

(a) to prohibit the person from accepting any further such compensation or dividend in an amount or value that exceeds that which he would have received if the person from whom he received the compensation or dividend had not contravened the guidelines; and

(b) where no order has been made by him pursuant to subsection (4) arising out of the same circumstances, to require the person to pay to Her Majesty in right of Canada an amount stated in the order equal to the whole or any portion of the excess amount or value so received, as estimated by the Administrator.

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Penalty amount
in case of know-
ing contraven-
tion

(6) Where the circumstances that give rise to the making of an order under paragraph (2)(b), subsection (3) or paragraph (5)(b) disclose that the person against whom the order was made knowingly contravened or conspired knowingly to contravene the guidelines without having reasonable grounds for believing that the contravention could be justified, the Administrator, in addition to making such order, may, by order, direct the person to pay to Her Majesty in right of Canada a penalty in an amount equal to 25% of the excess revenue or other amount or value derived or received by the person, as estimated by the Administrator pursuant to paragraph (2)(b), subsection (3) or 30
paragraph (5)(b).

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(6) Dans les cas où le Directeur constate, à la lumière des faits qui donnent lieu à des ordonnances en vertu de l'alinéa (2)b), du paragraphe (3) ou de l'alinéa (5)b), que la personne visée a sciemment contrevenu aux indicateurs ou qu'elle a sciemment comploté en vue d'y contrevenir, sans avoir des motifs raisonnables de croire que la contravention pouvait être justifiée, le Directeur peut en outre lui ordonner, par ordonnance, de verser à Sa Majesté 20 du chef du Canada une amende égale à 25% du surcroît estimé par lui en vertu de l'alinéa (2)b), du paragraphe (3) ou de l'alinéa (5)b).

Amende en cas
de contravention
délibérée

Idem

(7) Where the circumstances that gave rise to the making of an order under paragraph (4)(b) disclose that the person against whom the order was made knowingly contravened the guidelines without having reasonable grounds for believing that the contravention could be justified, the Administrator, in addition to making such order, may, by order, direct the person to pay to Her Majesty in right of Canada a penalty in an amount equal to 25% of the excess amount paid or credited by the person, as estimated by the Administrator pursuant to paragraph (4)(b).

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(7) Dans les cas où il constate, à la lumière des faits qui donnent lieu à une ordonnance en vertu de l'alinéa (4)b), que la personne visée a sciemment contrevenu aux indicateurs sans avoir des motifs raisonnables de croire que la contravention pouvait être justifiée, le Directeur peut en outre lui ordonner, par ordon-30 nance, de verser à Sa Majesté du chef du Canada une amende égale à 25% du surcroît versé ou crédité, estimé par lui en vertu de l'alinéa (4)b).

Idem

Effect of order

(8) An order of the Administrator made 45 pursuant to subsection (1), paragraph (2)(a), (4)(a) or (5)(a) is binding on the person against whom it is made notwithstanding any agreement that was entered into after October 13, 1975 (whether before or after the order was 50

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(8) Les ordonnances que le Directeur rend 35 Portée des en vertu du paragraphe (1), des alinéas (2)a), (4)a) ou (5)a) lient les personnes qu'elles visent nonobstant tout accord ou entente intervenus après le 13 octobre 1975 (que ce soit avant ou après l'établissement des ordonnances), nonob- 40