

AM 1
s. 2 (1 1)

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C.P.*

Section 2

AMENDMENT:

Insert “, if of the opinion that the public interest so requires” at the end of the introductory clause of the first paragraph of proposed article 11.

Bill 32

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*Adopté
C.P.*

Section 4

AMENDMENT:

In the third paragraph of proposed article 20:

1. Replace “receipt of the proceeding is recorded” by “attestation is made of receipt of the proceeding”.
2. Replace “delivery of the proceeding is recorded” by “attestation is made of delivery of the proceeding”.

Bill 32

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*Adopté
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Section 6

AMENDMENT:

Replace “deemed” in the third paragraph of proposed article 20.2 by “presumed”.

Bill 32

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*Adopté
C.P.*

Section 7

AMENDMENT:

Replace “a term of imprisonment is requested for the commission of an offence” at the end of the fourth paragraph of proposed article 21 by “imprisonment of the addressee is requested”.

AM 5
s. 4 (20)

*Adopté
C.F.*

Bill 32

**An Act mainly to promote the efficiency
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Section 4

AMENDMENT:

Replace “a term of imprisonment is requested for the commission of an offence” at the end of the third paragraph of proposed article 20 by “imprisonment of the addressee is requested”.

Bill 32

**An Act mainly to promote the efficiency
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*Adopte
C.P.*

Section 8

AMENDMENT:

Replace “a term of imprisonment is requested for the commission of an offence” at the end of the first paragraph of proposed article 22.1 by “imprisonment of the addressee is requested”.

Bill 32

**An Act mainly to promote the efficiency
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*Adopte
C.P.*

Section 8

AMENDMENT:

Insert “; if the circumstances so require, the notice may be published more than once” at the end of the third paragraph of proposed article 22.1.

Bill 32

**An Act mainly to promote the efficiency
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*Adopté
C.P.*

Section 19

AMENDMENT:

Due to the adoption of amendment 16, which withdraws section 19, amendment 8, now lapsed, has been withdrawn and renamed amendment f.

Bill 32

**An Act mainly to promote the efficiency
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*Adopté
C.P.*

Section 6

AMENDMENT:

Replace “provided by the addressee for the receipt of the proceeding, or to the address that is publicly known as the address where the addressee receives documents” in the first paragraph of proposed article 20.2, as amended, by “indicated by the addressee as the address where the addressee accepts to receive the proceeding, or to the address that is publicly known as the address where the addressee accepts to receive documents”.

Bill 32

**An Act mainly to promote the efficiency
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*Adopté
c.p.*

Section 25

AMENDMENT:

In proposed article 89.1:

1. Insert “consent to doing so” in the first paragraph, after “may do so in person or”;
2. Add the following paragraph at the end:

The appearance using a technological means must allow the defendant, if represented by a lawyer, to communicate privately with his lawyer.

Bill 32

**An Act mainly to promote the efficiency
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*Adopté
C.P.*

Section 25

AMENDMENT:

Withdraw proposed article 89.2.

Bill 32

**An Act mainly to promote the efficiency
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Court of Québec with respect to
applications for appeal**

Section 26.1

*Adopté
C.P.*

AMENDMENT:

Insert after section 26:

26.1. Article 92 of the Code is amended by inserting the following paragraph after the first paragraph:

“If the judge orders that the detention of the arrested person be continued, he may, on the application of the person or of the prosecutor, adjourn the trial within the time limit prescribed in article 94 and order, by remand warrant, that the arrested person be remanded to custody in a detention centre.”

SAM 1
AM 12
s. 26.1 (92)

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C.P.*

Section 26.1

AMENDMENT:

Replace “within the time limit prescribed in article 94” in the proposed paragraph of article 92 by “, complying with the time limit prescribed in article 94,”.

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C.P.*

Section 27

AMENDMENT:

Replace the third paragraph of proposed article 94.1 by:

Circumstances are urgent if the person responsible for executing the warrant has reasonable grounds to suspect that it is necessary to enter the dwelling house to prevent imminent bodily harm to or the death of a person.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C.P.*

Section 27

AMENDMENT:

Replace “may result in danger to human life, health or safety” in the second and third paragraphs of proposed article 94.5 by “would expose him or another person to imminent bodily harm or death”.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
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Court of Québec with respect to
applications for appeal**

*Adopte
C.P.*

Section 32

AMENDMENT:

Insert “provided for in the first paragraph” at the end of the third paragraph of proposed article 109.1.

AM 16
s. 19 (72)

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C.P.*

Section 19

AMENDMENT:

Withdraw.

AM 17
s. 20 (73, 74)

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 20

*Adopte
C.P.*

AMENDMENT:

Withdraw.

AM 18
s. 26 (73, 74)

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopte
C.P.*

Section 26

AMENDMENT

Withdraw.

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adapté
C.P.*

Section 32

AMENDMENT

Insert “,” after “ce support donne accès” in the first paragraph of proposed article 109.1 in the French text.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
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*Adopté
C.P.*

Section 36

AMENDMENT

Withdraw proposed article 141.1.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopter
C.P.*

Section 36

AMENDMENT

Replace “information laid in writing and under oath” in the first paragraph of proposed article 141.2 by “affidavit”.

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopte
c.p.*

Section 36

AMENDMENT

Strike out the last paragraph of proposed article 141.7.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adapté
C.P.*

Section 36

AMENDMENT

Strike out “, à la fois” in the third paragraph of proposed article 141.7 in the French text.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C.P.*

Section 36

AMENDMENT

Strike out “, à la fois” in the fourth paragraph of proposed article 141.8 in the French text.

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 36

AMENDMENT

Insert after proposed article 141.8:

“141.8.1. A document prepared for communication purposes under article 141.7 or 141.8 is deemed to be an original for the purposes of the Canada Evidence Act (Revised Statutes of Canada, 1985, chapter C-5).

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 37

*adopté
C.P.*

AMENDMENT

Replace the second paragraph of proposed article 159.1 by:

The processes undertaken by a defendant before the defendant's participation in such a program must also be taken into consideration by the prosecutor.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 37

*adoption
C.P.*

AMENDMENT:

Add the following paragraph at the end of proposed article 159.2:

For the purposes of subparagraph 2 of the second paragraph, the defendant's needs shall be determined in cooperation with the defendant.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 37

AMENDMENT

Insert “or does not contest them” after “resulting in the offence” in subparagraph 3 of the second paragraph of proposed article 159.2.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C. P.*

Section 37

AMENDMENT:

Insert “, in particular if he ceases to cooperate” at the end of the first paragraph of proposed article 159.4.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 37

AMENDMENT:

Replace “, on the prosecutor’s decision, if the defendant no longer complies” in the first paragraph of proposed article 159.4 by “if the prosecutor finds that the defendant is no longer complying”.

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adapts
C.P.*

Section 37

AMENDMENT:

Replace proposed article 159.5 by:

“**159.5.** Where the defendant completes the adaptation program in compliance with the conditions determined in the program, the prosecutor withdraws the counts against the defendant, in accordance with article 12, for offences or classes of offences covered by the program.

The same applies where the defendant partially completes the adaptation program, to the prosecutor’s satisfaction, taking into account the circumstances.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 38.1

*adopté
C.P.*

AMENDMENT:

Insert after section 38:

38.1. Article 184 of the Code is amended

(1) by adding the following subparagraphs at the end of the first paragraph:

“(9) the defendant has completed the adaptation program, in compliance with the conditions determined in the program, for that count;

(10) the defendant has partially completed the adaptation program, in compliance with the conditions determined in the program, for that count, and maintaining the proceedings would be unjust in the circumstances.”;

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

“Before rendering a decision under subparagraph 10 of the first paragraph, the judge may take into account the defendant’s behaviour while participating in the program.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 41

AMENDMENT:

Insert “within the legal person” after “position” in the second paragraph of proposed article 192.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 41

AMENDMENT:

Replace the second paragraph of proposed article 192.1 by:

However, such a notice is not required if the attorney informs the court, in the presence of a representative of the prosecutor, that he is acting on behalf of the defendant.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 41

*adapte
C.P.*

AMENDMENT:

Withdraw proposed article 192.2.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 44

AMENDMENT:

Replace by:

44. Article 257 of the Code is amended by inserting the following paragraph after the first paragraph:

“The prosecutor may also make an application for revocation of a judgment to such a judge where the defendant has fully or partially, to the prosecutor’s satisfaction, completed a judgment execution rules adaptation program referred to in the second paragraph of article 333 for the offences or classes of offences covered by the program. The processes undertaken by the defendant before the defendant’s participation in such a program must also be taken into consideration by the prosecutor.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adaptee
c.p.*

Section 45

AMENDMENT:

Insert “fully or partially” in subparagraph 2 of the first paragraph, after “the defendant”.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 50

*adopté
C.P.*

AMENDMENT:

Strike out the last sentence of the first proposed paragraph.

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 52

*adoption
C.P.*

AMENDMENT:

Replace by:

52. Article 337 of the Code is amended by inserting the following paragraphs after the first paragraph:

“Where the defendant opts for alternative measures in place of compensatory work, the number of hours provided for in the first paragraph does not apply.

Among other things, a commitment by the defendant to undertake a training program or to keep a dwelling constitutes an alternative measure.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 53

AMENDMENT:

Replace by:

53. Article 338 is amended by adding the following paragraph at the end:

“Where the defendant opts for alternative measures, the time limits prescribed in the first paragraph do not apply.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Sections 54 to 57

AMENDMENT:

Withdraw.

*adopté
C.P.*

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C.P.*

Section 57.1

AMENDMENT:

Insert after section 57:

57.1. Article 347 of the Code is amended by adding the following sentence at the end of the first paragraph: “However, the judge may order imprisonment and issue the warrant only if he is satisfied that the defendant has, without a reasonable excuse, refused or neglected to pay those sums or settle them pursuant to this chapter.”

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C.P.*

Section 59

AMENDMENT:

Strike out “and those to which Division II of Chapter XIII does not apply” in proposed article 367.1.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 59.1

AMENDMENT:

Insert after section 59:

59.1. Article 368 of the Code is amended by striking out “are subject to approval by the Government and” in the third paragraph.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
c.p.*

Section 60

AMENDMENT:

In proposed article 368.1:

1. Replace “the project” by “a pilot project”.
2. Replace “of a pilot project” by “of such a project”.

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*Adopté
C.P.*

Section 61

AMENDMENT:

Replace by:

61. Section 40.1.1 of the Tax Administration Act (chapter A-6.002) is amended:

- (1) by inserting “device,” after “investigative” in the first paragraph;
- (2) by inserting “other than a general warrant provided for in that Code,” after “a warrant” in subparagraph *c* of the fourth paragraph.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
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Court of Québec with respect to
applications for appeal**

Section 67.1

*Adopté
C.P.*

AMENDMENT:

Insert after section 67:

ACT RESPECTING MUNICIPAL COURTS

67.1. Section 56.2 of the Act respecting municipal courts (chapter C-72.01) is amended by inserting “, except regulations respecting criminal and penal matters” at the end of the first sentence of the fourth paragraph.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 67.2

*Adopté
C-1*

AMENDMENT:

Insert before the heading above section 68:

JURORS ACT

67.2. Section 4 of the Jurors Act (chapter J-2) is amended by replacing “convicted of a criminal act” in paragraph *j* by “found guilty of an indictable offence”.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 70.1

AMENDMENT:

Insert before section 71:

70.1. Section 32 of the Courts of Justice Act (chapter T-16) is amended, in the first paragraph,

- (1) by replacing “30” in subparagraph 2 by “29”;
- (2) by striking out “the districts of Gaspé and Bonaventure, another of” in subparagraph 2;
- (3) by inserting the following subparagraph after subparagraph 2:
“(2.1) for the districts of Gaspé and Bonaventure, with residence at Percé or New-Carlisle or the immediate vicinity thereof, one judge;”;
- (4) by inserting “, at Val d’Or” after “Amos” in subparagraph 5.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 70.2

AMENDMENT:

Insert after section 70.1:

70.2. Section 147 of the Act is amended by striking out “shall be submitted to the Government for approval and” in the first paragraph.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 70.3

*adopté
C.P.*

AMENDMENT:

Insert before section 71:

70.3. Schedule IV to the Courts of Justice Act (chapter T-16) is amended by inserting the following item, after the sixth item in the Class 2 lists of paragraphs 1 and 2:

“— authorizing appearances from a distance using a technological means (article 89.1 of the Code of Penal Procedure);”.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

*adopté
C.P.*

Section 72

AMENDMENT:

1. Replace “89.3” in paragraph 1 by “92”.
2. Replace “articles 89.1 and 89.2” in paragraph 2 by “article 89.1”.
3. Strike out paragraph 5.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
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Court of Québec with respect to
applications for appeal**

Section 73.1

*adopté
C.P.*

AMENDMENT:

Insert after section 73:

73.1. Schedule II to the Regulation is amended by inserting the following sentence after the fifth sentence of the portion entitled “PLEA OF GUILTY AND PAYMENT”:

“A defendant who transmits the total amount of the fine and costs requested after having entered a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
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Court of Québec with respect to
applications for appeal**

*adoption
C.P.*

Section 73.2

AMENDMENT:

Insert after section 73.1:

73.2. Schedule III to the Regulation is amended by adding the following sentence at the end of the portion entitled “PLEA OF GUILTY AND PAYMENT”:

“A defendant who transmits the total amount of the fine and costs requested after having entered a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 73.3

*adopté
C.P.*

AMENDMENT:

Insert after section 73.2:

73.3. Schedule IV to the Regulation is amended by adding the following sentence at the end of the portion entitled “PLEA OF GUILTY AND PAYMENT”:

“A defendant who transmits the total amount of the fine and costs requested after having entered a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 73.4

*adopté
C.P.*

AMENDMENT:

Insert after section 73.3:

73.4. Schedule V to the Regulation is amended by adding the following sentence at the end of the portion entitled: "PLEA OF GUILTY AND PAYMENT":

"A defendant who transmits the total amount of the fine and costs requested after having entered a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty."

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 73.5

AMENDMENT:

Insert after section 73.4:

**REGULATION RESPECTING CERTAIN COURT COSTS IN PENAL
MATTERS APPLICABLE TO PERSONS UNDER 18 YEARS OF AGE**

73.5. Section 2 of the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age (chapter C-25.1, r. 3) is amended by replacing paragraph 7 by the following paragraph:

“(7) for the amount of supplementary costs payable by a defendant who entered a plea of not guilty and changed it before the trial to enter a plea of guilty but has not paid the total amount of the fine and costs requested in the statement of offence: \$13.”

*redepote
e p.*

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 74.1

*Adopté
C.F.*

AMENDMENT:

Insert after section 74:

TARIFF OF FEES OF COURT BAILIFFS

74.1. Section 44 of the Tariff of fees of court bailiffs (chapter H-4.1, r. 13.1) is amended by inserting “or telewarrant” after “of a warrant” in the first paragraph.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 75

adoption

AMENDMENT:

Replace by:

75. The Courts of Justice Act (chapter T-16) is amended by inserting the following section after section 83:

“**83.1.** In cases where the law confers jurisdiction on the Court over an appeal of a decision made in the exercise of an adjudicative function, or over a contestation of a decision made in the exercise of an administrative function, the Court shall render its decision without being required to defer to the conclusions on issues of law ruled on by the decision under appeal or on any issues regarding the decision being contested.

Such jurisdiction shall be exercised exclusively by the judges of the Court designated by the chief judge on the basis of their notable experience, expertise, sensitivity and interest regarding the matter that is the subject of the appeal or the contestation.

Unless otherwise provided and with the necessary modifications, the appeal is governed by articles 351 to 390 of the Code of Civil Procedure (chapter C-25.01) and the proceeding to contest is governed by the rules of that Code that are applicable to a court of original jurisdiction.”

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
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Court of Québec with respect to
applications for appeal**

Section 108

*Adopté
C.P.*

AMENDMENT:

In paragraph 1:

1. Replace ““Any appeal” by “Any contestation”” in subparagraph *a* by ““Any appeal from” by “Any contestation of””.
2. Insert after subparagraph *a*:

(a.1) by replacing “or from” by “or of”;

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 112

*adopté
C.P.*

AMENDMENT:

Replace the heading before section 112 by:

**ACT RESPECTING SCHOOL ELECTIONS TO ELECT CERTAIN MEMBERS
OF THE BOARDS OF DIRECTORS OF ENGLISH-LANGUAGE SCHOOL
SERVICE CENTRES**

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 112

*adopté
C.P.*

AMENDMENT:

Replace “Act respecting school elections” in the introductory clause by “Act respecting school elections to elect certain members of the boards of directors of English-language school service centres”.

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 134

AMENDMENT

Replace paragraph 1 in the French text by:

(1) par le remplacement, dans le premier alinéa, de « interjeter appel
de » par « contester »;

*adopté
C.R.*

Bill 32

**An Act mainly to promote the efficiency
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terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 143.1

*adopté
C.P.*

AMENDMENT

Insert after section 143 :

143.1. Section 255 of the Act is amended

(1) by striking out “who are members of the public service” in the first paragraph;

(2) by inserting “, where applicable,” after “the secretary shall cease” in the second paragraph.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Division II, Chapter II

*adopté
C.P.*

AMENDMENT:

Add "AND OF THE SECRETARY OF THE CONSEIL DE LA
MAGISTRATURE" at the end of the heading of Division II of Chapter II.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 147.1

*addep
C.R.*

AMENDMENT:

Insert after section 147:

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

147.1. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by striking out paragraphs 15 and 27.

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 70.2.1

*adapte
C.P.*

AMENDMENT:

Insert after section 70.2:

70.2.1. Schedule I to the Act is amended by inserting “of Ville de Gracefield and” after “Over the territory” in the column describing the territory over which concurrent jurisdiction is exercised for the districts of Gatineau and Labelle.