
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 26

**An Act to amend the Code of Civil Procedure,
the Civil Code and other legislation**

First reading



Introduced by
Mr Marc-André Bédard
Minister of Justice

EXPLANATORY NOTES

The main object of this bill is to amend the Code of Civil Procedure so as to shorten the waiting periods surrounding trials of cases in Superior Court, particularly by changes to the injunction procedure and to extraordinary recourses. The bill is also designed to remedy a number of difficulties encountered in practice by advocates, law officers and bailiffs alike.

The bill amends the Civil Code to allow limited partnerships to hypothecate, mortgage or pledge future property in accordance with the Special Corporate Powers Act, and to simplify registration of rights in these cases. Other amendments to the Code are: a change to enable a creditor and his debtor to make certain agreements concerning the exercise of the creditor's rights against the patrimonium of the debtor; and a change regarding judgments declaring cancellation, extinction or resolution of registered real rights.

This bill also amends the Act respecting offences relating to alcoholic beverages and the Act respecting liquor permits to transfer certain enforcement powers under these Acts to the Sûreté du Québec, particularly powers of inspection. The last named Act is further amended to simplify its administration.

The bill, finally, amends several other Acts to smooth the administration of justice, in particular by allowing a special prothonotary to have jurisdiction in more than one judicial district and by making it easier to set up savings accounts for prison inmates.

ACTS AMENDED BY THIS ACT

- the Civil Code
- the Code of Civil Procedure (R.S.Q., chapter C-25)
- the Territorial Division Act (R.S.Q., chapter D-11)
- the Fire Investigations Act (R.S.Q., chapter E-8)
- the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1)
- the Act respecting Liquor Permits (R.S.Q., chapter P-9.1)
- the Act respecting probation and houses of detention (R.S.Q., chapter P-26)
- the Courts of Justice Act (R.S.Q., chapter T-16)

Bill 26

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CODE OF CIVIL PROCEDURE

1. Article 137 of the Code of Civil Procedure (R.S.Q., chapter C-25) is replaced by the following article:

“**137.** Service upon a party domiciled or ordinarily resident in another province of Canada may be made by any person of the age of majority, who must make a certificate of service.”

2. Article 138 of the said Code is amended by replacing the second paragraph by the following paragraphs:

“The judge or prothonotary may also, upon inspecting the certificate of the person who has attempted to make the service, authorize him to serve the proceeding otherwise than in the manner provided in articles 123 and 130. The authorization must appear on the original of the certificate, which must then be filed in the office of the court. An entry of the authorization must be made on the copies of the written proceeding to be served.

Any authorization under this section may be obtained in the district of the place in which the written proceeding is served, if such district is not that in which the proceeding was issued.”

3. Article 141 of the said Code is replaced by the following article:

“**141.** No service may be made, under pain of penalty against the serving officer, before seven hours or after twenty-two hours, or on a non-judicial day, without the written authorization of the prothon-

otary obtained without formality and entered on the original and copies of the proceeding to be served.

Such authorization may be obtained in accordance with the third paragraph of article 138.”

4. Article 144 of the said Code is replaced by the following article:

“**144.** The person who makes the service must draw up a certificate of service on the back of the original of the document served or on a separate paper attached thereto; in the latter case he must also write the number of the record and the names of the parties.

If he is not a sheriff or bailiff, his certificate must be sworn to.”

5. Article 146 of the said Code is amended by replacing the second paragraph by the following paragraph:

“The return of service by mail is made by means of a sworn statement of the sender, attesting that he has fulfilled the formalities prescribed in article 140, to which are attached, for registered mail, the acknowledgment of receipt or, for certified mail, the notice of delivery.”

6. 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, records the defendant’s default to appear, and issues a certificate thereof.”

7. Article 185 of the said Code is amended by adding, at the end, the following paragraph:

“The default certificate may be obtained from the prothonotary at the oral request of the plaintiff or defendant, as the case may be. In the case of default to plead, the plaintiff may obtain the certificate only if he files the proof of service of the proceeding introductive of suit.”

8. Article 198 of the said Code is replaced by the following article:

“**198.** Judgment cannot be rendered against a defendant who has not appeared or who has not pleaded if the plaintiff has not previously filed in the office of the court the original of the proceeding introductive of suit with proof of service thereof.”

9. Article 278 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**278.** Subject to the rules of practice, the prothonotary sends to the parties and their attorneys a notice of the date fixed for proof and

hearing at least 30 days and not more than 60 days before proof and hearing, unless the parties agree to a shorter period of time. Such notice is sent by mail or, if the circumstances require it, by any other means authorized by the Government.”

10. Article 321 of the said Code is replaced by the following article:

“**321.** A writ of subpoena must indicate, in easily legible type, the right of the witness to require taxation for his costs and expenses according to the tariff fixed by the Government.”

11. Article 396 of the said Code is replaced by the following article:

“**396.** Subject to article 398.1, the depositions taken by virtue of this chapter form part of the record.

If the witness is in Québec and can be produced at the trial, he may be examined again, if any party so requires.”

12. Article 397 of the said Code is amended by replacing what precedes subparagraph 1 of the first paragraph by the following:

“**397.** The defendant may, before the filing of the defence and after one clear day’s notice to the attorneys of the other parties, summon to be examined before the judge or prothonotary upon all facts relating to the issues between the parties or to give communication and allow copy to be made of any document relating to the issues:”.

13. Article 398 of the said Code is amended by replacing what precedes subparagraph 1 of the first paragraph by the following:

“**398.** After defence filed, any party may, after one clear day’s notice to the attorneys of the other parties, summon to be examined before the judge or prothonotary upon all facts relating to the issues between the parties or to give communication and allow copy to be made of any document relating to the issue:”.

14. The said Code is amended by inserting, after article 398, the following article:

“**398.1** The party having examined witnesses under article 397 or 398 may file in the record the whole or only abstracts of the depositions taken. If he elects to file them, he must do so not later than 10 clear days before the date of the hearing and, by a notice served within the same time, indicate to the parties what he has filed in the record.

However, on the motion of any other party, the court may order any abstract of the deposition which, in its opinion, cannot be dissociated from the abstracts already filed, to be added to the record.”

15. Article 401 of the said Code is repealed.

16. Article 411 of the said Code is amended by replacing the second paragraph by the following paragraph:

“The court may nevertheless require additional evidence. It may also, for cause shown and upon such conditions as it thinks fit, relieve the party of his default and allow him to answer the interrogatories.”

17. Article 475 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Such correction may be made *ex officio* or on motion of one of the parties so long as the judgment has not been appealed or its execution has not begun.”

18. Article 477 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, in a personal action, and subject to articles 992, 993 and 995, the amount of the costs of suit, except costs of execution, that the defendant who loses may be required to pay shall not exceed the amount of the condemnation, if that is not greater than the amount contemplated in paragraph *a* of article 953, unless the court, by judgment giving reasons, orders otherwise.”

19. Article 494 of the said Code, amended by section 35 of chapter 32 of the statutes of 1982, is again amended by replacing the words “, in article 511 and in the first paragraph of article 850” in the first paragraph by the words “ and in article 511”.

20. Article 546.1 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**546.1** Where a judgment awarding support has become executory, a judge or, if the matter has not been referred to a judge, the prothonotary may, on the motion of the person entitled to support and if circumstances justify it, order a person to furnish the person entitled to support with the information he has on the residence and place of work of the debtor in default and, if need be, allow him to be interrogated to that effect before the prothonotary.”

21. Article 582 of the said Code is amended by adding, at the end of the first paragraph, the following sentence: “The order must appear on the original of the minute, which must then be filed in the office of the court. An entry of the order must also be made on the copies of the writ.”

22. Article 583.3 of the said Code is amended by striking out the words “, with the permission of the judge or prothonotary,” in the fourth and fifth lines.

23. Article 613 of the said Code is replaced by the following article:

“613. Within ten days after the period for filing an opposition for payment, the seizing officer, if no opposition for payment has been filed with him, pays to the seizing creditor the moneys seized or levied, after deducting the taxed costs, and returns his minutes of seizure and sale into court; if an opposition for payment has been filed with him, he must also pay the money into court, to be adjudged to those entitled thereto.”

24. Article 730 of the said Code is amended by inserting after the word “him”, in the third line of the first paragraph, the words “or sent by registered or certified mail”.

25. Article 737 of the said Code is amended by replacing the last paragraph by the following paragraph:

“Except in the cases provided for by paragraphs 2 and 5 of article 734, the officer entrusts the property seized to a guardian designated by him, unless the seizing creditor authorizes him to leave them with the debtor.”

26. Article 739 of the said Code is amended by replacing the third and fourth paragraphs by the following paragraphs:

“Only the deposit of an amount of money, of a bank guarantee, of bonds within the meaning of article 981^o of the Civil Code or of a guarantee insurance policy issued by a company authorized to issue guarantee insurance constitutes sufficient guarantee within the meaning of this article.

The defendant may also, at any time after the removal of the property seized, have such property returned to him on applying to the judge and on giving sufficient guarantee within the meaning of this article or any other guarantee that the judge may authorize.”

27. The said Code is amended by inserting, after article 752, the following article:

“752.1 *Ex officio* or on the motion of a party, the court may, in every case where it considers it appropriate, order the parties to join issues in the principal action within an appointed time, and fix the date of the hearing.”

28. Article 753 of the said Code is replaced by the following articles:

“753. The application for an interlocutory injunction is made to the court, by written motion, supported by an affidavit affirming the truth of the facts alleged and served upon the opposite party, with a notice of the day when it will be presented. In case of urgency, a judge may nevertheless grant it provisionally before it has been served, but for a period which may not, in any case, exceed 10 days.

“753.1 No motion for injunction may be presented at the beginning of proceedings unless a writ has been issued.

If the motion is granted, the writ and the declaration must be attached to the order and be served with it unless the judge allows the declaration not to be served. In the latter case, the party making the motion must file the declaration in the office of the court within five days of the order, with a copy for the defendant.

However, the motion may be presented without the writ if the writ has not been issued in due time. In such a case, if the motion is granted, the order may be served without the writ. However, the writ and the declaration must be served within the time fixed by the judge.”

29. Article 754 of the said Code is replaced by the following articles:

“754. The motion is contested orally unless the court allows it to be contested in writing.

“754.1 The parties make their proof by means of affidavits sufficiently detailed to establish all the facts necessary to support their pretensions. They must file the affidavits and all the documents they intend to invoke at the proof and hearing and cause them to be served on the adverse party as soon as possible before presentation of the motion. However, the party making the motion must cause his affidavits to be served at the same time as the motion.

With leave from the court, the parties may also produce documents at the hearing.

“754.2 If on presentation of the motion the record is complete, the court hears the parties.

In addition to proof by affidavit, any party may present oral proof, if he so wishes.

If on presentation of the motion the record is incomplete, the court fixes the date for the proof and hearing and issues any order necessary to safeguard the rights of the parties for the time and on the conditions it determines.

“754.3 The court may, at the hearing, prescribe any measure designed to accelerate the progress of the hearing and limit the proof, if no prejudice results to a party.”

30. Article 834 of the said Code is replaced by the following articles:

“834. A recourse provided in this Title may be exercised by a motion to the court setting forth the facts justifying the recourse; the allegations of the motion must be supported by an affidavit.

“834.1 No recourse exercised under this Title suspends proceedings. However, at the request of a party, a judge may, at any time after the filing of the motion, grant a suspension of proceedings and, where necessary, order those documents in the record that he determines transmitted to the prothonotary without delay.

“834.2 The motion must be heard and decided by preference.”

31. Article 835 of the said Code is replaced by the following articles:

“835. The motion is served on the parties, on the court, if such is the case, and on any person whose presence is necessary for the full settlement of the issues between the parties; it must be accompanied with a notice of not less than 10 clear days of the date when it will be presented.

“835.1 The motion must be served within a reasonable time from the judgment, order, decision, contested procedure, fact or event giving rise to the recourse.

“835.2 The parties must cause all the documents they intend to invoke at the proof and hearing to be served on the adverse party and filed as soon as possible before presentation of the motion. However, with leave of the court, the parties may also produce documents at the hearing.

“835.3 A party may make his proof by means of sufficiently detailed affidavits to establish all the facts necessary to support his pretensions. If he so elects, he must cause his affidavits to be served on the adverse party and filed as soon as possible before presentation of the motion. However, the party making the motion must cause his affidavits to be served at the same time as the motion.

In addition to proof by affidavit, any party may present oral proof, if he so wishes.

“835.4 If on presentation of the motion the record is complete, the court hears the parties. In the opposite case, the court fixes the date of the proof and hearing and issues all the orders necessary to safeguard the rights of the parties for the time and on the conditions it fixes.

“835.5 The motion is contested orally unless the court allows it to be contested in writing.”

32. Article 839 of the said Code is replaced by the following article:

“839. A certificate of the prothonotary, attesting the deposit in the office of the court of the sum of \$500 as security, must be attached to the motion.”

33. Articles 847 to 849 of the said Code are repealed.

34. Article 850 of the said Code, amended by section 51 of chapter 32 of the statutes of 1982, is replaced by the following article:

“850. A judge of the Court of Appeal may, at any time after the filing of an inscription for appeal, order the court to which the matter under evocation had originally been referred to suspend any further proceedings.”

CIVIL CODE

35. The Civil Code is amended by inserting, after article 1883, the following article:

“1883.1 The partnership may issue bonds and obligations and exercise the powers provided under Division VII of the Special Corporate Powers Act (R.S.Q., chapter P-16).”

36. Article 1980 of the said Code is amended by adding, at the end, the following paragraph:

“However, a creditor may agree with his debtor that the latter will be bound to fulfil his obligation only on the property they describe and which is affected with a legal cause of preference in favour of the creditor.”

37. Article 2120*a* of the said Code, enacted by section I of chapter 75 of the statutes of 1915 and amended by section 19 of chapter 72 of the statutes of 1947, is again amended by replacing the first paragraph by the following paragraph:

“2120*a*. All rights conferred in accordance with the Special Corporate Powers Act to guarantee the issue of bonds and obligations affect any immovable subsequently acquired upon the registration of a notice indicating and describing the immovable property acquired, the deed conferring the rights and the amount for which they have been granted.”

38. Article 2153 of the said Code, amended by section 36 of chapter 72 of the statutes of 1947, is replaced by the following article:

“2153. The judgment declaring the nullity, extinction or dissolution of the right registered cannot, however, be deposited for cancelling, unless it is accompanied by a certificate of non-appeal; the certificate

may be issued at the expiry of 30 days from the date of the judgment if there is not, before the date of its issue, an appeal from the judgment or presentation of a motion in rescission of judgment.

On deposit of the judgment accompanied by a certificate of non-appeal attesting the facts, the registration of the right must be cancelled.”

39. Article 2154 of the said Code, amended by section 1 of chapter 91 of the statutes of 1931-1932 and by section 17 of chapter 85 of the statutes of 1971, is again amended by replacing the second paragraph by the following paragraph:

“Nevertheless, a judgment rendered under article 805 of the Code of Civil Procedure or by default to appear need be served only if the judge so orders.”

TERRITORIAL DIVISION ACT

40. Section 9 of the Territorial Division Act (R.S.Q., chapter D-11), amended by section 26 of chapter 58 of the statutes of 1982 is again amended

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

“1. **Abitibi**, Chief Place: Amos.

The judicial district of Abitibi comprises the territory bounded as follows: starting from the point of intersection between the Québec/Ontario boundary line and the south line of the township of Hébécourt; thence, successively, the following lines: the south line of the townships of Hébécourt and Duparquet; part of the east line of the township of Duparquet; part of the dividing line between ranges IX and X of the township of Destor to the extension of the dividing line between lots 15 and 16 of range I of the township of Poularies; the said extension to the south line of the township of Poularies; part of the south line of the said township and the west line of the township of Aiguebelle; the south line of the townships of Aiguebelle and Manneville; the west line of the townships of Préissac, Cadillac and Surimau; the south line of the townships of Surimau, Fournière, Dubuisson, Bourlamaque and Louvicourt; the west line of the township of Villebon; the south line of the townships of Villebon, Denain, Ypres, Cambrai, Vimy, Lens, Festubert, Chouart and Radisson; part of the west line and the south line of the township of Gosselin; the south line of the townships of Choquette, David and Landry; the east line of the townships of Landry, Bazin, Tassé, Huguenin, Chapman, Marmette, Mc Sweeney and Mathieu; part of the east line of the township of Balète to the extension of the northeast line of the township of Ingall; part of the said extension to the watershed dividing the basin of the St Lawrence river from

that of Hudson's Bay; the said watershed northeasterly to an astronomical meridian established on the land and originating at the north corner of the township of Albert; the said meridian northerly to its intersection with parallel 56°00' North latitude; the said parallel easterly to the east boundary of Québec; the east boundary of Québec northerly to the shore (low water mark) of Ungava bay; the low water mark of Ungava bay, Hudson strait, Hudson's Bay and James bay to the Québec/Ontario boundary line; finally, the said boundary line southerly to the starting point.

This judicial district includes the following municipalities: the towns of Amos, Chapais, Chibougamau, Duparquet, La Sarre, Lebel-sur-Quévillon, Macamic, Malartic, Matagami, Senneterre and Val-d'Or; the villages of Barraute and Taschereau; the Cree villages of Eastmain, Fort-George, Fort-Rupert, Mistassini, Némiscau, Nouveau-Comptoir, Poste-de-la-Baleine and Waswanipi; the northern villages of Akulivik, Aupaluk, Inukjuak, Ivujivik, Kangiqsualujjuaq, Kangiqsujuaq, Kangirsuk, Kujjuaq, Kuujjuaraapik, Quaqaq, Salluit and Tasiujaq; the parish municipalities of Macamic, Sainte-Hélène-de-Mancebourg, Saint-Janvier, Saint-Lambert, Saint-Marc-de-Figuery, Saint-Mathieu and Senneterre; the township municipalities of Clermont, Landrienne, Launay and Trécesson; the municipalities of Amos-Est, Authier, Authier-Nord, Baie-James, Belcourt, Berry, Champneuf, Clerval, Colombourg, Dubuisson, Fiedmont et Barraute, La Corne, La Morandière, La Motte, La Reine, Normétal, Palmarolle, Poularies, Rapide-Danseur, Rivière-Héva, Rochebaucourt, Roquemaure, Saint-Dominique-du-Rosaire, Saint-Félix-de-Dalquier, Sainte-Germaine-Boulé, Sainte-Gertrude-Manneville, Saint-Jacques-de-Dupuy, Saint-Laurent, Sullivan, Taschereau, Val-Saint-Gilles, Val-Senneville and Vassan; part of the town of Cadillac; part of the municipalities of Préissac and Saint-Norbert-de-Mont-Brun. It also includes the localities of Déception, Povungnituk and Purtuniqu. It also comprises the unorganized territories situated within the above described perimeter.”;

(2) by inserting after the following: “part of the dividing line between ranges IX and X;” in the thirtieth and thirty-first line of the first paragraph of paragraph 7, the following: “the northeast line of lot 25 of range IX; part of the dividing line between ranges VIII and IX;”;

(3) by replacing paragraph 25 by the following paragraph:

“25. **Rouyn-Noranda**, Chief Place: Rouyn.

The judicial district of Rouyn-Noranda comprises the territory bounded as follows: starting from the point of intersection between the Québec/Ontario boundary line and the north line of the township of Montbray; thence, successively, the following lines: the north line of the townships of Montbray and Duprat; part of the west line of the township of Destor; part of the dividing line between ranges IX and

X of the said township to the extension of the dividing line between lots 15 and 16 of range I of the township of Poularies; the said extension to the north line of the township of Destor; part of the north and the east line of the township of Destor; the north line of the townships of Cléricy and La Pause; the east line of the townships of La Pause, Bousquet and Montanier; the north line of the townships of Béraud, Desroberts, Laubanie, Sabourin and Marrias; the east line of the townships of Marrias and Granet; the south line of the townships of Granet, Péliissier, Jourdan, Mazérac, Landanet, Chabert, Clérion and, Beaumesnil; the broken line bordering the township of Rémigny to the south and the south line of the township of Montreuil; finally, the Québec/Ontario boundary line to the starting point.

This judicial district includes the following municipalities: the cities of Noranda and Rouyn; the municipalities of Arntfield, Beaudry, Bellecombe, Cloutier, D'Alembert, Destor, Evain, Lac-Dufault, McWaters, Montbeillard, Rollet, Saint-Guillaume-de-Granada and Saint-Joseph-de-Cléricy; part of the town of Cadillac; part of the municipalities of Préissac, Rémigny and Saint-Norbert-de-Mont-Brun. It also comprises the unorganized territories situated within the above described perimeter."

41. Section 11 of the said Act is amended by replacing the heading of paragraph 34 by the following heading:

"34. Lac-Saint-Jean-Est, Office at Alma."

FIRE INVESTIGATIONS ACT

42. Section 12 of the Fire Investigations Act (R.S.Q., chapter E-8) is amended by replacing the third paragraph by the following paragraph:

"Sections 22 to 26 apply to an investigation."

43. Section 26 of the said Act is replaced by the following section:

"26. The investigation commissioner may, if he deems it necessary, retain the services of a secretary or of an interpreter and swear in a sufficient number of peace officers to maintain peace and good order during the inquiry; the persons whose services are so required and any witnesses shall be entitled to the fees and indemnities provided in the tariff established for such purpose by the Government."

44. The said Act is amended by adding, after section 30, the following:

"DIVISION V.1

"REGULATIONS

"**30.1** The Government may, by regulation,

(1) determine the tariff of the fees, indemnities and other costs which may be paid in making a fire investigation or inquiry;

(2) determine in what cases, on what conditions and to what categories of persons the tariff is applicable;

(3) fix the amount payable to obtain a certified copy of minutes or a return drawn up by a permanent investigation commissioner or a deputy commissioner appointed pursuant to the Civil Service Act.

"**30.2** Regulations made under this Act come into force on the tenth day after their publication in the *Gazette officielle du Québec* or on any later date fixed therein."

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

45. Section 117 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended by replacing the first four lines by the following:

"**117.** Whosoever interferes with or hinders a person authorized under section 125 of this Act or section 111 of the Act respecting liquor permits acting in the performance of his duties is guilty of an offence under this Act and liable, in".

46. Section 121 of the said Act is amended

(1) by replacing the words "No officer, inspector or other person employed" in the first line by the following words: "No person contemplated in section 117 employed";

(2) by replacing, in the French text, the words "lorsqu'ils" in the third line by the words "lorsqu'elles";

(3) by replacing the words "the instructions of any such officer, inspector or other employee" in the third and fourth lines by the following words: "their instructions".

47. Section 125 of the said Act is amended by striking out the following: ", inspector ", in the second line.

ACT RESPECTING LIQUOR PERMITS

48. Section 36 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by replacing the first paragraph by the following paragraph:

“36. To obtain a permit, a natural person must be of full age; if he is not a Canadian citizen, he must have been legally residing in Québec as a permanent resident within the meaning of the Act respecting Immigration to Canada (Statutes of Canada, 25-26 Elizabeth II, chapter 52), unless he is applying for a reunion permit or a “Man and his World” permit as the authorized representative of a government, country, province or state.”

49. Section 53 of the said Act is amended by replacing the words “before the date of expiry of the permit” at the end by the words “before the Régie officially declares the permit cancelled *pleno jure*”.

50. Section 79 of the said Act is amended by adding, at the end, the following paragraph:

“The Régie may also, on the same conditions, temporarily authorize a person other than the holder to use the permit, if that person files an application for a permit within 60 days of signing a promise of sale or rental of the establishment conditional on obtaining a permit, the alienation of the establishment or retaking of possession of the establishment following the execution of a clause of giving in payment or a similar agreement.”

51. Section 82 of the said Act is replaced by the following section:

“82. No permit holder, without the authorization of the Régie, may, even inside his establishment, use his permit in a place other than that specified in his permit.”

52. Section 86 of the said Act is amended by replacing subparagraph 6 by the following subparagraph:

“(6) in the case of a club permit the holder no longer fulfils one of the conditions provided in section 43 or one of the conditions respecting the issue of the permit and prescribed by regulation;”.

53. Section 94 of the said Act is amended by replacing the second paragraph by the following paragraph:

“In that case or if the permit holder himself has applied for cancellation of his permit, the Régie shall remit to the person who held the cancelled permit the portion of the duties paid corresponding to the number of complete months in which the permit is not used following its cancellation.”

54. Section 97 of the said Act is replaced by the following section:

“97. Section 96 does not apply to

(1) an application for a reunion permit, a “Man and his World” permit, or an “Olympic Grounds” permit;

(2) an application for a temporary authorization;

(3) an application for a permit made by reason of the alienation of the establishment or the retaking of possession of the establishment following the execution of a clause of giving in payment or another similar agreement, if the permit applied for is of the same class as that which was being used and if there is no application for an additional permit or authorization;

(4) an application for a permit made within thirty days after the Régie officially ascertained the cancellation *pleno jure* of a permit, if the application is made by the holder of the permit so cancelled, if the permit applied for is of the same class as that which was being used and there is no application for an additional permit or authorization.

55. Section 111 of the said Act is amended by replacing the words “An inspector or an investigator of the Régie” in the first line by the words “A member of the personnel of the Régie designated by the chairman or, at the request of the Régie, a member of the Sûreté du Québec or a member of a police force authorized for such purpose by the Attorney General”.

56. Section 112 of the said Act is amended by replacing the words “of an investigator or inspector of the Régie” in the first and second lines by the words “ of a person contemplated in section 111”.

57. Section 113 of the said Act is amended by replacing the words “an investigator or an inspector of the Régie” in the first line by the words “a member of the personnel of the Régie”.

58. Section 114 of the said Act is amended by replacing paragraph 3 by the following paragraph:

“(3) determining the conditions relating to the use of a reunion permit issued to a person who uses a permit authorizing the sale of alcoholic beverages on the premises, depending on whether the meeting takes place inside or outside his establishment;”.

ACT RESPECTING PROBATION AND HOUSES OF DETENTION

59. Section 19.2 of the Act respecting probation and houses of detention (R.S.Q., chapter P-26) is amended by replacing the third paragraph by the following paragraph:

“Subject to section 19.3 or a contrary agreement written and authorized by the Director General, the balance of the remuneration shall be deposited by the warden in a financial institution and credited to the savings account held in trust for such purpose by the warden. When the person is released, the warden shall, by a cheque signed by him, pay to the detained person the amount and interest owing to him.”

COURTS OF JUSTICE ACT

60. The Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting, after section 4, the following section:

“**4.1** A special prothonotary contemplated in subparagraph *k* of the Code of Civil Procedure (R.S.Q., chapter C-25) may, in accordance with the said subparagraph, be given jurisdiction in more than one judicial district, even if he has not been appointed prothonotary of each of those districts.”

TRANSITIONAL AND FINAL PROVISIONS

61. Sections 27 to 34 do not apply to proceedings pending at the time of their coming into force.

62. Paragraphs 1 and 3 of section 40 do not apply to cases pending at the time of their coming into force.

Paragraph 2 of section 40 has effect from 1 January 1980.

63. 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).

64. This Act comes into force on the day of its sanction, except sections 10, 27 to 34 and 41 which will come into force on the dates fixed by government proclamation.