



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 36

An Act to amend the Courts of Justice Act

Introduction

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



**Québec Official Publisher
1987**

EXPLANATORY NOTES

The object of this bill is to amend the Courts of Justice Act.

First, it guarantees the rights of the judges of the Municipal Courts of Montréal, Laval and Québec, the Provincial Court, the Court of the Sessions of the Peace and the Youth Court as to remuneration and pension credits when they are transferred from one court to another.

Second, the bill recognizes the representativeness of the Conférence des juges du Québec and of the Conférence des juges municipaux du Québec by giving them the power to recommend appointments to the Conseil de la magistrature.

Bill 36

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting, after section 5.2, the following sections:

“5.3 A judge of the Municipal Court of Montréal, Laval or Québec having held the office of chief judge for at least seven years who is appointed as a judge to another of the said municipal courts, the Provincial Court, the Court of the Sessions of the Peace or the Youth Court is entitled to receive, until his salary as a judge following such appointment is equal to the amount of salary and additional remuneration he was receiving when he ceased to hold the office of chief judge, the difference between the latter amount and his salary.

“5.4 The Commission administrative des régimes de retraite et d’assurances, with the authorization of the Government, and the municipalities of Montréal, Laval and Québec may make transferability agreements amongst themselves to allow a judge contemplated by the pension plan of the judges of the Municipal Court of Montréal, Laval or Québec or by the pension plan provided for in Part VI to be credited with all or part of his years of service credited in another retirement plan in which he participated, being either the pension plan of the Municipal Court of Montréal, Laval or Québec, the retirement plan provided for in Part VI or the retirement plan provided for in sections 100 and following.

An agreement under the first paragraph may take effect on any earlier date fixed therein.

The sums required for the administration of this section are received or paid as provided in the retirement plans concerned.”

2. Section 84.11 of the said Act is amended by adding, at the end, the following paragraph:

“The same applies to a judge of the sessions who has held the office of chief judge, senior associate chief judge or associate chief judge for at least seven years or the office of coordinating judge for at least five years and who is appointed to the Municipal Court of Montréal, Laval or Québec.”

3. Section 108 of the said Act is amended

(1) by striking out the words “out of the consolidated revenue fund” in the third and fourth lines;

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

“All sums paid under the retirement plan provided for by this subdivision shall be taken out of the consolidated revenue fund.”

4. Section 237 of the said Act is amended by striking out the words “, out of the consolidated revenue fund” in the third line.

5. The said Act is amended by inserting, after section 246, the following section:

“246.1 All sums collected under the retirement plan provided for by this Part shall be paid into the consolidated revenue fund. All sums required for the administration of the plan shall be taken out of the consolidated revenue fund.”

6. Section 248 of the said Act is amended

(1) by replacing the words “a body representative of the judges of these courts” in the fourth and fifth lines of paragraph *e* by the words “the Conférence des juges du Québec”;

(2) by replacing the words “a body representative of the judges of these courts” in the third and fourth lines of paragraph *e.1* by the words “the Conférence des juges municipaux du Québec”.

7. Section 258 of the said Act is amended by replacing the words “a body representative of the judges contemplated in paragraph *e* of section 248” in the third, fourth and fifth lines by the words “the Conférence des juges du Québec, the Conférence des juges municipaux du Québec”.

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