



NATIONAL ASSEMBLY

FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 47

An Act to amend various legislation respecting the administration of justice

Introduction



**Introduced by
Mr Pierre Marc Johnson
Minister of Justice**

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EXPLANATORY NOTES

This bill amends various Acts related to the administration of justice in order to facilitate their enforcement.

First, it amends the Legal Aid Act to make it provide expressly that a procedure may be established for settling disputes between legal aid agencies and professionals acting in the legal aid system.

This bill also amends the Code of Civil Procedure in the matters of service of proceedings to the Attorney General and interlocutory injunctions. Also, it introduces new provisions to the Code regarding service of proceedings introductive of suit to persons in foreign countries.

The bill amends the Act respecting probation and houses of detention to clarify the role of those who intervene in the execution of orders for community work.

The bill also makes certain amendments to the Act respecting the protection of persons and property in the event of disaster, particularly to specify the role of the Bureau de la protection civile du Québec and volunteers in rescues and to empower municipalities to set up civil protection services.

The Act respecting the determination of the causes and circumstances of death is amended on various points, particularly to make it unnecessary to notify a coroner or for him to investigate where a dead body is to be cremated, to allow assistant coroners to investigate deaths in reception centres and the remains of persons having died outside Québec, on being brought into Québec, and to allow not only a coroner but also a person he designates to apply to a judge of the Court of the Sessions of the Peace for the arrest, before summons, of a person about whom there is reason to believe that he will not appear at the coroner's inquest.

Finally, this bill amends various Acts, notably to create the judicial district of Mégantic and to increase the number of judges in the Superior Court, the Provincial Court and the Court of the Sessions of the Peace.

ACTS AMENDED BY THIS BILL

- Legal Aid Act (R.S.Q., chapter A-14);
- Bar Act (R.S.Q., chapter B-1);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Territorial Division Act (R.S.Q., chapter D-11);
- Burial Act (R.S.Q., chapter I-11);
- Act respecting probation and houses of detention (R.S.Q., chapter P-26);
- Public Health Protection Act (R.S.Q., chapter P-35);
- Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1);
- Act respecting the determination of the causes and circumstances of death (1983, chapter 41);
- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 47

An Act to amend various legislation respecting the administration of justice

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

LEGAL AID ACT

1. Section 81 of the Legal Aid Act (R.S.Q., chapter A-14) is amended

(1) by inserting, at the end of the first paragraph, the words “as well as a procedure for the settlement of disputes, and to what matters the procedure may apply”;

(2) by inserting, before the word “Such” in the sixth line of the second paragraph, the words “Moreover, they may provide a procedure for the settlement of disputes and to what matters the procedure may apply.”

ACT RESPECTING THE BARREAU DU QUÉBEC

2. Section 5 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing the words “Bas-Saint-Laurent, The Bar of Saguenay” in the fourth and fifth lines of subsection 3 by the words “Bas-Saint-Laurent-Gaspésie, The Bar of Saguenay-Lac-Saint-Jean”.

3. Schedule I to the said Act is replaced by the following schedule:

“SCHEDULE I

“(Section 5)

“TERRITORIAL LIMITS OF THE SECTIONS

<i>Sections</i>	<i>Judicial districts</i>
Abitibi-Témiscamingue	Abitibi Rouyn-Noranda Témiscamingue
Arthabaska	Arthabaska Drummond Frontenac
Bas-Saint-Laurent — Gaspésie	Bonaventure Gaspé Kamouraska Rimouski
Bedford	Bedford
Côte-Nord	Baie-Comeau Mingan
Hull	Hull Pontiac
Laurentides	Joliette Labelle Terrebonne
Montréal	Laval Longueuil Montréal
Québec	Beauce Montmagny Québec
Richelieu	Beauharnois Iberville Richelieu Saint-Hyacinthe

Saguenay — Lac-St-Jean	Alma Charlevoix Chicoutimi Roberval
Saint-François	Mégantic Saint-François
Trois-Rivières	Saint-Maurice Trois-Rivières'

CODE OF CIVIL PROCEDURE

4. Article 30 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by inserting, after the word “Longueuil” in the third line, the word “, Mégantic”.

5. Article 94.4 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**94.4** Service upon the Attorney-General is made at the office of the Director General of the legal department at Montréal or at Québec, by speaking to any person in charge of that office.”

6. Article 95 of the said Code is replaced by the following article:

“**95.** Unless the Attorney-General has previously received a notice in accordance with this section, no provision of a statute of Québec or Canada, of a regulation made thereunder, of an order, of an order in council or of a proclamation of the Lieutenant-Governor, the Governor General, the Gouvernement du Québec or the Governor General in Council may be declared inapplicable constitutionally, invalid or inoperative or of no force or effect, including in respect of the Canadian Charter of Rights and Freedoms (Part I of Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) or the Charter of human rights and freedoms (R.S.Q., chapter C-12), by a court in Québec.

The notice shall set forth, in a precise manner, the nature of the pretensions and the grounds relied upon. It shall be accompanied with a copy of the proceedings and served by the person who intends to raise the question not later than thirty days before the date of the hearing.

The court shall adjudicate only upon the grounds set forth in the notice.”

7. Article 149 of the said Code is amended by replacing the second paragraph by the following paragraph:

“The prothonotary, at the oral request of the plaintiff and on the filing of the proof of service of the proceeding introductive of suit or, in the case provided for in article 198.1, the proof of the fulfillment of the conditions fixed therein, records the defendant’s default to appear, and issues a certificate thereof.”

8. Article 185 of the said Code is amended by replacing the last sentence of the second paragraph by the following sentence: “The plaintiff shall not obtain the default certificate unless he files the proof of service of the proceeding introductive of suit or, in the case provided for in article 198.1, the proof of the fulfillment of the conditions fixed therein.”

9. The said Code is amended by inserting, after article 198, the following article:

“**198.1** Where a proceeding introductive of suit was transmitted to a foreign state in order to be served in accordance with any mode of service acknowledged by the law of that state for the service of proceedings from abroad in its territory and it is proved that, despite reasonable efforts in applying to the proper authorities of that state to obtain a return of service, no such return was received within six months of the transmission of the application, the judge may render a judgment against a defendant who has not appeared or who has not pleaded.”

10. The said Code is amended by inserting, after article 484, the following article:

“**484.1** In the case provided for in article 198.1, the judgment cannot be revoked, on the motion of the party condemned by default to appear or to plead made within one year from the date of judgment, unless that party proves that, by no fault of his own, he did not acquire knowledge of the proceedings in time to file a defence or to exercise a recourse against the decision and unless the grounds of his defence do not appear unfounded.”

11. Section 523 of the said Code is amended by adding at the end, the following: “However such leave cannot be granted in respect of a judgment rendered in the circumstances contemplated in article 198.1.”

12. Article 753 of the said Code is amended by replacing the last sentence by the following sentences: “In case of urgency, a judge may nevertheless grant it provisionally even before it has been served. Notwithstanding the foregoing, in no case, except with the consent of the parties, may an interlocutory injunction exceed ten days.”

TERRITORIAL DIVISION ACT

13. Section 1 of the Territorial Division Act (R.S.Q., chapter D-11) is amended by replacing the word “thirty-five” in the first and second lines of paragraph 2 by the word “thirty-six”.

14. Section 9 of the said Act is amended

(1) by replacing the word “thirty-five” in the first line by the word “thirty-six”;

(2) by inserting, after paragraph 2, the following paragraph:

“2.1 Baie-Comeau, Chief Place: Baie-Comeau.

The judicial district of Baie-Comeau comprises the territory bounded as follows: starting from the point of intersection between parallel 52°55' North latitude and the extension of the west line of the township of Pachot; thence, successively, the following lines: the said extension; the west line of the townships of Pachot, Des Groseillers, Lauzon, De Lino, Brézel, Lamontagne and Sauvageau; the south line of the townships of Sauvageau, Quartier, Brien, Jauffret, Belle-Roche, Forgues and Villeray; part of the south line of the township of Cormier to the extension of the west line of the township of Abbadie; the said extension; the west line of the townships of Abbadie, Pasteur, Babel and Grenier, the latter extended to the centre line of the St Lawrence river; the centre line of the said river upstream to the extension of the centre line of the Saguenay river; the said extension and the centre line of the St Lawrence river upstream to the extension of the northwest line of the township of Albert; the said extension and the northwest line of the said township; an astronomical meridian established on the land and originating at the north corner of the township of Albert to parallel 52°55' North latitude; finally, the said parallel easterly to the starting point.

This judicial district includes the following municipalities: the towns of Baie-Comeau and Forestville; the villages of Baie-Trinité, Chuteaux-Outardes, Godbout, Grandes-Bergeronnes, Pointe-aux-Outardes, Pointe-Lebel, Sault-au-Mouton and Tadoussac; the parish municipality of Ragueneau; the township municipality of Bergeronnes; the

municipality of Les-Sept-Cantons-Unis-du-Saguenay; the municipalities of Colombier, Escoumins, Sacré-Coeur, Sainte-Anne-de-Portneuf, Saint-Luc-de-Laval and Saint-Paul-du-Nord; the municipality of Rivière-Pentecôte less the part comprised in the township of Grenier; the Indian reserves of Bersimis and Escoumins.

It also includes the unorganized territories situated within the above described perimeter.”;

(3) by replacing paragraph 3 by the following paragraph:

“3. Beauce, Chief Place: Saint-Joseph-de-Beauce.

The judicial district of Beauce comprises the territory bounded as follows: starting from the north corner of lot 92 of the cadastre of the parish of Saint-Isidore; thence, successively, the following lines: a broken line dividing the cadastre of the parish of Saint-Henri-de-Lauzon from the cadastres of the parishes of Saint-Isidore and Saint-Anselme to the dividing line between lots 476 and 477 of the cadastre of the parish of Saint-Anselme; in that cadastre, a broken line dividing lot 477 from lots 476 and 475; the northeast line of lot 475; the northwest line of lot 469; the northeast line of lots 469 and 470; the northwest line of lots 397, 396, 395, 394, 393 and 392; the northeast line of lot 392; part of the dividing line between the Saint-Luc and Saint-Marc concessions; a broken line limiting the Sainte-Anne concession on the northeast and on the southeast, as the case may be; in the cadastre of the parish of Sainte-Claire, a broken line dividing the Sainte-Claire northeast and Saint-Amable concessions from the Saint-Octave and Sainte-Élizabeth concessions; a broken line dividing the cadastre of the parish of Saint-Lazare from the cadastres of the parishes of Sainte-Claire and Saint-Malachie to the dividing line between ranges III and IV of the township of Buckland, in the cadastre of the parish of Saint-Malachie; in the latter cadastre and in the said township of Buckland, part of the dividing line between ranges III and IV; the dividing line between lots 24C and 25A of range IV; part of the dividing line between ranges IV and V; the dividing line between lots 28 and 29 of ranges V and VI; part of the northeast limit of the cadastre of the parish of Saint-Malachie; part of the northwest limit and the northeast limit of the cadastre of the parish of Saint-Léon-de-Standon to the centre line of the Etchemin river; the centre line of the said river southwesterly to the extension of the dividing line between ranges XII and XIII of the township of Ware; the said extension and the said dividing line between ranges; part of the dividing line between the townships of Ware and Langevin to the north corner of lot 23 of range XII of the township of Langevin; in the cadastre of that township, part of the dividing line between ranges XII and XIII; the northeast line of lot 17 of ranges XII and XI; part

of the dividing line between ranges X and XI and part of the northeast line of the township of Langevin southeasterly; the Québec/United States boundary line in a generally southwest direction to the southwest line of the township of Marlow; the southwest line and part of the southeast line of the said township; with reference to the cadastre of the township of Marlow, part of the dividing line between ranges III and IV; the southeast line of lots 10A of range IV, 10 of ranges V and VI and 10A of ranges VII, VIII, IX and X; part of the dividing line between ranges X and XI and its extension to the centre line of the Chaudière river; the centre line of the said river upstream to the extension of the south line of the township of Dorset; with reference to the cadastre of the latter township, the said extension, part of the south line of the said township and the dividing line between ranges XII and XIII; part of the northwest line of the township of Dorset; part of the southwest and south lines of the township of Shenley; in the cadastre of that township, part of the dividing line between ranges IX South and X South; the north line of lot 4 of range X South; part of the dividing line between ranges X South and XI South; the north line of lot 12B of range XI South; part of the dividing line between ranges XI South and XII South; the north line of lots 33 of range XII South and 33B of range XIII South; part of the dividing line between ranges XIII South and XIV South; the north line of lot 36B of range XIV South; part of the northwest line of the township of Shenley; part of the northeast and northwest lines of the township of Forsyth; in the cadastre of the township of Adstock, part of the dividing line between ranges XI and XII and part of the southeast line of lot 4 in ranges XII and XIII; part of the northeast line of the township of Adstock; in the cadastre of the parish of Saint-Éphrem-de-Tring, the southeast line of lot 529; part of the dividing line between ranges X and XI and the northwest line of lot 537; part of the northeast line of the township of Adstock; part of the southwest line of the township of Broughton; in the cadastre of that township, the southeast line of lot 26B of range IX to the southwest side of a public road; the southwest side of the said road to the southeast line of lot 24D of range XI; the southeast line of the said lot and the southeast line of lot 24B of range X; part of the dividing line between ranges IX and X; the southeast line of lot 23A of range IX; the southwest side of the road between ranges VIII and IX; the southeast line of lot 23C of range VIII for a distance of approximately eight (8) arpents; a straight line parallel to the road between ranges VIII and IX on the width of lots 24A and 24B; part of the northwest line of lot 25A of range VIII for a distance of approximately eight (8) arpents and its extension to the southwest side of the road between ranges VIII and IX; the southwest side of the said road to the extension of the southeast line of lot 25B of range VIII; the said extension and the said southeast line; the southwest side of the road between ranges

VII and VIII to the southeast line of the township of Broughton; part of the said southeast line; in the cadastre of the parish of Saint-Victor-de-Tring, the southwest side of the road between ranges VI and VII to the extension of the southeast line of lot 713; the said extension and the said southeast line; the southwest side of the road between ranges V and VI; part of the southeast line of the township of Broughton and part of the dividing line between ranges III and IV of the said township; the dividing line between the cadastres of the township of Broughton and the parish of Saint-Séverin; part of the northwest line of the township of Broughton; a broken line dividing the cadastre of the parish of Saint-Sylvestre from the cadastres of the parishes of Saint-Séverin and Saint-Elzéar; a broken line limiting on the southwest and northwest the cadastre of the parish of Saint-Bernard; finally, another broken line dividing the cadastre of the parish of Saint-Lambert from the cadastre of the parish of Saint-Isidore to the starting point.

This judicial district includes the following municipalities: The towns of Beauceville, Lac Etchemin, Saint-Georges, Saint-Georges-Ouest, Saint-Joseph-de-Beauce and Sainte-Marie; the villages of Lac Poulin, Linière, Saint-Anselme, Saint-Bernard, Saint-Elzéar, Saint-Éphrem-de-Tring, Saint-Gédéon, Saint-Isidore, Saint-Victor, Saint-Zacharie, Scott, Tring-Jonction and Vallée-Jonction; the parish municipalities of L'Enfant-Jésus, Notre-Dame-des-Pins, Saints-Anges, Saint-Anselme, Saint-Benoît-Labre, Saint-Bernard, Saint-Côme-de-Kennebec, Saint-Cyprien, Saint-Édouard-de-Frampton, Saint-Éphrem-de-Beauce, Saint-Frédéric, Sainte-Germaine-du-Lac-Etchemin, Saint-Gédéon, Saint-Georges-Est, Sainte-Hénédine, Saint-Hilaire-de-Dorset, Saint-Honoré, Saint-Isidore, Saint-Jean-de-la-Lande, Saint-Joseph-de-Beauce, Saint-Jules, Sainte-Justine, Saint-Léon-de-Standon, Saint-Luc, Saint-Malachie, Sainte-Marguerite, Saint-Martin, Saint-Nazaire-de-Dorchester, Saint-Odilon-de-Cranbourne, Saint-René and Saint-Séverin; the township municipality of Shenley; the municipalities of Aubert-Gallion, Saint-Alfred, Sainte-Aurélie, Saint-Benjamin, Sainte-Clothilde-de-Beauce, Saint-Elzéar-de-Beauce, Saint-François-de-Beauce, Saint-François-Ouest, Saint-Joseph-des-Érables, Saint-Louis-de-Gonzague, Saint-Philibert, Saint-Prospert, Sainte-Rose-de-Watford, Saint-Simon-les-Mines, Saint-Théophile, Saint-Victor-de-Tring, Saint-Zacharie and Taschereau-Fortier; the municipality of Sainte-Claire less that part comprised in the cadastre of the parish of Saint-Lazare. It also comprises an unorganized territory formed by the township of Metgermette-Sud.”;

(4) by adding, after paragraph 6, the following paragraph:

“**6.1 Charlevoix, Chief Place: La Malbaie.**

The judicial district of Charlevoix comprises the territory bounded as follows: starting from the point of intersection between the northwest bank of the St Lawrence river and the line dividing the cadastre of the parish of Saint-François-Xavier from the cadastres of the seigniorship of Côte-de-Beaupré and the parish of Saint-Tite; thence, successively, the following lines: the said dividing line between cadastres, and extended along the survey line established on the land in 1928 by Louis Giroux, land-surveyor, and referred to as "Exploration 98", to parallel 48°00' North latitude; the said parallel and the south line of the townships of Lapointe, Dubuc, Boilleau, Lallemand, Périgny and Ducreux; the northwest and northeast lines of the township of Sagard; part of the northwest line of the township of Saguenay and its extension to the centre line of the Saguenay river; the centre line of the said river downstream to its mouth and its extension to the centre line of the St Lawrence river; the centre line of the said river upstream, running northwest of aux Lièvres island and continuing to the extension of the dividing line between the cadastres of the parish of Saint-François-Xavier and the seigniorship of Côte-de-Beaupré; finally, the said extension and part of the said dividing line between cadastres to the starting point.

This judicial district includes the following municipalities: the towns of Baie-Saint-Paul, Clermont and La Malbaie; the villages of Cap-à-l'Aigle, Pointe-au-Pic, Saint-Joseph-de-la-Rive and Saint-Siméon; the parish municipalities of Baie-Saint-Paul, Sainte-Agnès, Saint-Fidèle-de-Mont-Murray, Saint-François-Xavier-de-la-Petite-Rivière, Saint-Hilarion, Saint-Irénée, Saint-Louis-de-l'Isle-aux-Coudres, Saint-Siméon and Saint-Urbain; the municipalities of La Baleine, Les Éboulements, Notre-Dame-des-Monts, Rivière-du-Gouffre, Rivière-Malbaie, Saint-Aimé-des-Lacs, Saint-Bernard-de-l'Isle-aux-Coudres and Saint-Firmin.

It also comprises the unorganized territories situated within the above described perimeter.";

(5) by replacing paragraph 8.1 by the following paragraph:

"8.1 Frontenac, Chief Place: Thetford Mines.

The judicial district of Frontenac comprises the territory bounded as follows: starting from the north corner of lot 7 of range I of the cadastre of the township of Nelson; thence, successively, the following lines: in that cadastre, the northeast line of lot 7 of ranges I, II, III and IV; part of the dividing line between ranges IV and V; a broken line dividing the cadastre of the parish of Sainte-Agathe from the cadastres of the township of Nelson and of the parishes of Saint-Flavien and Saint-Gilles; the west line of lots 245 and 246 of the cadastre of the parish of Saint-Sylvestre-de-Beaurivage; in that cadastre, the north

line of lots 249, 248 and 247; the east line of lots 247, 252, 253 and 259; the south line of lot 229; the west line of lots 224, 223, 222, 219 and 218; the south line of lot 218; the west and south lines of lot 124; the east line of lots 124, 123, 122, 121 and 120; a broken line dividing the cadastre of the parish of Saint-Sylvestre-de-Beaurivage from the cadastres of the parishes of Saint-Patrice-de-Beaurivage, Saint-Bernard, Saint-Elzéar and Saint-Séverin; part of the southeast line of the township of Leeds; a broken line dividing the cadastre of the township of Broughton from the cadastres of the parishes of Saint-Séverin and Saint-Frédéric; part of the dividing line between ranges III and IV of the township of Broughton and part of the southeast line of the said township to the extension of the southwest side of the road between ranges V and VI of the township of Tring; in the cadastre of the parish of Saint-Victor-de-Tring, the said extension and the southwest side of the said road; the southeast line of lot 713 and its extension to the southwest side of the road between ranges VI and VII; the said southwest side of the said road and its extension to the southeast line of the township of Broughton; part of the said southeast line to the extension of the southwest side of the road between ranges VII and VIII; in the cadastre of that township, the said extension and the southwest side of the said road to the southeast line of lot 25B of range VIII; the said line and its extension to the southwest side of the road between ranges VIII and IX; the said southwest side of the said road to the extension of the northwest line of lot 25A of range VIII; the said extension and part of the northwest line of the said lot for a distance of approximately eight (8) arpents; a straight line parallel to the road between ranges VIII and IX across lots 24B and 24A; the southeast line of lot 23C for a distance of approximately eight (8) arpents and its extension to the southwest side of the road between ranges VIII and IX; the southwest side of the said road; the southeast line of lot 23A of range IX; part of the dividing line between ranges IX and X; the southeast line of lot 24B of range X and of lot 24D of range XI of the southwest side of a public road; the southwest side of the said road to the southeast line of lot 26B; part of the southeast line of the said lot; part of the northeast line of the townships of Thetford and Adstock to the northwest line of lot 537 of the cadastre of the parish of Saint-Ephrem-de-Tring; in that cadastre, the northwest line of the said lot; part of the dividing line between ranges X and XI; the southeast line of lot 529; part of the northeast line of the township of Adstock; in the cadastre of that township, the southeast line of lot 4 in ranges XIII and XII and part of the dividing line between ranges XI and XII; part of the northwest and northeast lines of the township of Forsyth; part of the northwest line of the township of Shenley; in the cadastre of that township, the north line of lot 36B of range XIV South; part of the dividing line between ranges XIII South and XIV South; the north line of lots 33B of range

XIII South and 33 of range XII South; part of the dividing line between ranges XI South and XII South; the north line of lot 12B of range XI South; part of the dividing line between ranges X South and XI South; the north line of lot 4 of range X South; part of the dividing line between ranges IX South and X South; part of the south and southwest lines of the township of Shenley; part of the southeast line of the township of Forsyth; with reference to the cadastre of the latter township, part of the dividing line between ranges III and IV; the northwest line of lot 23 of range III and part of the northwest line of lot 23A of range II; the northeast lines of lots 6B and 6D of ranges A and B; part of the southeast line of lot 14 of range II and part of the dividing line between ranges I and II; a broken line dividing the township of Adstock from the townships of Forsyth and Lambton, the last segment of that line extended to the centre line of lake Saint-François; the centre line of the said lake in a generally southeasterly direction to the extension of the southeast line of lot 9A of range I of the cadastre of the township of Price; the said extension and the said southeast line; part of the northeast and southeast lines of the township of Stratford; with reference to the cadastre of the latter township, the southwest line of lots 15B and 15A of range IV and 15 of ranges V and VI; part of the dividing line between ranges VI and VII; the southwest line of lot 7 of range VII; part of the northwest line of range VII; the southwest line of range III Northeast and its extension to the centre line of lake Aylmer; the centre line of the said lake in a generally southwesterly direction to the extension of the southwest line of the township of Garthby; the said extension and part of the line dividing the township of Garthby from the townships of Weedon and Ham-Sud; in the cadastre of the township of Garthby, the west line of lot 26 of ranges II South, I South, I North and II North; the line dividing range II North from ranges III, II and I; part of the southeast line of the township of Wolfestown; in the cadastre of that township, part of the dividing line between ranges VIII and IX; the northwest line of lot 21A of range VIII; part of the dividing line between ranges VII and VIII; the northwest line of lots 19A and 19B of range VII; part of the dividing line between ranges VI and VII; the northwest line of lot 17 of range VI; part of the dividing line between ranges V and VI; the northwest line of lot 14A of range V; part of the dividing line between ranges IV and V; part of the southeast line of the township of Chester; a broken line limiting the township of Halifax on the southwest, northwest and north to the west line of the township of Somerset; part of the said west line to the dividing line between ranges VII and VIII of the cadastre of the township of Stanfold; in that cadastre, part of the said dividing line between ranges; the west line of lot 2 of range VII; part of the dividing line between ranges VI and VII; the west line of lot 4D of range VI; part of the dividing line between ranges V and VI; the west line of lot 10 of ranges V and

IV; part of the dividing line between ranges III and IV; the west line of lot 12 in ranges III and II; the west line of lot 12A of range I and its extension to the centre line of the Bécancour river; the centre line of the said river easterly to the extension of the southwest limit of the augmentation of the township of Somerset; the said extension and the southwest, northwest and northeast limits of the said augmentation; finally, part of the northwest limit of the townships of Somerset and Nelson to the starting point.

This judicial district includes the following municipalities: the towns of Black Lake, Disraëli, Plessisville and Thetford-Mines; the villages of Beaulac, Bernierville, East-Broughton Station, Inverness, La Guadeloupe, Laurierville, Robertsonville, Sainte-Agathe, Sainte-Anne-du-Lac and Saint-Sylvestre; the parish municipalities of Disraëli, Notre-Dame-de-Lourdes, Plessisville, Sacré-Coeur-de-Jésus, Sacré-Coeur-de-Marie (South part), Sainte-Agathe, Saint-Antoine-de-Pontbriand, Saint-Jacques-le-Majeur-de-Wolfestown, Saint-Julien, Saint-Pierre-Baptiste, Sainte-Praxède and Saint-Sylvestre; the township municipalities of Garthby, Halifax-Nord, Halifax-Sud, Inverness and Thetford (South part); the municipalities of East-Broughton, Ireland, Kinnear's-Mills, Lyster, Rivière-Blanche, Saint-Adrien-d'Irlande, Saint-Évariste-de-Forsyth, Saint-Jacques-de-Leeds, Saint-Jean-de-Brébeuf, Saint-Joseph-de-Coleraine, Sainte-Julie, Saint-Méthode-de-Frontenac, Saint-Pierre-de-Broughton, Sainte-Sophie and Vianney.

(6) by striking out paragraph 10;

(7) by inserting, after paragraph 15.2, the following paragraph:

“15.3 **Mégantic**, Chief Place: Lac Mégantic.

The judicial district of Mégantic comprises the territory bounded as follows: starting from the north corner of the township of Risborough; thence, successively, the following lines and boundaries: the northeast line of the said township; the Québec/United States boundary line in a generally southwesterly direction to the west line of the township of Chesham; the west line of the said township; part of the south and west lines of the township of Marston; with reference to the cadastre of the township of Hampden, the dividing line between ranges V and VI; the southwest line of lots 250, 544 and 606; with reference to the cadastre of the township of Lingwick, part of the dividing line between ranges I and H; the northwest line of lot 5 of ranges H and G; part of the northeast line of range G; part of the dividing line between ranges III and IV; part of the southwest line of the township of Winslow and the southwest line of the township of Stratford, the latter extended to the centre line of lake Aylmer; the centre line of the said lake in

a generally northeasterly direction to the extension of the southwest line of range III Northeast of the cadastre of the township of Stratford; with reference to the latter cadastre, the said extension and the said southwest line; part of the northwest line of range VII; the southwest line of lot 7 of range VII; part of the dividing line between ranges VI and VII; the southwest line of lots 15 of ranges VI and V and 15A and 15B of range IV; part of the southeast and northeast lines of the township of Stratford; the southeast line of lot 9A of range I of the cadastre of the township of Price and its extension to the centre line of lake Saint-François; the centre line of the said lake in a generally northeasterly direction to the extension of the dividing line between the townships of Adstock and Lambton; the said extension and the said dividing line between townships; part of the northwest line of the township of Forsyth; with reference to the cadastre of the latter township, part of the dividing line between ranges I and II; part of the southeast line of lot 14 of range II; the northeast line of lots 6B and 6D of ranges A and B; part of the northwest line of lots 23A of range II and 23 of range III; part of the dividing line between ranges III and IV; part of the northwest line of the township of Dorset, the dividing line between ranges XII and XIII and part of the south line of the said township of Dorset, the latter extended to the centre line of the Chaudière river; the centre line of the said river downstream to the extension of the dividing line between ranges X and XI of the cadastre of the township of Marlow; with reference to the latter cadastre, the said extension and part of the said dividing line between ranges; the southeast line of lots 10A of ranges X, IX, VIII and VII, 10 of ranges VI and V and 10A of range IV; part of the dividing line between ranges III and IV; finally, part of the northwest line of the township of Risborough to the starting point.

This judicial district comprises the following municipalities: the town of Lac Mégantic; the village of Saint-Ludger; the parishes of Courcelles, Saint-Augustin-de-Woburn and Val-Racine; the township municipalities of Gayhurst (Southeast part), Marston and Stratford; the municipality of the united townships of Risborough and part of Marlow; the municipalities of Audet, Frontenac, Lac-Drolet, Lambton, Milan, Nantes, Notre-Dame-des-Bois, Piopolis, Saint-Robert-Bellarmin, Saint-Romain, Saint-Sébastien, Sainte-Cécile-de-Whitton and Stornoway.”;

(8) by striking out paragraph 26;

(9) by replacing paragraph 27 by the following paragraph:

“**27. Saint-François, Chief Place: Sherbrooke.**

The judicial district of Saint-François comprises the territory bounded as follows: starting from the point of intersection of the

northwest line of the township of Wolfestown and the dividing line between ranges IV and V of the said township; thence, successively, the following lines: in the cadastre of the township of Wolfestown, part of the said dividing line between ranges IV and V; the northwest line of lot 14A of range V; part of the dividing line between ranges V and VI; the northwest line of lot 17 of range VI; part of the dividing line between ranges VI and VII; the northwest line of lots 19B and 19A of range VII; part of the dividing line between ranges VII and VIII; the northwest line of lot 21A of range VIII; part of the dividing line between ranges VIII and IX; part of the northwest line of the township of Garthby; in the cadastre of that township, the line dividing range II North from ranges I, II and III; the west line of lot 26 of ranges II North, I North, I South and II South; part of the line dividing the township of Garthby from the townships of Ham-Sud and Weedon; part of the northeast line of the townships of Weedon and Lingwick to the dividing line between ranges III and IV of the latter township; with reference to the cadastre of the township of Lingwick, part of the said dividing line between ranges; part of the northeast line of range G; the southeast line of lot 6 of ranges G and H; part of the dividing line between ranges I and H; with reference to the cadastre of the township of Hampden, the northeast line of lots 607, 543 and 251; the dividing line between ranges V and VI; part of the east line of the township of Hampden; part of the north line and the east line of the township of Ditton; the east line of the township of Emberton; the Québec/United States boundary line running in a generally southwesterly direction to the centre line of lake Memphrémagog; the centre line of the said lake to the extension of the south line of lot 14D of range XV of the cadastre of the township of Magog; the said extension; a broken line between the townships of Magog and Bolton; part of the south line and the west line of the township of Orford; the west line of the township of Brompton; part of the southwest line and part of the northwest line of the township of Melbourne, the latter extended to the centre line of the Saint-François river; the centre line of the said river downstream to the extension of the northwest line of the township of Cleveland; the said extension and the northwest line of the townships of Cleveland and Shipton; part of the northeast line of the township of Shipton to the centre line of the Nicolet river; the centre line of the said river and the centre line of lake Richmond to the extension of the dividing line between lots 1166 and 1167 of the cadastre of the township of Tingwick; the said extension across lake Richmond and lot 1156 of the said cadastre; part of the northeast line of the said lot 1156; finally, part of the northwest line of the township of Wotton, the northwest line of the township of Ham-Nord and part of the northwest line of the township of Wolfestown to the starting point.

This judicial district includes the following municipalities: the towns of Asbestos, Bromptonville, Coaticook, Cookshire, Danville, East Angus, Lennoxville, Magog, Richmond, Rock Forest, Rock Island, Scotstown, Sherbrooke, Waterville and Windsor; Ayer's Cliff, Beebe Plain, Bishopton, Compton, Deauville, Dixville, Hatley, Kingsbury, La Patrie, Marbleton, Melbourne, North Hatley, Omerville, Saint-Gérard, Saint-Georges-de-Windsor, Saint-Grégoire-de-Greenlay, Saint-Herménégilde, Stanstead Plain, Sawyerville, Weedon-Centre and Wottonville; the parish municipalities of Saint-Denis-de-Brompton, Saint-Élie-d'Orford, Saint-François-Xavier-de-Brompton, Saint-Joseph-de-Ham-Sud, Saints-Martyrs-Canadiens and Saint-Venant-de-Hereford; the township municipalities of Ascot, Barnston, Barford, Brompton, Cleveland, Clifton (East part), Compton, Ditton, Dudswell, Eaton, Ham-Nord, Hampden, Hatley, Hatley (West part), Hereford, Lingwick, Magog, Melbourne, Newport, Orford, Saint-Camille, Sainte-Edwidge-de-Clifton, Saint-Georges-de-Windsor, Shipton, Stanstead, Stoke, Weedon, Westbury, Windsor and Wotton; the municipalities of Ascot Corner, Barnston-Ouest, Brompton Gore, Bury, Chartierville, Compton Station, Fleurimont, Fontainebleau, Martinville, Notre-Dame-de-Lourdes-de-Ham, Ogden, Saint-Adrien, Sainte-Catherine-de-Hatley, Saint-Claude, Saint-Fortunat, Saint-Herménégilde, Saint-Isidore-d'Auckland, Saint-Malo, Saint-Mathieu-de-Dixville, Trois-Lacs and Stanstead-Est."

15. Section 11 of the said Act, amended by section 43 of chapter 28 of the statutes of 1983, is again amended

(1) by adding, at the end of paragraph 1, the following:

"and less that part of the municipality of Destor comprised in the township of Destor —";

(2) by adding, at the end of paragraph 38, the following subparagraph:

"The townships of Biart, Bickerdike, Borgia, Chasseur, Chaumonot, Gendron, Laure, Lavoie, Lescarbot, Michaux, Papin, Rhodes and Trudel.";

(3) by adding, at the end of subparagraph 1 of paragraph 58, the following:

", except the townships of Biart, Bickerdike, Borgia, Chasseur, Chaumonot, Gendron, Laure, Lavoie, Lescarbot, Michaux, Papin, Rhodes and Trudel;";

(4) by adding, at the end of paragraph 63, the following:

“That part of the municipality of Destor comprised in the township of Destor.”

BURIAL ACT

16. Section 3 of the Burial Act (R.S.Q., chapter I-11), amended by section 199 of chapter 41 of the statutes of 1983, is again amended by striking out the third paragraph.

ACT RESPECTING PROBATION AND HOUSES OF DETENTION

17. Section 9 of the Act respecting probation and houses of detention (R.S.Q., chapter P-26) is replaced by the following section:

“**9.** The courts shall be assisted, in the exercise of their powers respecting supervised probation and community work, by officers of the Service called probation officers.”

18. The said Act is amended by inserting, after section 12, the following sections:

“**12.1** The probation officer shall intervene in the execution of an order for community work when

(a) the order for community work is made at the judgment as a substitute for imprisonment;

(b) the order regards a person of full age found guilty of a criminal or penal offence who, in the opinion of the probation officer, meets the criteria of eligibility determined by regulation and who consents to work without remuneration, under the supervision of a probation officer, for a community resource;

(c) the community resource which consents to take part in the execution of an order for community work meets the criteria determined by regulation, in the opinion of the probation officer;

(d) prior to the order, the officer verified the eligibility of the person contemplated for community work;

(e) the order fixes the number of hours to be worked, within the limits established by regulation, and determines the time limit for carrying out the work;

(f) the person contemplated by the order accepts and undertakes in writing to comply with the mode of execution of the community work proposed to him.

12.2 The probation officer, the person contemplated by the order and the community resource shall cooperate in preparing the mode of execution of the order for community work.

12.3 At the request of the court, the probation officer shall intervene in the execution of any other order for community work.”

19. Section 23 of the said Act is amended by adding, after paragraph *u*, the following paragraphs:

“(v) specify the duties of the probation officer, determining the criteria and the number of hours contemplated in paragraphs *b*, *c* and *e* of section 12.1;

“(w) determine the procedure to be followed in preparing the mode of execution of an order for community work contemplated in section 12.1 and specify the functions and duties of the probation officer and the community resource, within the scope of the execution of the order.”

PUBLIC HEALTH PROTECTION ACT

20. Section 47 of the Public Health Protection Act (R.S.Q., chapter P-35), amended by section 202 of chapter 41 of the statutes of 1983, is again amended by inserting, at the end of the third paragraph, the following: “or, where the case is within the competence of an assistant coroner, by the assistant coroner”.

21. Section 52 of the said Act, replaced by section 203 of chapter 41 of the statutes of 1983, is again replaced by the following section:

52. A dead body is transported into Québec in accordance with the conditions fixed by regulation and after authorization by a coroner or an assistant coroner.

A dead body is transported out of Québec in accordance with the conditions fixed by regulation and after authorization by a coroner.”

ACT RESPECTING THE PROTECTION OF PERSONS
AND PROPERTY IN THE EVENT OF DISASTER

22. Section 11 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is amended by replacing the last paragraph by the following paragraph:

“Furthermore, even in the absence of a disaster or a decree of a state of emergency, the Bureau may, in the event of a rescue, come to the aid of any person whose life is in peril or, to the extent that a person’s safety is threatened, safeguard property.”

23. Section 12 of the said Act is amended

(1) by inserting the words “or a rescue” after the word “disaster” in the second line of paragraph *e*;

(2) by inserting the words “in the event of a rescue or” after the word “necessary” in the second line of paragraph *f*.

24. Section 38 of the said Act is replaced by the following section:

“**38.** The Government, if it considers it advisable to grant financial assistance to municipal corporations or to persons who have suffered loss or provided help during a disaster or a rescue, may establish a program of financial assistance and entrust the Bureau or a municipal corporation with the administration of that program.”

25. Section 39 of the said Act is amended by inserting the words “or rescue” after the word “measures” in the second line of the first paragraph.

26. Section 42 of the said Act is amended by inserting the words “in a rescue or” after the word “part” in the first line.

27. Section 44 of the said Act is amended by inserting the words “in the event of a rescue or” after the word “assistance” in the third line.

28. The said Act is amended by inserting, after section 46, the following section:

“**46.1** A municipal corporation may, by by-law, establish a civil protection service responsible for the prevention of disasters, the preparation and the implementation of emergency measures and the carrying out of rescue operations.”

29. Section 49 of the said Act is amended by inserting the words “in a rescue or” after the word “part” in the third line of the first paragraph.

ACT RESPECTING THE DETERMINATION OF
THE CAUSES AND CIRCUMSTANCES OF DEATH

30. Section 41 of the Act respecting the determination of the causes and circumstances of death (1983, chapter 41) is repealed.

31. The said Act is amended by inserting, after section 44, the following section:

44.1 The notices provided for in paragraph 1 of section 37 and in the first paragraph of section 43 may be given to an assistant coroner appointed under Chapter III.1, except where the probable causes of death could not be established and in the case of obscure or violent circumstances or of unknown identity of the deceased person.”

32. The heading of Chapter III of the said Act is amended by adding the words “BY A CORONER” after the word “INVESTIGATION”.

33. Section 78 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“This section applies subject to section 103.4.”

34. The said Act is amended by inserting, after section 103, the following:

“CHAPTER III.1

“INVESTIGATION BY AN ASSISTANT CORONER

103.1 On the recommendation of the Minister of Justice, the Government may appoint part-time assistant coroners.

Provisions of Chapter I applicable to part-time coroners also apply to assistant coroners.

103.2 The assistant coroner shall conduct an investigation whenever he receives a notice in accordance with section 44.1.

103.3 The assistant coroner may, for the purposes of his investigation, examine, photocopy or cause to be photocopied any medical record or other relevant document and perform an external examination of the dead body.

The assistant coroner shall identify himself, if so required, or state his office. He shall also make a report of any external examination he may perform.

103.4 The assistant coroner may issue a written authorization for the burial or cremation of a dead body in Québec.

103.5 For the purposes of the investigation of an assistant coroner, the word “coroner” in sections 79, 80, 91 and 93 to 99 includes the expression “assistant coroner”, taking into account the limits of the latter’s competence.

“103.6 The assistant coroner may at all times refer any case of death of which he is informed to a coroner; he shall do so when he is unable to obtain the information contemplated in paragraphs 1 to 4 of section 92.”

35. Section 116 of the said Act is replaced by the following section:

“116. Where a person other than the coroner has, to the satisfaction of the coroner, reasonable and probable grounds to believe that a witness at the inquest will avoid service of a summons or will not be present following a summons, the coroner may authorize him to apply to a judge of the Court of the Sessions of the Peace for the issue of a warrant ordering a peace officer to arrest the witness and cause him to appear.

The person arrested shall appear before a judge of the Court of the Sessions of the Peace without delay. The person arrested and the person who required the warrant must then have an opportunity to be heard before any judgment is rendered on the detention or release of the person.”

36. Section 163 of the said Act is amended by replacing the words “or part-time coroners” in the third line by the words “, part-time coroners or assistant coroners.”

37. Section 165 of the said Act is amended by inserting the words “or assistant coroners’” after the word “coroners’” in the second line of the first paragraph.

38. Section 168 of the said Act is amended

(1) by adding, at the end of subparagraph 1, the words “and assistant coroners”;

(2) by replacing the words “or coroners” in the second line of subparagraph 2 by the words “, coroners or assistant coroners”.

39. The said Act is amended by replacing Schedule I by the following schedule:

“SCHEDULE I

“OATH OR SOLEMN AFFIRMATION OF THE CORONER OR ASSISTANT CORONER

“I swear (or solemnly affirm), that I will discharge the duties of my office of coroner (or assistant coroner) honestly, impartially and justly, and I will not accept any sum of money or other consideration for what I may do in discharging the duties of my office apart from what will be allowed to me by law.”

COURTS OF JUSTICE ACT

40. Section 21 of the Courts of Justice Act (R.S.Q., chapter T-16), amended by section 37 of chapter 26 of the statutes of 1984 and by section 33 of chapter 46 of the statutes of 1984, is again amended by replacing the first paragraph by the following paragraph:

“**21.** The Superior Court, which is a court of record, is composed of one hundred and thirty-one judges including a Chief Justice, a Senior Associate Chief Justice and an Associate Chief Justice.”

41. Section 24 of the said Act is amended by inserting the word “Mégantic,” after the word “Longueuil,” in the fifth line.

42. Section 25 of the said Act is amended

(1) by replacing the word “Hauterive” in the fifth line by the word “Baie-Comeau”;

(2) by replacing the word “Saguenay” in the sixth line by the word “Charlevoix”.

43. Section 32 of the said Act, amended by section 38 of chapter 26 of the statutes of 1984 and by section 34 of chapter 46 of the statutes of 1984, is again amended

(1) by replacing the word “seventy nine” in the second line of the first paragraph of subparagraph 1 by the word “eighty-two”;

(2) by replacing the word “Saguenay” in the sixth line of subparagraph 2 of the first paragraph by the word “Charlevoix”;

(3) by replacing the words “district of Saint-François” in the first line of subparagraph 3 of the first paragraph by the words “districts of Mégantic and St-François”;

(4) by adding, after subparagraph 10 of the first paragraph, the following subparagraph:

“(11) For the districts of Baie-Comeau and Mingan, with residence at Sept-Iles or in its immediate vicinity, one judge.”

44. Section 63 of the said Act is repealed.

45. The said Act is amended by inserting, after section 68.4, the following:

*“§ 13.—Provisions respecting the
judicial districts of Beauce, Frontenac,
Mégantic and Saint-François*

68.5 The courts, the judges of such courts and the justices of the peace sitting in the judicial district of Mégantic have concurrent jurisdiction with those of the judicial district of Beauce, within their respective jurisdictions in civil, criminal and penal matters, 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.

68.6 The courts, the judges of such courts and the justices of the peace sitting in the judicial district of Frontenac have concurrent jurisdiction with those of the judicial district of Mégantic, within their respective jurisdictions in civil, criminal and penal matters, over the territory of the parish municipality of Courcelles and the municipality of Lambton.

68.7 The courts, the judges of such courts and the justices of the peace sitting in the judicial districts of Saint-François and Frontenac have concurrent jurisdiction with those of the judicial district of Mégantic, within their respective jurisdictions in civil, criminal and penal matters, over the territory of the township municipality of Stratford.

68.8 The courts, the judges of such courts and the justices of the peace sitting in the judicial districts of Beauce and Mégantic have concurrent jurisdiction with those of the judicial district of Frontenac, within their respective jurisdictions in civil, criminal and penal matters, over the territory of the village of La Guadeloupe and the municipality of Saint-Évariste-de-Forsyth.

“68.9 The courts, the judges of such courts and the justices of the peace sitting in the judicial district of Mégantic have concurrent jurisdiction with those of the judicial district of Saint-François, within their respective jurisdictions in civil, criminal and penal matters, 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.”

46. Section 79 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The Court is composed of not more than seventy three judges including a chief judge, a senior associate chief judge and an associate chief judge.”

47. Section 125 of the said Act is amended by replacing the first paragraph by the following paragraph:

“125. The Provincial Court shall consist of one hundred and fifty-six judges appointed by the Government, by commission under the Great Seal, namely: a chief judge, a senior associate chief judge, an associate chief judge and one hundred and fifty-three puisne judges.”

48. Section 181 of the said Act is amended by replacing the words “Hauterive, Saguenay” in the sixth line by the words “Baie-Comeau, Charlevoix”.

TRANSITIONAL AND FINAL
PROVISIONS

49. The prescriptions of the regulations made in accordance with section 81 of the Legal Aid Act before (*insert here the date of coming into force of this section*) and respecting the procedure for the settlement of disputes and to what matters the procedure may apply are deemed to be valid.

This section does not apply to any case pending on (*insert here the date of introduction of this bill*) before the Superior Court or the Court of Appeal where the validity of the provisions has been raised.

50. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

51. This Act will come into force on the date to be fixed by proclamation of the Government except the provisions excluded by the proclamation, which will come into force, in whole or in part, on any later date fixed by proclamation of the Government.