



CHAPTER 18

[Assented to 22 December 1978]

An Act respecting certain legislative provisions

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

R.S.,
c. 16, s. 4,
added.

1. The Executive Council Department Act (Revised Statutes, 1964, chapter 16) is amended by adding, at the end, the following section:

Annual
report.

“4. Within six months following the end of each fiscal year, the Prime Minister shall table a report of the activities of his department for that fiscal year in the Assemblée nationale, if it is in session; if it is not sitting, he shall table it within thirty days after the opening of the next session or after resumption.”

R.S.,
c. 83, s. 8a,
added.

2. The Natural Resources Department Act (Revised Statutes, 1964, chapter 83) is amended by inserting, after section 8, the following section:

Annual
report.

“8a. Within six months following the end of each fiscal year, the Minister shall table a report of the activities of his department for that fiscal year in the Assemblée nationale, if it is in session; if it is not sitting, he shall table it within thirty days after the opening of the next session or after resumption.”

R.S.,
c. 169, s. 6,
am.

3. Section 6 of the Municipal Affairs Department Act (Revised Statutes, 1964, chapter 169) is amended by replacing the first paragraph by the following paragraphs:

Signature.

“6. No deed, document or writing is binding on the department or may be attributed to the Minister unless it is signed by him, by the Deputy Minister or by an officer and only, in the case of an officer, to the extent determined by regulation of the Lieutenant-Governor in Council published in the *Gazette officielle du Québec*.

Automatic device. The Lieutenant-Governor in Council may, however, on conditions fixed by him, allow the required signature to be affixed by means of an automatic device to those documents he determines.

Facsimile. The Lieutenant-Governor in Council may also allow a facsimile of the required signature to be engraved, lithographed or printed on those documents he determines. In that case, the facsimile has the same value as the signature itself if the document is countersigned by a person authorized by the Minister."

S.R., c. 199, s. 10, replaced. **4.** Section 10 of the Tourism, Fish and Game Department Act (Revised Statutes, 1964, chapter 199) is replaced by the following section:

Signature. **"10.** No deed, document or writing is binding on the department or may be attributed to the Minister unless it is signed by him, by the Deputy Minister or by an officer and only, in the case of an officer, to the extent determined by regulation of the Lieutenant-Governor in Council published in the *Gazette officielle du Québec*.

Automatic device. The Lieutenant-Governor in Council may, however, on conditions fixed by him, allow the required signature to be affixed by means of an automatic device to those documents he determines.

Facsimile. The Lieutenant-Governor in Council may also allow a facsimile of the required signature to be engraved, lithographed or printed on those documents he determines. In that case, the facsimile has the same value as the signature itself if the document is countersigned by a person authorized by the Minister."

R.S., c. 206, s. 8, replaced. **5.** Section 8 of the Industry and Commerce Department Act (Revised Statutes, 1964, chapter 206) is replaced by the following section:

Signature. **"8.** No deed, document or writing is binding on the department or may be attributed to the Minister unless it is signed by him, by the Deputy Minister or by an officer and only, in the case of an officer, to the extent determined by regulation of the Lieutenant-Governor in Council published in the *Gazette officielle du Québec*.

Automatic device. The Lieutenant-Governor in Council may, however, on conditions fixed by him, allow the required signature to be affixed by means of an automatic device to those documents he determines.

Facsimile. The Lieutenant-Governor in Council may also allow a facsimile of the required signature to be engraved, lithographed or printed on those documents he determines. In that case, the facsimile has the same value as the signature itself if the document is countersigned by a person authorized by the Minister."

R.S.,
c. 206,
s. 11,
added.

6. The said act is amended by adding, at the end, the following section:

Annual
report.

"11. Within six months following the end of each fiscal year, the Minister shall table a report of the activities of his department for that fiscal year in the Assemblée nationale, if it is in session; if it is not sitting, he shall table it within thirty days after the opening of the next session or after resumption."

1965,
1st sess.,
c. 16, s. 13,
am.

7. Section 13 of the Justice Department Act (1965, 1st session, chapter 16) is amended by adding, at the end, the following paragraphs:

Automatic
device.

"The Lieutenant-Governor in Council may, however, on conditions fixed by him, allow the required signature to be affixed by means of an automatic device to those documents he determines.

Facsimile.

The Lieutenant-Governor in Council may also allow a facsimile of the required signature to be engraved, lithographed or printed on those documents he determines. In that case, the facsimile has the same value as the signature itself if the document is countersigned by a person authorized by the Minister."

1965,
1st sess.,
c. 16,
s. 15a,
added.
Annual
report.

8. The said act is amended by inserting, after section 15, the following section:

"15a. Within six months following the end of each fiscal year, the Minister shall table a report of the activities of his department for that fiscal year in the Assemblée nationale, if it is in session; if it is not sitting, he shall table it within thirty days after the opening of the next session or after resumption."

1969,
c. 14, s. 8,
replaced.

9. Section 8 of the Civil Service Department Act (1969, chapter 14) is replaced by the following section:

Signature.

"8. No deed, document or writing is binding on the department or may be attributed to the Minister unless it is signed by him, by the Deputy Minister or by a functionary and only, in the case of a functionary, to the extent determined by regulation of the Lieutenant-Governor in Council published in the *Gazette officielle du Québec*.

Automatic
device.

The Lieutenant-Governor in Council may, however, on conditions fixed by him, allow the required signature to be affixed by means of an automatic device to those documents he determines.

Facsimile.

The Lieutenant-Governor in Council may also allow a facsimile of the required signature to be engraved, lithographed or printed on those documents he determines. In that case, the facsimile has the same value as the signature itself if the document is countersigned by a person authorized by the Minister."

1968,
c. 43, s. 14,
am. **10.** Section 14 of the Labour and Manpower Department Act (1968, chapter 43) is amended by adding, at the end, the following paragraphs:

Automatic
device. "The Lieutenant-Governor in Council may, however, on conditions fixed by him, allow the required signature to be affixed by means of an automatic device to those documents he determines.

Facsimile. The Lieutenant-Governor in Council may also allow a facsimile of the required signature to be engraved, lithographed or printed on those documents he determines. In that case, the facsimile has the same value as the signature itself if the document is countersigned by a person authorized by the Minister."

1969,
c. 21, s. 18,
am. **11.** Section 18 of the Probation and Houses of Detention Act (1969, chapter 21), replaced by section 53 of chapter 22 of the statutes of 1978, is amended by replacing the third paragraph by the following paragraphs:

Committee
on discipline. "If that person does not comply with the regulations and directives, the committee on discipline established in the manner provided for by regulation may grant him no remission of punishment, or only part of the remission.

Remission
denied. Moreover, that committee may deprive a person of a remission of punishment which he has to his credit. In that case, if the remission so denied exceeds fifteen days, the committee shall obtain the previous approval of the Director General."

1969,
c. 21,
s. 19e,
am. **12.** Section 19e of the said act, enacted by section 1 of chapter 21 of the statutes of 1978, is amended by replacing the last paragraph by the following paragraph:

Composition. "Such a committee shall be composed of the members appointed in accordance with the regulations, at least one of whom from among the persons detained in the house of detention, one from among the officers working under the authority of the warden of the house of detention or of the Director General, and from among other persons concerned with the social rehabilitation of detained persons."

1969,
c. 21, s. 22,
replaced. **13.** Section 22 of the said act is replaced by the following section:

Presump-
tion of
imprison-
ment. **"22.** Any person who is in a place other than a house of detention during his transfer to another house of detention in accordance with section 21, while he is absent therefrom in accordance with the requirements of section 19, 19a, 22b, 22d or 22m, or while he is otherwise in the custody of the warden of such a

house of detention, is deemed, for the purposes of this act, the regulations and the directives, to continue to be imprisoned in such a house of detention."

1969,
c. 21,
s. 22*m*,
replaced.

14. Section 22*m* of the said act, enacted by section 55 of chapter 22 of the statutes of 1978, is replaced by the following section:

Temporary
absence.

"22*m*. Notwithstanding section 22*a*, the Director General may, for medical reasons, on such conditions as he may determine, authorize an incarcerated person to be absent temporarily from the house of detention, whatever the term of his imprisonment and even if the condition of section 22*c* is not complied with."

1969,
c. 21,
s. 22*q*,
replaced.

15. Section 22*q* of the said act, enacted by section 55 of chapter 22 of the statutes of 1978, is replaced by the following section:

Applica-
bility.

"22*q*. This division also applies where the Director General is exercising the powers contemplated in sections 19 and 19*a*."

1969,
c. 21, s. 23,
am.

16. Section 23 of the said act, amended by section 2 of chapter 21 and by section 56 of chapter 22 of the statutes of 1978, is again amended by replacing paragraph *f* by the following paragraph:

"(*f*) regulate discipline in houses of detention, establish committees on discipline, determine their composition, duties and powers, specify the rules of procedure and the criteria of decision of such committees and the punishments they may inflict, and determine the conditions governing the mechanism for the review of such decisions before the warden of a house of detention;"

1969,
c. 21, s. 25,
replaced.

17. Section 25 of the said act is replaced by the following section:

Directives.

"25. Subject to the regulations, the Director General and the warden of any house of detention for the establishment under his management may issue directives respecting any matter contemplated in paragraphs *c* to *j* and *l* to *r* of section 23.

Approval.

A directive issued by the Director General is subject to the approval of the Minister and a directive issued by a warden is subject to the approval of the Director General.

Coming
into
force.

A directive comes into force on the date of its approval or on any later date fixed therein."

1969,
c. 65, s. 9,
replaced.

18. Section 9 of the Communications Department Act (1969, chapter 65) is replaced by the following section:

Signature. **“9.** No deed, document or writing is binding on the department or may be attributed to the Minister unless it is signed by him, by the Deputy Minister or by a functionary and only, in the case of a functionary, to the extent determined by regulation of the Lieutenant-Governor in Council published in the *Gazette officielle du Québec*.

Automatic device. The Lieutenant-Governor in Council may, however, on conditions fixed by him, allow the required signature to be affixed by means of an automatic device to those documents he determines.

Facsimile. The Lieutenant-Governor in Council may also allow a facsimile of the required signature to be engraved, lithographed or printed on those documents he determines. In such case, the facsimile has the same value as the signature itself if the document is countersigned by a person authorized by the Minister.”

1970,
c. 17,
s. 11a,
added.

19. The Financial Administration Act (1970, chapter 17) is amended by inserting, after section 11, the following section:

Annual report. **“11a.** Within six months following the end of each fiscal year, the Minister shall table a report of the activities of his department for that fiscal year in the Assemblée nationale, if it is in session; if it is not sitting, he shall table it within thirty days after the opening of the next session or after resumption.”

1972,
c. 22,
s. 9a,
added.

20. The Revenue Department Act (1972, chapter 22) is amended by inserting, after section 9, the following section:

Annual report. **“9a.** Within six months following the end of each fiscal year, the Minister shall table a report of the activities of his department for that fiscal year in the Assemblée nationale, if it is in session; if it is not sitting, he shall table it within thirty days after the opening of the next session or after resumption.”

1973,
c. 43,
s. 3a,
added.

21. The Professional Code (1973, chapter 43) is amended by inserting, after section 3, the following section:

Plaintiff or defendant. **“3a.** The Board may appear before the courts as plaintiff or defendant.

Provisions applicable. Articles 94, 94b and 94e to 94k of the Code of Civil Procedure apply to the Board.”

1973, c. 43,
s. 3a
replaced.

22. Section 5 of the said Code is replaced by the following section:

Applica-
bility
of the
Civil Serv-
ice Act.

"5. The secretary and the other functionaries and employees of the Board are appointed and remunerated according to the Civil Service Act (1965, 1st session, chapter 14)."

Date of
applica-
tion.

23. The Civil Service Act (1965, 1st session, chapter 14) becomes, without further formality, applicable to the secretary and the other persons employed by the Office des professions du Québec at the time this act comes into force.

1977, c. 5,
s. 155, am.

24. Section 155 of the Charter of the French language (1977, chapter 5) is amended by adding at the end the following paragraph:

Applica-
bility of
the Civil
Service
Act.

"The secretary and the other members of the personnel of the appeals committee shall be appointed and remunerated in accordance with the Civil Service Act (1965, 1st session, chapter 14)."

1978,
c. 68, s. 32,
replaced.

25. Section 32 of the Act to establish the Institut national de productivité (1978, chapter 68) is replaced by the following section:

1973, c. 12,
s. 2, am.

"32. Section 2 of the Government and Public Employees Retirement Plan (1973, chapter 12), amended by section 1 of chapter 9 of the statutes of 1974, section 47 of chapter 41 of the statutes of 1975, section 9 of chapter 51 of the statutes of 1976, section 1 of chapter 21 and section 232 of chapter 68 of the statutes of 1977 and by section 105 of chapter 7 and section 31 of chapter 38 of the statutes of 1978, is again amended by adding after paragraph 12 of the first paragraph, the following paragraph:

"(13) the director general and the employees of the Institut national de productivité."

Effect.

This section is effective as of 13 June 1978.

1978, c. 22,
s. 6, am.

26. Section 6 of the Act to promote the parole of inmates and to amend the Probation and Houses of Detention Act (1978, chapter 22) is amended by adding the following paragraph:

Pension
plan.

"The pension plan of the full-time members is that provided for by the Government and Public Employees Retirement Plan (1973, chapter 12)."

Effect.

27. Section 26 has effect as from 8 June 1978.

1929, c. 95,
s. 561,
replaced.

28. Section 561 of the Charter of the City of Québec (1929, chapter 95), replaced by section 25 of chapter 71 of the statutes of

1930 and by section 76 of chapter 81 of the statutes of 1965 (1st session), is amended by adding the following paragraph:

Selection. “They shall be selected in conformity with the procedure determined by regulation of the Lieutenant-Governor in Council for the judges of the Court of the Sessions of the Peace under the Courts of Justice Act (Revised Statutes, 1964, chapter 20).”

1929, c. 95, s. 562, replaced. **29.** Section 562 of the said charter, replaced by section 26 of chapter 71 of the statutes of 1945 and by section 58 of chapter 86 of the statutes of 1969, is again replaced by the following section:

Rules applicable to municipal judges. **“562.** The rules provided in the Courts of Justice Act with respect to judicial ethics, the dismissal of a judge and the exercising of certain duties incompatible with the office of judge, apply to the municipal judges of the city.”

1929, c. 95, ss. 563 to 565c, replaced. **30.** Sections 563 to 565c of the said charter are replaced by the following sections:

Salary and pension plan. **“563.** The salary of a municipal judge, the retirement pension plan applicable to him and the benefits granted to his spouse and children are identical to those to which a judge of the Court of the Sessions of the Peace and his spouse and children are entitled under the Courts of Justice Act, in the same circumstances and at the same time.

Chief judge. In addition, the chief judge of the court is entitled to the additional salary attached to the office of chief judge of the Court of the Sessions of the Peace. He is also entitled to the pension of a chief judge of the Court of the Sessions of the Peace contemplated in section 91 of the Courts of Justice Act, provided such pension is still the pension applicable to him.

Monthly payment. **“564.** The sums required for the carrying out of section 563 shall be paid at least monthly by the city, except the contributions which may be due by judges as a subscription to the retirement pension plan.

Administration of pension plan. **“565.** The city may, in any agreement, entrust the Pension Commission established by the Government and Public Employees Retirement Plan (1973, chapter 12) with the administration of the retirement pension plan of municipal judges.

Pension plan extended to municipal judges. **“565a.** The city may agree with any person or body entrusted with the administration of the social benefits plan applicable to the judges of the Court of the Sessions of the Peace under the Courts of Justice Act, to extend such plan to municipal judges.

Content of agreement. The agreement must determine the obligations of the city, the judges and any other person.

Contributions. “**565b.** Where Part VI of the Courts of Justice Act applies to a municipal judge of the city, the contributions which may be due by him as a subscriber to the retirement plan shall be paid to the city.”

1959/1960, c. 102, a. 1104, replaced. **31.** Article 1104 of the Charter of the City of Montreal (1959/1960, chapter 102), amended by section 1 of chapter 98 of the statutes of 1960/1961, is replaced by the following article:

Appointment. “**1104.** The Lieutenant-Governor in Council, by special commission under the seal of the Province, shall appoint such judges from among the members of the Barreau du Québec who have practised as such for at least ten years.

Selection. They shall be selected in conformity with the procedure determined by regulation of the Lieutenant-Governor in Council, for the judges of the Court of the Sessions of the Peace under the Courts of Justice Act (Revised Statutes, 1964, chapter 20), and hold office during good behaviour.”

1959/1960, c. 102, a. 1104a, added. **32.** The said charter is amended by inserting after article 1104 the following article:

Rules applicable to municipal judges. “**1104a.** The rules provided in the Courts of Justice Act with respect to judicial ethics, the dismissal of a judge and the exercising of certain duties incompatible with the office of judge, apply to the municipal judges of the city.”

1959/1960, c. 102, a. 1105, replaced. **33.** Article 1105 of the said charter is replaced by the following article:

Chief judge. “**1105.** The Lieutenant-Governor in Council may also appoint, from among such judges, a chief judge of the Municipal Court.

Term of office. The chief judge shall be appointed for a period of seven years; his term of office shall not be renewed.

Powers. He shall exercise, as regards municipal judges and the Municipal Court, all the powers vested in the chief judge of the Court of the Sessions of the Peace under the Courts of Justice Act with respect to the latter court and the judges thereof.”

1959/1960, c. 102, a. 1106, replaced. **34.** Article 1106 of the said charter, replaced by section 58 of chapter 84 of the statutes of 1965 (1st session), is again replaced by the following articles:

Salary and
pension
plan.

"1106. The salary of a municipal judge, the retirement pension plan applicable to him and the benefits granted to his spouse and children are identical to those to which a judge of the Court of the Sessions of the Peace and his spouse and children are entitled under the Courts of Justice Act, in the same circumstances and at the same time.

Chief
judge.

In addition, the chief judge of the court is entitled to the additional salary attached to the office of chief judge of the Court of the Sessions of the Peace. He is also entitled to the pension of a chief judge of the Court of the Sessions of the Peace contemplated in section 91 of the Courts of Justice Act (Revised Statutes, 1964, chapter 20), provided such pension is still the pension applicable to him.

Monthly
payments.

"1106a. The sums required for the carrying out of article 1106 shall be paid at least monthly by the city, except the contributions which may be due by judges as a subscription to the retirement pension plan."

1959/1960,
c. 102,
aa. 1108 to
1110, re-
placed.

35. Articles 1108 to 1110 of the said charter are replaced by the following articles:

Adminis-
tration of
pension
plan.

"1108. The city may, in any agreement, entrust the Pension Commission established by the Government and Public Employees Retirement Plan (1973, chapter 12) with the administration of the retirement pension plan of municipal judges.

Pension
plan
extended
to municip-
al judges.

"1109. The city may agree with any person or body entrusted with the administration of the social benefits plan applicable to the judges of the Court of the Sessions of the Peace under the Courts of Justice Act, to extend such plan to municipal judges.

Content of
agreement.

The agreement must determine the obligations of the city, the judges and any other person.

Contribu-
tions.

"1110. Where Part VI of the Courts of Justice Act applies to a municipal judge of the city, the contributions which may be due by him as a subscriber to the retirement plan shall be paid to the city."

R.S.,
c. 193,
s. 644, am.

36. Section 644 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), replaced for the city of Laval by section 32 of chapter 89 of the statutes of 1965 (1st session), is amended for the said city by adding the following paragraph:

Selection.

"They shall be selected in conformity with the procedure determined by regulation of the Lieutenant-Governor in Council,

for the judges of the Court of the Sessions of the Peace under the Courts of Justice Act (Revised Statutes, 1964, chapter 20)."

37. Section 645 of the said act, replaced for the city of Laval by section 32 of chapter 89 of the statutes of 1965 (1st session), is amended for the said city by adding the following paragraph:

Rules
applicable
to municip-
al judges.

"The rules provided in the Courts of Justice Act with respect to judicial ethics, the dismissal of a judge and the exercising of certain duties incompatible with the office of judge, apply to the municipal judges of the city."

38. Sections 646 to 649 of the said act, replaced for the city of Laval by section 32 of chapter 89 of the statutes of 1965 (1st session) and amended by sections 13 to 15 of chapter 99 of the statutes of 1971, are replaced for the said city by the following sections:

Salary and
pension
plan.

"646. The salary of a municipal judge, the retirement pension plan applicable to him and the benefits granted to his spouse and children are identical to those to which a judge of the Court of the Sessions of the Peace and his spouse and children are entitled under the Courts of Justice Act, in the same circumstances and at the same time.

Chief
judge.

In addition, the chief judge of the court is entitled to the additional salary attached to the office of chief judge of the Court of the Sessions of the Peace. He is also entitled to the pension of a chief judge of the Court of the Sessions of the Peace contemplated in section 91 of the Courts of Justice Act, provided such pension is still the pension applicable to him.

Monthly
payment.

"647. The sums required for the carrying out of section 646 shall be paid at least monthly by the city, except the contributions which may be due by judges as a subscription to the retirement pension plan.

Adminis-
tration of
pension
plan.

"648. The city may, in any agreement, entrust the Pension Commission established by the Government and Public Employees Retirement Plan (1973, chapter 12) with the administration of the retirement pension plan of municipal judges.

Plan
extended
to municip-
al judges.

"649. The city may agree with any person or body entrusted with the administration of the social benefits plan applicable to the judges of the Court of the Sessions of the Peace under the Courts of Justice Act, to extend such plan to municipal judges.

Content of
agreement.

The agreement must determine the obligations of the city, the judges and any other person.

Contributions.

“649a. Where Part VI of the Courts of Justice Act applies to a municipal judge of the city, the contributions which may be due by him as a subscriber to the retirement plan shall be paid to the city.”

Associate deputy-minister of justice.

39. The Sous-ministre associé responsable de la Direction générale de la sécurité publique du ministère de la justice holding that office on the date of the tabling of this act will be entitled, from the date on which he leaves office for any cause, to an annual pension computed by multiplying the number of years of service in that office by the amount of two thousand five hundred dollars. Such pension shall not, however, exceed the amount of twelve thousand five hundred dollars.

Annuity included in the pension.

That pension includes the annuity to which the Associate Deputy-Minister is entitled under the Government and Public Employees Retirement Plan (1973, chapter 12) and an additional annuity equal to the difference between the amount secured by the first paragraph and the annuity to which he is entitled under the said act.

Consolidated revenue fund.

Such additional annuity shall be paid out of the consolidated revenue fund and the provisions of the Government and Public Employees Retirement Plan which are not inconsistent with the rules established by this section apply to such pension.

Coming into force.

40. This act comes into force on the day of its sanction, except sections 14, 15, 28, 29, 31, 32, 36 and 37, which will come into force, in whole or in part, on any date fixed by proclamation of the Government.