

SECOND SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 77

An Act to amend the Courts of Justice Act
and the Jurors Act

First reading



M. MARC-ANDRÉ BÉDARD

Ministre de la justice

CHARLES-HENRI DUBÉ, ÉDITEUR OFFICIEL DU QUÉBEC

1977

Bill 77

An Act to amend the Courts of Justice Act and the Jurors Act

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

1. Section 21 of the Courts of Justice Act (Revised Statutes, 1964, chapter 20), replaced by section 1 of chapter 7 of the statutes of 1966, section 2 of chapter 18 of the statutes of 1966/1967, section 1 of chapter 15 of the statutes of 1968 and by section 1 of chapter 14 of the statutes of 1971, amended by section 3 of chapter 11 of the statutes of 1972 and section 1 of chapter 13 of the statutes of 1973, and replaced by section 13 of chapter 11 of the statutes of 1974, section 1 of chapter 10 of the statutes of 1975 and section 1 of chapter 8 of the statutes of 1976, is again replaced by the following:

[[**“21.** The Superior Court, which is a court of record, shall be composed of one hundred and nine judges, namely, a Chief Justice, a Senior Associate Chief Justice, an Associate Chief Justice and one hundred and six puisne judges.

It shall also be composed of not more than one hundred and nine supernumerary judges governed by the Judges Act (Statutes of Canada). The residence of such a judge shall be the same as it was before he became a supernumerary judge.”]]

2. Section 27 of the said act, amended by section 3 of chapter 7 of the statutes of 1966, section 3 of chapter 18 of the statutes of 1966/1967, section 2 of chapter 15 of the statutes of 1968, section 1 of chapter 9 of the statutes of 1970, section 6 of chapter 8 and section 2 of chapter 14 of the statutes of 1971, section 7 of chapter 13 of the statutes of 1973, section 14 of chapter 11 of the statutes of 1974, section 4 of chapter 10 of the statutes of 1975 and by section 3 of chapter 8 of the statutes of 1976, is again amended:

EXPLANATORY NOTES

Section 1 of this bill increases by two the number of judges on the Superior Court.

Section 2 provides concordance; it also permits a change of the place of residence of a judge of the Superior Court.

Section 3 creates a concurrent jurisdiction.

Section 4 increases the pension of judges retired since 1 January 1977, in accordance with chapter 8 of the statutes of 1976.

Sections 5 and 6 amend the Jurors Act regarding disqualification from serving as a juror and prohibit an employer from dismissing or changing the conditions of employment of an employee on the ground that he is summoned or acts as a juror.

(a) by replacing subparagraph 3 of the first paragraph by the following:

“(3) For the district of Saint-François, with residence in the city of Sherbrooke or in the immediate vicinity thereof, three judges;”;

(b) by replacing subparagraph 7 of the first paragraph by the following:

“(7) For the districts of Hull, Labelle and Pontiac, with residence at Hull, four judges;”;

(c) by adding at the end the following paragraph:

“The Lieutenant-Governor in Council, upon the recommendation of the Ministre de la justice and with the consent of the Chief Justice, may authorize a judge to reside at a place other than that provided for in this section.”

3. The said act is amended by inserting after section 59*d*, the following subdivision and section:

“ § 9.—*Provisions respecting the districts of Bedford and Saint-Hyacinthe*

“**59e.** The courts, the judges of such courts and the justices of the peace sitting in the judicial district of Bedford have, within their respective jurisdictions, concurrent jurisdiction with those of the judicial district of Saint-Hyacinthe, in civil, criminal and penal matters, over the territory of the municipalities of the town of Saint-Césaire, the village of Ange-Gardien and the parishes of Saint-Ange-Gardien, Saint-Césaire and Saint-Paul d’Abbotsford.”

4. Section 7 of the Act to amend the Courts of Justice Act (1976, chapter 8) is amended by inserting after the fourth paragraph the following:

[[“Moreover, a judge mentioned in the first section who is retired after 31 December 1976 benefits by the increase provided for in the fourth paragraph upon his retirement.”]]

5. Section 4 of the Jurors Act (1976, chapter 9) is amended by adding after paragraph *j* the following:

“(k) in the judicial districts of Mingan, Gaspé and Abitibi, except, in the latter case, in the territories of Abitibi, Mistassini and New Québec, persons not domiciled in a municipality situated wholly or partly within a radius of sixty kilometres from the chief place of the judicial district or from any other place authorized by the Lieutenant-Governor in Council in accordance with section 46 or 61 of the Courts of Justice Act (Revised Statutes, 1964, chapter 20).”

6. The said act is amended by inserting after section 46 the following:

“46a. An employer is prohibited from dismissing, suspending or laying off an employee or changing his conditions of employment other than his remuneration, on the ground that the employee is summoned, or acts, as a juror.”

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