



NATIONAL ASSEMBLY

ECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 129

An Act to amend the Courts of Justice Act

Introduction

**Introduced by
Mr Gil Rémillard
Minister of Justice**

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EXPLANATORY NOTES

This bill brings certain amendments to the Courts of Justice Act.

First, it increases the number of judges of the Court of Appeal from 16 to 19, and the number of judges of the Superior Court from 140 to 143.

Furthermore, the bill establishes that the secretary of the Conseil de la magistrature will, from now on, be appointed by the Government, on the recommendation of that council, from among the judges of the courts under the legislative authority of Québec.

ACT AMENDED BY THIS BILL:

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

Bill 129

An Act to amend the Courts of Justice Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 6 of the Courts of Justice Act (R.S.Q., chapter T-16) is replaced by the following section:

“6. The Court of Appeal is composed of 19 judges: one chief justice called “Chief Justice of Québec” and 18 puisne judges.

It also includes not more than 19 supernumerary judges governed by the Judges Act (Statutes of Canada).”

2. Section 7 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“7. Of the 19 judges referred to in the first paragraph of section 6, six shall reside in or in the vicinity of the city of Québec, and 13 in or in the vicinity of the city of Montréal.”;

(2) by replacing the word “sixteen” in the first line of the third paragraph by the figure “19”.

3. Section 21 of the said Act, amended by section 17 of chapter 21 of the statutes of 1988, is again amended by replacing the figure “140” in the second line of the first paragraph by the figure “143”.

4. Section 32 of the said Act, amended by section 18 of chapter 21 of the statutes of 1988, is again amended

(1) by replacing the figure “87” in the second line of subparagraph 1 of the first paragraph by the figure “89”;

(2) by replacing the word “two” in the second line of subparagraph 8 of the third paragraph by the figure “3”.

5. Section 131 of the said Act, introduced by section 30 of chapter 21 of the statutes of 1988, is amended by replacing the words “Solicitor General” in the second line by the words “Minister of Public Security”.

6. Section 249 of the said Act, amended by section 54 of chapter 21 of the statutes of 1988, is again amended by replacing the letter “g” in the second line of the first paragraph by the letter “h”.

7. Section 255 of the said Act is replaced by the following sections:

“255. The Government shall, on the recommendation of the council, appoint the secretary thereof from among the judges of the courts referred to in section 248.

“255.1 The term of office of the secretary of the council shall not exceed three years. The secretary shall remain in office at the expiry of his term until he is replaced or reappointed.

“255.2 The secretary of the council is entitled only to his salary as a judge and to the expense allowance fixed under section 119.

“255.3 Before taking office, the secretary of the council shall make the oath or solemn affirmation contained in Schedule III before the chief judge of the Court of Québec.

“255.4 The members of the personnel of the council other than the secretary are appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).”

8. Schedule III to the said Act, replaced by section 65 of chapter 21 of the statutes of 1988, is amended by replacing the word and figure “(Section 249)” by the words and figures “(Sections 249 and 255.3)”.

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