional combat sports.

1997, c. 79, s. 17.

#### Inquiry.

**46.2.6.** The board, at the request of the Minister or on its own initiative, may inquire or designate a person to inquire into any situation that could endanger the safety of a person engaging in a professional combat sport or be detrimental to the good reputation of such a sport.

#### Notice.

The board, whenever an inquiry is held, shall give notice in a newspaper circulated in the place where the inquiry is held, of the date, time and place the sittings will begin.

1997, c. 79, s. 17.

#### Mohawk communities.

**46.2.7.** Notwithstanding sections 40 and 41, the permits or licences authorizing a person to act in any of the capacities referred to in the said sections at a sports event held in the territory defined in an agreement concerning combat sports concluded between the Government and a Mohawk community are determined in the agreement and issued by the authority designated in the agreement. The departure from sections 40 and 41 is valid only if the agreement is complied with.

#### Immunity.

The designated authority and the persons authorized to act on its behalf have the powers necessary for verifying and ensuring compliance with the conditions for the issue of the permits or licences and the conditions of the permits or licences determined under the agreement, in particular the powers conferred by this chapter in matters of inspection, and cannot be sued or prosecuted for an official act performed in good faith in the exercise of their functions.

## Permits and licences.

Permits and licences issued by the board under section 40 or 41 in the designated territory before the effective date of the agreement become, on that date, permits and licences issued in accordance with the agreement.

1999, c. 53, s. 15.

## CHAPTER V.1

### ALPINE SKIING

“Alpine skier”.

**46.3.** The term “Alpine skier” includes any person who practises a sport, other than Alpine skiing, that is intended to be practised on ski slopes.

1988, c. 26, s. 18.

## Code of conduct.

**46.4.** The operator of an Alpine ski centre must post on the premises, at the places determined by regulation of the Minister,

1) the Alpine skiers' code of conduct established by regulation of the Minister which shall deal, in particular, with the obligations of every person who practises Alpine skiing or any other sport intended to be practised on ski slopes and with prohibited behaviour in the practice of those sports;

2) any other rules of conduct that may be imposed on Alpine skiers by the operator of the centre;

3) the sanctions he intends to impose on Alpine skiers who violate the said code and rules and, where applicable, the duration of such sanctions.

1988, c. 26, s. 18; 1997, c. 79, s. 18.

## Obligation of skiers.

**46.5.** The operator must indicate on all tickets giving access to ski slopes that the use of a ticket entails the obligation for the Alpine skier to comply with the Alpine skiers' code of conduct and with any other rules of conduct that he may impose on skiers.

1988, c. 26, s. 18.

## Liability insurance.

**46.6.** The operator must be the holder of a liability insurance policy of the type and in the amount prescribed by regulation of the Minister.

1988, c. 26, s. 18; 1997, c. 79, s. 18.

## First-aiders.

**46.7.** The operator must ensure that first-aiders who meet the standards prescribed by regulation of the Minister are present at the ski centre during the hours the ski slopes are open and maintain on the premises a first-aid service consisting of a room equipped with such first-aid kits, toboggans, other first-aid equipment and means of communication as may be required by the standards prescribed by regulation of the Minister.

1988, c. 26, s. 18; 1997, c. 79, s. 18.

Accident procedure.

**46.8.** The operator must

1) promptly provide first aid to any injured Alpine skier and, on the recommendation of a first-aider referred to in section 46.7, transport the injured skier, at the expense of that skier, to a facility maintained by an institution operating a hospital centre or a local community service centre within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) or to a physician within the meaning of the Medical Act (chapter M-9);

2) prepare an accident report, and submit it to the Minister at the Minister's request, on the form prescribed by regulation of the Minister in all cases where a first-aider referred to in section 46.7 intervenes following an accident which has occurred on a ski slope.

1988, c. 26, s. 18; 1992, c. 21, s. 335; 1994, c. 23, s. 23; 1997, c. 79, s. 19.

Required signs.

**46.9.** The operator must identify the level of difficulty of each ski slope, by means of the designation prescribed by regulation of the Minister.

1988, c. 26, s. 18; 1997, c. 79, s. 20.

Duties of operator.

**46.10.** The operator must

- 1) inspect every ski slope, before it is opened, to ascertain that it can be used;
- 2) patrol all slopes to which Alpine skiers have access at all times when they are open;
- 3) inspect every ski slope as soon as it is closed to ascertain that there are no Alpine skiers on the slope.

1988, c. 26, s. 18.

Diagrams.

**46.11.** The operator must see to it that a pocket-size diagram of the ski slopes and ski lifts is available at the ticket office to those Alpine skiers who wish to have one. The content of the diagram shall be prescribed by regulation of the Minister.

1988, c. 26, s. 18; 1997, c. 79, s. 21.

Enforcement of skiers' code.

**46.12.** The operator must take reasonable measures to ensure that the Alpine skiers' code of conduct is observed.

Compliance with standards.

The operator is responsible for seeing to it that the standards prescribed by regulation of the Minister to ensure the safety of Alpine skiers are complied with.

1988, c. 26, s. 18; 1997, c. 79, s. 22.

Emergencies.

**46.13.** In emergency situations, the Minister may issue an order enjoining the operator to take such appropriate

measures as the Minister may indicate to ensure the safety of Alpine skiers on the premises of the ski centre.

1988, c. 26, s. 18; 1997, c. 79, s. 23.

## CHAPTER V.2

### RECREATIVE UNDERWATER DIVING

Underwater diving.

**46.14.** This chapter applies to underwater diving with the aid of compressed gas other than diving in the practice of a trade or occupation, and to the teaching of that activity.

1997, c. 37, s. 2.

Non-profit organization.

**46.15.** The Minister may designate a non-profit organization, established in particular for the purpose of ensuring the safety of underwater divers, to exercise by by-law all or some of the following powers:

- 1) determining levels of qualification for divers and instructors;
- 2) determining the content of qualifying examinations for the various levels and the certificates awarded on passage of the examinations;
- 3) determining criteria for the granting of an attestation of equivalency in respect of a diver or instructor qualification awarded in Québec before the coming into force of section 46.17 or 46.18, as the case may be, or in respect of a diver or instructor qualification awarded outside Québec;
- 4) determining the valid period and conditions of validity of a certificate of qualification or attestation of equivalency and the procedure for the renewal of a certificate or attestation;
- 5) determining the fees payable for the taking of examinations and for the obtention or renewal of a certificate of qualification or attestation of equivalency.

Approval.

Every by-law under the first paragraph must, to take effect, be approved by the Minister.

1997, c. 37, s. 2.

Examinations, certificates.

**46.16.** An organization designated under section 46.15 may conduct qualifying examinations and award certificates of qualification and attestations of equivalency, or delegate all or some of those functions to any of its members.

1997, c. 37, s. 2.

Certificate.

**46.17.** Every person who engages in underwater diving, otherwise than during a training course or qualifying examination, must be the holder of a certificate attesting the level of qualification acquired in underwater diving or of an attestation of equivalency referred to in section 46.15.

Level of qualification.

No holder of a certificate of qualification or attestation of equivalency may undertake a dive for which a higher level of qualification than the level indicated on the certificate or attestation is required.

1997, c. 37, s. 2.

#### Certificate.

**46.18.** Every person who provides instruction in underwater diving must be the holder of a certificate attesting the level of qualification acquired in underwater diving instruction or of an attestation of equivalency referred to in section 46.15.

#### Level of qualification.

No holder of a certificate of qualification or of an attestation of equivalency may provide instruction for which a higher level of qualification than the level indicated on the certificate or attestation is required.

1997, c. 37, s. 2.

#### Review of decision.

**46.19.** Any person who fails a qualifying examination conducted by a person pursuant to a delegation under section 46.16, who is refused admission to an examination conducted by such a person or who is refused a certificate of qualification or an attestation of equivalency by such a person may apply to the organization designated under section 46.15 for a review of the decision.

#### Decision.

The organization may confirm, vary or quash any decision submitted to it and make the appropriate decision.

1997, c. 37, s. 2.

#### Suspension or cancellation.

**46.20.** An organization designated under section 46.15 may suspend or cancel the certificate of qualification or attestation of equivalency of a holder who has been convicted of an offence under section 46.17 or 46.18 or has failed to comply with the conditions of validity of a certificate or attestation.

1997, c. 37, s. 2.

#### Refusal.

**46.21.** An organization designated under section 46.15 may refuse to award or to renew a certificate of qualification or attestation of equivalency where the applicant, in the two years preceding the application, was convicted of an offence under section 46.17 or 46.18 or had his certificate or attestation suspended or cancelled.

1997, c. 37, s. 2.

#### Information.

**46.22.** An organization designated under section 46.15 must furnish to the Minister any information or any report on its activities that the Minister may require.

#### Recommendations.

The organization may make any recommendation concerning safety in underwater diving to the Minister.

1997, c. 37, s. 2.

#### Compensation.

**46.22.1.** The Minister may pay compensation to the organization designated under section 46.15. The amount of the

compensation shall be set in the manner determined by the Minister.

1999, c. 59, s. 40.

Revocation of designation.

**46.23.** The Minister may revoke a designation made in respect of an organization under section 46.15.

1997, c. 37, s. 2.

## CHAPTER VI

### REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

#### DIVISION I

##### REVIEW BY THE MINISTER

Review.

**47.** A person contemplated by a decision rendered by a sports federation or unaffiliated sports body in accordance with a safety regulation may apply to the Minister for a review of the decision.

1979, c. 86, s. 47; 1997, c. 43, s. 679; 1997, c. 79, s. 25.

Time limit for review.

**48.** The application for review is filed with the Minister within 30 days of receipt of the decision rendered by the sports federation or unaffiliated sports body.

1979, c. 86, s. 48; 1997, c. 43, s. 680; 1997, c. 79, s. 26.

Effect of application for review.

**49.** The application for review does not suspend the execution of the decision unless the Minister decides otherwise.

1979, c. 86, s. 49; 1997, c. 43, s. 681; 1997, c. 79, s. 27.

Observations.

**50.** When examining a file, the Minister must give the applicant the opportunity to present observations.

1979, c. 86, s. 50; 1997, c. 43, s. 682; 1997, c. 79, s. 28.

**51.** *(Repealed).*

1979, c. 86, s. 51; 1997, c. 43, s. 683.

**52.** *(Repealed).*

1979, c. 86, s. 52; 1997, c. 43, s. 683.

Copy of decision.

**53.** A copy of the decision of the Minister shall be sent to the interested parties by registered or certified mail.

1979, c. 86, s. 53; 1997, c. 43, s. 684; 1997, c. 79, s. 29.

## DIVISION II

### PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

Contestation before ATQ.

**53.1.** Any person whose application for a licence is refused on any of the grounds referred to in section 46, 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 46.1 or in the regulations under paragraphs 4 and 5 of section 55.3, and any person in respect of whom a decision has been rendered by the board in accordance with subparagraph 1 or 3 of section 46.2.1, may, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

1986, c. 50, s. 15; 1988, c. 21, s. 66; 1997, c. 43, s. 686; 1997, c. 79, s. 30.

**53.2.** *(Repealed).*

1986, c. 50, s. 15; 1997, c. 43, s. 687.

**53.3.** *(Repealed).*

1986, c. 50, s. 15; 1988, c. 21, s. 66; 1997, c. 43, s. 687.

**53.4.** *(Repealed).*

1986, c. 50, s. 15; 1997, c. 43, s. 687.

**53.5.** *(Repealed).*

1986, c. 50, s. 15; 1988, c. 21, s. 66; 1997, c. 43, s. 687.

**53.6.** *(Repealed).*

1986, c. 50, s. 15; 1988, c. 21, s. 66, s. 137; 1997, c. 43, s. 687.

**53.7.** *(Repealed).*

1986, c. 50, s. 15; 1988, c. 21, s. 66; 1997, c. 43, s. 687.

## CHAPTER VII

### REGULATIONS

Government regulation.

**54.** The Government may, by regulation,

- 1) determine the matters that must be treated in the safety regulations of a sports federation or unaffiliated sports body;
- 2) *(subparagraph repealed);*
- 3) *(subparagraph repealed);*
- 4) *(subparagraph repealed);*
- 5) *(subparagraph repealed);*
- 5.1) *(subparagraph repealed);*

6) *(subparagraph repealed)*;

7) *(subparagraph repealed)*;

8) exclude from the application of this Act and the regulations, or of any provision thereof, certain categories or classes of persons, of Alpine ski centres or of sports.

1979, c. 86, s. 54; 1984, c. 47, s. 159; 1986, c. 50, s. 16; 1988, c. 26, s. 19; 1997, c. 79, s. 31.

Regulation of Minister.

**55.** The Minister may, by regulation,

1) adopt standards to ensure the safety of participants and spectators during the practice of a sport;

2) *(paragraph repealed)*;

3) establish standards relating to the equipment a person must use to practise a sport;

4) prohibit the use, sale or distribution of equipment used to practise a sport if safety so requires;

5) *(paragraph repealed)*;

5.1) *(paragraph repealed)*;

6) *(paragraph repealed)*;

7) establish a health committee or any other committee necessary for the application of this Act and determine its composition and functions;

8) establish rules of procedure applicable to the examination of questions falling within the Minister's jurisdiction;

9) determine the form, time and the terms and conditions prescribed for sending an application contemplated in sections 27 and 47;

10) *(paragraph repealed)*;

11) prescribe the form and content of the form provided for in section 30.

1979, c. 86, s. 55; 1984, c. 47, s. 160; 1986, c. 50, s. 17; 1988, c. 26, s. 20; 1997, c. 43, s. 688; 1997, c. 79, s. 32.

Safety standards.

**55.1.** The Minister may, by regulation, prescribe standards to ensure the safety of Alpine skiers. For that purpose, the Minister may

1) establish the Alpine skiers' code of conduct which shall deal, in particular, with the obligations of every person who practises Alpine skiing or any other sport intended to be practised on ski slopes and with prohibited behaviour in the practice of those sports, and determine the places where the code, the rules of conduct and the sanctions must be posted;

2) determine the type and minimum amount of the liability insurance policy that the operator of an Alpine ski centre must hold;

3) determine the size of and layout standards for the first-aid room and the equipment it must contain;

4) determine the number of first-aid kits that must be kept at the disposal of the first-aid service, the places where they must be kept and the items they must contain;

5) determine the number and size of emergency toboggans that must be kept at the disposal of the first-aid service, the places where they must be kept and the items they must contain;

- 6) determine the first-aid equipment and means of communication with which a first-aid service must be equipped, the places where they must be located, their number and, in the case of items of equipment, their content;
- 7) determine the designation of levels of difficulty by means of which ski slopes must be identified;
- 8) determine the posters, signs, pictographs and charts which must be displayed on the premises of an Alpine ski centre and prescribe their content, form, colour, size and location and the size of the characters;
- 9) prescribe the content of the diagram of the ski slopes and ski lifts;
- 10) determine what constitutes an obstacle on a ski slope for the purpose of prescribing proper warning signs or signals;
- 11) prescribe standards relating to the use of vehicles on a ski slope while it is open to skiers and limit or, where advisable, prohibit the use of vehicles on slopes;
- 12) prescribe standards relating to the practice of a sport, other than Alpine skiing, that is intended to be practised on ski slopes and prohibit or limit the practice of a sport, other than Alpine skiing, that is intended to be practised on ski slopes;
- 13) prescribe standards as to the minimum age and the qualifications and training of first-aiders and of persons providing instruction in Alpine skiing or in any other sport intended to be practised on ski slopes;
- 14) prescribe the form and content of the form provided for in section 46.8;
- 15) prescribe any other safety standard relating to the practice of Alpine skiing or of any other sport intended to be practised on ski slopes, such as standards for the layout, lighting, maintenance and signalization of ski slopes.

1988, c. 26, s. 21; 1997, c. 79, s. 33.

Adapted regulations.

**55.2.** The provisions that the Minister may adopt by regulation under sections 55 and 55.1 may vary according to the categories or classes of sports, of equipment, of persons and of Alpine ski centres determined by the regulation.

1988, c. 26, s. 21; 1997, c. 79, s. 34.

Regulations of board.

**55.3.** The board may, by regulation approved by the Government,

- 1) determine the form and content of a permit relating to a combat sports event and the terms and conditions of its issuance;
- 2) determine the conditions a person applying for a permit relating to a sports event must fulfil, the information and documents to be furnished, the fees payable, the terms and conditions of payment of the fees and of the duties referred to in section 45, the time when they must be paid and the percentage of the gross receipts derived from a sports event or the amount on the basis of which the duties referred to in the first paragraph of section 45 are established;
- 3) determine the amount and nature of the deposit and of the liability-insurance policy required of a person applying for a sports event organizer's licence or for a licence to act as an official at a sports event;
- 4) determine the cases of licence cancellation or suspension, and the duration thereof;
- 5) determine the cases in which a deposit may be confiscated and the use that is to be made of any confiscated deposit;
- 6) fix the tariff of fees for officials at the holding of a sports event, and specify the cases where only a person designated and remunerated by the board may be an official;
- 7) establish standards relating to the equipment a person must use to engage in a combat sport at a sports event;

- 8) establish standards concerning the organization and holding of a sports event;
- 9) establish standards concerning the tenor of contracts entered into by the persons referred to in section 40 or 41, in particular with respect to their duration and the respective obligations of the parties, including those related to the purse and remuneration;
- 10) prescribe the nature and frequency of the medical examination required of contestants who participate in a combat sports event;
- 11) establish a health committee or any other committee necessary for the purposes of Chapter V and determine its composition and functions;
- 12) determine the cases in which a person authorized by the board under section 46.2.2 may take breath or urine samples from contestants participating in a sports event, and the procedure according to which the sample may be taken;
- 13) exempt classes of persons from the application of Chapter V or of a regulation respecting combat sports events, or of any provision thereof.

#### Duties.

The duties payable under section 45 may vary according to the categories or classes of licences or permits or the capacity of the premises where sports events are held, as prescribed by the regulation.

1997, c. 79, s. 35.

#### **56.** *(Repealed).*

1979, c. 86, s. 56; 1997, c. 79, s. 36.

#### **57.** *(Repealed).*

1979, c. 86, s. 57; 1997, c. 79, s. 36.

## **CHAPTER VIII**

### **PENAL PROVISIONS**

#### Offence and penalty.

**58.** Unless another penalty is provided for, every person who contravenes this Act or the regulations is guilty of an offence and is liable to a fine of \$100 to \$5 000.

#### Contraventions which are not offences.

The following do not constitute an offence:

- 1) the contravention by an Alpine skier of a regulation under paragraph 1, 12 or 15 of section 55.1;
- 2) the contravention by a first-aider or a person providing instruction in Alpine skiing or in any other sport intended to be practised on ski slopes of a regulation under paragraph 13 of section 55.1.

1979, c. 86, s. 58; 1988, c. 26, s. 22; 1990, c. 4, s. 809.

#### Offence and penalty.

**59.** Every person who participates in a sports event without holding the licence required by this Act is guilty of an offence and is liable to a fine of \$200 to \$10 000.

1979, c. 86, s. 59; 1990, c. 4, s. 809; 1997, c. 79, s. 37.

Offence and penalty.

**60.** Every person who refuses to obey an order of the Minister, of the board or of a person to whom the Minister or the board has delegated powers, is guilty of an offence and is liable to a fine of \$200 to \$10 000.

Offence and penalty.

Every member of a sports federation or unaffiliated sports body who refuses to obey an order of the Minister issued under section 29.1 is guilty of an offence and is liable to a fine of \$100 to \$5 000.

1979, c. 86, s. 60; 1988, c. 26, s. 23; 1990, c. 4, s. 810; 1992, c. 61, s. 555; 1997, c. 79, s. 38.

Offence and penalty.

**60.1.** Every person who hinders a person authorized by the Minister or the board to ascertain whether this Act and the regulations are being complied within the exercise of any of the authorized person's powers under sections 25 and 46.2.2, for instance by deceiving him through concealment or by making a false declaration, is guilty of an offence and is liable to a fine of \$100 to \$5 000.

1988, c. 26, s. 24; 1990, c. 4, s. 811; 1997, c. 79, s. 39.

Offence and penalty.

**61.** In addition to any other sanction that may be prescribed in the statutes or by-laws of a sports federation or unaffiliated sports body whose safety regulations have been approved by the Minister, every person who does not comply with a decision rendered by that federation or body in the application of that regulation is guilty of an offence and is liable to a fine of \$50 to \$500.

1979, c. 86, s. 61; 1990, c. 4, s. 809; 1997, c. 79, s. 40.

Injunction.

**62.** If a person commits repeated offences against this Act or the regulations, the Minister or, in the case of repeated offences against Chapter V and the regulations of the board, the board, after penal proceedings have been instituted for such offences, may apply to the Superior Court for an interlocutory injunction ordering that person and his directors, agents or employees to cease committing the offences of which he is guilty until final judgment is rendered in the penal proceedings.

Judgment.

After the judgment has been rendered, the Superior Court renders its own final judgment on the application for an injunction.

1979, c. 86, s. 62; 1992, c. 61, s. 556; 1997, c. 79, s. 41.

Party to offence.

**63.** If a legal person commits an offence against this Act or the regulations, every director or agent thereof who ordered or authorized the commission of the offence, consented thereto or participated therein is deemed a party to the offence and is liable to the penalty provided for a person, whether or not the person has been prosecuted or convicted therefor.

1979, c. 86, s. 63.

Party to offence.

**64.** Every person who knowingly does or omits to do a thing with the object of aiding a person to commit an offence

against this Act or the regulations, or who knowingly advises, encourages or incites a person to commit an offence, is himself a party to the offence and liable to the same penalty as that person.

1979, c. 86, s. 64.

#### Prescription.

**65.** Penal proceedings for an offence under a provision of this Act or the regulations shall be prescribed by one year from the date on which the investigation record relating to the offence was opened.

#### Proof.

The certificate of the Minister or, in the case of penal proceedings for an offence against a provision of Chapter V or of a regulation respecting combat sports events, of the president or the secretary of the board indicating the date on which the investigation record was opened constitutes, failing any evidence to the contrary, conclusive proof of such fact.

1979, c. 86, s. 65; 1990, c. 4, s. 812; 1992, c. 61, s. 557; 1997, c. 79, s. 42.

## CHAPTER IX

### TRANSITIONAL AND FINAL PROVISIONS

**66.** *(Omitted).*

1979, c. 86, s. 66.

**67.** *(Omitted).*

1979, c. 86, s. 67.

**68.** *(Omitted).*

1979, c. 86, s. 68.

**69.** *(Omitted).*

1979, c. 86, s. 69.

#### Athletic Commissions.

**70.** The municipal athletic commissions created pursuant to the Act Respecting the Creation of Athletic Commissions in Cities and Towns (Revised Statutes, 1925, c. 131) that are in existence on 21 December 1979 are dissolved and their property devolves to the municipalities that created them.

1979, c. 86, s. 70.

#### Funding.

**71.** The sums necessary for the application of this Act are paid, for the fiscal period 1979-1980, out of the consolidated revenue fund and for subsequent fiscal periods, out of the moneys voted by the National Assembly for that purpose.

1979, c. 86, s. 71.

**72.** *(Amendment integrated into c. R-10, s. 2).*

1979, c. 86, s. 72.

#### Ministers responsible.

**73.** The Minister of Education, Recreation and Sports is responsible for the application of this Act, except Chapter V and section 55.3 the application of which is under the authority of the Minister of Public Security.

1979, c. 86, s. 73; 1994, c. 17, s. 65; 1997, c. 79, s. 43; 1999, c. 43, s. 15; 2003, c. 19, s. 250; 2005, c. 28, s. 196.

**74.** *(Omitted).*

1979, c. 86, s. 74.

**75.** *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

## REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 86 of the statutes of 1979, in force on 1 November 1980, is repealed, except section 74, effective from the coming into force of chapter S-3.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 21, 26 to 30, 47 to 53, 58 and 61 to 65 of chapter 86 of the statutes of 1979, in force on 1 January 1983, are repealed effective from the coming into force of the updating to 1 January 1983 of chapter S-3.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 32 to 38, 40 to 44, 45, 46, 59, 60 and 66 to 69 of chapter 86 of the statutes of 1979, in force on 1 September 1987, are repealed effective from the coming into force of the updating to 1 September 1987 of chapter S-3.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 70 of chapter 86 of the statutes of 1979, in force on 1 March 1988, is repealed effective from the coming into force of the updating to 1 March 1988 of chapter S-3.1 of the Revised Statutes.

---

[Scope of Databases](#) [RSS Feeds](#) [Terms of Use](#) [Privacy](#) [Help](#) [Contact Us](#) [About](#)

by



Federation of Law Societies of Canada