

SECOND SESSION

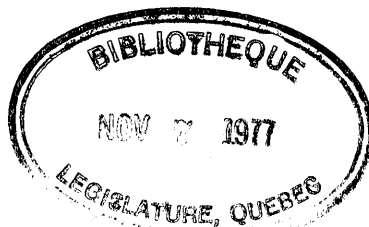
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 72

**An Act to make provisions respecting
the appointment of deputy municipal judges
and to amend the Summary Convictions Act**

First reading



M. MARC-ANDRÉ BEDARD

Ministre de la justice

Bill 72

An Act to make provisions respecting
the appointment of deputy municipal judges
and to amend the Summary Convictions Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Section 647 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), replaced by section 155 of chapter 55 of the statutes of 1968, is amended:

(a) by replacing subsections 1 and 2 by the following subsections:

“647. (1) When a municipal judge dies or resigns or is unable to exercise his functions by reason of disability, absence or illness, the Ministre de la justice or, with his authorization, a municipal judge may appoint by a commission signed by him a deputy municipal judge to replace him temporarily.

(2) The deputy municipal judge is appointed for the time indicated in the commission or, if no time is indicated, from the date of registration of the commission until the commission is revoked.

(3) Such commission shall be prepared in duplicate copies, one of which shall be filed and registered in the office of the clerk of the Municipal Court and the other in the office of the prothonotary of the Superior Court of the judicial district where the municipality is situated.

(4) The deputy municipal judge so appointed by commission shall be an advocate who has practised for at least five years; however, in cities and towns having a population of fewer than ten thousand inhabitants, he may be appointed after having practised for three years.

He may be appointed from among the municipal judges already in office.”;

EXPLANATORY NOTE

The intent of this bill is to simplify the procedure for the appointment of a deputy municipal judge by the Ministre de la justice (section 1) and provide for an appeal to the Court of Appeal on questions of law in the matter of infractions of municipal by-laws (section 2).

(b) by replacing the figure “3” in the existing subsection 3 by the figure “5”.

2. Section 124 of the Summary Convictions Act (Revised Statutes, 1964, chapter 35), enacted by section 11 of chapter 11 of the statutes of 1975, is repealed.

3. This act shall come into force on the day of its sanction.