# NATIONAL ASSEMBLY

## Bill 82

# An Act to amend the Code of Civil Procedure

**Introduction**

NOV 1 7 1988

Introduced by
Mr Gil Rémillard
Minister of Justice

# EXPLANATORY NOTES

*This bill amends the Code of Civil Procedure to establish that a sheriff or bailiff who travels over thirty kilometres for the service of proceedings or the execution of writs of judgment is entitled the taxation of travel costs equivalent to thirty kilometres round trip where another sheriff or bailiff has his office closer to the place of service or execution.*

*This bill also provides that the chief judge or a judge designated by him may sign the minute of a judgment not only when the judge who has rendered judgment dies, is unable to act or retires, but also when he is absent.*

# Bill 82

## An Act to amend the Code of Civil Procedure

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Article 120 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the second paragraph by the following paragraph:

"The costs of service are taxed on the basis of the distance actually travelled by the officer making the service. However, the costs of service are not taxed for a distance of over thirty kilometres round trip if another sheriff or bailiff has his place of business within fifteen kilometres from the place of service."

**2.** Article 471 of the said Code is amended by inserting the words "is absent," after the word "dies," in the first line of the third paragraph.

**3.** Article 554 of the said Code is amended by replacing the third paragraph by the following paragraph:

"The costs of execution are taxed on the basis of the distance actually travelled by the officer executing the writ. However, the costs of execution are not taxed for a distance of over thirty kilometres round trip if another sheriff or bailiff has his place of business within fifteen kilometres from the place where the writ of judgment is executed."

**4.** This Act comes into force on *(insert here the date of assent to this Act)*.