



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 101

An Act to amend the Courts of Justice Act

Introduction

**Introduced by
Mr. Jacques P. Dupuis
Minister of Justice**

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EXPLANATORY NOTES

This bill amends the Courts of Justice Act to implement the National Assembly resolution of 17 June 2008 approving the recommendations of the report from the committee on the remuneration of judges and justices of the peace for the years 2007 to 2010. To that end, the bill includes measures relating to the impact of certain retroactive amounts paid to judges on the pension plans established under Parts V.1 and VI of the Courts of Justice Act, to the indexing of a judge's pension and to the computation of the pension of the president of the Human Rights Tribunal and the chairman of the Professions Tribunal.

Furthermore, under the bill, commissions authorizing designated persons to administer oaths will be valid for all the judicial districts of Québec. Currently, they may also be issued for one or two districts only.

The bill also raises the number of Superior Court judges to 145 and provides that the additional judge will be appointed for the districts of Saint-François and Bedford, with residence in Sherbrooke.

Lastly, the bill grants the courts sitting in the judicial districts of Abitibi and Rouyn-Noranda concurrent jurisdiction over the territory of Ville de Rouyn-Noranda.

LEGISLATION AMENDED BY THIS BILL:

- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 101

AN ACT TO AMEND THE COURTS OF JUSTICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 21 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing “144” by “145”.

2. Section 32 of the Act is amended by replacing “three judges, including two” in subparagraph 6 of the first paragraph by “four judges, including three”.

3. Section 122 of the Act is amended by replacing “or associate chief judge” in the fourth paragraph by “, associate chief judge, president of the Human Rights Tribunal or chairman of the Professions Tribunal”.

4. Section 214 of the Act is amended

(1) by striking out “or in any judicial district which he shall indicate” in the first paragraph;

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

“A commissioner appointed under this section shall bear the title of “Commissioner for Oaths for Québec (*or, as the case may be, for Québec and for outside Québec*)”.”

5. Section 215 of the Act is amended by replacing “such persons as he deems competent and” in the first paragraph by “persons”.

6. Section 219 of the Act is amended by inserting “and the Secretary General of the Conseil exécutif” after “National Assembly” in subparagraph *a* of the first paragraph.

7. Section 224.2 of the Act is amended by replacing the third paragraph by the following paragraph:

“A judge must also pay the contributions provided for in the first paragraph on any lump sum received as a salary increase or adjustment for a preceding year. The same rule applies to a judge who has ceased to hold office.”

8. Section 224.9 of the Act is amended

(1) by replacing “or associate chief judge” in the second paragraph by “, associate chief judge, president of the Human Rights Tribunal or chairman of the Professions Tribunal”;

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

“Any lump sump paid as a salary increase or adjustment for a preceding year forms part of the salary for that year.”

9. Section 224.23 of the Act, replaced by section 1 of chapter 4 of the statutes of 2008, is amended by replacing the second paragraph by the following paragraphs:

“The first index adjustment of a pension, other than a deferred pension, is made

(1) in the proportion that the number of days for which the pension was paid or would have been paid in the year in which the judge ceased to hold office bears to the total number of days in that year;

(2) in the case of a judge who continues to hold office after 30 December of the year in which the judge reaches 69 years of age, in the proportion that the number of days for which the pension was paid or would have been paid in the year in which the pension began to be paid bears to the total number of days in that year;

(3) in the case of a pension granted to the spouse or child of a judge who was eligible for a pension at the time of death, in the proportion that the number of days for which the pension was paid or would have been paid in the year of death bears to the total number of days in that year.

The first index adjustment of a deferred pension is made on 1 January following the date on which the judge reaches 65 years of age in the proportion that the number of days for which the pension was paid or would have been paid in the year of the judge’s sixty-fifth birthday bears to the total number of days in that year.”

10. Section 231 of the Act is amended

(1) by replacing “or associate chief judge” in the second sentence of the second paragraph by “, associate chief judge, president of the Human Rights Tribunal or chairman of the Professions Tribunal”;

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

“Any lump sump paid as a salary increase or adjustment for a preceding year forms part of the salary for that year.”

11. Section 244.11 of the Act is amended by replacing the third paragraph by the following paragraphs:

“The first index adjustment of a pension, other than a deferred pension, is made

(1) in the proportion that the number of days for which the pension was paid or would have been paid in the year in which the judge ceased to hold office bears to the total number of days in that year;

(2) in the case of a judge who continues to hold office after 30 December of the year in which the judge reaches 71 years of age, in the proportion that the number of days for which the pension was paid in the year in which the pension began to be paid bears to the total number of days in that year;

(3) in the case of a pension granted to the spouse or child of a judge who was eligible for a pension at the time of death, in the proportion that the number of days for which the pension was paid or would have been paid in the year of death bears to the total number of days in that year.

The first index adjustment of a deferred pension is made on 1 January following the date on which the judge reaches 65 years of age in the proportion that the number of days for which the pension was paid or would have been paid in the year of the judge’s sixty-fifth birthday bears to the total number of days in that year.”

12. Schedule I to the Act is amended by inserting “Abitibi and Rouyn-Noranda” below “Abitibi, Pontiac, Rouyn-Noranda and Témiscamingue” in the column listing the judicial districts and by inserting “Over the territory of Ville de Rouyn-Noranda” opposite in the column containing descriptions of territories over which concurrent jurisdiction is exercised.

TRANSITIONAL AND FINAL PROVISIONS

13. As of (*insert the date of coming into force of this section*), commissioners for oaths are authorized to administer oaths throughout Québec.

14. Sections 3, 7, 8 and 10 have effect from 1 July 2007.

15. This Act comes into force on (*insert the date of assent to this Act*), except sections 4 and 13, which come into force on the date to be set by the Government.

