

# THE BOXING COMMISSION ACT

Table of Contents

Regulations

(Assented to July 27, 1993)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

## DEFINITIONS

### Definitions

1 In this Act,

**"commission"** means the Boxing Commission continued under section 2; (« Commission »)

**"court"** means the Court of Queen's Bench; (« tribunal »)

**"event permit"** means an event permit issued under section 15; (« permis de manifestation sportive »)

**"licence"** means a licence issued under section 14; (« licence »)

**"minister"** means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act. (« ministre »)

## COMMISSION

### Commission continued

2 The Boxing and Wrestling Commission is continued as a body corporate under the name "Boxing Commission".

### Functions

3 The commission is responsible for controlling and regulating professional boxing in the province.

### Members

4(1) The commission shall consist of three members appointed by order of the Lieutenant Governor in Council.

### Term of members

4(2) The members shall hold office for the term fixed in the order appointing them, and each member shall continue to hold office until reappointed, until the appointment is revoked, or until a successor is appointed.

### **Remuneration**

4(3) The members shall be paid the remuneration that the Lieutenant Governor in Council determines and payment shall be made from the fund referred to in section 11.

### **Chairperson**

5(1) The Lieutenant Governor in Council shall designate one of the members as chairperson of the commission.

### **Interim chairperson**

5(2) In the absence or incapacity of the chairperson, the commission may designate one of its members as chairperson on an interim basis.

### **Quorum**

6(1) Two members of the commission constitute a quorum.

### **Voting**

6(2) At any meeting of the commission, a majority vote of the members determines a question, and if there is a tie vote, the chairperson has a casting vote.

### **Meetings by telephone**

6(3) If the members of the commission agree, a member may participate in a meeting of the commission by telephone or other means of communication that permits all of the persons participating to hear each other, and a member so participating is considered to be present at the meeting.

### **By-laws**

7(1) The commission may make by-laws for the internal management of its affairs.

### **Procedure**

7(2) The commission may determine its own practice and procedure.

### **Staff**

8 The minister may provide clerical and administrative support to the commission to enable it to carry out its functions under this Act.

### **Investigation and hearing**

9(1) The commission may investigate and hold a hearing on any matter relating to professional boxing.

### **Part V of Evidence Act powers**

9(2) For the purpose of subsection (1), the members of the commission have the powers of commissioners under Part V of *The Manitoba Evidence Act*.

### **Records**

10(1) The commission shall prepare and maintain complete and accurate records of its proceedings and keep such accounts of its revenues and expenditures as the Minister of Finance may require.

### **Report to the minister**

10(2) The commission shall, annually within four months after the end of its fiscal year, make a report to the minister on its operations during that year, and include in the report any information that the minister may request.

### **Fund**

11(1) Despite *The Financial Administration Act*, the commission shall establish a fund to which shall be credited all money received under this Act, and for the purpose of administering the fund the commission may maintain an account in a bank, credit union or trust company.

### **Payments from fund**

11(2) From the fund, the commission shall pay the remuneration and expenses of its members as well as any expenses it incurs in carrying out its functions under this Act.

### **Working capital**

11(3) The Minister of Finance, when requested to do so by the minister and with the approval of the Lieutenant Governor in Council, may advance to the commission for use as working capital, without legislative authority or appropriation other than this section, such additional money as is stated in the requisition.

### **Repayment of advances**

11(4) An advance made under subsection (3) shall be non-interest bearing and must be repaid by the commission in the manner and on such terms and conditions as the Minister of Finance may fix.

### **Surplus**

11(5) The Minister of Finance may direct that any surplus in the revenues of the commission over expenses be paid into the Consolidated Fund.

## **Audit**

12 An auditor designated by the minister shall at least once annually examine and audit the records, accounts and financial transactions of the commission, prepare a report with respect to that audit and provide a copy of the report to the commission and the minister.

## **Immunity from action**

13 No action or proceeding may be commenced against the commission, a member of the commission or an inspector appointed under this Act for any act done in good faith in the performance or intended performance of a duty or in the exercise or intended exercise of a power under this Act, or for any neglect or default in the performance of a duty or the exercise of a power in good faith.

## **LICENCES AND EVENT PERMITS**

### **Boxing licences**

14(1) No person shall conduct, promote, be a contestant in or act as a matchmaker, manager, trainer, second, referee, judge or timekeeper in a professional boxing contest or exhibition except under the authority of a licence issued by the commission for that purpose.

14(2) Repealed, S.M. 1996, c. 67, s. 7.

### **Application**

14(3) A person may apply for a licence by filing an application with the commission in accordance with, and including the information and the fee required by, the regulations.

### **Event permit**

15(1) No person shall conduct or promote a professional boxing contest or exhibition unless the person holds an event permit issued by the commission for that contest or exhibition.

### **Application**

15(2) A person may apply for an event permit by filing an application with the commission in accordance with, and including the information and the fee required by, the regulations.

### **Security**

15(3) The commission may require an applicant for an event permit to provide a bond or other security to ensure that the contest or exhibition is held in accordance with this Act and the regulations.

### **Form and amount of security**

15(4) The bond or other security must be in the form and the amount required by the regulations.

## **Terms and conditions**

16(1) The commission may, when issuing a licence or event permit or by written notice at any time, impose on the licence or event permit any terms and conditions the commission considers appropriate.

## **Compliance with Act and terms and conditions**

16(2) The holder of a licence or event permit shall comply with this Act and the regulations and with any terms and conditions that are imposed on the licence or event permit.

## **Refusal to issue licence or event permit**

17 When the commission refuses to issue a licence or event permit, it shall notify the applicant in writing and provide reasons for its decision.

## **Hearings re contravention of Act, etc.**

18(1) When the commission has reason to believe that the holder of a licence or event permit

- (a) has contravened or permitted the contravention of this Act or the regulations;
- (b) has engaged in fraud or collusion in relation to professional boxing; or
- (c) has acted in a manner that is contrary to the public interest in relation to professional boxing;

it may hold a hearing into the matter.

## **Notice of hearing**

18(2) At least five days before the hearing, the commission shall give a notice to the holder of the licence or event permit

- (a) stating the date, time and place of the hearing; and
- (b) identifying in general terms the alleged contravention or other matter in respect of which the hearing will be held.

## **Giving of notice**

18(3) The notice must either be given to the holder of the licence or event permit personally or be sent by registered mail to the last address of the holder appearing in the commission's records.

## **Sufficient notice**

18(4) Even if a notice is not given in accordance with this section, it is sufficiently given if notice actually came to the attention of the holder of the licence or event permit within the time specified.

## **Hearing in absence of holder**

18(5) The commission may proceed with the hearing in the absence of the holder of the licence or event permit if it is satisfied that the holder was given notice of the hearing in accordance with this section.

## **Interim suspension**

19 Before a hearing into a matter, the commission may, if it considers it to be necessary in the public interest or the interest of boxing, suspend the holder's licence or event permit until the matter has been determined.

## **Orders**

20(1) If, after a hearing, the commission finds that the holder of a licence or event permit has acted in a manner described in clause 18(1)(a), (b) or (c), it may, by order, do one or more of the following:

- (a) reprimand the holder;
- (b) impose additional conditions on the holder's licence or event permit;
- (c) suspend or cancel the holder's licence or event permit;
- (d) in accordance with the regulations, require the forfeiture of the bond or other security provided under section 15;
- (e) fine the holder not more than \$10,000.;
- (f) order the holder to pay all or part of the costs of the hearing and any investigation made by the commission before the hearing.

## **Notice of order**

20(2) On completion of the hearing, the commission shall give a copy of any order it has made to the holder of the licence or event permit, and the order shall include reasons for the commission's decision.

## **Giving of order**

20(3) The order must either be given to the holder of the licence or event permit personally or be sent by registered mail to the last address of the holder appearing in the commission's records.

## **Order filed in court**

20(4) The commission may file in the court a certified copy of an order made under clause (1)(e) or (f) requiring the payment of money, and on being filed the order may be enforced in the same manner as a judgment of the court.

## **Appeal**

21(1) A person whose application for a licence or event permit is refused under section 17 or against whom an order is made under subsection 20(1) may appeal the refusal or order to the court by filing a notice of application in the court within 30 days after being notified of the refusal or given a copy of the order.

## **Appeal as a fresh matter**

21(2) The hearing of the appeal shall be a fresh hearing and the court may consider any evidence that it considers relevant.

## **Decision on appeal**

21(3) On an appeal, the court may

- (a) confirm the refusal of the licence or event permit or direct that the licence or event permit be issued;
- (b) confirm, vary or quash an order; or
- (c) refer a matter back to the commission for further consideration in accordance with any direction of the court.

## **FEE ON GATE RECEIPTS**

### **Meaning of "gross gate receipts"**

22(1) In this section, "**gross gate receipts**" means the revenue derived from admissions to a contest or exhibition, after the deduction of taxes.

### **Fee on gate receipts**

22(2) A person who conducts or promotes a professional boxing contest or exhibition shall pay to the commission a fee in an amount prescribed by regulation, which shall be not less than 1% and not more than 5% of the gross gate receipts for the contest or exhibition.

### **Alternative fee**

22(3) If the commission considers that the location or other circumstances of a proposed boxing contest or exhibition make it inappropriate or impractical to levy a fee based on a percentage of gate receipts, it may require payment of any amount it considers appropriate in the

circumstances instead of the percentage payable under subsection (2), in accordance with any requirements that may be prescribed by regulation.

### **Remission of fees**

22(4) A person who conducts or promotes a professional boxing contest or exhibition shall, within seven days after the holding of the contest or exhibition, remit to the commission by registered mail the amount payable under this section.

## **ENFORCEMENT**

### **Inspectors**

23(1) The commission may appoint any person, including a member of the commission, as an inspector for the purpose of this Act.

### **Certificate to be provided**

23(2) The commission shall provide an inspector with a certificate of appointment.

### **Certificate to be produced**

23(3) An inspector exercising a power under this Act shall produce his or her certificate of appointment when requested to do so.

### **Powers of inspectors**

24(1) An inspector may

- (a) at any reasonable time, enter any premises and make any inspection that is reasonably required for the purpose of enforcing this Act or the regulations;
- (b) examine or audit any documents, records or books of account or examine any thing found on the premises; and
- (c) after giving a receipt for them, remove from the premises any documents, records or books of account for the purpose of making copies or extracts.

### **Warrant to enter**

24(2) When a justice is satisfied by information on oath that there are reasonable grounds to believe that it is necessary to enter premises for the enforcement of this Act or the regulations, and that

- (a) a reasonable, unsuccessful effort to enter the premises has been made; or
- (b) there are reasonable grounds to believe that entry would be denied without a warrant;

the justice may, on application without notice, issue a warrant authorizing an inspector, with such peace officers as are required to assist, to enter the premises, to take such action as an inspector may take under this Act and to use such force as may be necessary.

### **Assistance to inspectors**

24(3) The person in charge of premises referred to in subsection (1) and any person found on those premises shall

(a) give the inspector all reasonable assistance to enable the inspector to carry out his or her functions under this Act; and

(b) furnish the inspector with any information he or she may reasonably require for the enforcement of this Act or the regulations.

### **Obstruction of inspectors**

24(4) No person shall obstruct an inspector in the carrying out of his or her functions under this Act.

### **Power to prohibit or stop contest or exhibition**

25(1) Despite anything in this Act, if the commission is satisfied that a provision of this Act or the regulations is not complied with, it may

(a) prohibit the holding of a boxing contest or exhibition, or part of a contest or exhibition; or

(b) order a boxing contest or exhibition, or part of a contest or exhibition, stopped.

### **Assistance of peace officers**

25(2) The commission may request the assistance of peace officers when it takes action under subsection (1).

### **Impounding of gate receipts, etc.**

26(1) If the commission has reason to believe that a professional boxing contest or exhibition is being or has been conducted in contravention of this Act or the regulations, it may order any person to deliver to it any money that was paid or may be payable in connection with the contest or exhibition, including the gate receipts, and such money shall be impounded by the commission pending an investigation into the matter.

### **Investigation**

26(2) The commission shall investigate a matter referred to in subsection (1) and if it is satisfied that there has been a contravention of this Act or the regulations, the commission may make an order respecting the disposition of the money, including an order that it be forfeited to the Crown in whole or in part.

## **Release of impounded money**

26(3) If, after an investigation, the commission finds that there has not been a contravention of the Act or regulations, it shall order any money impounded to be released.

## **Recovery of money owing to commission**

27 The commission may recover any money owing to it under this Act by a civil action in the court.

## **GENERAL PROVISIONS**

28 Repealed.

## **Delegation**

29 The commission may delegate to one of its members any power conferred on the commission under this Act except

(a) the power to hold a hearing under section 18 or make an order under section 20; and

(b) the power to make regulations.

## **Offences**

30(1) A person who contravenes a provision of this Act or the regulations is guilty of an offence and is liable on summary conviction,

(a) for a first offence, to a fine of not more than \$5,000. or to imprisonment for a term of not more than two months, or to both a fine and imprisonment; and

(b) for a second or subsequent offence, to a fine of not more than \$25,000. or to imprisonment for not more than six months, or to both a fine and imprisonment.

## **Additional order**

30(2) In addition to the penalty described in subsection (1), a justice may order a person convicted of contravening section 22 (payment of fee on gate receipts) to pay the amount owing under that section to the commission.

## **Order filed in court**

30(3) The commission may file in the court a certified copy of an order under subsection (2), and on being filed the order may be enforced in the same manner as a judgment of the court.

## **Prosecution within two years**

30(4) A prosecution under this Act may be commenced not later than two years after the commission of the alleged offence.

## Regulations

31(1) The commission may make regulations

- (a) respecting the holding and conducting of professional boxing contests and exhibitions and respecting participation in such contests and exhibitions;
- (b) respecting licences and event permits, including
  - (i) the form of application and the information required to be provided,
  - (ii) the fees to be paid,
  - (iii) the terms and conditions that may be imposed, and
  - (iv) the refusal to issue and the suspension and cancellation of licences and event permits;
- (c) respecting the records, books and accounts to be kept by holders of licences and event permits;
- (d) requiring holders of licences and event permits to provide information to the commission at the times and in the manner directed by the commission;
- (e) respecting the security to be provided under section 15, including the form and amount of the security, the conditions on which and the manner in which it may be forfeited or realized upon and the disposition of the proceeds forfeited or realized upon;
- (f) respecting the duties of persons conducting professional boxing contests and exhibitions;
- (g) establishing standards for refereeing and judging professional boxing contests and exhibitions;
- (h) establishing standards for training facilities, rings and equipment;
- (i) regulating or prohibiting the use of specified equipment during weigh-ins and contests or exhibitions;
- (j) respecting the safety of contestants, officials and others at professional boxing contests and exhibitions;
- (k) respecting medical examinations for professional boxers and the availability of medical assistance during professional boxing contests and exhibitions;
- (l) providing for the drug and alcohol testing of professional boxers on a random basis or otherwise;
- (m) respecting the payment of contestants, officials and others in connection with professional boxing contests and exhibitions;

(n) requiring persons who conduct or promote professional boxing contests or exhibitions to deliver to the commission, before a contest or exhibition takes place, the amount of payments to be made to contestants, officials and other participants;

(o) repealed, S.M. 1996, c. 67, s. 10;

(p) defining any word or expression used in this Act but not specifically defined;

(q) respecting any matter required or authorized by this Act to be prescribed;

(r) respecting any matter necessary or advisable to carry out effectively the purpose of this Act.

### **Regulation to define "boxing"**

31(1.1) A regulation may be made under clause (1)(p) to define "boxing" as including kick-boxing, full contact martial arts or any similar sport, other than wrestling, in which blows may be struck by the fists or by both the fists and the feet.

### **Application of regulations**

31(1.2) A regulation under subsection (1) may be general or particular in its application and may apply in respect of any class of person or activity.

### **Incorporation by reference**

31(2) A regulation made under subsection (1) may incorporate by reference a standard or procedure established by another jurisdiction or a recognized boxing organization, and the standard or procedure may be adopted as amended from time to time.

### **Repeal**

32 *The Boxing and Wrestling Commission Act*, R.S.M. 1987, c. B80, is repealed.

### **C.C.S.M. reference**

33 This Act may be referred to as chapter B80 of the *Continuing Consolidation of the Statutes of Manitoba*.

### **Coming into force**

34 This Act comes into force on a day fixed by proclamation.

**NOTE: S.M. 1993, c. 15 was proclaimed in force November 1, 1997**