

LLA – LLCA Comparison Chart

Liquor Licence Act (LLA)	Liquor Licence & Control Act (LLCA)
<p><u>31(5)</u></p> <p>Intoxication (4) No person shall be in an intoxicated condition,</p> <p style="padding-left: 40px;">(a) in a place to which the general public is invited or permitted access; or</p> <p style="padding-left: 40px;">(b) in any part of a residence that is used in common by persons occupying more than one dwelling in the residence. R.S.O. 1990, c. L.19, s. 31 (4).</p> <p>Arrest without warrant (5) A police officer may arrest without warrant any person whom he or she finds contravening subsection (4) if, in the opinion of the police officer, to do so is necessary for the safety of any person.</p>	<p><u>31(2)</u></p> <p>Intoxication 31 (1) No person shall be in an intoxicated condition in,</p> <p style="padding-left: 40px;">(a) a place to which the general public is invited or permitted access; or</p> <p style="padding-left: 40px;">(b) any part of a residence that is used in common by persons occupying more than one dwelling in the residence.</p> <p>Arrest without warrant (2) A police officer or conservation officer may arrest without warrant any person who is contravening subsection (1) if, in the opinion of the officer, it is necessary to do so for the safety of any person.</p>
<p><u>32(5)</u></p> <p>Search of vehicle or boat (5) A police officer who has reasonable grounds to believe that liquor is being unlawfully kept in a vehicle or boat may at any time, without a warrant, enter and search the vehicle or boat and search any person found in it.</p>	<p><u>42(2) and 43(2)</u></p> <p>Search of vehicle (2) A police officer or conservation officer who reasonably believes that liquor is being unlawfully kept in a vehicle may at any time, without a warrant, enter and search the vehicle and search any person found in it.</p> <p>Search of boat (2) A police officer or conservation officer who reasonably believes that liquor is being unlawfully kept in a boat may at any time, without a warrant, enter and search the boat and search any person found in it.</p>
<p><u>36(1)</u></p> <p>Taking to hospital in lieu of charge 36 (1) A police officer who finds a person apparently in contravention of subsection 31 (4) may take the person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a hospital designated by the regulations.</p>	<p><u>48(1)</u></p> <p>Taking to hospital in lieu of intoxication charge 48 (1) A police officer who finds a person apparently in contravention of subsection 31 (1) may take the person into custody and, in lieu of commencing a proceeding under the Provincial Offences Act in respect of the contravention, may escort the person to a prescribed hospital or, if no hospitals are prescribed, to any hospital.</p>

<p><u>47(1)</u></p> <p>Seizure (1) A police officer may seize any thing, including liquor, if,</p> <p>(a) he or she reasonably believes that the thing will afford evidence of an offence under this Act;</p> <p>(b) he or she reasonably believes that,</p> <p style="padding-left: 40px;">(i) the thing was used or is being used in connection with the commission of an offence under this Act, and</p> <p style="padding-left: 40px;">(ii) unless the thing is seized it is likely that it would continue to be used or would be used again in the commission of an offence under this Act; or</p> <p>(c) he or she reasonably believes that the thing is proceeds from the commission of an offence under this Act.</p>	<p><u>61(1)</u></p> <p>Evidence, illegal use, proceeds 61 (1) A police officer or conservation officer may seize anything, including liquor, if he or she reasonably believes,</p> <p style="padding-left: 40px;">(a) that the thing will afford evidence of the commission of an offence under this Act;</p> <p style="padding-left: 40px;">(b) that,</p> <p style="padding-left: 80px;">(i) the thing was used or is being used in connection with the commission of an offence under this Act, and</p> <p style="padding-left: 80px;">(ii) unless the thing is seized it is likely that it would continue to be used or would be used again in the commission of an offence under this Act; or</p> <p style="padding-left: 40px;">(c) that the thing is proceeds from the commission of an offence under this Act.</p>
<p><u>47(1.1)</u></p> <p>Same (1.1) If an offence appears to have been committed under this Act and a police officer reasonably believes, in view of the offence apparently committed and the presence of liquor, that a further offence is likely to be committed, the police officer may seize the liquor and the packages in which it is kept.</p>	<p><u>61(2)</u></p> <p>Liquor in presence of offence (2) If an offence appears to have been committed under this Act, and a police officer or conservation officer reasonably believes, in view of the offence apparently committed and the presence of liquor, that a further offence is likely to be committed, the officer may seize the liquor and the packages in which it is kept.</p>
<p><u>48</u></p> <p>Arrest without warrant 48 If a police officer finds a person apparently in contravention of this Act or apparently in contravention of a prescribed provision of the regulations and the person refuses to give his or her name and address or there are reasonable grounds to believe that the name or address given is false, the police officer may arrest the person without warrant.</p>	<p><u>62</u></p> <p>Arrest without warrant 62 If a police officer or conservation officer finds a person apparently in contravention of this Act or apparently in contravention of a prescribed provision of the regulations and the person refuses to give his or her name and address or the officer reasonably believes that the name or address given is false, the officer may arrest the person without a warrant.</p>

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