

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

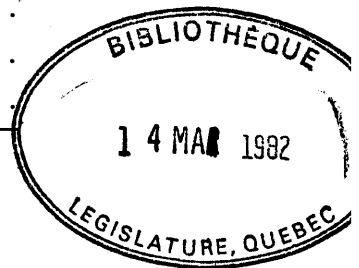
Bill 61

An Act to amend the Professional Code and the Labour Code

First reading

Second reading

Third reading



M. MARC-ANDRÉ BÉDARD

Minister of Justice

QUÉBEC OFFICIAL PUBLISHER

1982

EXPLANATORY NOTES

The object of this bill is to amend the Professional Code and the Labour Code to make them include an express recognition of the power of the Superior Court to revise the decision of an authority lacking jurisdiction or having exceeded its jurisdiction under one or the other of these Codes.

The bill also contains a declaratory provision which specifies that the Superior Court has always had and continues to have this revisory power.

Lastly, this bill is intended to prevent that a person affected by a decision rendered by a committee on discipline, after 20 October 1981, should lose his right of appeal by the lapse of the time limit for appeal provided in section 164 of the Professional Code.

Bill 61

An Act to amend the Professional Code and the Labour Code

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 175 of the Professional Code (R.S.Q., chapter C-26) is amended by striking out the third paragraph.

2. Section 194 of the said Code is replaced by the following section:

“194. Except on a question of jurisdiction, no extraordinary recourse contemplated in articles 834 to 850 of the Code of Civil Procedure shall be exercised and no injunction granted against the persons mentioned in section 193 acting in their official capacities.”

3. Section 195 of the said Code is replaced by the following section:

“195. Except on a question of jurisdiction, article 33 of the Code of Civil Procedure does not apply to the persons mentioned in section 193 acting in their official capacities.”

4. Section 120 of the Labour Code (R.S.Q., chapter C-27) is repealed.

5. Section 139 of the said Code is replaced by the following section:

“139. Except on a question of jurisdiction, no extraordinary recourse contemplated in articles 834 to 850 of the Code of Civil Procedure shall be exercised and no injunction granted against any council of arbitration, court of arbitration, certification agent, labour commissioner or the Court acting in their official capacities.”

6. The said Code is amended by adding, after section 139, the following section:

“139.1. Except on a question of jurisdiction, article 33 of the Code of Civil Procedure does not apply to any person, body or agency mentioned in section 139 acting in their official capacities.”

7. Section 140 of the said Code is replaced by the following section:

“140. Two judges of the Court of Appeal may annul summarily, upon petition, any writ, order or injunction issued or granted contrary to sections 139 and 139.1.”

8. A judge of the Professions Tribunal may, upon a motion of a party concerned by a decision rendered by a committee on discipline between 20 October 1981 and (*insert here the date of the coming into force of this Act*), extend the time limit provided in the first paragraph of section 164 of the Professional Code.

9. This Act is declaratory.

10. This Act comes into force on the day of its sanction.