



CHAPTER 19

An Act to amend the Courts of Justice Act
and the Code of Civil Procedure and to establish
the Conseil de la magistrature

[Assented to 23 June 1978]

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

R.S., c. 20,
s. 59e,
replaced. **1.** Section 59e of the Courts of Justice Act (Revised Statutes,
1964, chapter 20), enacted by section 7 chapter 17 of the statutes
of 1977, is replaced by the following section:

Concurrent
jurisdiction. **“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, the parishes of Saint-
Ange-Gardien, Saint-Césaire, Saint-Paul d’Abbotsford and the
townships of Sainte-Cécile de Milton and Saint-Valérien de Milton.”

R.S., c. 20,
s. 71,
replaced. **2.** Section 71 of the said act is replaced by the following
section:

Court
of the
Sessions
of the
Peace.
Composi-
tion. **“71.** The Court of the Sessions of the Peace is a court of
record and its judges have jurisdiction throughout the Province.

The Court is composed of not more than sixty-eight judges
including a chief judge, a senior associate chief judge and an
associate chief judge.”

R.S., c. 20,
s. 72, am. **3.** Section 72 of the said act, amended by section 8 of chapter
17 of the statutes of 1965 (1st session), section 3 of chapter 15 of the
statutes of 1968, section 4 of chapter 19 of the statutes of 1969,
section 3 of chapter 14 of the statutes of 1971, section 7 of chapter
11 of the statutes of 1972, section 6 of chapter 39 and section 12

of chapter 13 of the statutes of 1973, section 25 of chapter 11 of the statutes of 1974, section 10 of chapter 10 of the statutes of 1975, section 4 of chapter 8 of the statutes of 1976 and by section 8 of chapter 17 of the statutes of 1977, is again amended by striking out the last nine paragraphs.

R.S., c. 20,
s. 72a,
replaced;
ss. 72b-72d,
added.

4. Section 72a of the said act, enacted by section 13 of chapter 13 of the statutes of 1973 and amended by section 1 of chapter 14 of the statutes of 1973, is replaced by the following sections:

Chief judge.

"72a. The Lieutenant-Governor in Council may appoint a chief judge of the Court of the Sessions of the Peace, with residence at Québec or Montreal, as he may determine.

Senior
associate
chief
judge.

He may also appoint a senior associate chief judge of the Court, with residence at Montreal, if the chief judge resides at Québec, or at Québec, if the chief judge resides at Montreal, and an associate chief judge with residence at Montreal.

Term of
office.

The chief judge, the senior associate chief judge and the associate chief judge are appointed for a period of seven years; their term of office shall not be renewed.

Coordi-
nating
judges.

"72b. The Lieutenant-Governor in Council may, upon the recommendation of the chief judge or the senior associate chief judge, according to the division concerned, appoint, for a period of five years, three coordinating judges for each of the divisions of Montreal and Québec. The term of office of a coordinating judge shall not be renewed.

Regula-
tions of the
Lt.-Gov.
in C.

"72c. For the application of section 72, the Lieutenant-Governor in Council may, by regulation, establish a procedure for the selection of the persons apt for appointment as judges of the sessions; for that purpose, he may in particular,

(a) determine the manner in which a person may become a candidate for the office of judge;

(b) authorize the Ministre de la justice to establish a selection committee to assess the competence of candidates for the office of judge and to provide him with an opinion on them;

(c) fix the composition and mode of appointment of the members of a committee;

(d) fix the indemnities and allowances that the members of a committee may receive;

(e) determine the criteria of selection that a committee is to consider;

(f) determine the information that a committee may require from a candidate and the consultations it may make.

Coming
into force.

Any draft regulation must be published in the *Gazette officielle du Québec* not less than thirty days before its adoption, and if it is made, the regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on a later date fixed therein.

Judicial
functions
exercised
by a retired
judge.

"72d. At the request of the chief judge, the Lieutenant-Governor in Council may, if he believes justice will be served, authorize, for the time he determines, a retired judge of the sessions to exercise the judicial functions that the chief judge assigns to him. That judge then receives the salary of a judge of the sessions, from which an amount equal to that of his pension is deducted."

R.S., c. 20,
s. 74,
replaced.

5. Section 74 of the said act, amended by section 9 of chapter 17 of the statutes of 1965 (1st session), section 5 of chapter 18 of the statutes of 1966/1967, section 6 of chapter 19 of the statutes of 1969 and by sections 2 and 3 of chapter 14 of the statutes of 1973, is replaced by the following section:

Salary
and
additional
remunera-
tion.

"74. The Lieutenant-Governor in Council fixes, by regulation, the salary of the judges of the sessions, and the additional remuneration attached to the office of chief judge, senior associate chief judge, associate chief judge or coordinating judge. The salary and amounts of additional remuneration so fixed shall not be reduced.

Payment.

These salaries and additional remunerations are paid out of the consolidated revenue fund.

Coming
into force.

Any regulation made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on an earlier or later date fixed therein."

R.S., c. 20,
s. 75,
replaced;
ss. 75a-75k,
added.

6. Section 75 of the said act, amended by section 3 of chapter 18 of the statutes of 1969, is replaced by the following sections:

Function of
the chief
judge.

"75. The chief judge has charge of the general policy of the Court in judicial matters.

Idem.

His function is also to ensure that the judges of the sessions make due exercise of their functions and that they comply with the code of ethics.

Idem for
senior
associate
chief judge.
Adminis-
trative
jurisdiction
of chief
judge or
senior
associate
chief judge.

"75a. The senior associate chief judge, under the authority of the chief judge, exercises the latter's powers.

"75b. The administrative jurisdiction of the chief judge or of the senior associate chief judge, if he resides at Montreal, extends to the judicial districts enumerated in section 23 that form the

division of Montreal, or, if he resides at Québec, to the districts enumerated in section 24 that form the division of Québec.

Functions
of the
judges
of the
sessions.

“75c. In the division where he resides, the chief judge or the senior associate chief judge coordinates, apportions and supervises the work of the judges, and they must comply with his orders and directives in that regard.

Functions
of the
associate
chief judge.

“75d. The associate chief judge assists the chief judge or the senior associate chief judge residing at Montreal, in the performance of his duties; he exercises the powers of the chief judge or of the senior associate chief judge to the extent determined by the chief judge or the senior associate chief judge.

Authority
of senior
associate
chief judge
and
associate
chief judge.

“75e. The authority of the senior associate chief judge and associate chief judge is that of the chief judge; their orders must be executed in the same manner as those of the chief judge and their official signatures give force and effect to any document within the competence of the chief judge.

Jurisdiction
of coordi-
nating
judge.

“75f. A coordinating judge exercises his functions under the authority of the chief judge or senior associate chief judge, as the case may be, in the district where he resides and in the districts indicated in his deed of appointment.

Functions.

He coordinates and apportions, in those districts, the work of the judges, he sees to the allotment of cases and the fixation of sittings of the court and he advises the chief judge or the senior associate chief judge on the matters interesting the districts in which he works.

Absence,
etc., of
chief judge,
etc.

“75g. In the case where the chief judge or, as the case may be, the senior associate chief judge residing at Montreal, is temporarily absent or unable to act, the associate chief judge may perform the duties of the chief judge or, as the case may be, of the senior associate chief judge, until he resumes his functions or is replaced.

Chief judge,
etc.,
temporarily
replaced by
Lt-Gov.
in C.

“75h. Subject to section 75g, in the case where the chief judge, the senior associate chief judge or the associate chief judge is temporarily absent or unable to act or if the office of one of these is vacant, the Lieutenant-Governor in Council may designate another judge to exercise the functions of the chief judge, the senior associate chief judge or, as the case may be, the associate chief judge until that judge resumes his functions or is replaced.

Additional
remune-
ration.

During that period, the judge so designated receives the additional remuneration attached to the office he holds temporarily.

Absence,
etc., of
coordi-
nating
judge.

“75i. In the case where a coordinating judge is absent or unable to act, the chief judge or senior associate chief judge may designate another judge to exercise the functions of coordinating judge temporarily.

Additional
remune-
ration.

During that period, the judge so designated receives the additional remuneration attached to the office of coordinating judge.

Functions
continued.

“75j. A chief judge, a senior chief judge, an associate chief judge or a coordinating chief judge remains in office notwithstanding the expiry of his term until he is replaced.

Office of
judge of
the
sessions.

He remains a judge of the sessions when he ceases to hold the office he has filled; if no office of judge is then vacant, the Court of the Sessions is deemed composed, until a vacancy occurs, of the number of judges provided for by section 71 and of an additional office of judge.

Salary and
additional
remune-
ration.

“75k. A judge of the sessions who has held the office of chief judge, senior associate chief judge or associate chief judge for at least seven years or the office of coordinating judge for at least five years is entitled to receive, until his salary as a judge of the sessions is equal to the amount of salary and additional remuneration he was receiving when he ceased to hold that office, the difference between that latter amount and his salary.”

R.S., c.20,
s. 78,
replaced.

7. Section 78 of the said act is replaced by the following section:

Oath.

“78. Every judge of the sessions, before entering into office, shall take the following oath of office before the chief judge, the senior associate chief judge or the associate chief judge of the sessions:

“I, (*name and surname*), swear that I will faithfully, impartially and honestly, to the best of my knowledge and ability, fulfil all the duties and exercise all the powers of judge of the sessions.”

R.S., c. 20,
s. 89,
replaced;
s. 89a,
added.
Rules of
practice.

8. Section 89 of the said act is replaced by the following sections:

“89. The majority of the judges of the sessions, either at a meeting convened for the purpose by the chief judge, or by way of a consultation, held and certified by him, by mail, may make, for one or more judicial districts, the rules of practice to determine the procedure to be followed in causes before them and for the keeping of good order and decorum, and for the efficient working of the court.

Rules
replaced,
etc.

The majority of the judges of the sessions appointed either for the district of Montreal or for the district of Québec may nevertheless replace, amend or complete those rules by special rules applicable in their respective districts only.

Approval
and coming
into force. “**89a.** The rules of practice are submitted to the approval of the Lieutenant Governor in Council and come into force ten days after publication in the *Gazette officielle du Québec*.

Copy into
registers. Immediately after such publication they must be copied into the registers kept for the purpose by the clerks, and notice thereof must be posted in the office of the court in each of the districts where they apply.”

R.S., c. 20,
s. 90,
replaced. **9.** Section 90 of the said act is replaced by the following section:

Provisions
applicable. “**90.** Sections 124 and 134 to 136 apply, *mutatis mutandis*, to the judges of the sessions.”

R.S., c. 20,
s. 94, am. **10.** Section 94 of the said act, amended by section 13 of chapter 17 of the statutes of 1965 (1st session) and by section 29 of chapter 11 of the statutes of 1974, is again amended by striking out the second paragraph.

Id., s. 94a,
added. **11.** The said act is amended by inserting after section 94 the following section:

Disability
established
by the
Conseil de
la magis-
trature. “**94a.** The disability contemplated in sections 92 and 94 is established, after an inquiry, by the Conseil de la magistrature at the request of the Ministre de la justice.”

R.S., c. 20,
ss. 100a-
100c,
added. **12.** The said act is amended by inserting after section 100, the following sections and subdivision:

“chief
judge”. “**100a.** For the application of sections 91 to 100, the expression “chief judge” includes a senior associate chief judge or an associate chief judge.

Provision
applicable. “**100b.** Section 249 applies to a pension paid under sections 91 to 100a to the judge qualified for retirement before 31 May 1978 or to his widow.

“ § 3.—*Other fringe benefits*

Fringe
benefits. “**100c.** The Lieutenant-Governor in Council may, by regulation, establish fringe benefits other than the pension by which the judges of the sessions may benefit and fix their contribution.

Coming
into force. Any regulation made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on a later date fixed therein.”

R.S., c. 20,
Div. IV and
heading
replaced. **13.** The said act is amended by replacing the expression “Division IV” and the heading preceding section 101 by the following:

“PART III

“COURTS OF MIXED JURISDICTION

“DIVISION I

“YOUTH COURT”.

R.S., c. 20,
s. 102, am. **14.** Section 102 of the said act, amended by section 9 of chapter 18 of the statutes of 1966/1967, section 12 of chapter 19 of the statutes of 1969, section 5 of chapter 10 of the statutes of 1970, section 4 of chapter 14 of the statutes of 1971, section 5 of chapter 8 of the statutes of 1976 and by section 139 of chapter 20 of the statutes of 1977, is again amended by replacing the third paragraph by the following paragraph:

Number of
judges. “The number of these judges, including the chief judge, the senior associate chief judge and the associate chief judge, shall not exceed forty-three.”

R.S., c. 20,
s. 103,
replaced. **15.** Section 103 of the said act, amended by section 18 of chapter 17 of the statutes of 1965 (1st session), is replaced by the following section:

Deputy. **“103.** In the case where a judge of the Youth Court is temporarily absent or unable to act, the chief judge, the senior associate chief judge or the associate chief judge, with the prior approval of the Ministre de la justice, may designate a deputy for him.

Jurisdiction
and salary. Such deputy shall exercise the jurisdiction of the judge whom he replaces, during the absence of the latter. He shall receive the remuneration fixed by the Ministre de la justice.”

R.S., c. 20,
s. 104, am. **16.** Section 104 of the said act, amended by section 30 of chapter 11 of the statutes of 1974, is again amended by replacing the last five paragraphs by the following paragraphs:

Senior
associate
chief judge. “He may also appoint a senior associate chief judge of the Youth Court with residence at Montreal, if the chief judge resides at Québec, or at Québec, if the chief judge resides at Montreal, and an associate chief judge with residence at Montreal.

Term of
office. The chief judge, senior associate chief judge and associate chief judge are appointed for a period of seven years; their term of office shall not be renewed.”

R.S., c. 20,
s. 105,
replaced. **17.** Section 105 of the said act, amended by section 19 of chapter 17 of the statutes of 1965 (1st session), section 10 of chapter 18 of the statutes of 1966/1967, section 5 of chapter 15 of the statutes of 1968, section 4 of chapter 18 and section 13 of chapter 19 of the statutes of 1969 and sections 4 and 5 of chapter 14 of the statutes of 1973, is replaced by the following section:

Provisions
applicable. **“105.** Sections 72*b*, 72*d*, 73, 75 to 76, 89, 89*a*, 91 to 97, 100 to 100*c*, 124 and 134 to 136 apply, *mutatis mutandis*, to the judges of the Youth Court.

Regula-
tions
applicable. Furthermore, any regulation made under section 72*c* or 74 applies to those judges in the same manner as it applies to the judges of the sessions.”

R.S., c. 20,
s. 107*a*,
added. **18.** The said act is amended by inserting after section 107 the following section:

Ex officio a
justice of
the peace. **“107*a*.** A judge of the Youth Court is *ex officio* a justice of the peace for every district for which the court is established; he has the rights and powers of one or two justices of the peace, as the case may be, even though he does not possess the real estate qualification required by law of other justices of the peace.”

R.S., c. 20,
s. 108,
replaced. **19.** Section 108 of the said act, amended by section 20 of chapter 17 of the statutes of 1965 (1st session) and replaced by section 141 of chapter 20 of the statutes of 1977, is again replaced by the following section:

Oath. **“108.** A judge of the Youth Court shall, before entering upon his functions, take the following oath of office before the chief judge, the senior associate chief judge or the associate chief judge of such Court:

“I, (*name and surname*), swear that I will faithfully, impartially and honestly, to the best of my knowledge and ability, fulfil all the duties and exercise all the powers of a judge of the Youth Court.”

R.S., c. 20,
s. 108*a*, am. **20.** Section 108*a* of the said act, enacted by section 141 of chapter 20 of the statutes of 1977, is amended by replacing the first paragraph by the following:

Judge
designated
to decide
the
directing
of a minor. **“108*a*.** The Ministre de la justice may, after consultation with the chief judge or the senior associate chief judge, designate a judge of the Youth Court to decide on the directing of a minor in accordance with section 60 of the Youth Protection Act.”

R.S., c. 20,
s. 116,
repealed. **21.** Section 116 of the said act, amended by section 21 of chapter 17 of the statutes of 1965 (1st session), is repealed.

R.S., c. 20,
heading
replaced.

22. The said act is amended by replacing what follows section 116c, enacted by section 145 of chapter 20 of the statutes of 1977, and precedes section 117, by the following:

“DIVISION II

“PROVINCIAL COURT

“§ 1.—*Judges of the Provincial Court,
their powers and officers*”.

R.S., c. 20,
s. 117, am.

23. Section 117 of the said act, replaced by section 22 of chapter 17 of the statutes of 1965 (1st session), amended by section 7 of chapter 7 of the statutes of 1966, replaced by section 11 of chapter 18 of the statutes of 1966/1967, amended by section 6 of chapter 15 of the statutes of 1968, section 14 of chapter 19 of the statutes of 1969 and by section 6 of chapter 10 of the statutes of 1970, replaced by section 5 of chapter 14 of the statutes of 1971, amended by section 9 of chapter 11 of the statutes of 1972, section 14 of chapter 13 and section 7 of chapter 39 of the statutes of 1973, section 31 of chapter 11 of the statutes of 1974, section 11 of chapter 10 and section 41 of chapter 45 of the statutes of 1975 and by section 6 of chapter 8 of the statutes of 1976, is again amended by replacing the first paragraph by the following paragraph:

Judges
of the
Provincial
Court.

“**117.** The Provincial Court shall consist of one hundred and fifty judges appointed by the Lieutenant-Governor in Council, by commission under the Great Seal, namely: a chief judge, a senior associate chief judge, an associate chief judge and one hundred and forty-seven puisne judges.”

R.S., c. 20,
s. 118, am.

24. Section 118 of the said act, amended by section 32 of chapter 11 of the statutes of 1974, is again amended by replacing the last eight paragraphs by the following paragraphs:

Senior
associate
chief judge.

“He may also appoint a senior associate chief judge of the Provincial Court with residence at Montreal, if the chief judge resides at Québec, or at Québec, if the chief judge resides at Montreal, and an associate chief judge with residence at Montreal.

Term of
office.

The chief judge, the senior associate chief judge and the associate chief judge are appointed for a period of seven years; their term of office shall not be renewed.”

R.S., c. 20,
s. 121,
replaced.

25. Section 121 of the said act is replaced by the following section:

Oath.

"121. Before entering into office, every judge of the Provincial Court shall take the following oath of office before the chief judge, the senior associate chief judge or the associate chief judge of that court:

"I, (*name and surname*), swear that I will faithfully, impartially and honestly, to the best of my knowledge and ability, fulfil all the duties and exercise all the powers of a judge of the Provincial Court."

R.S., c. 20,
s. 123,
repealed.

26. Section 123 of the said act, amended by section 23 of chapter 17 of the statutes of 1965 (1st session), section 12 of chapter 18 of the statutes of 1966/1967, section 15 of chapter 19 of the statutes of 1969 and by sections 6 and 7 of chapter 14 of the statutes of 1973, is repealed.

R.S., c. 20,
s. 125, am.

27. Section 125 of the said act, amended by section 25 of chapter 17 of the statutes of 1965 (1st session), section 7 of chapter 15 of the statutes of 1968, section 5 of chapter 18 and section 17 of chapter 19 of the statutes of 1969, section 3 of chapter 5 and by section 184 of chapter 55 of the statutes of 1972, is again amended by replacing the first three paragraphs by the following paragraphs:

Provisions
applicable.

"125. Sections 72*b*, 72*d*, 73, 75 to 76, 91 to 97 and 100 to 100*c* apply, *mutatis mutandis*, to the judges of the Provincial Court. Furthermore, any regulation made under section 72*c* or 74 applies to those judges in the same manner as it applies to the judges of the sessions.

Members
of Labour
Court or
Transport
Tribunal.

A judge of the Provincial Court may exercise, in addition to the functions contemplated in section 73, the functions of a member of the Transport Tribunal or Labour Court. He is then deemed to be on leave of absence without salary, but the remuneration payable to him while he exercises such functions is equal to the salary which he would be receiving under this act, for the same period, if he were not so on leave; in addition, the chairman of the Transport Tribunal and the chief judge or associate chief judge of the Labour Court are entitled to the same status, to the same additional remuneration and, if such is the case, to the same pension they would receive if they were chief judge and senior associate chief judge of the Provincial Court, respectively. The pension of the judges of this court and tribunal is governed by this act and their salary, additional remuneration and pension are paid out of the consolidated revenue fund."

R.S., c. 20,
ss. 127*a*,
127*b*,
added.

28. The said act is amended by inserting after section 127, the following sections:

Rules of
practice.

“127a. The majority of the judges of the Provincial Court appointed for the districts where the judges of that court have jurisdiction in penal matters may, either at a meeting convened for the purpose by the chief judge or by way of a consultation held and certified by him by mail, elect to apply in those districts the rules of practice made in accordance with the first paragraph of section 89 or make, themselves, the rules of practice necessary to determine the procedure to be followed in causes before them and for the keeping of good order and decorum, and for the efficient working of the court.

Approval
and coming
into force.

“127b. The rules of practice made by the judges of the Provincial Court under section 127a are submitted to the approval of the Lieutenant-Governor in Council and come into force ten days after publication in the *Gazette officielle du Québec*.

Copy into
registers.

Immediately after such publication they must be copied into the registers kept for that purpose by the clerks, and notice thereof must be posted in the office of the court in each of the districts where they apply.”

R.S., c. 20,
ss. 134-136,
replaced.

29. Sections 134 to 136 of the said act are replaced by the following sections:

Other
district.

“134. The chief judge or the senior associate chief judge of the Provincial Court may, for the time he indicates, instruct a judge of the court to sit in a district other than that for which he was appointed.

Report by
the chief
judge, etc.

“135. The chief judge or the senior associate chief judge must report to the Ministre de la justice, at the end of each month, the instructions given under section 134.

Report of
chief judge
and the
associate
chief judge
of the
Provincial
Court.

“136. The chief judge and the senior associate chief judge of the Provincial Court shall transmit to the Ministre de la justice, at least twice a year, a report of the activities of the Court and of the judges; this report shall contain in particular, for each of the judicial districts of the division of Montreal and Québec and for each month, the following information:

(a) the number of days on which sittings were held and the average time devoted thereto;

(b) the number of cases heard;

(c) the places and the dates of the hearings;

(d) the number of cases taken under advisement and the time devoted to the advisements;

(e) the number of judgments rendered.”

R.S., c. 20,
s. 140, am.

30. Section 140 of the said act, replaced by section 28 of chapter 17 of the statutes of 1965 (1st session), is amended by replacing the second paragraph by the following paragraph:

Dates and
periods of
time for
sittings.

“The chief judge or the senior associate chief judge, each in the division over which he presides, fixes such dates and periods of time for the sittings of the court as he deems expedient for the dispatch of the business of the court.”

R.S., c. 20,
Div. II,
replaced.

31. The said act is amended by replacing the expression “Division II” in the heading preceding section 168 by the expression “Division III”.

Id., s. 198b,
added.

32. The said act is amended by inserting after section 198a, the following section:

Salary of
justice of
the peace.

“**198b.** The Lieutenant-Governor in Council fixes the salary of a justice of the peace to whom section 198a applies.”

R.S., c. 20,
ss. 233-290,
added.

33. The said act is amended by adding after section 232 the following:

“PART VI

“RETIREMENT AND PENSION OF JUDGES

Application.

“233. This Part applies to a judge of the Court of the Sessions of the Peace, of the Youth Court or of the Provincial Court appointed since 30 May 1978.

Idem.

It also applies to the judge of one of such courts appointed before that date if he has made the election provided for in section 37 of the Act to amend the Courts of justice Act and the Code of Civil Procedure and to establish the Conseil de la magistrature (1978, chapter 19).

Administra-
tion of
retirement
plan, etc.

“234. The retirement plan and pension plan established by this part is administered by the Commission administrative du régime de retraite established by the Government and Public Employees Retirement Plan (1973, chapter 12).

Retirement
age.

“235. A judge who reaches seventy years of age ceases to hold office and is retired with a pension.

Qualifying
period.

A judge who has held office for at least twenty-five years is qualified for retirement with a pension.

Amount of
pension.

“236. The pension granted to the judge who has held office for twenty-five years or more, whether he has reached seventy

years of age or not, is equal to seventy per cent of the average salary of his five best remunerated years in office.

Pension to judge in office less than 25 years.

“237. The pension granted to a judge who reaches seventy years of age after holding office for less than twenty-five years is equal, per year of office, to 2.8% of the average income of his five best remunerated years in office or, if he has held office for less than five years, of the salary of each of those years.

Permanent disability.

“238. The judge afflicted with a permanent disability which, in the opinion of the Lieutenant-Governor in Council, prevents him from effectively performing the duties of his office, ceases to hold office and is retired with a pension.

Amount of pension.

The pension granted to that judge is equal, per year of office, to 2.8% of the average income of his five best remunerated years in office, or, if he has held office for less than five years, of the salary of each of those years, but that pension shall in no case exceed seventy per cent of his salary.

Disability established by the Conseil de la magistrature.

The permanent disability is established, after inquiry, by the Conseil de la magistrature, at the request of the Ministre de la justice.

Contributions reimbursed or deferred annuity.

“239. The judge who, at the time when he ceases to hold office, is not entitled to receive a pension under sections 236 to 238, is entitled, if he has held office for at least two years, to a deferred annuity established in the manner provided in the second paragraph of section 238 payable to him at seventy years of age; otherwise, he is entitled to the reimbursement of his contributions with the interest accrued at the rate fixed by regulation of the Lieutenant-Governor in Council.

Reimbursement.

The judge entitled to a deferred annuity may at any time, before a pension becomes payable to him, obtain the reimbursement of his contributions with the interest accrued at the rate fixed by regulation of the Lieutenant-Governor in Council.

Judge authorized to exercise judicial functions after 70 years of age.

“240. The Lieutenant-Governor in Council may, for the period he fixes, authorize a judge to continue to hold office after seventy years of age, if he considers that the maintenance of the judge in his office may serve the interests of justice; in that case, retirement with a pension takes place at the expiry of the period or upon the resignation of the judge.

Pension to the spouse of a retired judge.

“241. From the death of a retired judge, his spouse is entitled to a pension equal to one-half of the pension that was granted to the judge.

Amount of
pension.

From the death of a judge in office, his spouse is entitled to a pension equal to one-half of the pension that the judge would have received had he been entitled to a pension at the time of his death.

Amount of
pension to
the child
of a judge.

"242. From the death of a judge in office or of a retired judge, the child of the judge is entitled to a pension equal to one-fifth of the pension granted to the spouse under section 241.

Idem.

If the deceased judge leaves no spouse or if the spouse dies thereafter, the child is entitled to a pension equal to two-fifths of the pension of a spouse.

Maximum
amount
of pensions
to children.

"243. The total amount of the pensions granted to children under section 242 shall not, in the case of the first paragraph of that section, exceed four-fifths of the pension granted to the spouse and, in the case of the second paragraph, eight-fifths of that pension. If there are more than four children entitled to a pension, the total amount of the pensions is divided among them in equal shares.

"spouse".

"244. For the application of this part, the word "spouse" means, if there is no legitimate spouse, the unmarried or divorced person who proves to the satisfaction of the Commission administrative du régime de retraite, that for three years immediately preceding the death of the judge, that person lived with the judge and the judge represented that person as that judge's spouse.

Maximum
age for
the pension
of the child
of a judge.

For the application of this part, only the dependent child of the judge, if he is a minor, until his majority or the child of full age until twenty-five years of age for the period during which he attends an educational establishment on a full-time basis or if he is an invalid, for the period of his invalidity, is entitled to a pension.

Life
pension,
etc.

"245. The pension granted under this part is for life, except in respect of a child, and is unassignable and unseizable. In addition, it is paid, at least monthly, out of the consolidated revenue fund.

Payment
of the
contri-
butions.

"246. A judge pays to the consolidated revenue fund, in the form of a deduction, a contribution equal to seven and one-half per cent of his income.

Presump-
tion.

For the application of the Taxation Act (1972, chapter 23), the contributions made under the first paragraph are deemed to be made under a registered retirement plan.

Additional
remunera-
tion ex-
cluded.

"247. For the application of this part, the contribution and the pension are computed on the basis of the salary fixed in accor-

dance with section 74 and the additional remuneration paid to a chief judge, senior associate chief judge, associate chief judge or coordinating judge or any other remuneration paid to a judge on leave without pay or to a judge contemplated in the fourth and fifth paragraphs of section 73, is not taken into account.

Difference
paid to
heirs.

“248. If the total of the amounts paid as a pension to a judge or to his or her spouse or children is less than the total amount of the contributions paid on the date on which the first payment of the pension is made, including the interest accrued at the rate fixed by regulation of the Lieutenant-Governor in Council, the difference is paid to the heirs of the judge upon the cessation of the payment of the pension to the last person who was entitled to it.

Indexation
of annual
pension.

“249. The amount of an annual pension paid under this Part is adjusted each year by indexation in the manner provided in section 130 of the Québec Pension Plan (1965, 1st session, chapter 24) for the adjustment of the benefits payable under the said act, so that the amount payable for a month in any year following the first is equal to the product obtained by multiplying the amount that would have been otherwise payable for that month by the ratio that the Pension Index for that following year bears to the Pension Index for the year preceding that following year.

Indexation
of a
deferred
annuity.

A deferred annuity is adjusted by indexation in the manner provided for in the first paragraph, but this adjustment only applies from 1 January following the seventieth birthday of the judge.

Reimburse-
ment of
contribu-
tions to
heirs.

“250. If a judge dies before he retires and leaves no spouse or child or if he has made the election in accordance with section 239 for a deferred annuity and he dies before he is entitled to it, his heirs are entitled to the reimbursement of his contributions with the interest accrued at the rate of interest fixed by regulation of the Lieutenant-Governor in Council.

Pensioner
holding
gov't
office.

“251. If any person entitled to a pension under this Part receives a salary for holding any office under the Gouvernement du Québec, an amount equal to the amount of his pension is deducted from that salary.

No supple-
mentary
pension.

However, if that person then holds an office contemplated by this act, he cannot acquire any right to a supplementary amount of pension and he is not bound to pay the contribution provided for by section 246.

Prior years
computed
for pension
purposes.

“252. If a judge has held, at a time prior to his appointment, any judicial office to which a pension was attached under this Part,

the years during which he has held that office may be counted for the purposes of his pension.

Payment to
consoli-
dated
revenue
fund.

However, a judge who has obtained the reimbursement of his contributions shall not benefit by this section unless he pays to the consolidated revenue fund an amount equal to the contributions that were reimbursed to him, in the manner and at the rate of interest determined by regulation.

Arbitra-
tion.

"253. If a difficulty arises in the application of a provision of this Part, the dispute may be submitted, within the year, to an arbitrator chosen by the Commission administrative du régime de retraite and by the judge concerned from a list established by the Lieutenant-Governor in Council, after consultation with the Conseil consultatif de la justice. If the parties fail to agree on the choice of an arbitrator, he is chosen by the Conseil consultatif de la justice.

Applicable
articles of
C.C.P.

The second paragraph of article 382 and articles 383 to 392 of the Code of Civil Procedure apply, *mutatis mutandis*, to this arbitration.

Regula-
tions.

"254. The Lieutenant-Governor in Council may, by regulation,

(a) determine the terms and conditions of payment of pensions and contributions;

(b) fix the rate of computation of interest in the cases contemplated in sections 239, 248, 250 and 252;

(c) for the application of the second paragraph of section 252, determine the terms and conditions according to which a judge may make payments to the consolidated revenue fund and the rate of interest he must pay on these amounts;

(d) determine the other rules necessary for the application of this Part and in particular specify, for the application of section 244, the scope of the expressions "educational establishment" and "invalidity".

Coming
into force.

Any regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on a later date fixed therein.

“PART VII

“THE CONSEIL DE LA MAGISTRATURE, REFRESHER PROGRAMMES
FOR JUDGES AND JUDICIAL ETHICS

“CHAPTER I

“THE CONSEIL DE LA MAGISTRATURE

“DIVISION I

“ESTABLISHMENT

Constitu-
tion.

“**255.** A body, hereinafter called the “council”, is established under the name of Conseil de la magistrature.

Compo-
sition.

“**256.** The council is composed of thirteen members, namely:
(a) the chief judge of the Provincial Court, who is the chairman thereof, and the senior associate chief judge of that court;

(b) the chief judge and the senior associate chief judge of the Youth Court;

(c) the chief judge and the senior associate chief judge of the Court of the Sessions of the Peace;

(d) one of the chief judges of the Municipal Courts of Laval, Montreal and Québec;

(e) two judges chosen among the judges of the Provincial Court, the Court of the Sessions of the Peace, the Youth Court or the Municipal Courts of Laval, Montreal and Québec and appointed upon the recommendation of a body representative of the judges of these courts;

(f) two advocates appointed upon the recommendation of the Barreau du Québec; and

(g) two persons who are not judges or advocates, appointed upon the recommendation of the Conseil consultatif de la justice.

Appoint-
ment of
members.

“**257.** The Lieutenant-Governor in Council appoints the members of the council contemplated in paragraphs *d* to *g* of section 256. A person contemplated in paragraph *g* must, to sit on the council, have taken the oath or solemn affirmation contained in Schedule I before one of the chief judges or senior associate chief judges contemplated in paragraph *a*, *b* or *c* of section 256.

Vice-
chairman.

The vice-chairman of the council is elected by the council from among its members.

Term of office. The term of office of the members of the council appointed under the first paragraph is not more than three years; at the expiry of their term, these members remain in office until they are replaced or reappointed.

Attendance allowance and reimbursement of expenses. “**258.** The members of the council, except the judges, are entitled to an attendance allowance and to the reimbursement of their justifiable expenses incurred in the performance of their duties, in accordance with the terms and conditions and in the amount fixed by regulation of the Lieutenant-Governor in Council.

Indemnity. However, the judges are entitled to the indemnity provided for in section 124.

Quorum. “**259.** Seven members of the council, including the chairman or vice-chairman, are a quorum.

Meetings. “**260.** The council meets as often as necessary, when convened by the chairman.

Sittings in camera. It may sit *in camera* and hold its sittings at any place in Québec.

Head office. The council has its head office in the City of Québec or in the City of Montreal, as the Lieutenant-Governor in Council may decide.

Internal management. “**261.** The council may make by-laws for its internal management or to establish committees and determine their functions.

Minutes. “**262.** The minutes of the sittings of the council or of one of its committees are authentic if they are approved by the members of the council or of the committee, as the case may be; the same rule applies to documents or copies emanating from the council or forming part of its records if they are certified true by the chairman or the secretary.

Secretary and personnel. “**263.** The secretary and the other members of the personnel of the council are appointed and remunerated in accordance with the Civil Service Act (1965, 1st session, chapter 14).

“DIVISION II

“FUNCTIONS OF THE COUNCIL

Functions. “**264.** The functions of the council are:
(a) to organize, in accordance with Chapter II of this Part, refresher programmes for judges;

(b) to adopt, in accordance with Chapter III of this Part, a judicial code of ethics;

(c) to receive and examine any complaint lodged against a judge to whom Chapter III of this Part applies;

(d) to promote the efficiency and uniformization of procedure before the courts;

(e) to receive suggestions, recommendations and requests made to it regarding the administration of justice, to study them and to make the appropriate recommendations to the Ministre de la justice, and

(f) to cooperate, in accordance with the law, with any body pursuing similar purposes outside Québec.

“CHAPTER II

“REFRESHER PROGRAMMES FOR JUDGES

Information, etc., programmes for judges.

“**265.** The council shall establish information, training, refresher or reorientation programmes for the judges of the courts under the legislative authority of Québec and appointed by the Lieutenant-Governor in Council.

Preparation.

“**266.** The council shall determine the needs, prepare the programmes and fix the terms and conditions of application; it may, for that purpose, act in cooperation in particular with a body representative of the judges contemplated in paragraph *e* of section 256, with the Barreau du Québec, the law faculties and the Ministère de la justice.

Authorization for expenditures.

“**267.** The Lieutenant-Governor in Council determines the amounts over which expenditures by the council in the application of this chapter require the approval of the Ministre de la justice.

“CHAPTER III

“JUDICIAL ETHICS

“DIVISION I

“GENERAL PROVISION

Applicability.

“**268.** This chapter applies to a judge appointed under this act.

Applica-
bility.

It also applies to a judge of the Municipal Courts of Laval, Montreal and Québec, and to a justice of the peace appointed in accordance with section 196, if the deed of appointment indicates that section 198a applies to that justice of the peace.

“DIVISION II

“CODE OF ETHICS

Code of
ethics.

“**269.** The council shall, by regulation, adopt a judicial code of ethics.

Meeting of
the judges.

However, it must previously call a meeting of the judges to whom the code of ethics applies to consult them on the draft regulation.

Approval.

A regulation made under this section is published in the *Gazette officielle du Québec* at least thirty days before it is submitted to the approval of the Lieutenant-Governor in Council. If it is so approved, it comes into force on the date of its publication in the *Gazette officielle du Québec* or on a later date fixed therein.

Coming
into force.

Contents.

“**270.** The code of ethics determines the rules of conduct and the duties of the judges towards the public, the parties to an action and the advocates, and it indicates in particular which acts or omissions are derogatory to the honour, dignity or integrity of the judiciary and the functions or activities that a judge may exercise without remuneration notwithstanding the first paragraph of section 73.

“DIVISION III

“EXAMINATION OF COMPLAINTS

Object of
complaints.

“**271.** The council receives and examines a complaint lodged by any person against a judge alleging that he has failed to comply with the code of ethics.

Idem.

Until the coming into force of the code of ethics, the council receives and examines a complaint lodged by any person against a judge alleging that he

(a) has not made due exercise of his functions;

(b) has placed himself in such a position that he cannot make due exercise of his functions, or

(c) has committed an act derogatory to the honour, dignity or integrity of the magistracy.

- Contents. **"272.** Any complaint is made in writing to the secretary of the council and states the facts with which the judge is charged and the other relevant circumstances.
- Necessary information. **"273.** The council shall examine the complaint; it may, for that purpose require from any person the information it deems necessary.
- Conflict. If the complaint is lodged by a member of the council, he cannot participate in the examination of the complaint by the council.
- Copy to judge. **"274.** The council shall forward a copy of the complaint to the judge; it may require an explanation from him.
- Complaint not justified. **"275.** If the council, after examining a complaint, establishes that it is not justified or that its nature and importance do not justify an inquiry, it shall notify the plaintiff and the judge of it and state its reasons therefor.
- Inquiry. **"276.** The council may, after examining a complaint, decide to make an inquiry. It must make an inquiry, however, if the complaint is lodged by the *Ministre de la justice* or if the latter requests it in accordance with section 94*a* or 238.

"DIVISION IV

"INQUIRY

- Committee. **"277.** To conduct an inquiry on a complaint, the council establishes a committee consisting of five persons chosen from among its members and designates a chairman among them.
- Quorum. Three persons are a quorum of the committee.
- Meetings. **"278.** The committee meets as often as necessary, when convened by its chairman.
- Copy of complaint, etc. **"279.** The committee communicates to the judge a copy of the complaint or of the request of the *Ministre de la justice* made in accordance with section 94*a* or 238.
- Calling by committee. Within thirty days after the communication of the complaint, the committee calls the judge concerned and the plaintiff; it also notifies the *Ministre de la justice*, and the latter or his representative may intervene at the proof or hearing.
- Hearing. **"280.** The committee hears the parties, their attorneys and their witnesses.

Facts and testimonies. It may inquire into the relevant facts and call any person apt to testify on such facts.

Examination. The witnesses may be examined or cross-examined by the parties.

Powers and immunity. **"281.** The members of the committee enjoy, for the purposes of an inquiry, the powers and immunity of commissioners appointed under the Public Inquiry Commission Act (Revised Statutes, 1964, chapter 11).

Recusation of a member of the committee. **"282.** A party to the inquiry may request the recusation of a member of the committee for one of the causes provided for in articles 234 and 235 of the Code of Civil Procedure.

Obligation to declare. Furthermore, a member of the committee who is aware of a ground of recusation to which he is liable is bound to declare it.

Rules of procedure, etc. **"283.** The committee may make rules of procedure or rules of practice for the conduct of an inquiry.

Orders of procedure. If necessary, the committee or one of its members makes the orders of procedure, based on the Code of Civil Procedure, that are necessary for the carrying out of its duties.

Suspension of a judge. **"284.** The council may suspend a judge for the duration of an inquiry on him.

Report of inquiry and recommendations. **"285.** The committee submits the report of its inquiry and its recommendations to the council. It transmits that report to the *Ministre de la justice*; in addition, it transmits a copy of its record of the inquiry in the case where the council makes the recommendation provided for in paragraph *b* of section 287.

Complaint not justified. **"286.** If the report of the inquiry establishes that the complaint is not justified, the council notifies the judge concerned, the *Ministre de la justice* and the plaintiff. That notice states the grounds on which it is based.

Complaint justified. **"287.** If the report of the inquiry establishes that the complaint is justified, the council, according to the recommendations of the report of the inquiry,

(a) reprimands the judge; or

(b) recommends that the *Ministre de la justice* and *Procureur général* file a motion with the Court of Appeal in accordance with section 76.

Suspension. If it makes the recommendation provided for in paragraph *b*, the council suspends the judge for a period of thirty days.

Motion to
Court of
Appeal.

"288. If the Ministre de la justice and Procureur général, in accordance with section 76, files a motion with the Court of Appeal, the judge is suspended from office until the report of the Court.

Services of
an advocate.

"289. The council may retain the services of an advocate or of another expert to assist the committee in the conduct of its inquiry.

"CHAPTER IV

"MISCELLANEOUS PROVISIONS

Amounts
required.

"290. The amounts required for the application of this part are taken out of the consolidated revenue fund.

"Schedule I

"(section 257)

"Oath or affirmation of discretion

"I, A. B., further swear (or solemnly affirm) that I will not reveal or disclose, unless authorized by the law, anything that may come to my knowledge in the discharge of my duties. (*When an oath is taken, add: "So help me God."*)"

Appoint-
ment of a
senior
associate
chief judge
of the Court
of the
Sessions of
the Peace
prohibited.

34. The Lieutenant-Governor in Council shall not appoint a senior associate chief judge of the Court of the Sessions of the Peace with residence at Québec, in accordance with section 72a of the Courts of Justice Act, enacted by section 4 of this act, so long as the chief judge of the sessions residing at Québec, in office at the coming into force of the said section 72a, has not retired.

Salary
continued.

35. A judge of the Court of the Sessions of the Peace, of the Youth Court or of the Provincial Court receives the salary to which he is entitled upon the sanction of this act, until the coming into force of a regulation made under section 74 of the Courts of Justice Act, enacted by section 5 of this act.

Salary and
additional
remunera-
tion of chief
judge or
senior
associate
chief judge.

Furthermore, if that judge has held for not less than ten years the office of chief judge or associate chief judge or if he has the status thereof or if, at the time of the sanction of this act, he was holding such an office and he holds it for at least ten years, he is entitled to receive, until he resigns or retires or until the coming into force of a regulation made under section 74 of the Courts of Justice Act, the salary that a chief judge receives at the time of

the sanction of this act, and on the coming into force of the said regulation, is entitled to receive, in addition to his salary as a judge, the amount of additional remuneration attached to the office of chief judge.

Senior
associate
chief judges
of the
Youth
Court and
Provincial
Court.

36. Upon the coming into force of sections 104 and 118 of the Courts of Justice Act, enacted by sections 16 and 24 of this act, the associate chief judge of the Youth Court and the associate chief judge of the Provincial Court become, *pleno jure*, senior associate chief judges of those courts.

Election
allowed
for certain
judges.

37. Subject to sections 38 to 42, Part VI of the Courts of Justice Act, enacted by section 33 of this act, applies from 30 May 1978 to a judge of the Court of the Sessions of the Peace, the Youth Court or the Provincial Court appointed before that date, in office on that date if, not later than 1 January 1979, he elects for the retirement plan provided for by such Part VI by notifying in writing the Commission administrative du régime de retraite to that effect.

Election
presumed.

If a judge dies before having made the election provided for in the first paragraph, he is deemed to have made it.

Transfer of
years of
service to
the retire-
ment plan.

38. The judge having made the election provided for in section 37 transfers, to the retirement plan established by Part VI of the Courts of Justice Act, such number of years during which he has held office as are required, as at 1 January 1979, to acquire a pension of at least \$20 480 under that plan; if that judge, on 1 January 1979, has held for at least ten years the office of chief judge or associate chief judge or if he has had the status thereof or if, at that date, he held such an office and he holds it for at least ten years, the value of the pension so acquired is \$23 040.

Minimum
pension.

The number of years of office required for the purposes of the first paragraph is computed by taking account of the age of the judge on 1 January 1979, of the number of years during which the judge may still hold office before reaching seventy years of age or completing twenty-five years in office, whichever event is nearest, and of an actuarial hypothesis of an increase of salary of 4½% per annum and of an indexing of the pension of 3% per annum.

Indexing.

The amount of the pension provided for in the first paragraph is indexed from 1 January 1979 in the manner provided for in the first paragraph of section 249 of the Courts of Justice Act.

Minimum
pension.

The judge who has not held office for the number of years required to acquire the pension provided for in the first paragraph and who cannot acquire it before he reaches the age of seventy years, is nevertheless entitled when he retires to receive the pension provided for by this section.

Redemption of the value of years of office.

39. The judge making the election provided for by section 37 may, to increase the value of the pension that will be paid to him, redeem, not later than 1 July 1979, the value of his years in office exceeding the number of years contemplated in the first paragraph of section 38.

Maximum years transferable or redeemable.

However, in no case shall the aggregate of the years transferred under section 38, the years redeemed under this section and the years of office to be completed by the judge until he holds his office for twenty-five years or he reaches seventy years of age, exceed twenty-five years.

Cost of redemption.

40. The cost of the redemption provided for in section 39 is equal to 7.5% of \$42 240 for each of the years of service to be redeemed.

Payment of redemption.

The payment of the amount so established may be made over a period of not over ten years after agreement between the judge and the Commission administrative du régime de retraite; in that case, the debt contracted by the judge bears interest at the rate of 6% per year.

Reimbursement.

For the application of section 239 of the Courts of Justice Act, the sums effectively paid by a judge under this section are reimbursed to him as if they were a contribution.

Debt extinguished.

41. The debt contracted by a judge under section 40 is extinguished at his death.

Years computed for pension purposes in the case of an election.

Notwithstanding section 235 of the Courts of Justice Act, a judge of the Court of the Sessions of the Peace, of the Youth Court or of the Provincial Court, in office on 30 May 1978, who has made the election provided for in section 37, retains the right to resign and to retire with a pension after having held office for at least twenty years.

Amount of pension.

He shall then receive a pension computed in accordance with the second paragraph of section 238 of the Courts of Justice Act, or a pension in the amount of \$17 920 that is indexed from 1 January 1979 in the manner provided by the first paragraph of section 249 of the said act, whichever is less. This latter amount is \$20 480 if that judge has, on 30 May 1978, held for at least ten years the office of chief judge or associate chief judge or if he has the status thereof or if, at that date, he held that office and he holds it for at least ten years.

Optional contribution to retirement plan.

43. Notwithstanding section 246 of the Courts of Justice Act, enacted by section 33 of this act, no judge is bound to pay a contribution to the retirement plan established by Part VI of the said act before 1 January 1979.

Chief
judges of
the Courts
of the
Sessions of
the Peace.

44. Notwithstanding section 256 of the Courts of Justice Act, enacted by section 33 of this act, the two chief judges of the Court of the Sessions of the Peace become members of the Conseil de la magistrature from the coming into force of that section.

C.P.C.,
a. 22, am.

45. Article 22 of the Code of Civil Procedure is amended by replacing paragraph *d* by the following paragraphs:

- “(d) the Youth Court;
- (e) the municipal courts.”

Id., a. 23,
replaced.

46. Article 23 of the said Code is replaced by the following article:

“**23.** The jurisdictions of the Court of Appeal, the Superior Court and the Provincial Court extend throughout the province; the jurisdiction of the Youth Court or of a municipal court is limited to a designated territory or to designated judicial districts.”

Id., a. 30,
replaced.

47. Article 30 of the said Code, amended by section 12 of chapter 10 of the statutes of 1975, is replaced by the following article:

“**30.** Appeals from judgments rendered in the districts of Beauharnois, Bedford, Drummond, Hull, Iberville, Joliette, Labelle, Montreal, Pontiac, Richelieu, Saint-François, Saint-Hyacinthe and Terrebonne are brought before the Court of Appeal sitting at Montreal; those from judgments rendered in the other districts, before the court sitting at Québec.”

Id., a. 36a,
added.

48. The said Code is amended by inserting, after article 36, the following:

“SECTION IV A

“YOUTH COURT

“**36a.** The jurisdiction of the Youth Court and the procedure to be followed before it are determined by special acts.”

1972, c. 55,
s. 53,
replaced.

49. The Transport Act (1972, chapter 55) is amended by replacing section 53 by the following section:

Appoint-
ment of
chairman
and vice-
chairman.

“**53.** The Lieutenant-Governor in Council shall appoint one of the judges of the Transport Tribunal chairman of the Tribunal and two other judges of the Provincial Court substitutes for the other members.”

1973, c. 38,
s. 4
replaced.

50. The Expropriation Act (1973, chapter 38) is amended by replacing section 4 by the following section:

Chairman
and vice-
chairman.

“4. The chairman and the vice-chairman of the tribunal shall have the same status and be entitled to the same salary, additional remuneration, allowances and, if such is the case, to the same pension as are accorded by law to the chief judge of the Provincial Court.”

Composi-
tion of
Court of
Appeal,
Superior
Court.

51. Where the chief justice of the Court of Appeal or the chief justice, the senior associate chief justice or the associate chief justice of the Superior Court informs the Ministre de la justice and the federal Minister of Justice of his decision to abandon his office of chief justice, senior associate chief justice or associate chief justice, as the case may be, the Court of Appeal or the Superior Court, as the case may be, is then deemed to be composed, until a vacancy occurs, of the number of judges provided for by section 6 or 21 of the Courts of Justice Act and of one additional office of judge.

Municipal
Court
judge.

52. A regulation made under section 72c of the Courts of Justice Act and section 73 of the said act apply to a judge of the Municipal Court of Laval, Montreal or Québec.

Idem.

53. A judge of the Municipal Court of Laval, Montreal or Québec appointed before 30 May 1978, in office before such date, may elect to have the retirement plan provided for in Part VI of the Courts of Justice Act apply to him from 30 May 1978 by giving notice of his election to the clerk or manager of the city concerned, before 1 January 1979.

Applicable
provisions.

The second paragraph of section 37 and sections 38 to 43 of this act apply, *mutatis mutandis*, to that judge and the contribution contemplated in section 246 of the Courts of Justice Act shall be paid to the city concerned, which administers the plan for judges of the Municipal Court.

Coming
into force.

54. This act will come into force in whole or in part on the date fixed by proclamation of the Lieutenant-Governor in Council or on a later date fixed therein. (*)

(*) Sections 2 to 7, 9, 12 to 27, sections 134 and 135 of the Courts of Justice Act replaced by section 29 and sections 30 to 46, 48 to 51, 53 and 54 came into force on 18 July 1978 (Gazette officielle du Québec, 1978, page 4333).

Sections 8 and 28 came into force on 25 October 1978 (Gazette officielle du Québec, 1978, page 6449).

Sections 1, 10, 11, section 136 of the Courts of Justice Act replaced by section 29 and sections 47 and 52 came into force on 1 January 1979 (Gazette officielle du Québec, 1979, page 6449).