



## CHAPTER 67

### An Act to amend the Police Act

[Assented to 21 December 1979]

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

R.S.Q.,  
c. P-13,  
s. 1, am.

**1.** Section 1 of the Police Act (R.S.Q., c. P-13) is amended:

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

“municipality”;

“(f) “municipality”: any municipal corporation, by whatever law governed, and an urban or regional community;”;

(2) by replacing paragraph *h* by the following paragraph:

“chief”;

“(h) “chief”: the chief of a municipal police force;”.

R.S.Q.,  
c. P-13,  
ss. 2.1-  
2.3, added.

**2.** The said act is amended by inserting after section 2 the following sections:

Civil  
liability.

**“2.1** For the purposes of determining civil liability in respect of third persons, a member of the Police Force, a municipal policeman or a special constable does not cease to act as an employee when he performs his duties as a peace officer.

Presumption.

The Attorney General is, for the purposes of this section, deemed to be the employer of a municipal policeman acting as a peace officer in a territory other than that of the municipality employing him.

Information.

**“2.2** Every person acting as a peace officer in Québec and belonging to a class of peace officers designated by government regulation must furnish to the Commission the information pertaining to his status as a peace officer that is provided for by regulation, in the manner prescribed therein.

Report.

**“2.3** The chief of a municipal police force or of any other class of peace officers designated by government regulation shall

submit to the Attorney General, at the latter's request, at his employer's request or of his own initiative, detailed reports on disturbances of the peace, order and public safety occurring in the territory subject to his jurisdiction or respecting the crime situation in that territory."

R.S.Q.,  
c. P-13,  
s. 6, am.

**3.** Section 6 of the said act is amended by striking out the third paragraph.

R.S.Q.,  
c. P-13,  
s. 7,  
repealed.

**4.** Section 7 of the said act is repealed.

R.S.Q.,  
c. P-13,  
s. 9, am.

**5.** Section 9 of the said act is amended:

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

Compo-  
sition.

**9.** The Commission shall be composed of eleven members including a president, who shall be a judge of the sessions or of the Provincial Court, and two vice-presidents appointed by the Government, who shall fix their salaries, which shall not be reduced thereafter. After consultation with the Conseil consultatif de la justice, at least one member shall be chosen from among persons who do not have the functions of peace officer and are members neither of the Magistracy nor of the Bar.";

(2) by replacing the fourth paragraph by the following paragraph:

Replace-  
ment.

"In the case of inability to act of the president by reason of absence or illness, he shall be replaced by the vice-president designated by the Government; when another member is for such reason unable to act he may be replaced by a person appointed to perform his duties, while his inability lasts, by the Government, who shall fix his fees."

R.S.Q.,  
c. P-13,  
s. 11, am.

**6.** Section 11 of the said act is amended by replacing the third paragraph by the following paragraph:

Quorum.

"Except where the Commission sits for the purposes of an inquiry, not fewer than four members, including the president, constitute a quorum."

R.S.Q.,  
c. P-13,  
s. 17,  
replaced.

**7.** The heading of subdivision 2 of Division II and section 17 of the said act are replaced by the following heading and section:

**"§ 2.—Functions**

Objects.

**17.** The Commission is entrusted with exercising the jurisdiction conferred on it by this act and with promoting the efficiency of police services in Québec.

## Duties.

For these purposes, the Commission shall, in particular,

(a) establish a general inspection service to advise the municipalities, the Police Force and the municipal police forces on police matters, and to inspect them;

(b) establish a register of persons performing duties as peace officers in Québec.”

R.S.Q.,  
c. P-13,  
s. 18, am.

**8.** Section 18 of the said act is amended:

(1) by striking out paragraph *b*;

(2) by replacing paragraphs *c* and *d* by the following paragraphs:

“(c) determine the characteristics of the uniforms, identity papers and badges which may be worn or carried by Police Force cadets and members, municipal cadets and policemen, and special constables, determine their equipment and how it may be used, and determine what equipment may be installed in the motor vehicles they use;

“(d) determine the statistics and documents that must be kept by the Police Force, municipal police forces, their members and special constables, and the forms they must use;”;

(3) by replacing paragraphs *f* and *g* by the following paragraphs:

“(f) establish a code of ethics for special constables;

“(g) establish the procedure for the conduct of matters within its competence;”;

(4) by adding at the end the following:

“(k) establish rules for its internal management.

Applica-  
tion of a  
by-law.

The Commission may also, by by-law and after consulting the representative municipal bodies, extend the application of a by-law contemplated in section 57.1 to all or part of the municipal policemen of Québec. This by-law may provide that the elements contemplated in paragraphs *b* and *c* of section 57.1 may vary according to the magnitude of the municipal police forces and the number of policemen they have. This by-law may also determine the occupations, activities or employments that policemen are prohibited from pursuing because of their statuts as peace officers.”

R.S.Q.,  
c. P-13,  
s. 19,  
replaced.  
Approval.

**9.** Section 19 of the said act is replaced by following sections:

“**19.** A by-law adopted by the Commission must be submitted to the approval of the Government, who may then amend it.

Publica-  
tion.

In the cases contemplated in subparagraphs *a*, *c*, *g* and *j* of the first paragraph and in the second paragraph of section 18, the

Commission shall publish every by-law it adopts in the *Gazette officielle du Québec* not less than thirty days before its approval by the Government.

Coming  
into force.

The by-law comes into force on the day the Government publishes a notice of its approval in the *Gazette officielle du Québec* or on any later date indicated in the notice. If the Government has amended the draft by-law, the notice must be accompanied with the text of the amendments or the final text of the by-law.

Effect.

**19.1** A by-law adopted under section 18 prevails over a municipal by-law to the same effect.

Applica-  
bility.

The by-laws adopted under subparagraphs *a, c, d, h* and *i* of the first paragraph of section 18 may vary according to the regions or localities and classes of persons to which they apply."

R.S.Q.,  
c. P-13,  
s. 21, am.

**10.** Section 21 of the said act is amended by adding, at the end, the following paragraph:

Inquiry.

"Furthermore, the Commission must, if so required by the Attorney General, make an inquiry into the conduct of any other person acting as a peace officer in Québec, if he belongs to a class of peace officers designated by regulation of the Government. The Commission may, in that case, also act on its own motion or at the substantiated request of a citizen."

R.S.Q.,  
c. P-13,  
s. 22,  
replaced.

**11.** Section 22 of the said act is replaced by the following section:

Powers  
and immu-  
nity.

**22.** For the purposes of an inquiry held by it under this act or any other act, the Commission, each of its members and every person authorized by it to make an inquiry are vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., c. C-37)."

R.S.Q.,  
c. P-13,  
s. 23, am.

**12.** Section 23 of the said act is amended by adding, at the end, the following paragraph:

Hours.

"A warrant must be executed between seven o'clock in the morning and ten o'clock in the evening, unless the Commission or the judge authorizes its execution at another time."

R.S.Q.,  
c. P-13,  
s. 25,  
repealed.

**13.** Section 25 of the said act is repealed.

R.S.Q.,  
c. P-13,  
ss. 26, 27,  
replaced.

**14.** Sections 26 and 27 of the said act are replaced by the following section:

Custody. **"26.** An object seized under section 23 shall be handed over without delay to the Commission or to the person designated by it for that purpose.

Claim. However, on the expiration of ninety days following the seizure, any person may, if he shows that he has an interest, ask to have the object handed back; the Commission may then either order the object handed over to that person or another person designated by it, or, failing that, determine how it should be disposed of.

Order. Notwithstanding the second paragraph, the Commission, *ex officio* or at the request of the person who carried out the seizure, may at any time order the object handed over to the person designated by it or, failing that, determine how it should be disposed of."

R.S.Q.,  
c. P-13,  
s. 28, am. **15.** Section 28 of the said act is amended by replacing the second paragraph by the following paragraphs:

Incriminating answers.

"A witness is deemed to object that he refuses to answer each of the questions put to him upon the ground that his answer may tend to expose him to judicial proceedings or to incriminate him or to establish his responsibility in judicial proceedings against him. No answer may then be used against him in any judicial proceeding instituted under an act of Québec, except in the case of perjury or false testimony.

Objection. In addition, a witness must be informed by the Commission of his right to object to each of the questions put to him, in accordance with section 5 of the Canada Evidence Act (Revised Statutes of Canada, 1970, c. E-10).

Advocate. A witness, or a person who makes an application provided for in section 29 or who is heard in a private hearing, is entitled to the assistance of an advocate."

R.S.Q.,  
c. P-13,  
ss. 29-31,  
replaced. **16.** Sections 29 to 31 of the said act are replaced by the following sections:

Powers of the Commission.

**"29.** During an inquiry, the Commission may, on application and on such conditions as it may fix,

(a) authorize a person whose name or activities are mentioned at a public hearing to testify or produce witnesses at the hearing to explain his conduct or report a fact that he believes will enlighten the Commission;

(b) authorize a witness who believes himself aggrieved as a result of his testimony to testify again and to produce witnesses;  
or

(c) authorize the examination of a witness by his advocate or the cross-examination of a witness by the advocate of a person

whose name or activities have been mentioned by that witness or the latter's advocate, if it considers that that examination or cross-examination better serves the purposes pursued by the inquiry.

Applica-  
tion.

An application is made in writing and it indicates the reasons why the authorization should be granted and, where such is the case, the names and pretensions of the witnesses the person intends to produce.

Hearing.

This application is heard publicly unless the applicant requests or the Commission orders that it be presented *in camera*. If the application is granted, the Commission may require that the evidence be received *in camera* to verify whether it is relevant or not. The Commission may thereafter, if it considers it necessary, authorize the presentation of the evidence at a public hearing.

Public  
inquiries.

**"30.** The inquiries of the Commission are public unless the Commission, in the public interest, orders that they be held *in camera*.

*In camera.*

The Commission may, in particular, hold part of its inquiries *in camera*, if it considers

(a) that certain testimony may involve elements concerning public order;

(b) that certain testimony may involve personal, financial or other elements of such a nature that it is important, in the interest of the witness, of another person or the general public, not to make them public;

(c) that the witness might be subject to threats or reprisals as a result of his testimony, or that certain testimony may jeopardize the safety of another person; or

(d) that it is necessary to verify the relevance of certain testimony with regard to the purposes pursued by the inquiry.

Private  
hearing.

**"31.** In the case of an inquiry contemplated in section 20, the Commission may proceed with the private hearing of a person consenting thereto or applying therefor and exclude every other person from the place of the hearing.

Confiden-  
tiality.

The testimony so given is confidential; the Commission may, nevertheless, in a report, use the information so obtained, but solely in such a manner that it cannot be connected in any way with the witness or another person.

Testimony.

This section does not prevent a witness from agreeing to repeat his testimony in whole or in part at a hearing *in camera* or at a public hearing."

R.S.Q.,  
c. P-13,  
ss. 32.1-  
32.3,  
added.  
Sworn  
declara-  
tion.

**17.** The said act is amended by inserting after section 32 the following sections:

**“32.1** When, during an inquiry contemplated in section 20, a summons cannot, for reasons the Commission considers sufficient, be served on a person to testify or when a person served with such a summons is outside Québec during the period of the inquiry, the Commission may accept the filing of a previous declaration received under oath by the Commission.

Informa-  
tion.

The Commission may, in a report, use the information so obtained but solely in a manner that it can in no way be connected with a person.

Privileged  
informa-  
tion.

**“32.2** At a public hearing, the commissioners, if of opinion that the disclosure of certain testimony would be inimical to the interests of justice, or would deprive a witness or a person whose name or activities have been mentioned in the inquiry of his reputation or good name, or for any other reason considered sufficient, may order, on such terms and conditions and for such period as they may fix, that the testimony be not reported, published or broadcast.

Contempt  
of court.

Every person who, through his act or his omission, infringes the order, is guilty of contempt of court and is liable to the penalties provided in article 51 of the Code of Civil Procedure (R.S.Q., c. C-25).

Contempt  
of court.

**“32.3** Every person who, directly or indirectly, discloses, in whole or in part, testimony given at a private hearing or, without the authorization of the Commission, testimony given *in camera*, is guilty of contempt of court and is liable to the penalties provided in article 51 of the Code of Civil Procedure.”

R.S.Q.,  
c. P-13,  
s. 34,  
replaced.

**18.** Section 34 of the said act is replaced by the following sections:

Refusal.

**“34.** The Commission may refuse to make or to proceed with an inquiry if it considers the request for an inquiry frivolous, vexatious or made in bad faith, or an inquiry unnecessary in the circumstances. For that purpose, the Commission may conduct any kind of inquiry it sees fit, and in so doing, is not subject to the formalities prescribed in the first paragraph of section 33.

Refusal.

The Commission may also refuse to make or to proceed with an inquiry under section 21, if the member of the Police Force or the municipal policeman respecting whom it is making the inquiry is, for the same facts, the subject of an inquiry before a committee on discipline established in accordance with a by-law adopted under the second paragraph of section 17, a regulation under

section 47*a*, or a by-law under section 235 of the Montreal Urban Community Act (1969, c. 84). However, if the Commission proceeds with its inquiry, such a committee must stay all proceedings.

**Notice.** If the Commission refuses to make or to pursue an inquiry, it must notify the interested person of it in writing and give him the reasons therefor.

**Prescription.** “**34.1** Notwithstanding any act to the contrary, a request for an inquiry made in accordance with section 21 or an inquiry instituted in accordance with that section suspends the prescription of a right or a recourse arising out of a collective agreement or arbitration award until the Commission renders a decision in accordance with section 34.2

**Exception.** However, in the case of a request made by a citizen, this suspension has effect only in the case where the Commission decides to proceed with an inquiry.

**Recommendation.** “**34.2** The Commission may, in the report of an inquiry made under section 21, recommend, taking into account the nature and gravity of the conduct of a person, that a penalty be imposed on him consisting in a warning, a reprimand, a suspension with or without pay for a fixed period, a demotion or a dismissal.

**Allegations and representations.** “**34.3** The Commission shall not, in its reports, censure the conduct of a person or recommend that punitive action be taken against him unless it has informed him of the facts alleged against him and has permitted him to be heard on that subject.

**Refusal to appear.** That obligation ceases if that person has been invited to appear before the Commission within a reasonable time and he has refused or neglected to do so. That invitation shall be served in the same manner as a summons under the Code of Civil Procedure.”

**R.S.Q., c. P-13, s. 39, am.** **19.** Section 39 of the said act is amended by adding, at the end, the following paragraph:

**Police Force in charge.** “Furthermore, notwithstanding section 67, if a municipal police force does not have the personnel, equipment or competence required to carry out its duties adequately, or for other serious cause, the Attorney General may, of his own initiative or at the request of a municipality, place the Police Force, by way of exception, temporarily in charge of keeping order, or making or conducting an inquiry, in the municipality.”

**R.S.Q., c. P-13, s. 39.1, added.** **20.** The said act is amended by inserting, after section 39, the following section:

Central  
informa-  
tion  
service.

**“39.1** The Police Force shall maintain a central information service to facilitate the detection and solving of crimes and this service shall be available to other police forces.”

R.S.Q.,  
c. P-13,  
s. 43, am.

**21.** Section 43 of the said act is amended by replacing paragraph 3 of the first paragraph by the following paragraph:

“(3) officers called, respectively, chief inspectors, inspectors, captains and lieutenants, in the number determined for each rank by the Government;”.

R.S.Q.,  
c. P-13,  
s. 49, am.

**22.** Section 49 of the said act is amended by adding, at the end, the following paragraph:

Cultural  
activities.

“They may, however, engage in social, cultural, educational, philanthropic or humanitarian activities authorized by the Director General or a person designated by him.”

R.S.Q.,  
c. P-13,  
s. 50, am.

**23.** Section 50 of the said act is amended by replacing the second paragraph by the following paragraph:

Arms and  
badges.

“At the end of such delay, he must surrender to the Director General the uniforms, badges, arms, identity papers and other articles in his possession belonging to the Police Force.”

R.S.Q.,  
c. P-13,  
s. 55,  
replaced.

**24.** Section 55 of the said act is replaced by the following section:

Suspension.

**“55.** The Director General, or a Deputy Director General authorized pursuant to section 54, may suspend, for cause, any cadet or member of the Police Force. He shall notify the Attorney General forthwith of every suspension that he orders.”

R.S.Q.,  
c. P-13,  
s. 57, am.

**25.** Section 57 of the said act is amended by replacing the first paragraph by the following paragraph:

Regulations.

**“57.** The Government, by regulation, may

(a) provide for the classification and establish the scale of salaries of the members of the Police Force mentioned in paragraphs 2, 3, 4 and 5 of the first paragraph of section 43 and of the cadets;

(b) determine the terms and conditions for the keeping of the register contemplated in section 17, the classes of peace officers whose members are subject to the obligation provided in section 2.2 and the content of the information they must furnish to the Commission;

(c) provide for the payment of medical expenses for the cadets and members of the Police Force;

(d) organize the direction and internal government of the Police Force, and ensure its proper administration and efficiency;

(e) determine the standards of training for cadets and members of the Police Force;

(f) determine the information that must be contained in the reports provided for in section 2.3 and the classes of peace officers whose chief must submit such reports;

(g) determine the classes of peace officers who may be the subject of an inquiry under section 21.”

**26.** The said act is amended by inserting, after section 57, the following sections:

R.S.Q.,  
c. P-13,  
ss. 57.1-  
57.3,  
added.  
Ethics  
and  
disci-  
pline.

**“57.1** The Government may also, upon the recommendation of the Director General given as a result of consultation with the Commission, make a regulation respecting the ethics and discipline of the members of the Police Force, in view of

(a) determining the duties of Police Force cadets and members, and the acts or omissions which constitute breaches of discipline;

(b) constituting a committee for the examination of complaints, determining its powers and composition and specifying the mode of appointment of its members;

(c) constituting a committee on discipline, determining its powers and composition and specifying the mode of appointment of its members;

(d) determining the rules of procedure and proof applicable in case of disciplinary proceedings against a cadet or a member of the Police Force;

(e) determining the powers of the Director General and of the officers of the Police Force in disciplinary matters;

(f) determining the disciplinary penalties, including demotion and dismissal, which may be imposed on a cadet or a member of the Police Force;

(g) determining the conditions under which a disciplinary penalty imposed on a cadet or a member of the Police Force may be lifted;

(h) regulating any other matter respecting the development of a professional conscience and the exercise of disciplinary authority within the Police Force.

Recom-  
mendation.

**“57.2** The Government, if it deems it appropriate, may fix a limited time for the Director General to submit a recommendation to it on any subject contemplated in subparagraph *b*, *c* or *d*

of the first paragraph of section 57 or in section 57.1; it may proceed to adopt a regulation if the Director General fails to submit his recommendation within the time thus fixed.

Recommendation.

The Government may accept, modify or reject a recommendation submitted to it by the Director General.

Coming into force.

**“57.3** A regulation contemplated in section 57 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Draft regulation.

However, where a regulation concerns one of the subjects contemplated in section 57.1, the Government shall publish a draft regulation in the *Gazette officielle du Québec* at least thirty days before making it. The regulation comes into force on the day the Government publishes in the *Gazette officielle du Québec* a notice of its adoption, or on any later date indicated in the notice. If the Government has amended the draft regulation, the notice must be accompanied with the text of the amendments or the final text of the regulation.”

R.S.Q.,  
c. P-13,  
s. 64,  
replaced,  
ss. 64.1-  
64.3,  
added.  
Municipal  
police  
force.

**27.** Section 64 of the said act is replaced by the following sections:

**“64.** A municipality may establish by by-law, and maintain, a police force in its territory; however, any municipality having a population of five thousand or over is bound to establish and maintain such a police force. For the application of this paragraph, the census of the population of a municipality is established in accordance with section 7 of the Cities and Towns Act (R.S.Q., c. C-19) or article 16a of the Municipal Code.

Exemption.

The Government may, for the period and under the conditions it determines, exempt a municipality from complying with its obligation to establish and maintain a police force, or authorize it to reduce the personnel strength of its police force. In such a case, it may also, if it deems it appropriate, fix the personnel strength of the police force.

Considerations.

Before making a decision, the Government shall obtain the opinion of the Commission, which, in formulating its opinion, shall consider, in particular, the crime rate in the municipality, the implications of that decision for the members of the police forces concerned and the possibilities of agreements pursuant to section 73 or 73.1. It shall also obtain the advice of the representative municipal organizations and of the associations devoted to the protection of policemen’s interests.

Reclassification committee.

**“64.1** The decision of the Government to exempt a municipality from its obligation of maintaining a police force or to

authorize it to reduce its strength takes effect only after a reclassification committee, established by the Ministre de la justice, has examined the situation and made recommendations. This committee shall consider what opportunities the policemen affected have to find employment with another police force and, with the municipality, examine the possibility of finding them other employment.

**Composition.** This committee shall have seven members appointed by the Minister, one of whom is his representative, another the Commission's representative, and another, the representative of the Ministre des affaires municipales; the other members shall be chosen, in equal numbers, from among the representatives of the representative municipal organizations and the associations devoted to the protection of policemen's interests.

**Inquiry.** "64.2 The Attorney General, a group of citizens of the municipality concerned or a certified association of policemen may, by a motion, ask the Commission to make an inquiry in order to verify if a municipality is maintaining adequate police service. For the purposes of such an inquiry, the Commission may then hold public hearings and hear the parties concerned; it shall make a report to the Attorney General.

**Correction.** If, according to the Commission, a municipality does not maintain adequate police service, it may grant the municipality a period of time to correct the situation.

**Inadequate police service.** "64.3 If a municipality fails to comply with its obligation under section 64 or if, according to the Commission, it does not maintain adequate police service, the Attorney General may direct the Police Force to maintain peace, order and public safety in the territory subject to the jurisdiction of the municipality and to enforce the municipal by-laws.

**Costs.** The Police Force shall then act at the expense of the municipality. This expense shall be computed by the Director General according to the tariff established each year by the Government, and a claim for payment shall be presented to the municipality.

**Executory claim.** Such a claim is homologated, on the motion of the Attorney General, by the Provincial Court or the Superior Court of the judicial district in which the municipality is situated, according to their respective jurisdictions, and thereupon it becomes executory as any judgment of that court."

R.S.Q.,  
c. P-13,  
s. 66,  
repealed.

**28.** Section 66 of the said act is repealed.

R.S.Q.,  
c. P-13,  
s. 68, am.

**29.** Section 68 of the said act is amended by adding, at the end, the following paragraph:

Manager. "The manager of a municipality has no authority in any matter concerning a police inquiry."

R.S.Q.,  
c. P-13,  
s. 73.1,  
added.

**30.** The said act is amended by inserting, after section 73, the following section:

Agreement.

**"73.1** The Attorney General may make an agreement with a municipality contemplated in section 64 for the purpose of authorizing the Police Force to supply all or certain police services in its territory."

R.S.Q.,  
c. P-13,  
ss. 74 to  
78, re-  
placed.

**31.** Sections 74 to 78 of the said act are replaced by the following sections:

Unauthorized agree-  
ment pro-  
hibited.

**"74.** No municipality may make a contract, otherwise than in accordance with sections 73 and 73.1, to entrust to a third party the organization or maintenance of a police force.

Presump-  
tion.

**"75.** When a municipal policeman acts as peace officer in a territory that is not subject to the jurisdiction of the police force of the municipality which employs him, the Attorney General is deemed to be his employer for the purposes of the Workmen's Compensation Act (R.S.Q., c. A-3).

Decision.

Any disagreement arising out of the application of the first paragraph shall be decided exclusively and finally by the Commission, after inquiry."

R.S.Q.,  
c. P-13,  
s. 79, am.

**32.** Section 79 of the said act is amended:

(1) by replacing the third and fourth paragraphs by the following paragraphs:

Service.

"Such resolution shall be served upon the person concerned in the same manner as a summons under the Code of Civil Procedure; such person may, however, appeal from the decision to the Commission, if

(a) the municipality has acted in the absence of a recommendation of the Commission;

(b) new facts have occurred since the recommendation of the Commission.

Appeal.

Notwithstanding the third paragraph, if the resolution of the municipality is the result of a recommendation of the Commission, the appeal must be brought in accordance with the rules of Division VIIA.

Appeal.

Appeal must be brought within the thirty days following service of the decision of the council of the municipality.";

(2) by replacing the sixth paragraph by the following paragraph:

Dismissal. "The dismissal or reduction of salary provided for in a resolution contemplated in this section has effect only:

(a) from the time when the person concerned acquiesces therein;

(b) from the expiry of the delay for appeal if no appeal has been brought; or

(c) from the time when judgment on the appeal is rendered."

R.S.Q.,  
c. P-13,  
s. 81, am.

**33.** Section 81 of the said act is amended by adding, at the end of the first paragraph, the following: "The Council may also, by an annual by-law which must be approved by the Attorney General and by the Ministre des affaires municipales, authorize the mayor to appoint, in writing, for a period not exceeding four months, persons to act as special constables."

R.S.Q.,  
c. P-13,  
s. 88,  
replaced.

**34.** Section 88 of the said act is replaced by the following section:

Badge and  
identity  
paper.

**88.** Every special constable, whenever he acts as such, must wear a badge in accordance with the by-laws of the Commission and carry with him a duplicate of the writing attesting his appointment or any other identity paper approved by by-law of the Commission and show it whenever requested when he does anything in the performance of his duties."

R.S.Q.,  
c. P-13,  
s. 92,  
replaced.

**35.** Section 92 of the said act is replaced by the following section:

Council.

**92.** The Institute shall be managed by a council consisting of the Attorney General or his representative, who shall preside over it, and six other members or fewer appointed by the Government; the latter shall fix, if expedient, the salary, additional salary, fees and allowances of each of such other members."

R.S.Q.,  
c. P-13,  
s. 94,  
replaced.

**36.** Section 94 of the said act is replaced by the following section:

Training  
pro-  
grammes.

**94.** The training and refresher programmes shall be elaborated by the Institute in cooperation with the Ministre de l'éducation and the Commission; such programmes must be approved by the Attorney General."

R.S.Q.,  
c. P-13,  
ss. 98.1-  
98.9,  
added.

**37.** The said act is amended by inserting, after section 98, the following:

## "DIVISION VIIA

## "APPEALS

- Appeal.       **"98.1** A person who is the object of a resolution contemplated in the fourth paragraph of section 79 may, by motion, appeal from that decision to three judges of the Provincial Court.
- Motion.       **"98.2** The motion must be served on the clerk of the Provincial Court in the judicial district where the appellant is domiciled, within thirty days of the decision; it must be accompanied with a notice of at least ten days of the date of its submission and be served on the Attorney General.
- Procedure.   **"98.3** The rules of the Code of Civil Procedure relating to the administration of proof, hearing and judgment apply, *mutatis mutandis*, to an appeal brought according to this division.
- Powers and immunity.   **"98.4** The judges who hear and decide on the appeal are, for the purposes of the appeal, vested with the powers and immunity of commissioners appointed pursuant to the Act respecting public inquiry commissions.
- Powers.       The judges have all the necessary powers for the exercise of their jurisdiction and they may render any order they deem expedient for the safeguarding of the rights of the interested parties.
- Decision.     **"98.5** The judges may confirm, quash or amend the decision submitted to them; their decision is without appeal.

## "DIVISION VIIB

## "OFFENCES AND PENALTIES

- Offence and penalty.   **"98.6** Any person who, directly or indirectly, orders a member of the Police Force, a special constable, a cadet or a municipal policeman to engage in any partisan activity contrary to section 6 or incites a policeman to do so, is guilty of an offence and liable to a fine of not under one hundred nor over three thousand dollars.
- Offence and penalty.   **"98.7** Any person who falsely represents himself to be a member of the Police Force, a cadet or a municipal policeman or a special constable, particularly by means of the clothing or badges he wears, is guilty of an offence and liable to a fine of not under one hundred nor over three thousand dollars.

Offence  
and  
penalty.

**38.8** Any person who contravenes section 2.2, 2.3, 50 or 88 or a by-law adopted under paragraphs *d* and *e* of the first paragraph of section 18 is liable to a fine of not under one hundred dollars nor over one thousand dollars.

Proceed-  
ings.

**38.9** Proceedings under this act shall be instituted under the Summary Convictions Act (R.S.Q., c. P-15) by the Attorney General or by a person he authorizes, generally or specially, for such purpose."

M.C.,  
a. 144,  
am.

**38.** Article 144 of the Municipal Code is amended by inserting, after the first paragraph, the following paragraph:

"However, the report concerning the police department cannot contain any information which, in the opinion of the police chief, might disclose the content of a record concerning a police inquiry."

R.S.Q.,  
c. C-19,  
s. 113.1,  
added.

**39.** The Cities and Towns Act (R.S.Q., c. C-19) is amended by inserting, after section 113, the following section:

Manager.

**113.1** Notwithstanding section 113, the manager shall have no access to the correspondence, communications, or records concerning a police inquiry.

Confiden-  
tiality.

Similarly, the report concerning the police department shall not contain any information which, in the opinion of the police chief, might disclose the content of a record concerning a police inquiry."

R.S.Q.,  
c. A-34,  
s. 17, am.

**40.** Section 17 of the Autoroutes Act (R.S.Q., c. A-34) is amended by striking out subparagraph *g* of the first paragraph and the last paragraph.

R.S.Q.,  
c. M-19,  
s. 4, am.

**41.** Section 4 of the Act respecting the Ministère de la justice (R.S.Q., c. M-19) is amended by replacing paragraph *d* by the following paragraphs:

"(d) is responsible for promoting the coordination of police activities;

"(e) is responsible for devising policies and programmes of public safety and crime prevention and for the improvement of crime detection and repression methods, and for promoting their implementation;

"(f) is responsible for a documentation and statistics service to allow the assessment of the crime situation and the effectiveness of police action;

"(g) performs such other functions as are assigned to him by the Government."

R.S.Q.,  
c. R-14,  
s. 14, am.

**42.** Section 14 of the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., c. R-14) is amended by adding, at the end, the following paragraph:

Arbitra-  
tion.

“Notwithstanding the first paragraph, if the disagreement is in connection with a matter contemplated in paragraph *d* of section 8, either of the parties may submit the matter to the arbitration of a person chosen from the list established in conformity with section 78 of the Labour Code (R.S.Q., c. C-27).”

R.S.Q.,  
c. R-16,  
s. 15,  
replaced.

**43.** Section 15 of the said act is replaced by the following section:

Dispute.

“**15.** If no designated judge agrees to act, the matter in dispute shall be submitted to a judge of the Provincial Court chosen by the chief judge of that court unless the question may be submitted to arbitration in accordance with the third paragraph of section 14, in which case the parties must resort to it.”

Autoroute  
constables.

**44.** The constables appointed under paragraph *g* of section 17 of the Autoroutes Act (R.S.Q., c. A-34) and who are in office on the date of the coming into force of this act are, if they have the required qualifications, eligible to become members of the Sûreté du Québec, by preference over any other person. For that purpose, the Government may, by regulation, after consulting the interested parties, authorize certain derogations to the existing rules of eligibility or exempt these constables from certain prescribed conditions.

Pension  
plan.

The Government shall fix, by regulation, after consulting the parity committee instituted by section 7 of the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., c. R-14), the rules with which the persons contemplated in the first paragraph will have to comply to be admitted to or participate in the pension plan adopted under that act; it shall also fix, where applicable, the conditions for the transfer or payment of the contribution already paid by them under the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12) or under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

Adjust-  
ment of the  
pensions.

**45.** Notwithstanding the replacement of sections 76 to 78 of the Police Act, the amount of the pension provided for in these sections shall continue to be adjusted annually, in the manner and at the date prescribed in conformity with section 119 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) for the adjustment of the pensions payable pursuant to that act.

- Regulations. **46.** The regulations or by-laws adopted under the Police Act by the Police Commission, the Government or by a municipal corporation continue to be in force to the extent that they comply and are compatible with this act until they are repealed or replaced.
- “chief”. **47.** In the Police Act, particularly in paragraph *h* of section 1, in paragraphs *a* and *i* of the first paragraph of section 18 and in sections 68, 69, 79, 86 and 96, the expression “director or chief” is replaced by the word “chief”.
- Census. **48.** A municipality governed by the Municipal Code having a population of five thousand or over must establish a police force in accordance with section 64 of the Police Act within two years from the date of the coming into force of this act, unless exempted therefrom in accordance with that section. For the purposes of this section, the census of the population of a municipality is made in conformity with article 16*a* of the said Code.
- Maintaining of police force. **49.** A city or town municipality which maintains a police force on 21 June 1979 shall continue to maintain its police force until it is exempted therefrom pursuant to section 64 of the Police Act or, after the date of the coming into force of this act, pursuant to sections 64 and 64.1 of the Police Act, as enacted by section 27.
- Effect. Section 64.3 of the Police Act, enacted by section 27, has effect from 21 June 1979 with regard to such municipality.
- Appropriations. **50.** The sums required for the application of this act shall be taken, for the fiscal period 1979-1980, out of the consolidated revenue fund and, for the subsequent years, out of the sums granted annually for such purpose by the Legislature.
- Coming into force. **51.** This act will come into force on the date which will be fixed by government proclamation, except for the provisions excluded by such proclamation, which will come into force on any later date which may be fixed by government proclamation.