

NATIONAL ASSEMBLY

SECOND SESSION

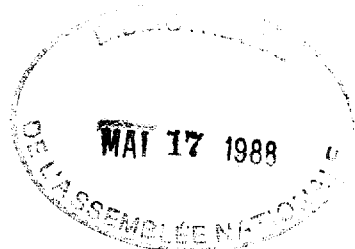
THIRTY-THIRD LEGISLATURE

Bill 10

An Act to amend the Courts of Justice Act and other legislation to establish the Unified Court

Introduction

**Introduced by
Mr Herbert Marx
Minister of Justice**



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EXPLANATORY NOTES

The object of this bill is to amend the Courts of Justice Act in order to establish the Unified Court. This new Court will replace the Court of the Sessions of the Peace, the Youth Court and the Provincial Court.

The Unified Court will be composed of 279 judges, including the chief judge, two senior associate chief judges and seven associate chief judges. It will have jurisdiction in civil and criminal and penal matters as well as in youth matters. The Unified Court will consist of two regional sections, the regional section of Montréal and that of Québec, each including three divisions: the Civil Division, the Criminal and Penal Division and the Youth Division. The Court will also include an Expropriation Division established under the Expropriation Act.

The bill further provides rules respecting the appointment and removal of judges of the Unified Court, the functions of chief judges, the appointment of coordinating judges, the jurisdiction and assignment of judges, their salary, indemnities and social benefits, the exercise of the judicial office, and the Court proceedings.

Lastly, the bill makes the necessary adjustments to several Acts and includes transitional provisions.

ACTS AMENDED BY THIS BILL

1. Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
2. Building Act (R.S.Q., chapter B-1.1);
3. Act respecting tear bombs (R.S.Q., chapter B-6);
4. Criminal Cases Recognizance Act (R.S.Q., chapter C-7);
5. Railway Act (R.S.Q., chapter C-14);

6. Cinema Act (R.S.Q., chapter C-18.1);
7. Highway Safety Code (R.S.Q., chapter C-24.2);
8. Code of Civil Procedure (R.S.Q., chapter C-25);
9. Municipal Code of Québec (R.S.Q., chapter C-27.1);
10. Companies Act (R.S.Q., chapter C-38);
11. Fire Investigations Act (R.S.Q., chapter E-8);
12. Expropriation Act (R.S.Q., chapter E-24);
13. Public Service Act (R.S.Q., chapter F-3.1.1);
14. Tobacco Tax Act (R.S.Q., chapter I-2);
15. Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
16. Education Act (R.S.Q., chapter I-14);
17. Jurors Act (R.S.Q., chapter J-2);
18. Cullers Act (R.S.Q., chapter M-12.1);
19. Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
20. Crown Witnesses Payment Act (R.S.Q., chapter P-4);
21. Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01);
22. Police Act (R.S.Q., chapter P-13);
23. Summary Convictions Act (R.S.Q., chapter P-15);
24. Magistrate's Privileges Act (R.S.Q., chapter P-24);
25. Public Protector Act (R.S.Q., chapter P-32);
26. Youth Protection Act (R.S.Q., chapter P-34.1);
27. Public Health Protection Act (R.S.Q., chapter P-35);
28. Mental Patients Protection Act (R.S.Q., chapter P-41);
29. Act to preserve agricultural land (R.S.Q., chapter P-41.1);

30. Animal Health Protection Act (R.S.Q., chapter P-42);
31. Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
32. Act respecting the Régie des services publics (R.S.Q., chapter R-8);
33. Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
34. Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
35. Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14);
36. Act respecting the salaries of officers of justice (R.S.Q., chapter S-2);
37. Act respecting safety in sports (R.S.Q., chapter S-3.1);
38. Act respecting health services and social services (R.S.Q., chapter S-5);
39. Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
40. Act respecting the Société nationale de l'amiante (R.S.Q., chapter S-18.2);
41. Fuel Tax Act (R.S.Q., chapter T-1);
42. Stamp Act (R.S.Q., chapter T-10);
43. Courts of Justice Act (R.S.Q., chapter T-16);
44. Securities Act (R.S.Q., chapter V-1.1);
45. Forest Act (1986, chapter 108);
46. Tourist Establishments Act (1987, chapter 12);
47. Code of Penal Procedure (1987, chapter 96).

Bill 10

An Act to amend the Courts of Justice Act and other legislation to establish the Unified Court

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

COURTS OF JUSTICE ACT

1. Section 1 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the fourth, fifth and sixth lines by the following line:

“The Unified Court;”.

2. Section 2 of the said Act is amended by replacing the words “Provincial Court, the Court of Sessions of the Peace, the Youth Court”, in the second and third lines by the words “Unified Court”.

3. Section 3 of the said Act is amended by replacing the words “Provincial Court, the Court of Sessions of the Peace, the Youth Court” in the fourth and fifth lines by the words “Unified Court”.

4. Section 4 of the said Act is amended by replacing the word “Provincial” in the second line of the first paragraph by the word “Unified”.

5. Section 5.3 of the said Act, enacted by section 1 of chapter 50 of the statutes of 1987, is amended by replacing the words “, the Provincial Court, the Court of the Sessions of the Peace or the Youth Court” in the third, fourth and fifth lines by the words “or to the Unified Court”.

6. Section 5.4 of the said Act, enacted by section 1 of chapter 50 of the statutes of 1987, is amended by replacing the words and figure “in sections 100 and following” at the end of the first paragraph by the words “in Part VI.1”.

7. The said Act is amended by adding, after section 5.4, the following section:

“5.5 The courts, the judges thereof and the justices of the peace of certain judicial districts shall have, within their respective jurisdictions, concurrent jurisdiction with those of other judicial districts over certain territories, in accordance with Schedule I.

Concurrent jurisdiction shall extend to the officers and employees of the Court.”

8. The heading of Part I of the said Act is replaced by the following heading:

“COURT OF APPEAL”.

9. The heading of Division I of Part I of the said Act is replaced by the following heading:

“CONSTITUTION OF THE COURT”.

10. The heading of Subdivision 1 of Division I of Part I of the said Act is repealed.

11. Subdivision 2 of Division I of Part I of the said Act becomes Division II, and the heading thereof is replaced by the following heading:

“APPELLATE JURISDICTION OF THE COURT”.

12. Section 9 of the said Act is amended

(1) by striking out the word “civil” in the first line;

(2) by adding, at the end, the following paragraph:

“Except where otherwise provided by law, appeals shall be heard before three judges; this number may however be increased by the Chief Justice where he sees fit.”

13. Subdivision 3 of Division I of Part I of the said Act becomes Division III, and the heading thereof is replaced by the following heading:

“CLERK OF THE COURT AND HIS DEPUTY”.

14. Subdivision 4 of Division I of Part I of the said Act becomes Division IV.

15. The said Act is amended by inserting, after section 20, the following:

“PART II

“SUPERIOR COURT”.

16. Division II of Part I of the said Act becomes Division I, and the heading thereof is replaced by the following heading:

“CIVIL JURISDICTION OF THE SUPERIOR COURT”.

17. Division III of Part I of the said Act becomes subdivision 3, and the heading thereof is replaced by the following heading:

“Sittings of the Court”.

18. Sections 40 to 50 of the said Act are repealed.

19. Division IV of Part I of the said Act becomes subdivision 4.

20. The heading of Division V of Part I of the said Act is repealed.

21. The heading of subdivision 1 of Division V of Part I of the said Act is repealed.

22. Subdivisions 2, 4, 5 and 7 to 13 of Division V of Part I of the said Act, including sections 60 to 68.9, are repealed.

23. The heading of Part II of the said Act is repealed.

24. Division I of Part II of the said Act becomes Division II, and the heading thereof is replaced by the following heading:

“CRIMINAL JURISDICTION OF THE SUPERIOR COURT”.

25. The heading of subdivision 1 of Division I of Part II of the said Act is replaced by the following heading:

“General Provisions”.

26. Section 69 of the said Act is repealed.

27. Except for sections 100 to 108.2, which become sections 246.3 to 246.14, Division II of Part II and Divisions I and II of Part III of the said Act, including sections 79 to 157, are replaced by the following:

“PART III

“UNIFIED COURT

“DIVISION I

**“JURISDICTION, REGIONAL SECTIONS AND DIVISIONS
OF THE COURT**

“79. The Unified Court is a court of original jurisdiction in civil, criminal and penal matters and in youth matters.

The Court or the judges thereof shall also sit on administrative matters or on appeals in the cases provided by law.

“80. The Unified Court shall consist of two regional sections, the Montréal Regional Section and the Québec Regional Section, corresponding to the appeal divisions for Montréal and Québec.

Each regional section shall consist of three divisions, namely the Civil Division, the Criminal and Penal Division and the Youth Division.

The Court shall also consist of an Expropriation Division, established under the Expropriation Act (R.S.Q., chapter E-24).

“81. In civil matters, the Court has jurisdiction within the limits provided by law in respect of civil proceedings brought under the Code of Civil Procedure or under any other Act.

Such jurisdiction shall be exercised mainly by the judges assigned to the Civil Division.

“82. In criminal and penal matters, the Court has jurisdiction within the limits provided by law in respect of proceedings brought under the Criminal Code, the Summary Convictions Act (R.S.Q., chapter P-15) or any other Act.

Such jurisdiction shall be exercised mainly by the judges assigned to the Criminal and Penal Division.

“83. In youth matters, the Court has jurisdiction within the limits provided by law

(1) to exercise the powers and functions of the Youth Court, in accordance with the Young Offenders Act (Statutes of Canada, 1982, chapter 110);

(2) in respect of youth protection, in accordance with the Youth Protection Act (R.S.Q., chapter P-34.1);

(3) in respect of proceedings brought under the Summary Convictions Act where the defendant is under 18 years of age or was under 18 years of age at the time of the offence;

(4) in respect of adoption.

Such jurisdiction shall be exercised mainly by the judges assigned to the Youth Division and shall be exclusive to the Court, except where otherwise provided by law.

“84. The Unified Court is a court of record.

“DIVISION II

“JUDGES OF THE COURT

“§ 1.—*Constitution of the Court and appointment and removal of judges*

“85. The Unified Court is composed of 279 judges, including the chief judge, two senior associate chief judges and seven associate chief judges.

“86. The Government shall, by a commission under the Great Seal, appoint the judges during good behaviour. The regional section to which a judge is assigned and his place of residence shall be determined in the notice of appointment.

The place of residence of a judge shall be at the chief place of any of the judicial districts comprised in the regional section to which he is assigned, or in the immediate vicinity thereof.

“87. The judges shall be appointed from among advocates having at least ten years' practice.

The years during which a person acquired pertinent legal experience after obtaining a diploma of admission to the Barreau du Québec or a certificate of competence to practice the profession of advocate in Québec may be considered years of practice.

“88. No person shall be appointed a judge unless he has been previously selected according to the procedure established by Government regulation for the selection of persons apt for appointment as judges. The Government may, in particular,

(1) determine the procedure by which a person may become a candidate for the office of judge;

(2) authorize the Minister of Justice to establish a selection committee to assess the competence of candidates for the office of judge and advise him in that respect;

(3) fix the composition and mode of appointment of the members of the committee;

(4) determine the criteria of selection that the committee is to consider;

(5) determine the information that the committee may require from a candidate and the consultations it may make.

Members of the selection committee are not entitled to remuneration, except in such cases, under such conditions and to such extent as may be determined by the Government. Expenses incurred in the exercise of their functions shall however be reimbursed, subject to the conditions and to the extent determined by the Government.

“89. Before entering upon his duties of office, every judge shall make the oath or solemn affirmation prescribed in Schedule II before the chief judge, a senior associate chief judge or an associate chief judge.

“90. The Government shall, by a commission under the Great Seal, appoint from among the judges of the Court, the chief judge and, after consultation with the latter, a senior associate chief judge for each of the regional sections of the Court and, within each of those sections, an associate chief judge for each division of the Court. Notwithstanding the foregoing, two associate chief judges shall be appointed for the Civil Division of the Regional Section of Montréal.

The judges shall exercise their functions at Montréal or at Québec. They shall reside in the city or in the immediate city where they exercise their functions.

“91. The term of office of the chief judge, a senior associate chief judge or an associate chief judge is of seven years and cannot be renewed.

“92. Notwithstanding the expiry of his term, the chief judge, a senior associate chief judge or an associate chief judge shall remain in office until he is replaced.

In addition, a judge who has continued in office as chief judge or senior associate chief judge for at least seven years is entitled to a year's leave of absence with salary to be devoted to studies, research or any other legal activity compatible with the judicial function.

“93. At the request of the chief judge, the Government may, where it considers it in the best interest of justice, authorize, for the time it determines, a retired judge to exercise the judicial functions that the chief judge assigns to him.

“94. The Government may, in accordance with this subsection, appoint as many additional judges to the Court as there are judges who have been unable to exercise their functions for at least two years owing to disability within the meaning of the group insurance plans available to judges.

The number of judges who are not so unable to exercise their functions must never exceed the number indicated in section 85, except where a judge who has been so unable resumes his functions. In this latter case, the number of judges who are not so unable to exercise their functions must be reduced upon any vacancy among them.

“95. The Government may remove a judge only upon a report of the Court of Appeal made after inquiry at the request of the Minister of Justice.

“§ 2.—Functions of the chief judge

“96. The chief judge has the direction of the Court.

The functions of the chief judge shall be, in particular,

(1) to ensure that the general policy of the Court in judicial matters is applied;

(2) to coordinate, apportion and supervise the work of the judges, who must comply with his orders and directives in that regard;

(3) to ensure that the judicial code of ethics is observed.

“97. The senior associate chief judges, in each of the regional sections, shall assist and advise the chief judge in the performance of his duties and shall exercise the powers of the chief judge under the authority of the latter.

In cooperation with the associate chief judges of their respective regional section, the senior associate chief judges shall, in particular,

(1) see to the allotment of cases and the scheduling of sittings of the Court;

(2) determine the duties and functions of a judge who is required to exercise his jurisdiction over matters that are not within the jurisdiction of the division to which he is assigned.

The orders of senior associate chief judges shall be executed in the same manner as those of the chief judge and their signature shall give force and effect to any document within the competence of the chief judge.

“98. Every associate chief judge shall advise and assist the senior associate chief judge as regards the operation and administration of the division of the Court to which he is appointed.

“99. Where the chief judge is absent or unable to act, the senior associate chief judge having seniority of appointment to the Court shall exercise the functions of the chief judge. He shall do so, notwithstanding the fact that his own term may have expired, until the chief judge resumes his functions or is replaced.

“100. Where a senior associate chief judge is absent or unable to act, the chief judge shall designate an associate chief judge of the regional section concerned to exercise the functions of the senior associate chief judge. The associate chief judge so designated shall exercise such functions, notwithstanding the fact that his own term may have expired, until the senior associate chief judge resumes his functions or is replaced.

“101. Where a senior associate chief judge is absent or unable to act, the associate chief judge of the regional section concerned shall designate a judge of the division concerned to exercise the functions of the associate chief judge until the latter resumes his functions or is replaced.

“102. Every senior associate chief judge shall transmit to the chief judge, at least twice a year, a report of the activities of his regional

section. The report shall contain, on a monthly basis, for each division, each judicial district and the section as a whole, the following particulars:

- (1) the number of days on which sittings were held and the average time devoted thereto;
- (2) the number of cases heard;
- (3) the places and dates of the hearings;
- (4) the number of cases taken under advisement and the time devoted to the advisements;
- (5) the number of judgments rendered.

“§ 3.—Coordinating Judges

“103. The chief judge may, with the approval of the Government, designate coordinating judges from among the judges of the Court, where the circumstances so require.

In the same manner, the chief judge shall fix the term of office of every coordinating judge.

“104. The term of office of a coordinating judge shall not exceed two years, but may be renewed.

“105. In each regional section, the senior associate chief judge shall, in agreement with the associate chief judges, determine the functions exercised by the coordinating judges.

“§ 4.—Jurisdiction and assignment of the Judges

“106. Every judge has jurisdiction throughout Québec over all matters under the jurisdiction of the Court, whatever the regional section and division to which he is assigned.

At the request of the senior associate chief judge of the regional section to which he is assigned, a judge shall exercise the jurisdiction of the Court in an area that is not within the jurisdiction of the division to which he is assigned.

“107. The assignment of a judge to a regional section shall be determined by the Government.

The assignment of a judge to a division shall be determined by the chief judge after consultation with the senior associate chief judges concerned.

“108. Any modification to the notice of appointment of a judge concerning the regional section assigned to him or his place of residence shall be decided by the Government on the recommendation of the chief judge, who shall have previously consulted with the senior associate chief judges concerned.

“109. The temporary assignment of a judge to another regional section shall be decided by the chief judge, after consultation with the senior associate chief judges.

“110. No recommendation under section 108 may be made unless the judge concerned consents to such modification to his notice of appointment or unless the chief judge considers that the circumstances so require; in the latter case, the judge concerned must have been given the opportunity to present his views in that respect. The same applies to a decision under section 109.

“111. The assignment of a judge to another division shall be determined by the chief judge, after consultation with the senior associate chief judge and the associate chief judges concerned and after the judge concerned has been given the opportunity to present his views in that respect.

“112. Unless the assignment to another regional section is temporary, the judge shall change his place of residence within one year of his new assignment.

“113. The chief judge shall, each month, report to the Minister of Justice any decision made under the second paragraph of section 107 or under section 109 or 111.

“§ 5.—Salary, allowances and social benefits

“114. The Government shall fix, by order, the salary of the judges and the additional remuneration attached to the office of chief judge, senior associate chief judge or associate chief judge. Once fixed, the salary and amounts of additional remuneration cannot be reduced.

“115. A judge who has held the office of chief judge, senior associate chief judge or associate chief judge for at least seven years is entitled to receive, until his salary as a judge is equal to the amount of salary and additional remuneration he was receiving when he ceased

to hold such office, the difference between that latter amount and his salary.

The same applies where the judge is appointed to the Municipal Court of Montréal, Laval or Québec.

“116. Where an associate chief judge is absent or unable to act, the judge appointed to replace him is, for the period during which he holds that office, entitled to the additional remuneration attached to it. The same applies where a senior associate chief judge replaces the chief judge or where an associate chief judge replaces a senior associate chief judge.

“117. A retired judge authorized by the Government to exercise the judicial functions that the chief judge assigns to him is entitled to receive the salary of a judge, from which an amount equal to that of his pension shall be deducted.

“118. A judge who must travel in the performance of his duties is entitled to be paid, as an expense allowance, in addition to his actual travelling expenses, an indemnity the amount and the terms and conditions of payment of which shall be determined by order of the Government.

“119. A judge who, pursuant to section 112, is required to change his place of residence is entitled to be paid, as a moving allowance, an indemnity the amount and the terms and conditions of payment of which shall be determined by order of the Government.

“120. The Government may, by order, establish the amount and nature of the expenses that may be incurred by a judge in the performance of his duties and for which he may be reimbursed.

The amount may vary according as the judge is the chief judge, a senior associate chief judge, an associate chief judge, a coordinating judge or any other judge of the Court.

“121. The Government may, by order, establish social benefits other than the pension to which the judges are entitled and fix their contributions.

“122. Any order made pursuant to sections 114 to 121 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any earlier or later date fixed therein.

[**“123.** The sums required for the carrying out of this subsection are taken out of the consolidated revenue fund.]]

“§ 6.—*Judicial Office*

“**124.** The judges are *ex officio* justices of the peace for the whole of Québec and have all the rights and powers of one or two justices of the peace, as the case may be.

“**125.** Subject to the provisions of this subdivision, the office of judge shall be exclusive.

The office of judge is incompatible, in particular, with the office of director or manager of a legal person or any other constituted body, or with the conduct, even indirect, of commercial activities.

“**126.** A judge may, after consultation with the chief judge and with prior authorization of the Minister of Justice, exercise the functions of arbitrator or be a member of an organization performing such functions. In this event, the judge is entitled only to his salary as a judge and to the expense allowance fixed pursuant to this Act.

“**127.** A judge may, after consultation with the chief judge and the Minister of Justice, be appointed by the Solicitor General to exercise the functions of part-time coroner in accordance with the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2). In this event, the judge is entitled only to his salary as a judge and to the expense allowance fixed pursuant to this Act.

“**128.** A judge may carry out any mandate entrusted to him by order of the Government, after consultation with the chief judge. In this event, he is entitled to the additional salary or to such fees as may be fixed by the Government.

“**129.** A judge may carry out any mandate entrusted to him by the Governor General in Council, with prior authorization of the Government. In this event, he is entitled to the salary or fees fixed by the Governor General in Council, with the consent of the Government.

“**130.** A judge may, with the written consent of the chief judge, engage in teaching activities for which he may be remunerated. The chief judge shall transmit to the Minister of Justice an annual report on the participation of judges in such activities.

"DIVISION III

"COURT PROCEEDINGS

"§ 1.—*Sittings of the Court*

"**131.** The sittings of a division of the Court shall be presided by one judge, except where otherwise provided by law.

"**132.** The Court may sit on any juridical day in the year.

"**133.** After consultation with the chief judge, the senior associate chief judge shall fix the dates of the sittings of the Court for each division and in each judicial district within his jurisdiction. Notice of the decision shall be published in the *Gazette officielle du Québec*.

"**134.** The Court shall sit at the chief-place of the judicial district, at the place fixed by order of the Minister of Justice.

The Minister of Justice may, by order, direct, for each judicial district, that, in addition to the chief-place of the judicial district, the Court shall sit at such place as he may determine. Notice of such order shall be published in the *Gazette officielle du Québec*.

"§ 2.—*Officers of the Court*

"**135.** The clerks and deputy clerks of the Court shall be selected from among the persons appointed in accordance with the Public Service Act.

"**136.** A clerk may designate, from among his personnel, those persons who may perform certain acts in his stead or in the stead of the deputy clerk, provided such acts do not require the exercise of judicial or discretionary power.

"**137.** The clerk is the custodian of the records. He shall report on the proceedings taken and information received in the discharge of his administrative duties whenever required so to do by the Minister of Justice, the chief judge, a senior associate chief judge or an associate chief judge.

"**138.** The clerk may, where there is no judge present or able to act, record the appearance or default of any party or witness summoned to appear and adjourn the sitting to another day of session or to any later date fixed by the judge. When exercising such duties in criminal or penal matters, the clerk is deemed to be a justice of the peace.

“139. Sheriffs are also officers of the Court.

“140. Constables in office in the judicial district where the sittings of the Court are held are officers of that Court.

“141. Every bailiff shall, where so required by a judge, act as constable without special appointment for such purpose.

“§ 3.—*Rules of practice*

“142. A majority of the judges of a division of the Court may, at a meeting convened for that purpose by the chief judge or by way of a consultation held at his request by certified or registered mail, adopt for one or more judicial districts, such rules of practice as are necessary for the exercise of the jurisdiction of the division.

In the same manner, a majority of the judges of a division appointed for the district of Montréal or for the district of Québec may, at a meeting convened for that purpose by a senior associate chief judge or by means of a consultation held at his request by certified or registered mail, amend or replace such rules by special rules applicable in their respective district only.

“143. The rules of practice shall be submitted to the Government for approval and come into force fifteen days after the date of their publication in the *Gazette officielle du Québec*.

Immediately after such publication, the rules must be entered in the registers kept for that purpose by the clerks, and notice thereof must be posted in the office of the court in each of the districts where they apply.”

28. Sections 100 to 108.2 of the said Act, which become sections 246.3 to 246.14, are amended, to the extent that they refer to one or several of them, by replacing the reference number of each of those sections with the new section number.

29. Sections 100 to 103 and 106 of the said Act, which become sections 246.3 to 246.6 and 246.10, are amended by striking out the words “of the sessions” after the word “judge” or the words “chief judge”.

30. Section 105 of the said Act, which become section 246.9, is amended by replacing the word “subdivision” in the second line by the word “Part”.

31. Section 107 of the said Act, which become section 246.11, is amended by replacing the words “of the sessions, a judge of the Provincial Court or a judge of the Youth Court” in the first and second lines by the words “of the Unified Court”.

32. Section 108 of the said Act, which become section 246.12, amended by section 5 of chapter 50 of the statutes of 1987, is again amended by replacing the word “subdivision” in the second line of the second paragraph by the word “Part”.

33. Division III of Part III of the said Act becomes Part III.1.

34. Subdivision 1 of Division III of Part III of the said Act becomes Division I.

35. Heading A of subdivision 1 of Division III of Part III of the said Act becomes subdivision 1.

36. Heading B of subdivision 1 of Division III of Part III of the said Act becomes subdivision 2.

37. Subdivision 2 of Division III of Part III of the said Act becomes Division II.

38. Subdivision 3 of Division III of Part III of the said Act becomes Division III.

39. Section 189 of the said Act is amended by replacing the figure “85” in the first line by the figure “95”.

40. Subdivision 4 of Division III of Part III of the said Act becomes Division IV.

41. Subdivision 5 of Division III of Part III of the said Act becomes Division V.

42. Section 195 of the said Act is amended by replacing the words “a Provincial Court” in the first line of subsection 2 by the words “an office of the Unified Court”.

43. Subdivision 6 of Division III of Part III of the said Act becomes Division VI.

44. Section 225 of the said Act is replaced by the following section:

“225. This Part applies to judges of the Unified Court appointed since 30 May 1978.

This Part also applies to the judges of the Unified Court appointed before that date who have made the election provided for in section 37 of the Act to amend the Courts of Justice Act and the Code of Civil Procedure and to establish the Conseil de la magistrature (1978, chapter 19).”

45. Section 238.1 of the said Act is amended by replacing the figure “108.3” in the third line of the first paragraph by the figure “121”.

46. Section 239 of the said Act is amended

(1) by replacing the figure “83” in the third line by the figure “114”;

(2) by replacing the words and figure “the fourth and fifth paragraphs of section 82” in the sixth and seventh lines by the words and figures “sections 127 to 130”.

47. The said Act is amended by inserting, after section 246.1, the following:

“PART VI.1

“RETIREMENT AND PENSION OF CERTAIN JUDGES

“246.2 This Part applies to those judges of the Unified Court to whom Part VI does not apply.”

48. Section 248 of the said Act, amended by section 8 of chapter 50 of the statutes of 1987, is replaced by the following section:

“248. The council shall be composed of eleven members, namely,

(a) the chief judge of the Unified Court who shall be the chairman of the council;

(b) the two senior associate chief judges of the Unified Court;

(c) one of the chief judges of the Municipal Courts of Laval, Montréal or Québec;

(d) two judges among the judges of the Unified Court or the Municipal Courts of Laval, Montréal or Québec and appointed upon the recommendation of the Conférence des juges municipaux du Québec;

(e) one judge chosen among the judges of the Municipal Courts other than those of Laval, Montréal or Québec and appointed upon the recommendation of the Conférence des juges municipaux du Québec;

(f) two advocates appointed upon the recommendation of the Barreau du Québec;

(g) two persons who are neither judges nor advocates.”

49. Section 249 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**249.** The Government shall appoint the members of the council contemplated in paragraphs c to g of section 248. To sit on the council, those members shall make the oath or solemn affirmation contained in Schedule III before the chief judge of the Unified Court or one of the senior associate chief judges thereof.”

50. Section 250 of the said Act is replaced by the following section:

“**250.** The members of the council who are not judges are not entitled to any remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and within the limits determined by the Government.

The judges are entitled to the indemnity provided for in section 118.”

51. Section 251 of the said Act is amended by replacing the word “eight” in the first line by the word “six”.

52. Section 262 of the said Act is amended by replacing the words and figure “the first paragraph of section 82” at the end of the first paragraph by the word and figure “section 125”.

53. Section 263 of the said Act is amended by striking out the second paragraph.

54. Section 265 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**265.** The council shall examine the complaint; it may, for that purpose, require from any person such information as it may deem

necessary and examine the relevant record, even if the record is confidential under the Youth Protection Act.”

55. Section 268 of the said Act is amended by replacing the word and figures “103.1 or 230” at the end by the word and figures “230 or 246.7”.

56. Section 271 of the said Act is amended by replacing the word and figures “103.1 or 230” at the end of the first paragraph by the word and figures “230 or 246.7”.

57. Section 279 of the said Act is amended by replacing the figure “85” in the third line of subparagraph *b* by the figure “95”.

58. Section 280 of the said Act is amended by replacing the figure “85” in the second line by the figure “95”.

59. The said Act is amended by inserting, after section 282, the following:

“PART VIII

“FINAL PROVISIONS

“**282.1** The Minister of Justice is responsible for the administration of this Act.”

60. Schedule I to the said Act is replaced by the following schedules:

“SCHEDULE I

“(Section 5.5)

“*Concurrent Jurisdiction*

JUDICIAL DISTRICTS	TERRITORY OVER WHICH CONCURRENT JURISDICTION IS EXERCISED
Arthabaska and Frontenac	Over the territory of the municipalities of Lyster, Sainte-Julie, Sainte-Sophie, the town of Plessisville, the parishes of Plessisville and Notre-Dame-de-Lourdes and the village of Laurierville.

JUDICIAL DISTRICTS	TERRITORY OVER WHICH CONCURRENT JURISDICTION IS EXERCISED
Arthabaska and Saint-François	Over the town municipalities of Asbestos and Danville, the parish municipalities of Notre-Dame-de-Lourdes-de-Ham, Saint-Adrien and Saint-Fortunat and the township municipalities of Ham-Nord and Shipton.
Arthabaska and Trois-Rivières	Over the territory of parts of the townships of Aston, Blandford and Bulstrode.
Bedford and Saint-Hyacinthe	Over the territory of the town municipality of Saint-Césaire, the village municipality of Ange-Gardien, the parish municipalities of Saint-Ange-Gardien, Saint-Césaire, Saint-Paul d'Abbotsford and the township municipalities of Sainte-Cécile de Milton and Saint-Valérien de Milton.
Beauce, Mégantic and Frontenac	Over the territory of the village of La Guadeloupe and the municipality of Saint-Évariste-de-Forsyth.
Frontenac and Mégantic	Over the territory of the parish municipality of Courcelles and the municipality of Lambton.
Hull and Labelle	Over the townships of Bouchette, Cameron, Maniwaki, Kensington, Aumond, Egan, Sicotte, Lytton, Baskatong, Wright, Northfield, Blake, Aylwin, Bigelow, Wells and McGill and the proposed townships of Mitchell and Briand; over that part of the territory of the municipality of Duhamel situated in the township of Gagnon.
Hull and Pontiac	Judicial district of Pontiac.
Hull and Terrebonne	Over the territory of the township municipality of Amherst and over that part of the municipality of Lac-des-Plages situated in the township of Amherst.
Iberville and Beauharnois	Over the territory of the township municipalities of Havelock and Hemmingford and the village of Hemmingford.

JUDICIAL DISTRICTS	TERRITORY OVER WHICH CONCURRENT JURISDICTION IS EXERCISED
Iberville and Bedford	Over the territory of the municipality of Noyan, Saint-Georges-de-Clarenceville, Venise-en-Québec and the village of Clarenceville.
Joliette and Saint-Maurice	Over the townships of Boullé and Troyes and, north of those townships, over the whole territory not subdivided into townships.
Kamouraska and Rimouski	Over the townships of Biencourt and Bédard.
Labelle and Pontiac	Over the townships of Maine, Angoumois, Artois, Béliveau, Church, Aunis, Dorion, Alleyn, Bretagne, Île de France and Clapham.
Longueuil and Beauharnois	Over the territory of the parish municipality of Saint-Isidore.
Mégantic and Beauce	Over the territory of the villages of Saint-Gédéon and Saint-Ludger, the parish municipalities of Saint-Gédéon and Saint-Hilaire-de-Dorset, the township municipalities of Gayhurst (south-east part), Risborough and part of Marlow and the municipalities of Lac Drolet, Saint-Robert-Bellarmin and Saint-Sébastien.
Mégantic and Saint-François	Over the territory of the town of Scotstown, the village of La Patrie, the township municipalities of Ditton, Hampden and Lingwick and the municipality of Chartierville.
Québec and Beauce	Over the village municipalities of Saint-Anselme, Saint-Bernard and Saint-Isidore, the parish municipalities of Saint-Anselme, Saint-Bernard, Sainte-Claire, Saint-Édouard-de-Frampton, Sainte-Hénédine, Saint-Isidore, Saint-Léon-de-Standon, Saint-Malachie, Sainte-Marguerite, Saint-Maxime and Saint-Nazaire-de-Dorchester; Louis-Joliette and Taschereau-Fortier.

JUDICIAL DISTRICTS	TERRITORY OVER WHICH CONCURRENT JURISDICTION IS EXERCISED
Québec and Montmagny	Over the village municipalities of Armagh, Saint-Charles, Saint-Raphaël and Saint-Vallier, the parish municipalities of La Durantaye, Notre-Dame-Auxiliatrice-de-Buckland, Saint-Cajetan-d'Armagh, Saint-Charles-Boromé, Saint-Damien-de-Buckland, Saint-Étienne-de-Beaumont, Saints-Gervais et Protais, Saint-Lazare, Saint-Michel, Saint-Nérée, Saint-Philémon, Saint-Raphaël and Saint-Vallier; Honfleur and Saint-Magloire-de-Bellechasse and over an unorganized territory comprising lots 548 to 572 of the cadastre of the parish of Saint-Michel.
Québec, Beauce and Montmagny	Over the parish municipalities of Saint-Camille-de-Lellis and Sainte-Sabine.
Richelieu and Joliette	Over the town municipalities of Berthierville and Saint-Gabriel, the village municipality of Lavaltrie, the parish municipalities of La Visitation-de-la-Sainte-Vierge-de-l'Isle-du-Pads, Saint-Antoine-de-Lavaltrie, Saint-Barthélémi, Saint-Cuthbert, Saint-Damien, Saint-Gabriel-de-Brandon, Sainte-Geneviève-de-Berthier, Saint-Ignace-de-Loyola, Saint-Joseph-de-Lanoraie, Saint-Michel-des-Saints, Saint-Norbert, Saint-Viateur et Saint-Zénon; Lanoraie-d'Autray and Saint-Charles-de-Mandeville; over the townships of De Maisonneuve, Charland and Dupont and over an unorganized territory comprised between the northwesterly extension of the southwest and northeast lines of the township of Dupont and the south line of the townships of Chouart, Radisson and Gosselin.
Rimouski and Gaspé	Over the towns of Cap-Chat and Sainte-Anne-des-Monts.

JUDICIAL DISTRICTS	TERRITORY OVER WHICH CONCURRENT JURISDICTION IS EXERCISED
Roberval and Abitibi	Over the territory of Abitibi, over the territory of Mistassini, over that part of the judicial district of Abitibi situated south of the southern boundary of the townships of Belmont, l'Espinay, Bressant, Chambalon, Beaujours and Feuquières, to the east of meridian 75°31'32" and to the north of the northern boundary of the townships of Provancher, Achintre, Sulte and 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 Roberval.
Saint-François, Frontenac and Mégantic	Over the territory of the township municipality of Stratford.
Saint-Maurice and Québec	Over the territory comprised within the townships of Biart, Bickerdike, Borgia, Chasseur, Chaumonot, Gendron, Laure, Lavoie, Lescarbot, Michaux, Papin, Perrault, Trudel and Rhodes.

"SCHEDULE II

"(Section 89)

"Oath or Solemn Declaration

I swear (*or* solemnly affirm) that I will faithfully, impartially and honestly, and to the best of my knowledge and abilities, fulfil all the duties and exercise all the powers of a judge of the Unified Court.

“SCHEDULE III

“(Section 249)

“Oath or affirmation of discretion

I swear (*or* solemnly affirm) that I will not reveal or disclose, unless authorized by law, anything that may come to my knowledge in the discharge of my duties.”

CONCORDANCE PROVISIONS

61. In any Act or statutory instrument and in any document, the expressions “Provincial Court”, “Court of the Sessions of the Peace” and “Youth Court” are replaced by the expression “Unified Court”, with the necessary adaptations, unless the context indicates otherwise.

62. Section 153 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by replacing the words “provided in article 47 of the Code of Civil Procedure (chapter C-25)” in the first and second lines by the words “prescribed under the Courts of Justice Act”.

63. Section 172 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing the words “by article 47 of the Code of Civil Procedure (chapter C-25)” in the second line by the words “under the Courts of Justice Act(R.S.Q., chapter T-16)”.

64. Section 8 of the Act respecting tear bombs (R.S.Q., chapter B-6) is amended by replacing the words “, judge of the Sessions or judge of the Provincial Court” in the second and third lines by the words “or the judge of the Unified Court”.

65. Section 4 of the Criminal Cases Recognizance Act (R.S.Q., chapter C-7) is amended by replacing the words “of the sessions” wherever they appear by the words “of the Unified Court”.

66. Section 231 of the Railway Act (R.S.Q., chapter C-14) is amended by replacing the words “of the sessions” wherever they appear in subsection 1 by the words “of the Unified Court”.

67. Section 233 of the said Act is amended by replacing the words “of the sessions” in the second and third lines of subsection 1 by the words “of the Unified Court”.

68. Section 166 of the Cinema Act (R.S.Q., chapter C-18.1) is amended by replacing the words “provided in article 47 of the Code of Civil Procedure (chapter C-25)” in the first and second lines by the words “prescribed under the Courts of Justice Act (R.S.Q., chapter T-16)”.

69. Section 119 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by striking out the second paragraph.

70. Article 22 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing paragraphs *c* and *d* by the following paragraph:

“(c) the Unified Court;”.

71. Article 23 of the said Code is amended by replacing the words “, the Provincial Court and the Youth Court” in the second line by the words “and the Unified Court”.

72. Article 29 of the said Code is amended by replacing the words “, the Provincial Court or, in a matter of adoption, the Youth Court” in the second and third lines of the first paragraph by the words “or the Unified Court but, as regards youth matters, only in a matter of adoption”.

73. The heading of Section IV.1 of Chapter I of Title II of the said Code is struck out.

74. Article 36.1 of the said Code is replaced by the following article:

“36.1 The Unified Court has jurisdiction, to the exclusion of the Superior Court, in matters respecting adoption.

In other matters respecting youth, the jurisdiction of the Unified Court and the procedure to be followed before it are determined by special Acts.”

75. Article 47 of the said Code is amended by striking out the words “or of the Provincial Court” in the sixth line of the first paragraph.

76. The said Code is amended by inserting, after article 48, the following article:

“48.1 In the case of the Unified Court, the rules of practice are made and come into force in accordance with the provisions of the Courts of Justice Act.”

77. Article 193 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the words “, a judge of the sessions, or a judge of the Provincial Court” in the third and fourth lines by the words “or a judge of the Unified Court”.

78. Section 101 of the Companies Act (R.S.Q., chapter C-38) is amended

(1) by replacing the words “chief judge of the Provincial Court or the senior associate chief judge of the Provincial Court, according as the corporate seat of the company is situated in a judicial district within the administrative jurisdiction of the one or of the other” in the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth lines of subsection 4 by the words “senior associate chief judge of the Unified Court having jurisdiction in the territory where the corporate seat of the company is situated”;

(2) by replacing the words “chief judge of the Provincial Court or senior associate chief judge of the Provincial Court” in the twentieth, twenty-first and twenty-second lines of subsection 4 by the words “senior associate chief judge of the Unified Court”.

79. Section 110 of the said Act is amended by replacing the third paragraph of subsection 8 by the following paragraph:

“Such expenses shall be taxed by the senior associate chief judge of the Unified Court having jurisdiction in the territory where the corporate seat of the company is situated, upon verbal application of the inspector, after a notice of at least three days, to every party obliged to pay the same, of the hour, date and place where he will present the statement of his expenses for taxation.”

80. Section 203 of the said Act is amended by replacing the third paragraph of subsection 8 by the following paragraph:

“Such expenses shall be taxed by the senior associate chief judge of the Unified Court having jurisdiction in the territory where the corporate seat of the company is situated, upon verbal application of the inspector, after a notice of at least three days, to every party obliged to pay the same, of the hour, date and place where he will present the statement of his expenses for taxation.”

81. Section 21.4 of the Fire Investigations Act (R.S.Q., chapter E-8) is replaced by the following section:

“21.4 The powers conferred by this Act on a judge of the Unified Court may be exercised by a justice of the peace appointed under section 186 of the Courts of Justice Act, if no judge of the Unified Court is available in the judicial district.”

82. The heading of Chapter I of Title I of the Expropriation Act (R.S.Q., chapter E-24) and section 1 of the said Act are replaced by the following:

“CHAPTER I

“CONSTITUTION AND JURISDICTION OF THE DIVISION

“1. A division of the Unified Court, called “Expropriation Division”, is hereby established.

“1.1 The principal function of the Expropriation Division shall be to fix the amount of the indemnities arising from the establishment of reserves for public purposes and from the expropriation of immovables or immovable real rights.

The Expropriation Division shall also exercise the other functions conferred upon it by law.

“1.2 The Expropriation Division is composed of not more than five judges of the Unified Court, including the chairman appointed by the Government after consultation with the chief judge of the Unified Court.

“1.3 Where the chairman is temporarily unable to act, the Government shall, after consultation with the chief judge of the Unified Court, appoint a member of the Expropriation Division to replace him.

Where a member of the Expropriation Division is temporarily unable to act, the Government shall, at the request of the chairman and after consultation with the chief judge of the Unified Court, appoint a judge of the Unified Court to replace him.

“1.4 By way of exception, the Government may, at the request of the chairman and after consultation with the chief judge of the Unified Court, designate a judge of the Unified Court to sit on the Expropriation Division for hearing a case or for a specified time.

“1.5 The mandate of a judge of the Expropriation Division shall not exceed five years, but it may be renewed by the Government.

“1.6 A member of the Expropriation Division whose term has expired shall continue to hear cases of which he already has cognizance.

“1.7 The chairman of the Expropriation Division is entitled to the same salary, additional remuneration, allowances and, where such is the case, to the same pension as accorded by law to the associate chief judge of the Unified Court.

“1.8 The chairman of the Expropriation Division shall, under the authority of the chief judge of the Unified Court, coordinate, apportion and supervise the work of the members, who must comply with his orders and directives in that regard.

“1.9 Except for hearing a case within the jurisdiction of the Unified Court and except in the cases provided in sections 126 to 130 of the Courts of Justice Act (R.S.Q., chapter T-16), every member of the Expropriation Division shall devote himself exclusively to the work of the Division and to his duties of office.

“1.10 The Government may appoint not more than three full-time assessors to assist the members of the Expropriation Division in the exercise of their functions.

The Public Service Act (R.S.Q., chapter F-3.1.1) applies to assessors appointed under the first paragraph.

“CHAPTER II

“PROCEEDINGS BEFORE THE EXPROPRIATION DIVISION

“1.11 Each member of the Expropriation Division may sit anywhere in Québec.

Proceedings and documents shall be deposited in the office of the court at Montréal or at Québec, according as the action proceeds from a judicial district for which appeals are brought before the Court of Appeal at Montréal or at Québec.”

83. Section 4 of the said Act is amended by replacing the words and figure “152.11 of the Courts of Justice Act (chapter T-16)” in the second line of the second paragraph by the figure “1.10”.

84. Chapter II of Title I of the said Act becomes Chapter III of Title I of that Act.

85. Section 40.1 of the said Act is amended by striking out the words “who is a judge” at the end.

86. Section 48 of the said Act is amended by inserting, after the word “rules” in the second line of the first paragraph, the words “of procedure and”.

87. Section 64 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended by replacing the words “Youth Court constables” in subparagraph *c* of paragraph 4 by the words “constables at the Youth Division of the Unified Court”.

88. Section 13.4 of the Tobacco Tax Act (R.S.Q., chapter I-2) is amended by replacing the words “Court of the Sessions of the Peace” in the first and second lines of the first paragraph by the words “Unified Court”.

89. Section 13.5 of the said Act is amended by replacing the words “Court of the Sessions of the Peace” in the second and third lines by the words “Unified Court”.

90. Section 116 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended by replacing the words “of the sessions, any judge of the Provincial Court” in the first line of the second paragraph by the words “of the Unified Court”.

91. Section 131 of the said Act is amended by replacing the words “of the sessions, a judge of the Provincial Court” in the second and third lines of the second paragraph by the words “of the Unified Court”.

92. The second paragraph of section 275 of the Education Act (R.S.Q., chapter I-14) is replaced by the following paragraph:

“Such proceedings shall be brought before a judge of the Unified Court having jurisdiction in the territory where the school is situated.”

93. Section 315 of the said Act is amended by replacing the words “, a judge of the sessions or a judge of the Provincial Court” in the second and third lines by the words “or a judge of the Unified Court”.

94. Section 4 of the Jurors Act (R.S.Q., chapter J-2) is amended by replacing the words “, the Provincial Court, the Court of the Sessions of the Peace, the Youth Court” in paragraph *d* by the words “or the Unified Court”.

95. Section 29 of the Cullers Act (R.S.Q., chapter M-12.1) is amended by replacing the words “section 47 of the Code of Civil Procedure (chapter C-25)” in the first and second lines by the words “the Courts of Justice Act (R.S.Q., chapter T-16)”.

96. Section 40 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by replacing the words “of the Sessions” in the first line of the first paragraph by the words “of the Unified Court”.

97. Section 44 of the said Act is amended by replacing the words “of the Sessions” in the second line of the second paragraph by the words “of the Unified Court”.

98. Section 1 of the Crown Witnesses Payment Act (R.S.Q., chapter P-4) is amended by replacing the words “in the Superior Court or sessions of the peace” in the third line of the first paragraph by the words “in the Superior Court or the Unified Court”.

99. Section 28 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended by replacing the words “provided in article 47 of the Code of Civil Procedure (chapter C-25)” in the first and second lines by the words “prescribed under the Courts of Justice Act (R.S.Q., chapter T-16)”.

100. Section 9 of the Police Act (R.S.Q., chapter P-13) is amended by replacing the words “of the sessions or of the Provincial Court” in the second and third lines of the first paragraph by the words “of the Unified Court”.

101. Section 48 of the said Act is amended by replacing the words “of the Court of the Sessions of the Peace or a judge of the Provincial Court” in paragraph 1 by the words “of the Unified Court”.

102. Section 80 of the said Act is amended by replacing the words “Provincial Court, and any judge of the sessions” in the second line by the words “Unified Court”.

103. Section 1 of the Summary Convictions Act (R.S.Q., chapter P-15) is amended by replacing the words “of the sessions, judges of the Provincial Court, judges of the Youth Court” in subparagraph 5 of the first paragraph by the words “of the Unified Court”.

104. Section 3 of the said Act is amended by replacing the words “of the Youth Court” in the first line of the second paragraph by the words “of the Unified Court”.

105. Section 6 of the said Act is amended by replacing the words “of the sessions, judge of the Provincial Court, judge of the Youth Court” in the first and second lines by the words “of the Unified Court”.

106. Section 49 of the said Act is amended

(1) by replacing the words “of the sessions, judge of the Youth Court or judge of the Provincial Court” in the first and second lines of the first paragraph by the words “of the Unified Court”;

(2) by striking out the words “of the sessions, judge of the Youth Court or judge of the Provincial Court” in the fourth and fifth lines of the second paragraph.

107. Section 73 of the said Act is amended by replacing the words “of the sessions, judge of the Provincial Court or judge of the Youth Court” in the first and second lines by the words “of the Unified Court”.

108. Section 1 of the Magistrate’s Privileges Act (R.S.Q., chapter P-24) is amended by replacing the words “of the sessions, judge of the Provincial Court, judge of the Youth Court” in the first and second lines of the first paragraph by the words “of the Unified Court”.

109. Section 9 of the Public Protector Act (R.S.Q., chapter P-32) is amended by replacing the words “the Provincial Court, the Youth Court or the sessions” in the second and third lines by the words “the Unified Court”.

110. Section 1 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended

(1) by inserting, after subparagraph *a* of the first paragraph, the following subparagraph:

“(a.1) “Court” means the Unified Court established under the Courts of Justice Act (R.S.Q., chapter T-16);”;

(2) by striking out subparagraph *g*.

111. The French version of the said Act is amended by replacing the word “Tribunal” by the word “Cour” wherever it appears, and making the required adaptations unless the context indicates otherwise.

112. Section 12 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by replacing the words “of the Provincial Court, of the Court of the Sessions, of the Youth Court” in the third and fourth lines of the first paragraph by the words “of the Unified Court”.

113. Section 13 of the Mental Patients Protection Act (R.S.Q., chapter P-41) is amended by replacing the words “Provincial Court, Court of the Sessions, Youth Court” in the fourth line of the first paragraph by the words “Unified Court”.

114. Section 21.8 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by replacing the words “provided in article 47 of the Code of Civil Procedure (chapter C-25)” in the first and second lines by the words “prescribed under the Courts of Justice Act (R.S.Q., chapter T-16)”.

115. Section 55.42 of the Animal Health Protection Act (R.S.Q., chapter P-42) is amended by replacing the words “provided for in article 47 of the Code of Civil Procedure (chapter C-25)” in the second line by the words “prescribed under the Courts of Justice Act (R.S.Q., chapter T-16)”.

116. Section 116 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by replacing the words “Court of the Sessions of the Peace” wherever they appear by the words “Unified Court”.

117. Section 117 of the said Act is amended by replacing the words “of the Court of the Sessions of the Peace” in the third line of the second paragraph by the words “of the Unified Court”.

118. Section 122 of the said Act is replaced by the following section:

“122. The powers conferred by this division on a judge of the Unified Court may be exercised by a justice of the peace appointed under section 186 of the Courts of Justice Act, if no judge of the Unified Court is available in the judicial district.”

119. Section 3 of the Act respecting the Régie des services publics (R.S.Q., chapter R-8) is amended by replacing the words “of the sessions or the Provincial Court” in the second line of the third paragraph by the words “of the Unified Court”.

120. Section 5 of the said Act is amended by replacing the words “of the Court of the Sessions or of the Provincial Court” in the fourth and fifth lines of the second paragraph by the words “of the Unified Court”.

121. Section 6 of the said Act is amended by replacing the words “of the Provincial Court or of the Court of the Sessions of the Peace” in the second and third lines of the third paragraph by the words “of the Unified Court”.

122. Section 107 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by replacing the words “provided in article 47 of the Code of Civil Procedure” in the first and second lines by the words “prescribed under the Courts of Justice Act (R.S.Q., chapter T-16)”.

123. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the words and figures “sections 100 to 108.2 of the Courts of Justice Act (chapter T-16) or in Part VI of the said Act” at the end of the first subparagraph of paragraph 2 by the words and figures “Part VI or VI.1 of the Courts of Justice Act (R.S.Q., chapter T-16)”.

124. Schedule III to the said Act is amended by replacing the words and figures “sections 100 to 108.2 of the Courts of Justice Act (chapter T-16) or in Part VI of the said Act” at the end of the first subparagraph of paragraph 1 by the words and figures “Part VI or VI.1 of the Courts of Justice Act (R.S.Q., chapter T-16)”.

125. Section 14 of the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14) is amended by replacing the words “of the Provincial Court or the Court of the Sessions” in the sixth and seventh lines of the first paragraph by the words “of the Unified Court”.

126. Section 11 of the Act respecting the salaries of officers of justice (R.S.Q., chapter S-2) is amended by replacing the words “a court of the sessions of the peace” in the third line by the words “the Unified Court”.

127. Section 53.6 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by replacing the words “in article 47 of the Code of Civil Procedure” in the second line by the words “under the Courts of Justice Act (R.S.Q., chapter T-16)”.

128. Section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5), amended by section 112 of chapter 68 of the statutes of 1987, is again amended by replacing the words “of the Provincial Court, of the Court of the Sessions of the Peace or of the Youth Court” in the third and fourth lines of the sixth paragraph by the words “of the Unified Court”.

129. Section 36.2 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended by replacing the words “provided in article 47 of the Code of Civil Procedure (chapter C-25)” in the first and second lines by the words “prescribed under the Courts of Justice Act (R.S.Q., chapter T-16)”.

130. Section 45 of the said Act is amended by replacing the words “of the sessions, a judge of the Provincial Court” in the second and third lines of the second paragraph by the words “of the Unified Court”.

131. Section 32 of the Act respecting the Société nationale de l’amiante (R.S.Q., chapter S-18.2) is amended by replacing the words “of the Provincial Court or the Court of the Sessions of the Peace” in the sixth and seventh lines of the first paragraph by the words “of the Unified Court”.

132. Section 40.1 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by replacing the words “of the Court of the Sessions of the Peace” in the first and second lines of the first paragraph by the words “of the Unified Court”.

133. Section 5 of the Stamp Act (R.S.Q., chapter T-10) is amended by replacing the words “of Provincial Court, clerks of judges of the sessions” in the third and fourth lines of the first paragraph by the words “of the Unified Court”.

134. Section 213 of the Securities Act (R.S.Q., chapter V-1.1) is amended by replacing the words “of the Sessions or a judge of the Provincial Court” in the first line of the first paragraph by the words “of the Unified Court”.

135. Section 191 of the Forest Act (1986, chapter 108) is amended by replacing the words “Court of the Sessions of the Peace of the judicial district in which the timber has been seized or, if there is no such office in the district, in the office of the clerk of the Provincial Court of the district” in the fourth, fifth and sixth lines of the first paragraph by the words “Unified Court of the judicial district in which the timber was seized”.

136. Section 192 of the said Act is amended by replacing the words “Court of the Sessions of the Peace or if none, of the Provincial Court” in the second and third lines of the first paragraph by the words “Unified Court”.

137. Section 21 of the Tourist Establishments Act (1987, chapter 12) is amended by replacing the words “in article 47 of the Code of Civil Procedure (R.S.Q., chapter C-25)” by the words “under the Courts of Justice Act (R.S.Q., chapter T-16)”.

138. Article 3 of the Code of Penal Procedure (1987, chapter 96) is amended by replacing the words “Court of the Sessions of the Peace, the Provincial Court, the Youth Court, the Labour Court” in the second and third lines by the words “Unified Court”.

139. Article 368 of the said Code is amended

(1) by replacing the words “, the Provincial Court, the Court of the Sessions of the Peace, the Youth Court or the Labour Court” in the first, second and third lines of the first paragraph by the words “or the Unified Court”;

(2) by inserting, after the word “practice” in the first line of the second paragraph, the words “of the Court of Appeal and the Superior Court”;

(3) by adding, at the end, the following paragraph:

“In the case of the Unified Court, the rules of practice are made and come into force in accordance with the provisions of the Courts of Justice Act (R.S.Q., chapter T-16).”

TRANSITIONAL AND FINAL PROVISIONS

140. The judges of the Provincial Court, the Court of the Sessions of the Peace and the Youth Court hereby become judges of the Unified Court. They shall continue to reside at the place where they were residing before (*insert here the date of coming into force of this section*).

The years during which a judge of the Unified Court was judge of the Provincial Court, of the Court of the Sessions of the Peace or of the Youth Court are deemed to be years during which he has been a judge of the Unified Court.

141. The judges of the Court of the Sessions of the Peace are hereby assigned to the Criminal and Penal Division of the Unified Court;

they shall not be assigned to another division of the Court unless they consent thereto; moreover, they shall not be bound to exercise the jurisdiction of the Court in criminal and penal matters only.

The judges of the Youth Court are hereby assigned to the Youth Division of the Unified Court; they shall not be assigned to another division of the Court unless they consent thereto; moreover, they shall not be bound to exercise the jurisdiction of the Court in youth matters only.

The judges of the Provincial Court are hereby assigned to the Civil Division of the Unified Court; they shall not be assigned to another division of the Court unless they consent thereto; moreover, they shall not be bound to exercise the jurisdiction of the Court in civil matters only or, in the cases provided for by law, in administrative matters. Notwithstanding the foregoing, a judge of the Provincial Court who, while he was a member of that Court, exercised a jurisdiction in criminal or penal matters or in youth matters may be bound to exercise such a jurisdiction.

The judges of the Expropriation Division of the Provincial Court are hereby assigned to the Expropriation Division of the Unified Court for the unexpired portion of their terms; they shall not be assigned to another division of the Court unless they consent thereto; moreover, they shall not be bound to exercise only the jurisdiction of the Expropriation Division and that of the Unified Court in civil matters. On the expiry of their terms at the Expropriation Division, such judges are hereby assigned to the Civil Division of the Unified Court; they shall not be assigned to another division of the Court unless they consent thereto; moreover, they shall not be bound to exercise the jurisdiction of the Court in civil matters only or, in the cases provided for by law, in administrative matters.

142. The selection procedures in progress on (*insert here the date of coming into force of this section*) pursuant to the Regulation respecting the procedure for the selection of persons apt for appointment as judges (R.R.Q., 1981, chapter T-16, r.5) shall be continued. In this regard, a selection committee set up under the said regulation shall retain its jurisdiction, but only in respect of procedures in progress, and the list of candidates apt for appointment as judges of a court shall remain in force until the date of expiry prescribed in the regulation.

Section 141 of this Act does not apply to a person appointed judge pursuant to a selection procedure in progress on (*insert here the date of coming into force of this section*).

143. Every judge of the Unified Court has jurisdiction to exercise, in any proceeding brought under the Criminal Code or another Act of the Parliament of Canada, all the powers conferred on a judge of the Court of the Sessions of the Peace, the Provincial Court or the Youth Court by or under that Code or such Act.

144. The terms of office of the chief judges, senior associate chief judges, associate chief judges and coordinating judges of the Provincial Court, the Court of the Sessions of the Peace and the Youth Court shall end on *(insert here the date of coming into force of this section)*.

The following judges are, for the remaining period of their term, entitled to an additional annual remuneration equal

(1) to 11% of their salary in the case of chief judges and senior associate chief judges;

(2) to 8% of their salary in the case of associate chief judges;

(3) to 5% of their salary in the case of coordinating judges.

At the end of that period, the judges are entitled to receive, until their salary as judges of the Unified Court is equal to the salary and additional remuneration paid to them at that time, the difference between the latter amount and their actual salary.

However, if an additional remuneration is paid to any of such judges under section 114 of the Courts of Justice Act, the amounts paid under this section must be reduced accordingly.

145. The chairman and vice-chairman of the Expropriation Division of the Provincial Court retain their status and powers as well as their vested rights with respect to salary, additional remuneration, allowances and pension.

Any member of the Expropriation Division who has held the office of deputy chairman or deputy vice-chairman of the Expropriation Tribunal retains his vested rights with respect to additional remuneration.

Full-time assessors assigned to the Expropriation Division hereby become assessors of the Expropriation Division of the Unified Court.

146. Clerks and deputy clerks of the Provincial Court, the Court of the Sessions of the Peace and the Youth Court hereby become clerks and deputy clerks of the Unified Court.

Until their notice of appointment is amended or revoked, clerks and deputy clerks are not authorized to exercise powers in addition to those they exercised in that capacity before (*insert here the date of coming into force of this section*).

147. The personnel assigned to the Provincial Court, the Court of the Sessions of the Peace and the Youth Court is hereby assigned to the Unified Court.

148. The records and documents of the Provincial Court, the Court of the Sessions of the Peace and the Youth Court become the records and documents of the Unified Court.

149. Any form or other document prepared for the Provincial Court, the Court of the Sessions of the Peace or the Youth Court may be used as if it were a document prepared for the Unified Court.

150. Cases being tried before the Provincial Court, the Court of the Sessions of the Peace and the Youth Court shall be continued before the corresponding division of the Unified Court. Their order on the roll, if any, shall not be affected, and any case of which the hearing has begun shall be continued by the judge having cognizance of it.

Any case being tried before the Expropriation Division of the Provincial Court shall be continued by the assessor assigned to it.

151. Subject to section 61 of this Act and, from their coming into force, to the provisions of the Act to establish the Commission des relations du travail and to amend various legislative provisions (1987, chapter 85), the provisions of the third paragraph of section 86, the second paragraph of section 133 and paragraph 3 of section 134 of the Courts of Justice Act as well as the provisions of the said Act which concern the functions and term of office of chief judges, associate chief judges and coordinating judges continue to apply, adapted as required, to the Labour Court, as they read before being replaced by this Act.

152. A judge of the Unified Court holding office on (*insert here the date of coming into force of this section*), as a member of an agency established under any Act of the Parliament of Québec whose members are appointed by the Government is deemed to be on leave of absence without salary.

The salary payable to him while he is holding such an office shall be at least equal to the salary that would be paid to him under the Courts of Justice Act for that same period, if he were not so on leave. Moreover,

the judge's pension shall remain governed by the said Act and the time during which he holds such office shall be added to the time during which he has been a judge of the Unified Court.

153. The term of office of the members of the Conseil de la magistrature contemplated in paragraphs *a*, *b* and *c* of section 248 of the Courts of Justice Act as they read before being replaced by this Act shall end on (*insert here the date of coming into force of this section*), except with respect to the inquiries concerning a complaint which are not completed.

154. The regulations and orders made or adopted pursuant to a provision of the Courts of Justice Act that is repealed or replaced by this Act remain in force in so far as they are consistent with this Act. The same rule applies to any regulation made pursuant to section 34 of the Expropriation Act which has remained in force in accordance with section 64 of the Act respecting certain agencies responsible to the Minister of Justice (1986, chapter 61).

The rules of practice and any other rule made by the Provincial Court, the Court of the Sessions of the Peace or the Youth Court and the rules of procedure and rules of practice made by the Expropriation Division of the Provincial Court are deemed to have been made by the Unified Court or any of its divisions, as the case may be.

[[**155.** The sums required for the administration of this Act during the fiscal year 1988-89 are, to the extent determined by the Government, taken out of the consolidated revenue fund.]]

156. The provisions of this Act will come into force on the date or dates to be fixed by the Government.