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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-THIRD LEGISLATURE

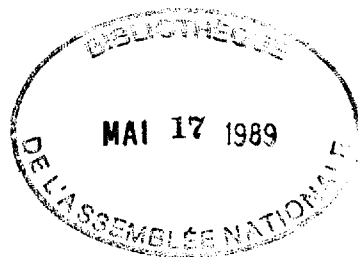
Bill 141

## **An Act respecting municipal courts and amending various legislation**

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### **Introduction**

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



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## EXPLANATORY NOTES

*This bill proposes the consolidation into one single Act and the reform of the existing legislative provisions pertaining to municipal courts. It proposes, in particular, the replacement of Divisions XIV and XV of the Cities and Towns Act and the Municipal Courts Act.*

*Every local municipality in Québec will have the power to establish a municipal court exclusively for its territory or in common with several municipalities. Regional county municipalities may also have this power, but only if it is delegated to them by their local municipalities.*

*The bill, which consolidates the rules pertaining to the status of municipal judges, also provides rules respecting the jurisdiction of municipal courts, the proceedings, appointment and functions of officers of the court and the material organization of the courts.*

*In addition, the bill contains provisions pertaining to the procedure applicable in municipal courts, appeals from decisions of such courts, their financing and administration, control over such financing and administration, and the abolition, whether voluntary or compulsory, of a municipal court.*

*Finally, concordance amendments to certain Acts and transitional provisions make up the remainder of the bill.*

### ACTS REPEALED OR AMENDED BY THIS BILL:

- Building Act (R.S.Q., chapter B-1.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1);

- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Jurors Act (R.S.Q., chapter J-2);
- Act respecting the payment of fines (R.S.Q., chapter P-2);
- Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Act respecting certain aspects of the status of municipal judges (1988, chapter 74);
- Charter of the City of Laval (1965, 1<sup>st</sup> session, chapter 89);
- Act respecting the town of Anjou (1982, chapter 73);
- Act to amend the charter of the city of Beauport (1983, chapter 61);
- Act to amend the charter of the city of Charlesbourg (1977, chapter 87);
- Act respecting the town of Coaticook (1940, chapter 99);
- Act respecting the town of Coaticook (1953-54, chapter 92);
- Act to amend the charter of the city of Dorval (1956-57, chapter 91);
- Act respecting the city of Drummondville (1983, chapter 65);
- Act to amend the charter of the town of Greenfield Park (1958-59, chapter 87);
- Act to revise the Charter of the city of Hull (1975, chapter 94);
- Act to amend the charter of the city of Lachine (1958-59, chapter 56);
- Act to amend the charter of the city of Lachine (1983, chapter 66);

- Act respecting the city of LaSalle (1982, chapter 115);
- Act to amend The charter of the city of Lévis (1969, chapter 97);
- Act to consolidate the charter of the town of Magog (1936, 1<sup>st</sup> session, chapter 7);
- Act to amend the charter of the town of Montreal-North (1958-59, chapter 78);
- Act to amend the charter of the town of Mount Royal (1957-58, chapter 74);
- Act to revise and consolidate the charter of the town of Nicolet (1910, chapter 57);
- Act to amend the charter of the city of Outremont (1930, chapter 113);
- Act to incorporate the town of Pierrefonds (1958-59, chapter 110);
- Act to amend the charter of the town of Saint Germain de Rimouski (1919-20, chapter 96);
- Act respecting the town of Saint-Bruno-de-Montarville (1984, chapter 60);
- Act to incorporate the town of Saint-Eustache sur le Lac (1957-58, chapter 110);
- Act to revise the Charter of the city of Sainte-Foy (1976, chapter 56);
- Act to amend the Charter of the city of Sainte-Foy (1983, chapter 60);
- Act to amend the charter of the city of Saint-Laurent (1957-58, chapter 59);
- Act respecting the City of Saint-Laurent (1980, chapter 43);
- Act to amend the charter of the city of Saint-Léonard (1983, chapter 68);
- Act to consolidate the charter of the city of Salaberry-de-Valleyfield (1931-32, chapter 111);

- Act to amend the Charter of the city of Salaberry-de-Valleyfield (1937, chapter 112);

- Act to amend the charter of the city of Salaberry-de-Valleyfield (1943, chapter 58);

- Act to revise the charter of the city of Sherbrooke (1974, chapter 101);

- Act to amend the Charter of the city of Sherbrooke (1987, chapter 118);

- Act to amend the charter of the city of Sillery (1952-53, chapter 76);

- Act to incorporate the city of Sorel (1889, chapter 80);

- Act to amend the act incorporating the city of Sorel (1899, chapter 60);

- Act to amend the charter of the city of Sorel (1912, 1<sup>st</sup> session, chapter 59);

- Act to amend the charter of the city of Sorel and to establish a body to promote industry in the region of Sorel (1958-59, chapter 66);

- Act to amend and consolidate the charter of the city of Three Rivers (1915, chapter 90);

- Act to amend the charter of the city of Trois-Rivières (1982, chapter 102);

- Act to amend the charter of the town of Quebec West (1917-18, chapter 96);

- Act to amend the charter of the city of Verdun (1916, 1<sup>st</sup> session, chapter 48);

- Act to amend the charter of the city of Verdun (1943, chapter 55);

- Act to amend the charter of the city of Verdun (1945, chapter 73);

- Act to amend the charter of the city of Verdun (1955-56, chapter 70);

- Act respecting the city of Verdun (1982, chapter 95);

- Act respecting the city of Verdun (1987, chapter 119);
- Act to amend the charter of the city of Westmount (1959-60, chapter 114).

**ACT REPLACED BY THIS BILL:**

- Municipal Courts Act (R.S.Q., chapter C-72).

# Bill 141

## **An Act respecting municipal courts and amending various legislation**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

#### SCOPE

**1.** This Act applies to all local municipalities other than the cities of Laval, Montréal and Québec, and to all regional county municipalities.

**2.** For the purposes of this Act, unless otherwise provided, no regional county municipality is deemed to be a local municipality governed by the Municipal Code of Québec (R.S.Q., chapter C-27.1).

### CHAPTER II

#### ESTABLISHMENT OF MUNICIPAL COURT

##### DIVISION I

##### LOCAL MUNICIPAL COURT

**3.** The council of a local municipality may adopt a by-law to establish a local municipal court having jurisdiction solely within the territory of the municipality.

**4.** A by-law under section 3 must determine, among other particulars, the address where the court is to hold its sittings and the address of its office.

## DIVISION II

## COMMON MUNICIPAL COURT

**5.** This division applies to the establishment of a common municipal court having jurisdiction in the territory of several municipalities.

**6.** A common municipal court may be established

(1) by local municipalities, provided their territories are situated within the territory of the same regional county municipality or, as the case may be, within that of the same regional or urban community;

(2) by local municipalities wishing to extend the territorial jurisdiction of an existing local municipal court, provided the requirement as to their territories set out in paragraph 1 is met;

(3) by a regional county municipality to which local municipalities have delegated the authority to do so, provided the requirement as to the territories of the local municipalities set out in paragraph 1 is met;

(4) by two or more regional county municipalities contemplated by paragraph 3, provided their territories are contiguous.

**7.** The council of any local municipality may adopt a by-law to authorize the making of an agreement with another local municipality regarding the establishment of a common municipal court.

**8.** The council of any local municipality having established a local municipal court and the council of another local municipality having established no such court may each adopt a by-law to authorize the making of an agreement regarding the establishment of a common municipal court by way of the extension of the territorial jurisdiction of the existing local municipal court.

The first paragraph also applies to any regional county municipality which, for the purposes within its jurisdiction, wishes to submit its territory to the jurisdiction of an existing local municipal court.

**9.** The councils of two or more local municipalities and that of a regional county municipality may each adopt a by-law to authorize the making of an agreement regarding the delegation to the regional county municipality of the authority to establish a common municipal court and regarding the establishment of the court.



**10.** The councils of two or more regional county municipalities which have not established a municipal court but to which the authority to do so has been delegated under section 9 may each adopt a by-law to authorize the making of an agreement regarding the establishment of a common municipal court, if expressly permitted by their respective agreements regarding the delegation of authority.

However, the council of a regional county municipality whose territory wholly or partly comes under the jurisdiction of one local municipality only may adopt a by-law under the first paragraph without a delegation of authority to the regional county municipality.

**11.** A regional county municipality to which a delegation of authority has been made under section 9 may, for the purposes within its jurisdiction, submit its territory to the jurisdiction of the municipal court it establishes.

**12.** An agreement regarding the establishment of a common municipal court must include

- (1) a detailed description of its object;
- (2) the determination of the territory in which the chief-place of the court is to be situated, its address and the address of the office of the court;
- (3) the address where the court is to hold sittings in each municipality party to the agreement, where such is the case;
- (4) the mode of apportionment of the financial contributions among the municipalities party to the agreement;
- (5) the junctures at which the provisions as to financing may be revised;
- (6) the conditions to which any municipality that withdraws from the agreement is to be subject;
- (7) the conditions of revocation of the agreement;
- (8) the mode of apportionment, upon the abolition of the court, of the assets and liabilities deriving from the carrying out of the agreement.

**13.** The financial contribution of the municipalities must cover

- (1) the capital expenditures of an intermunicipal nature before and after the agreement;

(2) the operating costs relating to the object of the agreement.

**14.** The agreement may, for the purposes of its implementation, provide for the creation of an intermunicipal advisory committee composed of persons appointed from among the members of the councils of the municipalities party to the agreement.

**15.** The parties to the agreement may provide therein that any other municipality may join the agreement.

If the parties do so provide, the agreement must determine, or provide for a mechanism for determining, the conditions subject to which it may be joined.

Any municipality, by by-law of its council, may join the agreement subject to the conditions determined by or pursuant to the agreement.

**16.** Any municipality to which another municipality party to the agreement has made a delegation of authority has all the powers necessary for the carrying out of the agreement, including the power to carry out work in the territory of the other municipality and to acquire and own property in that territory.

**17.** Where there is a dispute among the municipalities as to the carrying out of the agreement, one of them may request the Minister of Justice to designate a conciliator to help them find a solution to the dispute; notice of such a request must be given to the other party.

The Minister shall designate a conciliator and determine the time within which the conciliation report is to be submitted to him.

**18.** Where the conciliator fails to bring the parties to a solution, the Commission municipale du Québec, established under the Act respecting the Commission municipale (R.S.Q., chapter C-35), may, on the application of one of the parties, notice of which is given to the other party, render the decision it considers equitable after hearing the municipalities concerned and examining the conciliation report transmitted by the Minister of Justice.

The provisions of the Code of Civil Procedure (R.S.Q., chapter C-25) respecting the homologation of arbitration awards, adapted as required, apply to the decision of the Commission.

## DIVISION III

## APPROVAL AND COMING INTO FORCE OF BY-LAWS AND AGREEMENTS

**19.** Every by-law adopted under this chapter by the council of a municipality must receive the affirmative vote of the majority of the members of the council and is subject to the approval of the Government.

**20.** Where a by-law pertains to the making of an agreement, only the agreement is subject to the approval of the Government.

**21.** A certified copy of the by-law and of the agreement, if any, shall be transmitted to the Minister of Justice; the municipality shall notify the Minister of Municipal Affairs.

Where the by-law pertains to the municipality's joining an existing agreement, a certified copy of the by-law shall also be transmitted by the municipality to every municipality party to the agreement.

**22.** The Minister of Justice may require from the council of the municipality any document or information he considers necessary to decide upon the advisability of the by-law or agreement, as the case may be. The officers or employees of the municipality are bound to comply.

**23.** On the recommendation of the Minister of Justice and the Minister of Municipal Affairs, the Government may approve the by-law or agreement, as the case may be.

The by-law or agreement, as the case may be, comes into force 15 days after the date of publication of the order of the Government in the *Gazette officielle du Québec* or on any later date indicated in the order.

**24.** Any amendment to a by-law or agreement is subject to the formalities provided for in this chapter.

However, where the sole purpose of the amendment is to change the address of the place where the municipal court holds its sittings, the amendment may be made by a resolution of the municipality approved by the Minister of Justice; such a resolution, where it changes the address of the place where a common municipal court holds its sittings, must be adopted by each of the municipalities party to the agreement regarding the establishment of the court, in which case the agreement need not be amended specifically.

## CHAPTER III

## ORGANIZATION OF MUNICIPAL COURT

## DIVISION I

## COMPOSITION AND JURISDICTION

**25.** Each municipal court is composed of at least one judge. The Government may appoint several judges to the same court where that is necessary for the proper functioning of the court.

Where the court is composed of several judges, the Government shall designate among them the one who shall be responsible for the court.

**26.** The chief-place of a municipal court shall be situated in the territory of the municipality that establishes the court; in the case of a common municipal court, the chief-place shall be situated in the territory indicated in the agreement regarding the establishment of the court or, as the case may be, in an amendment to the agreement.

**27.** A municipal court is a court of original jurisdiction in the matters devolved upon it by law; it is a court of record.

**28.** In civil matters, a municipal court has jurisdiction to dispose of

(1) any action brought under a municipal by-law, resolution or order for the recovery of any sum of money due to the municipality in respect of a tax, licence, tariff, water-rate or permit or otherwise;

(2) any action for the recovery of school taxes which the municipality collects on behalf of a school board;

(3) any action in which the amount claimed is under \$15 000, brought by the municipality as the lessor of movable or immovable property situated in its territory other than an immovable for housing purposes.

**29.** In penal matters, a municipal court has jurisdiction to dispose of penal proceedings for the prosecution of an offence under any provision of

(1) the charter of the municipality or a municipal by-law, resolution or order;

(2) the Act governing the municipality.

In his judgment, the judge may order any measure conducive to the enforcement of a municipal by-law, resolution or order, except the demolition of an immovable.

**30.** From the time a by-law or agreement, as the case may be, regarding the establishment of a municipal court comes into force and a judge is appointed to the court, no judge of the Court of Québec, subject to the exclusive jurisdiction of that Court over persons under 18 years of age, and no justice of the peace, subject to section 67, shall, as such, take cognizance of offences under any provision of the charter of the municipality or a municipal by-law, resolution or order, unless the municipal judge refers the case to such a judge or to a justice of the peace.

**31.** Where a municipal court has jurisdiction over territories situated in different judicial districts, the territories are deemed, notwithstanding the Territorial Division Act (R.S.Q., chapter D-11), to be situated in the same district as the chief-place of the court.

The first paragraph also applies to the judge, clerk and assistant-clerk of a municipal court when they act as justices of the peace.

## DIVISION II

### MUNICIPAL JUDGE

#### § 1.—*Appointment, removal and end of tenure*

**32.** The Government shall, by a commission under the Great Seal, appoint a municipal judge to hold office in each court it designates.

**33.** Every municipal judge 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 practise the profession of advocate in Québec may be considered as years of practice.

**34.** No person shall be appointed a municipal 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 regulation 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.

**35.** Members of the selection committee are not entitled to remuneration, except in such cases, subject to such conditions and to such extent as may be determined by the Government. They are entitled, however, to reimbursement of the expenses incurred in the exercise of their functions subject to the conditions and to the extent determined by the Government.

**36.** Before entering upon the duties of his office, every municipal judge shall make the following oath or solemn affirmation: "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 a municipal court."

The oath or solemn affirmation shall be made before a judge of the Court of Québec and the writing evidencing it shall be transmitted to the Minister of Justice.

**37.** Notwithstanding any provision to the contrary, neither the acceptance of the office of municipal judge nor the exercise of the functions of such office shall prevent an advocate from practising as an advocate before a court of justice, but he shall thereby be prevented from practising as an advocate before any municipal court other than those of Laval, Montréal and Québec.

**38.** Municipal judges are appointed during good behaviour. The rules provided in the Courts of Justice Act (R.S.Q., chapter T-16) with respect to the removal of judges apply to municipal judges.

**39.** A municipal judge shall cease to hold office when he reaches 70 years of age or where the municipal court to which he is appointed is abolished.

## § 2.—Assignment

**40.** A municipal judge is assigned to the court indicated in his deed of appointment as well as to any court he is designated to preside over under section 41 or 42.

**41.** Upon the establishment of a municipal court, the Minister of Justice may, if the circumstances so require, designate, by order, a judge of another municipal court to preside over the sittings of the new court until a judge is appointed to the court by the Government.

The order shall be published in the *Gazette officielle du Québec*.

**42.** Where a municipal judge dies, resigns, is unable to exercise his functions or otherwise ceases to do so, the municipality shall forthwith notify the Minister of Justice. The Minister may, if the circumstances so require, designate, by order, a judge of another municipal court to replace him until a new judge is appointed to the court by the Government.

The order shall be published in the *Gazette officielle du Québec*.

## § 3.—Jurisdiction and ethics

**43.** A municipal judge has jurisdiction to dispose of all matters within the jurisdiction of the court to which he is assigned.

**44.** A municipal judge is *ex officio* a justice of the peace in the district in which the territory within the jurisdiction of the municipal court is situated, for the purposes of the Acts of the Parliament of Canada conferring jurisdiction on him in such respect.

**45.** A municipal judge, in addition to complying with the standards of conduct and fulfilling the duties imposed by the code of ethics adopted pursuant to section 261 of the Courts of Justice Act, shall observe the following rules:

(1) He shall not, even indirectly, enter into a contract with a municipality within the territory in which the municipal court has jurisdiction, except in the cases provided for in section 305 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), adapted as required, nor shall he advise any person negotiating such a contract;

(2) He shall not, even indirectly, agree to represent or act against a municipality or a member of the municipal council, an employee

other than an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) or a police officer of a municipality within the territory in which the municipal court has jurisdiction;

(3) He shall not hear a case pertaining to a contract described in paragraph 1 to which an advocate with whom he practises as an advocate is a party or a case in which such an advocate is representing or acting against a municipality or person contemplated in paragraph 2;

(4) He shall not hear a case involving a question similar to one involved in another case in which he represents one of the parties;

(5) He shall, with respect to every case referred to him, make and file in the record a declaration stating not only the grounds of recusation to which he is aware he is liable and which are set out in article 234 of the Code of Civil Procedure, but also any grounds indirectly connected with him and arising either from the fact that he is representing one of the parties or from the activities of a person with whom he practises as an advocate.

#### § 4.—*Deputy municipal judge*

**46.** A municipal judge, where he removes himself from a case or where he is temporarily absent or unable to exercise his functions because of illness, may designate, by commission, a deputy municipal judge chosen from a panel of judges of other municipal courts established, in respect of his court, by the Minister of Justice.

**47.** The Minister of Justice may designate, by commission, a second deputy municipal judge from among the judges of other municipal courts, where the first deputy municipal judge is himself obliged to remove himself from a case, is absent or is unable to exercise his functions because of illness.

**48.** A deputy municipal judge has all the rights, powers and privileges of the judge he replaces and shall exercise his functions for the period indicated in the commission or, if no time is indicated, from the date of filing of the commission at the office of the court until the commission is revoked.

The commission shall be filed at the office of the court and a copy shall be transmitted forthwith to the Minister of Justice.



§ 5.—*Conditions relating to the status of municipal judge*

**49.** The Government shall fix, by order, the scales of the remuneration to be paid to municipal judges and deputy municipal judges according as they exercise their functions on a full-time or part-time basis. It may, in the same manner, establish their social benefits and other conditions relating to the status of municipal judge.

**50.** The remuneration, social benefits and conditions established by the Government under section 49 shall not be reduced.

**51.** Every order under section 49 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

## CHAPTER IV

### FUNCTIONING OF THE COURT

#### DIVISION I

##### SITTINGS OF THE COURT

**52.** The sittings of the court shall be presided over by one judge, even if the court is composed of more than one judge.

**53.** The court may sit on any juridical day of the year, and as many times as may be necessary.

However, it must sit, in a proportion of at least one sitting of two, after 6 o'clock p.m.

**54.** The court may fix, at its discretion, any time for trial of cases and the rendering of judgments within its jurisdiction.

**55.** The court shall sit at its chief-place. In the case of a common municipal court, the court shall also sit, in respect of matters relating to the territory of another municipality than that in which its chief-place is situated, in that territory unless the Minister of Justice expressly exempts it by order or unless the building housing the council room of that other municipality is situated at least 50 kilometres from the building in which the court holds its sittings in its chief-place.

The municipalities whose buildings housing their council rooms are situated at least 50 kilometres from one other, and each of which

is situated 50 kilometres or more from the building in which the court holds its sittings in its chief-place, may agree, in the agreement to establish the court, on a common place where the court will be required to sit in respect of matters relating to their territories.

**56.** The court shall sit at the place indicated either in the by-law or agree to establish the court approved by the Government, or, where such is the case, in an amendment made to the by-law or agreement.

However, where it is impossible for the court, by reason of irresistible force, to sit at that place, the Minister of Justice shall appoint, by order, the new place at which it shall sit until it ceases to be impossible or until an amendment to the by-law or agreement is approved by the Government, whichever comes first.

## DIVISION II

### PERSONNEL OF THE COURT

**57.** The municipal council of the chief-place of the court shall, by resolution, appoint the clerk of the court and fix his salary. It may, in the same manner, appoint a deputy clerk.

**58.** The clerk and, where such is the case, the deputy clerk are officers of the court; they shall exercise their judicial functions under the supervision of the judge.

**59.** The clerk and, where such is the case, the deputy clerk shall neither represent the municipality before a court of justice nor represent another person before the municipal court.

In addition, they cannot exercise functions that the Government may by regulation declare incompatible with the functions of clerk or deputy clerk of a municipal court.

**60.** Before entering into office, the clerk and, where such is the case, the deputy clerk shall make the following oath or solemn declaration: "I swear (*or solemnly declare*) to perform faithfully and honestly, to the best of my ability and knowledge, all the duties and functions of clerk (*or deputy clerk*) of a municipal court".

The oath shall be taken or the declaration made before a person authorized to receive the taking of the oath under Part IV of the Courts of Justice Act; the document evidencing the oath or declaration shall be kept in the court office.

**61.** The provisions of sections 71, 72 and 73.1 of the Cities and Towns Act apply to the removal, suspension without pay or reduction of the salary of the clerk and deputy clerk of the court who are not employees within the meaning of the Labour Code and who have been in the service of the municipality for at least six months.

**62.** The clerk's functions, in particular, are as follows:

- (1) to receive oaths or solemn declarations;
- (2) to summon witnesses;
- (3) to authorize special methods of service;
- (4) to assist the judge at hearings;
- (5) to verify and approve judicial costs, including the bailiff's accounts;
- (6) to take custody of the records.

**63.** The bailiff may, where no judge is present or able to act, register the appearance or default of the defendants, parties or witnesses summoned and adjourn the sitting to any subsequent date. Where the clerk exercises the same functions in criminal matters, he is then deemed to be a justice of the peace.

**64.** The clerk shall transmit, at least once a year, a report of the activities of the court to the Minister of Justice. The report shall contain, on a monthly basis, 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 and the nature thereof;
- (3) the places, dates and times of the hearings;
- (4) the number of cases taken under advisement and the time between trial and judgment;
- (5) the number of judgments rendered.

**65.** The deputy clerk, in the exercise of his functions, is vested with all the powers and subject to the same obligations as conferred or imposed by this Act on the clerk of the court.

**66.** The municipal council of the chief-place of the court may appoint a replacement clerk to assist the judge at hearings when the clerk and deputy clerk are unable to exercise their functions by reason of absence or illness.

Sections 57 to 62 apply, adapted as required, to the replacement clerk.

**67.** The Minister of Justice may appoint the clerk or deputy clerk of the court as justice of the peace; that appointment is made under Division I of Part III.1 of the Courts of Justice Act.

**68.** The municipal council of the chief-place of the court may appoint as many bailiffs of the court as it thinks advisable from among the holders of a permit issued under the Bailiffs Act (R.S.Q., chapter H-4), as amended by the Act to amend the Bailiffs Act (1989, chapter [insert here the chapter number of that Act in the annual volume of statutes for 1989]).

**69.** The municipality in which the court sits is required, if the judge so requests, to provide the judge with the services of a person to act as usher; the usher is an officer of the court and shall, if required by the judge, act as constable without special appointment for such purpose.

### DIVISION III

#### PHYSICAL ORGANIZATION

**70.** A municipality which establishes a local municipal court or agrees to establish an intermunicipal court must furnish the court with the premises and movable property required to hold sittings of the court in its territory.

**71.** The municipality must also furnish premises and movable property for the use of the judge, together with the premises and movable property to serve as meeting rooms for the parties.

The premises must be situated close to the court room.

**72.** The municipality in the territory of which the chief-place is situated must also furnish the premises and the movable property required to establish and maintain the court office as well as to hold and preserve the court records.

The office must be separate from the municipal office and situated in an accessible place; the premises of the office must be situated close to those of the chief-place of the court.

**73.** The premises and movable property contemplated in this division must be in conformity with the standards which may be determined by government regulation.

## CHAPTER V

### PROCEDURE APPLICABLE

#### DIVISION I

##### GENERAL PROVISIONS

**74.** Subject to the other provisions of this chapter and those of any special Act, the procedure applicable in any action brought before the municipal court is enacted in the Code of Civil Procedure, except in respect of penal proceedings, where the procedure applicable is that enacted in the Code of Penal Procedure (1987, chapter 96) and the Act to amend various legislative provisions respecting the carrying out of the Code of Penal Procedure (1989, chapter *(insert here the chapter number of the said Act in the annual compilation of the statutes for 1989)*).

**75.** The clerk shall keep an up-to-date register of proceedings in each case brought before the court; he shall enter the name of the prosecutor and that of the defendant, the nature of the action or proceeding, the judgment and the date thereof in the register.

**76.** The Government may, by regulation, fix the tariff of costs in all cases under the jurisdiction of the court.

#### DIVISION II

##### CIVIL PROCEDURE

**77.** Every summons, order or writ issued by the court and governed by the Code of Civil Procedure shall be signed by the judge or the clerk of the court.

**78.** Whenever required, the clerk or deputy clerk of the court shall sign the document concerned or affix his signature by means of a mechanical device.

**79.** Where depositions are made in shorthand or recorded on the application of one of the parties, the cost shall be borne by the party who makes the request.

**80.** Where a judge dies, resigns, is unable to exercise his functions or otherwise ceases to do so, the judge who is designated or appointed to replace him has jurisdiction to hear the cases of which the first judge had been seized.

This judge shall sign the minute of each judgment which the first judge rendered in the hearing and which he could not sign for the same reason, provided he is satisfied that the text of the judgment is consistent with the judgment rendered. However, where the court is composed of several judges, the judge responsible for the court may, in the same circumstances and on the same conditions, also sign the minute of such a judgment.

**81.** In every action where the object in dispute is a tax, licence, tariff, water rate or permit exceeding the sum of \$1 000, or where the dispute concerns the interpretation of a contract to which the municipality is a party and which represents a value exceeding the sum of \$1 000, an appeal lies from the final decision of the judge to the Court of Appeal.

**82.** A judgment dealing with a debt which does not exceed the amount fixed in subparagraph *a* of the first paragraph of article 953 of the Code of Civil Procedure is final and without appeal.

**83.** Where a future right is affected by a judgment rendered in any action before a municipal court, the defendant may, by way of evocation, require that the action be brought before the Superior Court of the same district for hearing and judgment.

### DIVISION III

#### PENAL PROCEDURE

**84.** A penal proceeding may be brought by the municipality in whose territory the offence was committed; it may also be brought by any other person with the authorization of the judge.

**85.** Fines imposed by the court to sanction a violation of a provision of an Act or the charter governing the municipality in whose territory the offence was committed, or of a resolution, a by-law, or an order of the municipality, together with the part of the costs

remitted by the collector to the municipality in the capacity of prosecutor, belong to the municipality and form part of its general fund.

Only the council of the municipality to which the fine and costs belong is entitled to remit them in whole or in part. They are remitted by resolution adopted by the affirmative vote of a majority of the council members, on an application presented to the council by the person required to pay the fine and, where such is the case, the costs.

## CHAPTER VI

### FINANCING, ADMINISTRATION AND CONTROL

#### DIVISION I

##### FINANCING AND ADMINISTRATION

**86.** The cost of establishing and maintaining a local municipal court and its office, together with the remuneration, conditions of employment and social benefits of the judge and officers of the court, shall be assumed by the municipality establishing it.

**87.** The cost of establishing and maintaining a common municipal court and its office, together with the remuneration, conditions of employment and social benefits of the judge and officers of the court, shall be assumed by all the municipalities which are parties to the agreement to establish the court.

**88.** Subject to section 89, the municipality in whose territory the municipal court sits shall be responsible for administering the court; in particular, it shall see to the proper maintenance of the property furnished for the holding of sittings of the court and for its office, and ensure accessibility thereto, as the administration of justice requires.

**89.** The municipality in whose territory the chief-place of a common municipal court is located shall be responsible for the administration of the chief-place. In the case of a delegation of powers in favour of a regional county municipality, that municipality shall be responsible for the administration of the chief-place.

## DIVISION II

## CONTROL

**90.** Any person, including the judge, may file a complaint with the Minister of Justice on the financing or administration of a court; the complaint shall be made in writing and give reasons.

On receipt of the complaint, the Minister shall notify the Minister of Municipal Affairs.

**91.** The Minister of Justice may notify a municipality against which a complaint has been filed to remedy the situation complained of within such reasonable time as he shall determine after consulting with the municipality.

Where the municipality remedies the situation within the fixed time, it shall submit a report thereon to the Minister, who shall transmit a copy to the prosecutor.

**92.** Where the municipality fails to remedy the situation within the allotted time or where the complaint filed so justifies, the Minister of Justice shall notify the Minister of Municipal Affairs and request that the Conseil de la magistrature established under the Courts of Justice Act make an inquiry.

**93.** Complaints shall be made in writing to the secretary of the council and set forth the alleged default and the other relevant circumstances.

**94.** The council shall examine the complaint; it may, for that purpose, require any information it deems necessary from any person.

**95.** The council may designate one of its members to conduct the inquiry into the complaint, and sections 271 to 274, 277 and 278 of the Courts of Justice Act apply, adapted as required, to the inquiry.

**96.** Where, during the inquiry, the Conseil de la magistrature believes that the alleged default of the municipality is the cause of serious prejudice to the administration of justice, it shall notify the Minister of Justice.

**97.** The Government may, in the case contemplated in section 96, order the jurisdiction of the court suspended throughout the territory served by the court or, as the case may be, solely in the territory of the municipality in default.



**98.** After holding its inquiry, the council shall make a report to the Minister of Justice and recommend to him, where such is the case, any measures it thinks necessary for the proper administration of justice in the territory of the municipality concerned.

The council may thus recommend an investigation under the Act respecting the Commission municipale, abolition of the court or, as the case may be, abolition of the jurisdiction of the court over the territory of the municipality in default.

**99.** On the recommendation of the Minister of Justice and the Minister of Municipal Affairs, the Government may

(1) request an investigation under the Act respecting the Commission municipale and, if it deems it advisable, place the municipality under the control of the Commission municipale du Québec from the date fixed by the Government;

(2) abolish the court or, as the case may be, abolish the jurisdiction of the court over the territory of the municipality in default.

## CHAPTER VII

### SUSPENSION AND ABOLITION OF A COURT

#### DIVISION I

##### SUSPENSION

**100.** Prior to the suspension contemplated in section 97, the Minister of Justice shall give notice of his intention to recommend that the Government proceed to suspend the jurisdiction of the court over the territory served by the court or, as the case may be, solely over the territory of the municipality in default, at the expiry of the period it fixes, which period shall not be less than one month.

The notice shall be published in the *Gazette officielle du Québec* and a copy shall be transmitted to the municipality, clerk of the court and judge concerned.

**101.** On receipt of the notice by the clerk of the court, section 30 ceases to have effect and the clerk of the court shall refuse, in respect of the territory mentioned in the notice, to file and enter all proceedings relating to suits not yet entered in his register.

**102.** At the expiry of the period fixed in the notice, the Government shall proceed with the suspension indicated in the notice, which suspension shall take effect on the fifteenth day following the date of publication of the order in the *Gazette officielle du Québec*.

**103.** Notwithstanding section 39, the judge of the court shall continue to have jurisdiction to hear cases of which he had been seized before the order suspending the jurisdiction of the court took effect; he shall sit, for that purpose, at the place indicated in the order.

**104.** In the month following the date of taking effect of the order, the clerk of the court must transfer to the offices of the courts of competent jurisdiction all the records relating to the cases pending in the territory mentioned in the order.

In addition, he shall notify the parties of this transfer.

## DIVISION II

### VOLUNTARY ABOLITION

**105.** The council of a municipality may pass a by-law for the abolition of the court having jurisdiction over the territory of that municipality.

**106.** A common municipal court may be abolished where the council of each of the municipalities which is a party to the agreement to establish the court and the council of each of the municipalities which subsequently became parties thereto adopt a by-law for the abolition of the court.

**107.** The council of a municipality which is a party to an agreement to establish a common municipal court or which became a party thereto may pass a by-law for the withdrawal of its territory from the jurisdiction of the court.

**108.** A by-law passed by the council of a municipality under this division must receive the affirmative vote of the majority of its members and shall be submitted to the Government for approval.

**109.** A certified copy of the by-law shall be transmitted to the Minister of Justice; the municipality shall notify the Minister of Municipal Affairs.

A certified copy of the by-law shall also, where applicable, be transmitted by the municipality to each municipality which is a party to the agreement.

**110.** The Minister of Justice may require from the council of the municipality all the documents and information that he deems necessary to decide upon the advisability of the by-law. The officers or employees of the municipality are bound to furnish them to him.

**111.** On the recommendation of the Minister of Justice and the Minister of Municipal Affairs, the Government may approve a by-law when the municipality submitting it shows to its satisfaction

(1) that abolition of the municipal court is not against the interests of justice;

(2) that there are no more suits pending in respect of the territory of the municipality wishing to abolish the court or withdraw its territory from the jurisdiction of the court;

(3) that the conditions of withdrawal set forth in the agreement to establish the court or, as the case may be, the conditions of revocation of the agreement are respected;

(4) that, following the withdrawal, the territory of a regional county municipality which, where such is the case, is a party to the agreement to establish the court will not be the only territory which remains under the jurisdiction of the court, except a municipality contemplated in the second paragraph of section 10.

The by-law comes into force on publication of an order of the Government in the *Gazette officielle du Québec*.

### DIVISION III

#### FORCED ABOLITION

**112.** Prior to the abolition contemplated in paragraph 2 of section 99, the Minister of Justice shall give notice of his intention to recommend that the Government proceed to abolish the court or, as the case may be, the jurisdiction of the court over the territory of the municipality in default, at the expiry of the period it fixes, which period shall not be less than one month.

The notice shall be published in the *Gazette officielle du Québec* and a copy shall be transmitted to the municipality, clerk of the court and judge concerned.

**113.** On receipt of the notice by the clerk of the court, section 30 ceases to have effect and the clerk of the court shall refuse, in respect of the territory mentioned in the notice, to file and enter all proceedings relating to suits not yet entered in his register.

**114.** At the expiry of the period fixed in the notice, the Government shall proceed with the abolition indicated in the notice, which abolition shall take effect on the fifteenth day following the date of publication of the order in the *Gazette officielle du Québec* or on a subsequent date indicated therein.

**115.** The conditions of revocation provided in the agreement to establish the court shall apply in the event of forced abolition of the court and the conditions of withdrawal shall apply in the event of forced abolition of the jurisdiction of the court over the territory of a municipality.

**116.** The judge of the court retains his jurisdiction, notwithstanding section 39, to hear cases of which he had been seized before the coming into effect of the abolition; he shall sit for that purpose at the place indicated in the order.

Notwithstanding the abolition of the court, the regulation on the costs which may be made by the Government under section 75 continues, where such is the case, to apply to these cases.

**117.** The clerk of the court is required to transfer, in the month following the date of taking effect of the order, all the records relating to the cases pending in the territory served by the court or, as the case may be, in the territory withdrawn from the jurisdiction of the court, to the offices of the courts of competent jurisdiction for such cases.

In addition, he shall notify the parties of this transfer.

## CHAPTER VIII

### REGULATIONS OF THE GOVERNMENT

**118.** The Government may, by regulation

(1) determine the manner in which a person may apply for the office of judge;

(2) authorize the Minister of Justice to form a selection committee to evaluate the aptitude of candidates for the office of judge and to provide him with an opinion concerning the candidates;

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

(4) determine the selection criteria to be taken into account by the committee;

(5) determine the information which the committee may require of a candidate and the consultations which the committee may make;

(6) determine the functions which are incompatible with the functions of clerk or deputy clerk of the court;

(7) determine the standards applicable to the premises and movable property to be furnished by a municipality for the holding of sittings of the court, for the use of the judge, for use as an interview room, for the establishment and maintenance of the court office as well as for the holding and preservation of the court records;

(8) fix the tariff of costs for all cases under the jurisdiction of the court.

## CHAPTER IX

### AMENDING PROVISIONS

#### BUILDING ACT

**119.** Section 203 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing the words “juridiction dans” in the second line of the first paragraph of the French text by the words “compétence sur”.

#### CITIES AND TOWNS ACT

**120.** Section 509 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out the fifth and sixth paragraphs.

**121.** Section 510 of the said Act is amended

(1) by replacing the words “five hundred dollars” in the third line of the first paragraph by the figure “\$1 000”;

(2) by striking out the second paragraph.

**122.** Divisions XIV and XV of the said Act are repealed.

#### CODE OF CIVIL PROCEDURE

**123.** Article 37 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by striking out the words “and the procedure therein” in the first line.

**124.** Article 47 of the said Code, amended by section 81 of chapter 21 of the statutes of 1988, is again amended by adding, at the end, the following paragraph:

“This article does not apply to municipal judges appointed pursuant to the Act respecting municipal courts and amending various legislation (1989, chapter *(insert here the chapter number of this Act in the annual compilation of the statutes for 1989)*).”

#### MUNICIPAL CODE OF QUÉBEC

**125.** Article 1019 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the first paragraph by the following paragraph:

“**1019.** The payment of municipal taxes may also be claimed in the name of the corporation by an action instituted in the Court of Québec or the municipal court, if there be one.”

**126.** Article 1020 of the said Code is amended

(1) by replacing the figure “500” in the third line of the first paragraph by the figure “1000”.

(2) by striking out the second paragraph.

#### ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

**127.** Section 195 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the words “juridiction dans” in the fifth line of the second paragraph of the French text by the words “compétence sur”.

**128.** Section 235 of the said Act is amended by replacing the word “juridiction” in the second line of the first paragraph of the French text by the word “compétence”.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**129.** Section 204 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the word “juridiction” in the second and fifth lines of the French text by the word “compétence”.

**130.** Section 306.51 of the said Act is amended by replacing the words “juridiction dans” in the third and fifth lines of the French text by the words “compétence sur”.

## ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**131.** Section 215 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing the words “juridiction dans” in the fifth line of the second paragraph of the French text by the words “compétence sur”.

**132.** Section 221 of the said Act is amended by replacing the word “juridiction” in the second line of the first paragraph of the French text by the word “compétence”.

## JURORS ACT

**133.** Section 4 of the Jurors Act (R.S.Q., chapter J-2), amended by section 101 of chapter 21 of the statutes of 1988, is again amended by replacing the words “or the Court of Québec, municipal judges” in the second and third lines of paragraph *d* by the words “, the Court of Québec or a municipal court”.

## ACT RESPECTING THE PAYMENT OF FINES

**134.** Section 4 of the Act respecting the payment of fines (R.S.Q., chapter P-2) is amended by striking out the words “both as such and as clerk of the municipal judge acting as a justice of the peace” in the third, fourth and fifth lines.

## ACT RESPECTING THE PROTECTION OF NON-SMOKERS IN CERTAIN PUBLIC PLACES

**135.** Section 35 of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01) is amended by replacing the words “juridiction dans” in the second line of the first paragraph of the French text by the words “compétence sur”.

## ACT RESPECTING TRANSPORTATION BY TAXI

**136.** Section 81 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by replacing the word “juridiction” in the second line of the French text by the word “compétence”.

## COURTS OF JUSTICE ACT

**137.** Section 195 of the Courts of Justice Act (R.S.Q., chapter T-16), amended by section 46 of chapter 21 of the statutes of 1988, is again amended

(1) by inserting, after subsection 2, the following subsection:

“(2.1) In a municipality served by a municipal court but no clerk of the peace, the clerk of such court shall be *ex officio* the clerk of the justices of the peace and each of his deputies shall have jurisdiction to act as such.”;

(2) by striking out subsection 4.

**138.** Section 262 of the said Act, amended by section 57 of chapter 21 and by section 8 of chapter 74 of the statutes of 1988, is again amended by replacing the words and figures “section 608.1 of the Cities and Towns Act (R.S.Q., chapter C-19)” in the last sentence of the second paragraph by the words and figures “section 45 of the Act respecting municipal courts and amending various legislation (1989, chapter *insert here the chapter number of this Act in the annual compilation of the statutes for 1989*)”.

#### CHARTER OF THE CITY OF LAVAL

**139.** Sections 642 to 656 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 (1<sup>st</sup> session) and by sections 11 to 18 of chapter 99 of the statutes of 1971, 36 to 38 of chapter 18 of the statutes of 1978 and 8 to 10 of chapter 113 of the statutes of 1987, are again replaced by the following sections:

**“31.** There shall be for the city a court of record called “The Municipal Court of the City of Laval”. Subject to sections 31.1 to 31.13, Chapters II to V and Division II of Chapter VII of the Act respecting municipal courts and amending various legislation (1989, chapter *insert here the chapter number of this Act in the compilation of statutes of 1989*), adapted as required, apply to the court, except the second paragraph of section 53 and sections 64 and 75 of the said Act.

**“31.1** The court is composed of three municipal judges, including a chief judge, appointed to hold office during good behaviour by the Government by commission under the Great Seal.

However, if the council upon a report by the executive committee considers the number of judges insufficient, it may by resolution recommend to the Government that it be increased. The Government may act on that recommendation.

**“31.2** No person shall be appointed a municipal judge unless he has been previously selected according to the procedure established



by regulation of the Government for the selection of persons apt for appointment as judges of the Court of Québec established by regulation of the Government under the Courts of Justice Act (R.S.Q., chapter T-16).

**“31.3** Municipal judges are *ex officio* justices of the peace for the district of Montréal and have all the rights and powers of one or two justices of the peace, as the case may be.

**“31.4** 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.

**“31.5** 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 Québec and his spouse and children are entitled under the Courts of Justice Act, in the same circumstances and at the same time.

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 Québec. He is also entitled to the pension of a chief judge of the Court of Québec contemplated in section 246.3 of the Courts of Justice Act, provided such pension is still the pension applicable to him.

**“31.6** The sums required for the carrying out of section 31.5 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.

**“31.7** The city may, in any agreement, entrust the Commission administrative des régimes de retraite et d'assurances established by the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) with the administration of the retirement pension plan of municipal judges.

**“31.8** The city may agree with the person or body entrusted with the administration of the social benefits plan applicable to the judges of the Court of Québec under the Courts of Justice Act, to extend such plan to municipal judges.

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

**“31.9** 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.

**“31.10** The court shall sit in the city hall or at any other place fixed by the council.

**“31.11** The clerk of the Municipal Court shall be appointed in accordance with the provisions governing the appointment of municipal employees.

**“31.12** The clerk of the court shall be *ex officio* a justice of the peace for the City of Laval.

**“31.13** Every summons, order, writ or warrant issued by the court shall be in the name of Her Majesty.

After ordering the issue of a summons, order or writ of any nature whatsoever, or after ordering that a notice be given or published, the judge, the clerk or the deputy clerk shall sign the document concerned or affix his signature to it or cause it to be affixed by means of a mechanical device.

Notwithstanding the foregoing, writs or warrants for expulsion, warrants for committal or for arrest and search warrants must be signed by the judge with his own hand.”

#### CHARTER OF THE TOWN OF ANJOU

**140.** Section 4 of the Act respecting the town of Anjou (1982, chapter 73) is repealed.

#### CHARTER OF THE CITY OF BEAUPORT

**141.** Section 4 of the Act to amend the charter of the city of Beauport (1983, chapter 61) is repealed.

#### CHARTER OF THE CITY OF CHARLESBOURG

**142.** Section 8 of the Act to amend the charter of the city of Charlesbourg (1977, chapter 87) is repealed.

#### CHARTER OF THE TOWN OF COATICOOK

**143.** Sections 44 and 45 of the Act respecting the town of Coaticook (1940, chapter 99) are repealed.

**144.** Section 12 of the Act respecting the town of Coaticook (1953-54, chapter 92) is repealed.

## CHARTER OF THE TOWN OF DEUX-MONTAGNES

**145.** Section 26 of the Act to incorporate the town of Saint-Eustache sur le Lac (1957-58, chapter 110) is repealed.

## CHARTER OF THE CITY OF DORVAL

**146.** Section 7 of the Act to amend the charter of the city of Dorval (1956-57, chapter 91) is repealed.

## CHARTER OF THE CITY OF DRUMMONDVILLE

**147.** Sections 6 and 7 of the Act respecting the city of Drummondville (1983, chapter 65) are repealed.

## CHARTER OF THE TOWN OF GREENFIELD PARK

**148.** Section 15 of the Act to amend the charter of the town of Greenfield Park (1958-59, chapter 87) is repealed.

## CHARTER OF THE CITY OF HULL

**149.** Sections 21, 22, 52 and 53 of the Act to revise the Charter of the city of Hull (1975, chapter 94) are repealed.

## CHARTER OF THE CITY OF LACHINE

**150.** Section 8 of the Act to amend the charter of the city of Lachine (1958-59, chapter 56) is repealed.

**151.** Section 3 of the Act to amend the charter of the city of Lachine (1983, chapter 66) is repealed.

## CHARTER OF THE CITY OF LASALLE

**152.** Sections 4 and 5 of the Act respecting the city of LaSalle (1982, chapter 115) are repealed.

## CHARTER OF THE CITY OF LÉVIS

**153.** Section 18 of the Act to amend The charter of the city of Lévis (1969, chapter 97) is repealed.

CHARTER OF THE CITY OF MAGOG

**154.** Section 40 of the Act to consolidate the charter of the town of Magog (1936, 1<sup>st</sup> session, chapter 7) is repealed.

CHARTER OF THE CITY OF MONTRÉAL-NORD

**155.** Section 17 of the Act to amend the charter of the town of Montreal-North (1958-59, chapter 78) is repealed.

CHARTER OF THE TOWN OF MONT-ROYAL

**156.** Section 9 of the Act to amend the charter of the town of Mount Royal (1957-58, chapter 74) is repealed.

CHARTER OF THE TOWN OF NICOLET

**157.** Section 38 of the Act to revise and consolidate the charter of the town of Nicolet (1910, chapter 57) is repealed.

CHARTER OF THE CITY OF OUTREMONT

**158.** Section 7 of the Act to amend the charter of the city of Outremont (1930, chapter 113) is repealed.

CHARTER OF THE TOWN OF PIERREFONDS

**159.** Section 49 of the Act to incorporate the town of Pierrefonds (1958-59, chapter 110) is repealed.

CHARTER OF THE CITY OF RIMOUSKI

**160.** Sections 26 and 27 of the Act to amend the charter of the town of Saint Germain de Rimouski (1919-20, chapter 96) are repealed.

CHARTER OF THE TOWN OF SAINT-BRUNO-DE-MONTARVILLE

**161.** Section 4 of the Act respecting the town of Saint-Bruno-de-Montarville (1984, chapter 60) is repealed.

CHARTER OF THE CITY OF SAINTE-FOY

**162.** Section 23 of the Act to revise the Charter of the city of Sainte-Foy (1976, chapter 56) is repealed.

**163.** Section 3 of the Act to amend the Charter of the city of Sainte-Foy (1983, chapter 60) is repealed.

CHARTER OF THE CITY OF SAINT-LAURENT

**164.** Section 5 of the Act to amend the charter of the city of Saint-Laurent (1957-58, chapter 59) is repealed.

**165.** Section 5 of the Act respecting the City of Saint-Laurent (1980, chapter 43) is repealed.

CHARTER OF THE CITY OF SAINT-LÉONARD

**166.** Sections 1 and 8 of the Act to amend the charter of the city of Saint-Léonard (1983, chapter 68) are repealed.

CHARTER OF THE CITY OF SALABERRY-DE-VALLEYFIELD

**167.** Section 4 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), replaced, for the city of Salaberry-de-Valleyfield, by section 4 of chapter 111 of the statutes of 1931-32 and amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out the words "equally the municipal judge, and" in the first and second lines of paragraph 20.

**168.** Section 35 of the Act to consolidate the charter of the city of Salaberry-de-Valleyfield (1931-32, chapter 111), amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out the words " : a municipal judge, appointed and remunerated as provided by this act" in the first, second and third lines.

**169.** Section 36 of the said Act, amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out the words " , with the exception of the municipal judge," in the first line.

**170.** Section 101 of the said Act, replaced by section 1 of chapter 112 of the statutes of 1937, is repealed.

**171.** Sections 149 to 158 of the said Act are repealed.

**172.** Section 159 of the said Act, replaced by section 9 of chapter 58 of the statutes of 1943, is repealed.

**173.** Sections 161 to 170 of the said Act are repealed.

## CHARTER OF THE CITY OF SHERBROOKE

**174.** Sections 17 and 18 of the Act to revise the charter of the city of Sherbrooke (1974, chapter 101) are repealed.

**175.** Section 2 of the Act to amend the Charter of the city of Sherbrooke (1987, chapter 118) is repealed.

## CHARTER OF THE CITY OF SILLERY

**176.** Section 3 of the Act to amend the charter of the city of Sillery (1952-53, chapter 76) is repealed.

## CHARTER OF THE CITY OF SOREL

**177.** Section 70 of the Act to incorporate the city of Sorel (1889, chapter 80), amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out the words "municipal judge, assistant municipal judge," in the second line of the first paragraph.

**178.** Section 409 of the said Act, amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out, at the end, the words "or an order from the Municipal Court".

**179.** Section 410 of the said Act, amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out the words "or before the Municipal Court" in the sixth line.

**180.** Section 420 of the said Act, amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out the words "or the municipal judge" in the sixth and seventh lines of the first paragraph.

**181.** Section 422 of the said Act, amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by replacing the words " , the mayor or municipal judge," in the first and second lines by the words "or mayor".

**182.** Section 425 of the said Act, amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out the words "or upon a warrant from the municipal judge," in the fifth line.

**183.** Sections 600, 605, 607, 617 to 620, 622 to 660, 662 and 663 of the said Act are repealed.

**184.** Section 4 of the Act to amend the act incorporating the city of Sorel (1899, chapter 60) is repealed.

**185.** Section 562 of the charter of the city of Sorel, replaced by section 43 of chapter 59 of the statutes of 1912 (1<sup>st</sup> session) and amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out the words “, the municipal judge,” in the sixth line.

**186.** Section 18 of the Act to amend the charter of the city of Sorel and to establish a body to promote industry in the region of Sorel (1958-59, chapter 66) is repealed.

#### CHARTER OF THE CITY OF TROIS-RIVIÈRES

**187.** Sections 96 and 97 of the Act to amend and consolidate the charter of the city of Three Rivers (1915, chapter 90) are repealed.

**188.** Sections 3 and 4 of the Act to amend the charter of the city of Trois-Rivières (1982, chapter 102) are repealed.

#### CHARTER OF THE CITY OF VANIER

**189.** Sections 1 to 5 of the Act to amend the charter of the town of Quebec West (1917-18, chapter 96) are repealed.

**190.** Section 7 of the said Act, amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by striking out the words “or municipal judge” in the first line.

#### CHARTER OF THE CITY OF VERDUN

**191.** Section 9 of the Act to amend the charter of the City of Verdun (1916, 1<sup>st</sup> session, chapter 48) is repealed.

**192.** Section 8 of the Act to amend the charter of the city of Verdun (1943, chapter 55) is repealed.

**193.** Section 11 of the Act to amend the charter of the city of Verdun (1945, chapter 73) is repealed.

**194.** Section 10 of the Act to amend the charter of the city of Verdun (1955-56, chapter 70) is repealed.

**195.** Section 13 of the Act respecting the city of Verdun (1982, chapter 95) is repealed.

**196.** Section 4 of the Act respecting the city of Verdun (1987, chapter 119) is repealed.

#### CHARTER OF THE CITY OF WESTMOUNT

**197.** Section 3 of the Act to amend the charter of the city of Westmount (1959-60, chapter 114) is repealed.

### CHAPTER X

#### TRANSITIONAL AND FINAL PROVISIONS

**198.** The municipal courts mentioned in Schedule I are deemed to have been established under this Act.

Every municipal court shall retain the territorial jurisdiction it had on (*insert here the date of the day preceding the day of coming into force of this section*).

**199.** Anytime before 1 July 1990, the Government may, by order, recognize that any other municipal court is deemed to have been established under this Act; the order shall be published in the *Gazette officielle du Québec*.

This Act applies to such courts as if they were mentioned in Schedule I.

**200.** Where a court mentioned in Schedule I has jurisdiction over the territory of another municipality on (*insert here the date of the day preceding the day of coming into force of this section*) while the municipalities in question do not meet the requirements prescribed in section 6, the court shall retain its jurisdiction over that territory and the procedure prescribed in this Act applies, adapted as required, in the event of a withdrawal of the territory from the jurisdiction of the court.

The first paragraph also applies to courts governed by the charters governing the cities of Laval, Montréal and Québec.

**201.** For the purposes of this Act, the municipalities contemplated in section 200 are deemed to have entered into an agreement to establish a common municipal court duly approved.

However, the withdrawal of a territory from the jurisdiction of the court shall remain subject to the rules in force on (*insert here the*



date of the day preceding the day of coming into force of this section) until the date of coming into force of an agreement entered into under Chapter II of this Act.

**202.** The judges appointed to a municipal court and who are sitting on the court on (*insert here the date of the day preceding the day of coming into force of this section*) are deemed to have been appointed under this Act.

They are also deemed to have made the oath or solemn affirmation in accordance with section 36.

**203.** The clerks appointed to a municipal court and who in office at the court on (*insert here the date of the day preceding the day of coming into force of this section*) are *ex officio* clerks of that court.

**204.** Cases being tried before a municipal court shall be continued before that court. Their order on the roll, if any, shall not be affected, and any case the hearing of which has begun shall be continued by the judge having cognizance of it.

**205.** The provisions of this Act have precedence over any inconsistent provision of any previous legislation to enact or amend the charter of a city or town, other than the charters governing the cities of Laval, Montréal and Québec.

**206.** This Act replaces the Municipal Courts Act (R.S.Q., chapter C-72).

**207.** Sections 1 to 3 and 5 of the Act respecting certain aspects of the status of municipal judges (1988, chapter 74) are replaced by sections 25, 32 to 39, 41, 42, 45, 46 and 48 to 51, 80, 86 and 87 of this Act.

**208.** The Minister of Justice is responsible for the administration of this Act.

**209.** The provisions of this Act come into force on the date or dates fixed by the Government.

## SCHEDULE I

## LIST OF MUNICIPAL COURTS CONTEMPLATED IN SECTION 198

- |                         |                        |
|-------------------------|------------------------|
| 1. ACTON VALE           | 37. DORVAL             |
| 2. ALMA                 | 38. DRUMMONDVILLE      |
| 3. ANJOU                | 39. EAST ANGUS         |
| 4. ASBESTOS             | 40. FARNHAM            |
| 5. AYLMER               | 41. GATINEAU           |
| 6. BARKMERE             | 42. GRANBY             |
| 7. BEACONSFIELD         | 43. GRAND-MÈRE         |
| 8. BEAUHARNOIS          | 44. GREENFIELD PARK    |
| 9. BEAUPORT             | 45. HAMPSTEAD          |
| 10. BEAUPRÉ             | 46. HUDSON             |
| 11. BEDFORD             | 47. HULL               |
| 12. BELOEIL             | 48. IBERVILLE          |
| 13. BERTHIERVILLE       | 49. ÎLE PERROT         |
| 14. BLAINVILLE          | 50. JOLIETTE           |
| 15. BOISBRIAND          | 51. JONQUIÈRE          |
| 16. BOUCHERVILLE        | 52. LA BAIE            |
| 17. BROMPTONVILLE       | 53. LACHINE            |
| 18. BROSSARD            | 54. LACHUTE            |
| 19. BUCKINGHAM          | 55. LAC MÉGANTIC       |
| 20. CANDIAC             | 56. LA POCATIÈRE       |
| 21. CAP-DE-LA-MADELEINE | 57. LA PRAIRIE         |
| 22. CHAMBLY             | 58. LASALLE            |
| 23. CHARLESBOURG        | 59. L'ASSOMPTION       |
| 24. CHARNY              | 60. LAUZON             |
| 25. CHÂTEAU-RICHER      | 61. LENNOXVILLE        |
| 26. CHÂTEAUGUAY         | 62. LÉVIS              |
| 27. CHIBOUGAMAU         | 63. LONGUEUIL          |
| 28. CHICOUTIMI          | 64. LORETTEVILLE       |
| 29. COATICOOK           | 65. LOUISEVILLE        |
| 30. CÔTE-SAINT-LUC      | 66. MAGOG              |
| 31. COWANSVILLE         | 67. MARIEVILLE         |
| 32. DELSON              | 68. MIRABEL            |
| 33. DEUX-MONTAGNES      | 69. MISTASSINI         |
| 34. DOLBEAU             | 70. MONTMAGNY          |
| 35. DONNACONA           | 71. MONT-ROYAL         |
| 36. DORION              | 72. MONT SAINT-HILAIRE |

- |                                    |                                   |
|------------------------------------|-----------------------------------|
| 73. MONTRÉAL-EST                   | 109. SAINT-RÉMI                   |
| 74. MONTRÉAL-NORD                  | 110. SAINTE-THÉRÈSE               |
| 75. MONTRÉAL-ouest                 | 111. SAINT-TITE                   |
| 76. NICOLET                        | 112. SALABERRY-DE-<br>VALLEYFIELD |
| 77. OUTREMONT                      | 113. SENNEVILLE                   |
| 78. PIERREFONDS                    | 114. SEPT-ÎLES                    |
| 79. PINCOURT                       | 115. SHAWINIGAN                   |
| 80. PLESSISVILLE                   | 116. SHAWINIGAN-SUD               |
| 81. POINTE-CLAIRE                  | 117. SHERBROOKE                   |
| 82. REPENTIGNY                     | 118. SILLERY                      |
| 83. RIGAUD                         | 119. SOREL                        |
| 84. RIMOUSKI                       | 120. TERREBONNE                   |
| 85. ROBERVAL                       | 121. TRACY                        |
| 86. ROSEMÈRE                       | 122. TROIS-RIVIÈRES ouest         |
| 87. ROXBORO                        | 123. TROIS-RIVIÈRES               |
| 88. SAINTE-ADÈLE                   | 124. VAL-BÉLAIR                   |
| 89. SAINTE-AGATHE DES<br>MONTs     | 125. VAL-D'OR                     |
| 90. SAINTE-ANNE-DE-<br>BELLEVUE    | 126. VANIER                       |
| 91. SAINT-BRUNO-DE-<br>MONTARVILLE | 127. VERDUN                       |
| 92. SAINT-CÉSAIRE                  | 128. VICTORIAVILLE                |
| 93. SAINT-CONSTANT                 | 129. WATERLOO                     |
| 94. SAINT-EUSTACHE                 | 130. WESTMOUNT                    |
| 95. SAINT-FÉLICIEN                 | 131. WINDSOR                      |
| 96. SAINTE-FOY                     |                                   |
| 97. SAINT-GEORGES                  |                                   |
| 98. SAINT-HYACINTHE                |                                   |
| 99. SAINT-JEAN-<br>CHRYSOSTOME     |                                   |
| 100. SAINT-JEAN-SUR-<br>RICHELIEU  |                                   |
| 101. SAINT-JÉRÔME                  |                                   |
| 102. SAINT-LAMBERT                 |                                   |
| 103. SAINT-LAURENT                 |                                   |
| 104. SAINT-LÉONARD                 |                                   |
| 105. SAINT-LUC                     |                                   |
| 106. SAINTE-MARTHE-SUR-<br>LE-LAC  |                                   |
| 107. SAINT-PIERRE                  |                                   |
| 108. SAINT-RAYMOND                 |                                   |