

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1992, chapter 20

AN ACT TO AMEND THE COURTS OF JUSTICE ACT AND TO MAKE VARIOUS PROVISIONS RESPECTING THE ESTABLISHMENT OF THE JUDICIAL DISTRICT OF LAVAL

Bill 13

Introduced by Mr Gil Rémillard, Minister of Justice

Introduced 13 May 1992

Passage in principle 5 June 1992

Passage 23 June 1992

Assented to 23 June 1992

Coming into force: on the date or dates to be fixed by the Government

— 31 August 1992: ss. 1 to 11

G.O., 1992, Part 2, p. 4321

Act amended:

Courts of Justice Act (R.S.Q., chapter T-16)



CHAPTER 20

An Act to amend the Courts of Justice Act and to make various provisions respecting the establishment of the judicial district of Laval

[Assented to 23 June 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. T-16,
Sched. I,
am.

1. Schedule I to the Courts of Justice Act (R.S.Q., chapter T-16), amended by section 6 of chapter 70 of the statutes of 1991, is again amended

(1) by inserting, in the column listing the judicial districts, the judicial districts of “Abitibi, Pontiac, Rouyn-Noranda and Témiscamingue” before the judicial districts of “Arthabaska and Frontenac”;

(2) by inserting, in the column opposite the judicial districts of Abitibi, Pontiac, Rouyn-Noranda and Témiscamingue, the following description of the territory over which concurrent jurisdiction is exercised:

“Over the townships of Marrias, Granet, Fréville, Champredon, Casson, Lajoie, Membré, Entremont, Sagean, Foligny, Aulnay, Hamon, Chalifoux, Sureau, Didace, Chassin, Silly, Dudouyt, Yeo, Villedonné, Rousson, Dieskau, Gonthier and Lorimier.”;

(3) by replacing, in the column opposite the judicial districts of Roberval and Abitibi, the description of the territory over which concurrent jurisdiction is exercised by the following description:

“Over the territory of Abitibi and over that of Mistassini. The whole subject to the right of any beneficiary of the Agreement concerning James Bay and Northern Québec to request, if he is party to a suit, that any action brought by or against him be heard in the district of Abitibi and not in that of Roberval.”;

(4) by inserting the judicial districts of "Saint-Maurice and Abitibi" before the judicial districts of "Saint-Maurice and Québec" in the column listing the judicial districts;

(5) by inserting, in the column opposite the judicial districts of Saint-Maurice and Abitibi, the following description of the territory over which concurrent jurisdiction is exercised:

"Over that part of the judicial district of Abitibi situated to the south of the southern boundary of the townships of Belmont, Lespinay, Bressani, Chambalon, Beaujours and Feuquières, to the east of meridian 75°31'32" and to the north of the northern boundary of the proposed townships of Provancher, Achintre, Sulte and the northern boundary of the township of Huguenin. The whole subject to the right of any beneficiary of the Agreement concerning James Bay and Northern Québec to request, if he is party to a suit, that any action brought by or against him be heard in the district of Abitibi and not in that of Saint-Maurice."

Action

2. Any action brought before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*), in accordance with Book VIII of the Code of Civil Procedure (R.S.Q., chapter C-25), before the Civil Division of the Court of Québec sitting in the city of Laval, in the judicial district of Montréal, under Order 2263-72 dated 2 August 1972, is continued, without further formalities, from that date, before the same jurisdiction in the judicial district of Laval.

Compulsory
execution
of judgments

The compulsory execution of judgments rendered before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*), in accordance with Book VIII of the said Code, before such jurisdiction sitting in the city of Laval, in the judicial district of Montréal, shall be carried out or, as the case may be, continued from that date before the same jurisdiction in the judicial district of Laval.

Application

3. Any application brought before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*), in accordance with Chapter V of the Youth Protection Act (R.S.Q., chapter P-34.1), before the Youth Division of the Court of Québec sitting in the city of Laval, in the judicial district of Montréal, under Order 140-82 dated 20 January 1982, is continued, without further formalities, from that date, before the same jurisdiction in the judicial district of Laval.

Action **4.** Any action brought before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*) in a civil matter before the Superior Court or the Court of Québec of the judicial district of Montréal which should have been brought in the judicial district of Laval, had that district been established at that time for such courts, may be transferred from that date to that district, on a motion filed by one party at the office of the court of competent jurisdiction, in the judicial district of Montréal, provided the action is not entered on any of their rolls for hearing.

Motion The motion shall be served on all the parties. Failing contestation in writing within ten days, the prothonotary or, as the case may be, the clerk, on a notice in writing by the party filing the motion, shall transfer the case. In any case of contestation, the motion is referred to the chief judge of the court of competent jurisdiction or to the judge designated by the latter. The decision is without appeal.

Record If the motion is granted, the prothonotary or, as the case may be, the clerk of the court of competent jurisdiction of the judicial district of Montréal shall transmit the record of the case to the prothonotary or, as the case may be, to the clerk of the court of competent jurisdiction in the judicial district of Laval. The latter shall give notice thereof to the parties and inform them of the number he has assigned to the case on receiving the record.

Proceedings **5.** Proceedings instituted before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*), in accordance with the provisions of the Code of Penal Procedure (1987, chapter 96), before the Criminal and Penal Division or the Youth Division of the Court of Québec sitting in the city of Laval, in the judicial district of Montréal, under Order 352-82 dated 17 February 1982 and Order 140-82 dated 20 January 1982, are continued, without further formalities, from that date, before the same jurisdiction, according to their respective functions, in the judicial district of Laval.

Execution of judgments The execution of judgments rendered before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*), in accordance with the provisions of that Code, before a division of the Court of Québec sitting in the city of Laval, in the judicial district of Montréal, is carried out or, as the case may be, continued from that date by the collector designated for the judicial district of Laval. The powers conferred on a judge under Chapter XIII

of that Code for the execution of such judgments are, from that date, exercised by a judge of one of those divisions having jurisdiction in the judicial district of Laval.

Proceedings **6.** Proceedings instituted before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*) before the Youth Division of the Court of Québec exercising the jurisdiction of the youth court in accordance with the Young Offenders Act (R.S.C., (1985), chapter Y-1) and sitting in the city of Laval, in the judicial district of Montréal, under Order 140-82 dated 20 January 1982, are continued, without further formalities, from that date, before the same jurisdiction in the judicial district of Laval.

Establishment of judicial district **7.** The establishment of the judicial district of Laval does not entail in itself, for the Superior Court or for the Criminal and Penal Division of the Court of Québec, sitting in Montréal, in the judicial district of Montréal, or for any of its judges, a loss of jurisdiction in respect of proceedings instituted before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*), for an offence under a provision of the Criminal Code (R.S.C., (1985), chapter C-46) or any other Act of the Parliament of Canada.

Establishment of judicial district **8.** The establishment of the judicial district of Laval does not entail in itself, for the Municipal Court of Laval or for any of its judges, a loss of jurisdiction in respect of matters referred to the Court or any of its judges before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*).

Penal or criminal proceedings **9.** Penal or criminal proceedings relating to an offence committed before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter 15 of the statutes of 1979*) which were not instituted before that date but could have been instituted in the judicial district of Laval, had that district been established at that time, may, from that date, be instituted validly in that district before the competent jurisdiction.

Commissioners for oaths **10.** Commissioners for oaths appointed under section 214 of the Courts of Justice Act for the judicial district of Montréal before (*insert here the date of the establishment of the judicial district of Laval in accordance with the proclamation issued under section 3 of chapter*

15 of the statutes of 1979) become, from that date, without further formalities, commissioners for oaths for the judicial districts of Montréal and Laval, until the expiry of their commission.

Coming into
force

11. This Act will come into force on the date or dates to be fixed by the Government.