



## CHAPTER 43

### An Act to amend the Public Officers Act

[Assented to 22 June 1979]

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

R.S., c. 12,  
s. 1, am.      **1.** Section 1 of the Public Officers Act (Revised Statutes, 1964, chapter 12) is amended by replacing the second paragraph by the following paragraph:

Joint-officers.      “Whenever two persons have been appointed jointly by commission to hold the office of clerk of appeals, prothonotary of the Superior Court, clerk of the Magistrate’s Court, clerk of the Crown, clerk of the Peace, sheriff or registrar, and one of the joint-officers ceases to perform his duties through death or for any other reason, the commission shall not lapse as to the other joint-officer, but the latter shall remain alone in office and shall continue, alone and in his own name, to perform the duties of the office without the necessity of appointing him anew or of granting him a new commission, until the person or persons appointed by a new commission have fulfilled the duties imposed by section 9 of this act.”

R.S., c. 12,  
ss. 12, 13,  
14, re-  
pealed.      **2.** Sections 12, 13 and 14 of the said act are repealed.

R.S., c. 12,  
s. 15, re-  
placed.      **3.** Section 15 of the said act is replaced by the following section:

Security given by public officers.      “**15.** The Ministre des finances may require any public officer or employee or any class of public officers or employees or any other person appointed to any office or place of trust, in which he receives or pays out public moneys, to give security.”

R.S., c. 12,  
s. 37, re-  
placed.      **4.** Section 37 of the said act is replaced by the following section:

Return of  
moneys.

**“37.** The moneys or debentures may be returned, or the certificate of cancellation given, during the year after the death, resignation or dismissal of the public officer or employee, and, in the case of the withdrawal of the security, during the year following the three months after the notice of withdrawal, if the Ministre des finances be of opinion that there has been no breach of the security.”

R.S., c. 12,  
s. 38, am.

**5.** Section 38 of the said act is amended by replacing the first three paragraphs by the following paragraph:

Extinction  
of security.

**“38.** If, within the year after the death, resignation or removal of any public officer or employee, or if, within the year which follows the three months after the notice of the withdrawal by his surety, of the security of such officer or employee, it does not appear that he has been guilty of negligence, misconduct or malversation, the security given shall be also extinguished. The moneys or debentures pledged as security shall afterwards be returned or the hypothec cancelled, as the case may be.”

R.S., c. 12,  
ss. 39, 40,  
41, re-  
pealed.  
R.S., c. 20,  
s. 15, am.

**6.** Sections 39, 40 and 41 of the said act are repealed.

**7.** Section 15 of the Courts of Justice Act (Revised Statutes, 1964, chapter 20) is amended by replacing the second paragraph of subsection 2 by the following paragraph:

Clerk  
replaced.

“In case of any death, dismissal, suspension, resignation or vacancy in the office of the clerk, the deputy-clerk designated as the first deputy, in Québec, and the deputy-clerk designated in the same manner, in Montreal, shall, at each of such places respectively, discharge the duties assigned to the clerk, until the newly appointed clerk has received his commission and has discharged the duties imposed by section 9 of the Public Officers Act (Revised Statutes, 1964, chapter 12).”

R.S., c. 20,  
s. 211, re-  
pealed.

**8.** Section 211 of the said act is repealed.

R.S., c. 31,  
s. 22, am.

**9.** Section 22 of the Officers of Justice Salary Act (Revised Statutes, 1964, chapter 31) is amended by replacing the first paragraph by the following paragraph:

Duties of  
deputy.

**“22.** The deputy whose appointment contains no restriction may perform the duties of his chief, and, if he is the only deputy so appointed, shall continue to perform the said duties in the event of the decease, dismissal, suspension, or resignation of his said chief, or vacancy in the office of the latter, until the successor appointed has received his commission, if any, and has discharged the duties imposed by section 9 of the Public Officers Act (Revised Statutes, 1964, chapter 12).”

R.S.,  
c. 319, s. 9,  
replaced. **10.** Section 9 of the Registry Office Act (Revised Statutes, 1964, chapter 319) is replaced by the following section:

Death,  
etc., of  
registrar.

**“9.** In the case of the death, resignation or dismissal of the registrar, the deputy-registrar to whom the title of chief deputy-registrar has been given at the time of his appointment, or, failing any appointment as chief deputy-registrar, the deputy-registrar designated by the Attorney-General, shall discharge the duties of such registrar until another has been appointed in his place and has taken charge of the office after having received his commission and after having discharged the duties imposed under section 9 of the Public Officers Act (Revised Statutes, 1964, chapter 12).”

R.S.,  
c. 319,  
s. 26, am.

**11.** Section 26 of the said act is amended by replacing the first paragraph by the following paragraph:

Deputy-  
registrar.

**“26.** Each registrar, saving any one to whom a salary is accorded under this act, shall, within twenty days after he has taken the oath of office, appoint a deputy, and, upon the death, resignation or removal of any registrar, his deputy shall execute the office of registrar until another person is appointed and takes upon himself the said office, after having received his commission and having discharged the duties imposed by section 9 of the Public Officers Act (Revised Statutes, 1964, chapter 12).”

R.S.,  
c. 319,  
s. 32, re-  
pealed

**12.** Section 32 of the said act is repealed.

Coming  
into force.

**13.** This act comes into force on the day of its sanction.