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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 40

**An Act mainly to reform municipal  
courts and to improve the justice  
system's efficiency, accessibility and  
performance**

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**Introduction**

**Introduced by  
Mr. Simon Jolin-Barrette  
Minister of Justice**

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## EXPLANATORY NOTES

*This bill amends the Courts of Justice Act to create a new part about municipal judges, their appointment and their assignment. Municipal judges will, from now on, exercise their functions on an exclusive basis and will be entitled to the same salary, pension plan and other social benefits as the municipal judges who currently exercise their functions on an exclusive basis.*

*The bill creates the office of chief municipal judge, under whose authority the municipal judges are placed.*

*The bill divides Québec into four coordinating regions and provides for the appointment of coordinating judges and, where applicable, associate coordinating judges.*

*The bill amends the Act respecting municipal courts to make it consistent with the new part of the Courts of Justice Act.*

*The bill introduces the possibility to partition the benefits accumulated by a judge under a pension plan when the latter and his or her spouse cease to live together while they were not married or in a civil union, and specifies the related terms and conditions.*

*The bill empowers municipalities to institute penal proceedings in connection with any offence under the Act respecting municipal taxation.*

*The bill empowers the Government to declare functions or an office or employment incompatible with the functions of an attorney acting for the prosecution in criminal or penal proceedings.*

*The bill increases the powers of the Director of Criminal and Penal Prosecutions to allow the Director to see that the instructions he or she establishes for the prosecutors are complied with.*

*The bill enacts the Act respecting monetary administrative penalties in municipal matters, whose purpose is to allow and regulate the establishment of a system of monetary administrative penalties by a municipal body.*

*Lastly, the bill contains transitional provisions and one final provision.*

**LEGISLATION ENACTED BY THIS BILL:**

- Act respecting monetary administrative penalties in municipal matters (*insert the year and chapter number of this Act and the section number of this Act that enacts the Act respecting monetary administrative penalties in municipal matters*).

**LEGISLATION AMENDED BY THIS BILL:**

- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Act respecting municipal courts (chapter C-72.01);
- Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Ministère de la Justice (chapter M-19);
- Public Health Act (chapter S-2.2);
- Courts of Justice Act (chapter T-16).

**REGULATION AMENDED BY THIS BILL:**

- Municipal Courts Regulation (chapter C-72.01, r. 1.1).



## **Bill 40**

### **AN ACT MAINLY TO REFORM MUNICIPAL COURTS AND TO IMPROVE THE JUSTICE SYSTEM'S EFFICIENCY, ACCESSIBILITY AND PERFORMANCE**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

#### **AMENDING PROVISIONS**

#### **COURTS OF JUSTICE ACT**

- 1.** Sections 5.3 and 5.3.1 of the Courts of Justice Act (chapter T-16) are repealed.
- 2.** Section 85 of the Act is amended by replacing “four” by “three”.
- 3.** Section 90 of the Act is amended, in the first paragraph,
  - (1) by replacing “,” after “the senior associate chief judge” by “and”;
  - (2) by striking out “and an associate chief judge responsible for municipal courts”.
- 4.** Section 98 of the Act is amended by striking out the third paragraph.
- 5.** Section 101 of the Act is amended
  - (1) by striking out “either” after “exercise the functions of the associate chief judge,”;
  - (2) by striking out “, or a judge of the Court of Québec in the case of an associate chief judge responsible for municipal courts”.
- 6.** Section 122 of the Act is amended, in the fourth paragraph,
  - (1) by replacing “or 175” by “, 175 or 199, as the case may be”;
  - (2) by inserting “or, in the case of the office of chief municipal judge, if the judge has held such an office for at least five years” after “seven years”;

(3) by inserting “coordinating municipal judge, associate coordinating municipal judge,” after “associate coordinating judge,”.

**7.** Section 122.1 of the Act is amended by inserting the following sentence after the first sentence: “Benefits accumulated under the same plan while a judge or a former judge and his or her spouse of the opposite or the same sex who meets the conditions set out in paragraph 2 of section 224.14 were living together may be partitioned when they cease to live together.”

**8.** Section 122.3 of the Act is amended by replacing “judges of the Municipal Courts” and “each municipality, respectively” in the second paragraph by “municipal judges” and “the municipalities, in accordance with the regulation made under section 86.1 of the Act respecting municipal courts (chapter C-72.01)”, respectively.

**9.** The Act is amended by inserting the following Part after section 182:

## **“PART III.2**

### **“MUNICIPAL JUDGES**

**“183.** Municipal judges are appointed by the Government, by a commission under the Great Seal, during good behaviour.

Sections 87 to 88.1, 92.1 to 93.1, 95, 113, 118 to 121, 122 to 122.3, 127 and 129 to 134 apply, with the necessary modifications, to municipal judges and their appointment. Among the modifications, the functions devolved to the chief judge are exercised by the chief municipal judge with regard to the municipal judges.

Furthermore, section 118 is modified so that the reference to section 115 is replaced by a reference to section 199 with regard to municipal judges.

**“184.** Before taking office, municipal judges must make the oath prescribed in Schedule II before the chief municipal judge.

**“185.** Every judge has jurisdiction throughout Québec over all matters under the jurisdiction of a municipal court, whatever the court to which he is mainly assigned.

The judge is *ex officio* a justice of the peace for the purposes of the Acts of the Parliament of Canada conferring jurisdiction on him in such respect.

**“186.** The notice of appointment of a judge shall determine the municipal court to which he is mainly assigned and his place of residence.

**“187.** Any modification to the notice of appointment of a municipal judge concerning the municipal court to which he is mainly assigned or concerning his place of residence shall be decided by the Government on the recommendation

of the chief municipal judge. The Government may make such a decision only if the period prescribed in section 189 for filing an appeal is expired or, where an appeal is filed, if the recommendation of the chief municipal judge is confirmed.

**“188.** No recommendation under section 187 may be made unless the judge concerned consents to such modification to his notice of appointment or unless the chief municipal judge considers that the circumstances so require; in the latter case, the judge concerned must have been given the opportunity to present his views in that respect.

**“189.** The chief municipal judge who makes a recommendation under section 187 shall notify the judge concerned. The latter may, within 15 days, appeal to the Conseil de la magistrature, which may confirm or quash the recommendation.

**“190.** Municipal judges are under the authority of the chief municipal judge whom the Government appoints, by a commission under the Great Seal, from among the municipal judges.

**“191.** The term of office of the chief municipal judge is five years and cannot be renewed.

However, despite the expiry of his term, the chief municipal judge shall remain in office until he is replaced.

A chief municipal judge who has held the office for at least five years is entitled to a leave of absence with pay to be devoted to studies, research or any other legal activity compatible with the judicial function. The leave of absence is three months.

The office of chief municipal judge is added to the office of puisne judge who must continue to sit in the municipal court to which he is assigned or that he assigns himself to.

**“192.** The chief municipal judge has the direction of the municipal courts.

As such, his functions, in addition to the functions conferred by the Act respecting municipal courts (chapter C-72.01), include

(1) to coordinate, apportion and supervise the work of the judges with a view to efficient and diligent justice; municipal judges must comply with the chief municipal judge’s orders and directives and meet municipalities’ performance objectives and needs;

(2) to ensure that municipalities’ needs are met when assigning judges, establishing the rolls and scheduling the sittings;

(3) to establish, concurrently with the municipal judges, general policies applicable to them and to ensure that the policies are respected;

(4) to see that such regulations as are necessary for the exercise of the jurisdiction of the municipal courts are adopted and to supervise their application;

(5) to ensure that judicial ethics are observed;

(6) to promote the professional development of municipal judges in collaboration with the Conseil de la magistrature; and

(7) to provide support to municipal judges in their efforts to improve the operation of the municipal courts.

**“193.** For the purposes of this part, Québec is divided into four coordinating regions, defined in Schedule VI.

The Minister of Justice may, by regulation, amend Schedule VI.

Despite sections 11 and 17 of the Regulations Act (chapter R-18.1), the regulation may be made after the expiry of 15 days from the publication of the draft regulation in the *Gazette officielle du Québec* and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation.

**“194.** The Government shall, after consultation with the chief municipal judge, designate from among the municipal judges a coordinating judge for each of the coordinating regions and shall fix the term of office of each of them.

The term of office of a coordinating judge shall not exceed three years but may be renewed until the total term of office reaches six years.

A coordinating judge shall remain in office, despite the expiry of his term of office, until he is replaced or designated for another term.

The Government shall designate from among the coordinating judges the judge who, if the chief municipal judge is absent or unable to act, is to exercise the functions of the chief municipal judge until the latter resumes his functions or is replaced. The coordinating judge so designated temporarily replaces the chief municipal judge despite the fact that his own term may have expired.

The chief municipal judge shall determine the municipal court where each coordinating judge shall continue to sit. This assignment takes into account the municipal court to which the coordinating judge is mainly assigned so that he sits in that court or nearby, on a priority basis. The assignment also takes into account the requirements of the proper administration of justice in order to maximize the periods during which the municipal courts sit and takes into account the efficient management of public funds.



**“195.** The functions of the coordinating judges are

- (1) to see to the allotment of cases and the scheduling of the sittings of the court if more than one municipal judge is assigned to the municipal court;
- (2) to assign municipal judges to the municipal court where they are to exercise their functions;
- (3) to support the chief municipal judge in the exercise of his functions; and
- (4) to assume any other function determined by the chief municipal judge.

The assignment of municipal judges takes into account the municipal court to which they are mainly assigned so that they sit in that court or nearby, on a priority basis. The assignment also takes into account the requirements of the proper administration of justice in order to maximize the periods during which the municipal courts sit and takes into account the efficient management of public funds.

The office of coordinating judge is added to the usual office of puisne judge who must continue to sit in the municipal court to which he is assigned.

**“196.** The coordinating judges shall submit to the chief municipal judge, at least twice a year, a report of activities established on a monthly basis for each coordinating region and containing, in particular, the following particulars:

- (1) the number of days on which sittings were held and the average time devoted thereto;
- (2) the name of the municipal judge who presided over each sitting;
- (3) the number of cases heard; and
- (4) the backlog of cases.

The chief municipal judge sends the report without delay to the Minister of Justice.

**“197.** The Government, after consultation with the chief municipal judge, may designate, from among the municipal judges, an associate coordinating judge for a coordinating region and determine his term of office.

The term of office of an associate coordinating judge shall not exceed three years but may be renewed until the total term of office reaches six years.

The functions exercised by the associate coordinating judge are determined by the chief municipal judge.

The office of associate coordinating judge is added to the usual office of puisne judge who must continue to sit in the municipal court to which he is assigned.

**“198.** If a coordinating judge or associate coordinating judge is absent or unable to act, the Government shall designate a municipal judge to exercise the functions of the judge who is absent or unable to act until the latter resumes his duties or is replaced.

**“199.** The Government shall fix, by order, the salary of municipal judges, the additional remuneration attached to the office of chief municipal judge, coordinating judge and associate coordinating judge and the social benefits of municipal judges.

**“200.** Before making an order in accordance with section 199, the Government must comply with the prescriptions of Part VI.4.

Such an order comes into force on the date of its publication in the *Gazette officielle du Québec* or any earlier or later date specified in the order.

**“201.** The municipal judge designated to replace the chief municipal judge, a coordinating judge or an associate coordinating judge while that judge is absent or unable to act is entitled, for the period during which he holds that office, to the additional remuneration attached to it.

**“202.** The Minister of Justice assigns the necessary personnel to the office of the chief municipal judge and of the coordinating judges or associate coordinating judges.”

**10.** The heading of Part V.1 of the Act is amended by replacing “JUDGES OF CERTAIN MUNICIPAL COURTS” by “MUNICIPAL JUDGES”.

**11.** Section 224.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“It also applies, with the necessary modifications, to municipal judges and to presiding justices of the peace.”

**12.** Section 224.2 of the Act is amended

(1) by replacing “or 175” in the first paragraph by “, 175 or 199, as the case may be”;

(2) by replacing “or 175 had” in the second paragraph by “, 175 or 199, as the case may be, had”.

**13.** Section 224.7 of the Act is amended by replacing “of the municipal court of a municipality that is a party to this pension plan” in subparagraph 1 of the first paragraph by “a municipal judge”.

**14.** Section 224.9 of the Act is amended, in the second paragraph,

(1) by replacing “or 175” by “, 175 or 199, as the case may be”;

(2) by inserting “or, in the case of the office of chief municipal judge, if the judge has held such an office for at least five years” after “seven years”;

(3) by inserting “coordinating municipal judge, associate coordinating municipal judge,” after “associate coordinating judge,”.

**15.** Section 224.25 of the Act is amended by replacing “judge of a municipal court” in the second paragraph by “municipal judge”.

**16.** Section 231 of the Act is amended by replacing “115” in the second paragraph by “115 or 199”.

**17.** The Act is amended by inserting the following section after section 246.16:

**“246.16.1.** If a judge or former judge and their spouse of the opposite or the same sex have ceased living together and the latter meets the conditions set out in paragraph 2 of section 224.14, they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms determined by government regulation, to a partition of the benefits accrued by the judge or former judge under the pension plans provided for in Parts V.1, VI and VI.1; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the judge or former judge and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the judge or former judge under the pension plans provided for in Parts V.1, VI and VI.1, established as at the date on which they ceased living together, and any other information determined by the regulation.”

**18.** Section 246.22 of the Act is amended by replacing “section 246.16” in subparagraph *b* of the first paragraph by “sections 246.16 and 246.16.1”.

**19.** Section 246.26 of the Act is amended by replacing “judges of Municipal Courts” in the third paragraph by “municipal judges”.

**20.** Section 246.29 of the Act is amended

(1) by replacing “and presiding justices of the peace are adequate. A further function of the committee is to ascertain, every four years, whether the salary and other social benefits of the judges of the municipal courts to which the Act respecting municipal courts (chapter C-72.01) applies and the pension plan of those judges, if any” in the second paragraph by “, of municipal judges and of presiding justices of the peace”;

(2) in the third paragraph,

(a) by replacing “Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec” by “conference representing municipal judges”;

(b) by replacing “judges of the municipal courts that are under the authority of a president judge” by “municipal judges”.

**21.** Section 246.30 of the Act is amended by replacing “the judges of the municipal courts to which the Act respecting municipal courts (chapter C-72.01) applies” in the second paragraph by “municipal judges”.

**22.** Section 246.31 of the Act is amended

(1) by replacing “Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec” in the second paragraph by “chief municipal judge, the conference representing municipal judges”;

(2) in the third paragraph,

(a) by replacing “chief judge of the Court of Québec, the Conférence des juges municipaux à titre exclusif du Québec and the Conférence des juges municipaux du Québec” in subparagraph 2 by “chief municipal judge and the conference representing municipal judges”;

(b) by replacing both occurrences of “Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec” in subparagraph 5 by “conference representing municipal judges”;

(3) by replacing “the judges of the municipal courts to which the Act respecting municipal courts (chapter C-72.01) applies” in the fourth paragraph by “municipal judges”.

**23.** Section 246.36 of the Act is amended by replacing “Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec” in the third paragraph by “conference representing municipal judges”.

**24.** Section 246.41 of the Act is amended, in the first paragraph,

(1) by replacing “Conférence des juges municipaux à titre exclusif du Québec and the Conférence des juges municipaux du Québec” by “conference representing municipal judges”;

(2) by striking out “, and according to the jurisdiction of each panel from the municipalities responsible for the administration of a municipal court that is under the authority of a president judge,”.

**25.** Section 246.42 of the Act is amended by striking out the third paragraph.

**26.** Section 248 of the Act is amended

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

“(d) the chief municipal judge;”;

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

“(f) one municipal judge appointed upon the recommendation of the conference representing municipal judges;”.

**27.** Section 249 of the Act is amended by striking out “, *d*” in the first paragraph.

**28.** Section 258 of the Act is amended by replacing “Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec” by “conference representing municipal judges”.

**29.** Section 260 of the Act is amended by striking out “the judges of the municipal courts and to” in the second paragraph.

**30.** Section 262 of the Act is amended

(1) by striking out “or section 45.1 of the Act respecting municipal courts (chapter C-72.01)” in the first paragraph;

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

“Special provisions for municipal judges or for presiding justices of the peace may also be stipulated in the code.”

**31.** Section 273.1 of the Act is repealed.

**32.** Schedule II to the Act is amended

(1) by replacing “89 and 180” by “89, 180 and 184”;

(2) by replacing “(or justice of the peace” by “(or municipal judge or justice of the peace”.

**33.** The Act is amended by adding the following schedule after Schedule V:

**“SCHEDULE VI**

*(Section 193)*

**COORDINATING REGIONS**

Region 1 includes the territory of the regional county municipalities of Abitibi, Abitibi-Ouest, Antoine-Labelle, Argenteuil, L’Assomption, Les Collines-de-l’Outaouais, D’Autray, Deux-Montagnes, Joliette, Les Laurentides, Matawinie, Montcalm, Les Moulins, Papineau, Les Pays-d’en-Haut, Pontiac, La Rivière-du-Nord, Témiscamingue, Thérèse-De Blainville, La Vallée-de-la-Gatineau and La Vallée-de-l’Or and the territory of the cities of Gatineau, Laval, Mirabel and Rouyn-Noranda.

Region 2 includes the territory of the urban agglomeration of Longueuil, the territory of the regional county municipalities of Acton, Arthabaska, Beauharnois-Salaberry, Bécancour, Brome-Missisquoi, Coaticook, Drummond, L’Érable, Le Granit, Le Haut-Richelieu, Le Haut-Saint-François, Le Haut-Saint-Laurent, La Haute-Yamaska, Les Jardins-de-Napierville, Marguerite-D’Youville, Les Maskoutains, Memphrémagog, Nicolet-Yamaska, Pierre-De Saurel, Roussillon, Rouville, La Vallée-du-Richelieu, Le Val-Saint-François and Vaudreuil-Soulanges and the territory of the city of Sherbrooke.

Region 3 includes the territory of the Kativik Regional Government, the territory of the urban agglomerations of La Tuque, Québec, Communauté maritime des Îles-de-la-Madeleine and Eeyou Istchee James Bay, the territory of the regional county municipalities of Avignon, Les Appalaches, Les Basques, Beauce-Centre, Beauce-Sartigan, Bellechasse, Bonaventure, Caniapiscau, Charlevoix, Charlevoix-Est, Les Chenaux, Les Etchemins, La Côte-de-Beaupré, Le Domaine-du-Roy, Le Fjord-du-Saguenay, Le Golfe-du-Saint-Laurent, La Haute-Côte-Nord, L’Île-d’Orléans, L’Islet, La Jacques-Cartier, Kamouraska, La Côte-de-Gaspé, La Haute-Gaspésie, Lac-Saint-Jean-Est, Lotbinière, Manicouagan, Maria-Chapdelaine, Maskinongé, La Matanie, La Matapédia, Mékinac, Minganie, La Mitis, Montmagny, La Nouvelle-Beauce, Portneuf, Rimouski-Neigette, Rivière-du-Loup, Le Rocher-Percé, Sept-Rivières, Les Sources and Témiscouata and the territory of the cities of Lévis, Saguenay, Shawinigan and Trois-Rivières.

Region 4 includes the territory of the urban agglomeration of Montréal.”

## ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

**34.** Section 4.8 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by adding the following paragraph at the end:

“(6) for any case relating to a monetary administrative penalty for failure to comply with an Act or regulation relating to parking.”

## ACT RESPECTING MUNICIPAL COURTS

**35.** Section 24.1 of the Act respecting municipal courts (chapter C-72.01) is amended by replacing “and municipal judges shall be under the authority of the associate chief judge of the Court of Québec who is responsible for municipal courts. The associate chief judge shall exercise, under the authority of the chief judge of the Court of Québec,” by “are under the authority of the chief municipal judge, who shall exercise”.

**36.** Sections 25 to 25.7 of the Act are repealed.

**37.** Division II of Chapter III of the Act, comprising sections 32 to 51, is replaced by the following division:

### “DIVISION II

#### “MUNICIPAL JUDGES

“**32.** Municipal judges are appointed and assigned in accordance with the Courts of Justice Act (chapter T-16).”

**38.** Section 52 of the Act is amended by striking out “, even if the court is composed of more than one judge”.

**39.** Section 53 of the Act is amended by replacing “In the case of a court that is under the authority of a president judge, the chief judge may, at the request of the president judge and” in the third paragraph by “The chief judge may,”.

**40.** Section 56.2 of the Act is amended

(1) by inserting “or regulations that may vary from one coordinating region to the other” after “municipal courts” in the first paragraph;

(2) by striking out the second paragraph;

(3) by inserting “concerned” after “municipal court” in the fifth paragraph.

**41.** The Act is amended by inserting the following division after section 69:

**“DIVISION II.1**

**“ATTORNEY ACTING FOR THE PROSECUTION**

**“69.1.** No attorney acting for the prosecution in criminal or penal proceedings before a municipal court may exercise functions or hold an office or employment that the Government, by regulation, declares incompatible with the functions of an attorney acting for the prosecution in criminal or penal proceedings.”

**42.** Section 79 of the Act is repealed.

**43.** Section 86.0.1 of the Act is repealed.

**44.** The Act is amended by inserting the following section after section 86.0.1:

**“86.1.** All the amounts required for municipal judges’ assignment to municipal courts and management, and for the exercise of their functions that are prescribed by government regulation shall be assumed by the municipalities, in accordance with the terms prescribed in that regulation.

[[The remuneration, conditions of employment and social benefits of municipal judges as well as all the amounts referred to in the first paragraph are taken out of the Consolidated Revenue Fund in the form of an advance and reimbursed by the municipalities into that same fund.]]”

**45.** Section 88.1 of the Act is amended by replacing “judge of the court, the judge responsible for the court or the president judge, as the case may be” in the first paragraph by “coordinating judge of the coordinating region in which the court is situated”.

**46.** Section 117.1 of the Act is repealed.

**47.** Section 117.3 of the Act is amended by replacing “the judge of the municipal court” in the introductory clause of the first paragraph by “a municipal judge”.

**48.** Section 117.4 of the Act is amended by replacing “the judge of the municipal court” in the introductory clause by “a municipal judge”.

**49.** Section 118 of the Act is amended

(1) by striking out paragraphs 1 to 5;



(2) by inserting the following paragraph after paragraph 6:

“(6.1) determine any function, office or employment incompatible with the functions of an attorney acting for the prosecution in criminal or penal proceedings;”.

## ACT RESPECTING THE DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS

**50.** Section 18 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) is amended

(1) by striking out the last sentence in the second paragraph;

(2) by inserting the following paragraphs after the second paragraph:

“The attorneys must inform the Director of any non-compliance with or irregularity in the application of an instruction they are subject to. That obligation also applies to the authority they report to in the exercise of their functions as prosecutor in criminal or penal proceedings.

To ensure that an instruction is complied with, the Director may require the transmission of any information relating to the application of an instruction or the transmission of any information or any document relating to a matter or a category of matters necessary for verifying that the instructions are complied with, in accordance with the terms determined by the Director. The Director may also, after discussion with the prosecutor concerned, require that changes or adjustments be made concerning the conduct of a matter or a category of matters.

The Director may, if of the opinion that the public interest so requires, take charge of a matter or a category of matters under the responsibility of a prosecutor, at the cost of the prosecutor concerned. To that end, the Director may appoint any advocate authorized by law to practise in Québec to represent the Director and act under the Director’s authority.”

## ACT RESPECTING MUNICIPAL TAXATION

**51.** The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following chapter after section 264:

### “CHAPTER XIX.1

#### “PROCEEDINGS

“**265.** Penal proceedings under this Act may be instituted by any municipality in the territory in which an offence under a provision of this Act is committed.

The fine belongs to the municipality that instituted the proceedings.

The proceedings may be instituted before any municipal court having jurisdiction in the territory in which the offence is committed. The costs relating to proceedings instituted before a municipal court belong to the municipality to which the court is attached, except the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1), and the costs remitted to the defendant under article 223 of that Code.”

## ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

**52.** Section 11.1 of the Act respecting the Ministère de la Justice (chapter M-19) is amended

(1) by replacing “except municipal courts” in the first paragraph by “except those allocated by municipalities to establish and maintain municipal courts”;

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

“The office of the chief municipal judge and of the coordinating judges or associate coordinating judges does not constitute a body subject to the Public Administration Act (chapter A-6.01).”

## PUBLIC HEALTH ACT

**53.** Sections 88 and 105 of the Public Health Act (chapter S-2.2) are amended by striking out all occurrences of “or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person is to be found”.

**54.** Section 101 of the Act is amended by striking out “or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality in which the residence is situated” in the second paragraph.

**55.** Section 109 of the Act is amended, in the second paragraph,

(1) by striking out “or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person in respect of whom the isolation order has been made is to be found,”;

(2) by replacing “that person” by “a person in respect of whom an isolation order has been made”.

**56.** Sections 110 and 126 of the Act are amended by striking out “or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where that person is to be found,” and “or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person is to be found”, respectively.

## MUNICIPAL COURTS REGULATION

**57.** Section 22 of the Municipal Courts Regulation (chapter C-72.01, r. 1.1) is replaced by the following section:

**“22. Courtrooms.** The coordinating judge determines the use and purposes of available courtrooms in a municipal court to which more than one judge is assigned.”

**58.** Section 23 of the Regulation is amended

(1) by replacing “president judge, the judge responsible for the court or the judge” by “judge assigned to the municipal court, where only one judge is assigned to the court”;

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

“In municipal courts where more than one judge is assigned, the roll is prepared under the authority of the coordinating judge.”

**59.** Section 26 of the Regulation is amended

(1) by replacing “president judge, the judge responsible for the court or the judge” by “judge assigned to the municipal court, where only one judge is assigned to the court”;

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

“In municipal courts where more than one judge is assigned, the other location is designated by the coordinating judge.”

**60.** Section 28 of the Regulation is amended

(1) by replacing “president judge, the judge responsible for the court or a judge” by “judge assigned to the municipal court, where only one judge is assigned to the court”;

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

“In municipal courts where more than one judge is assigned, authorization is given by the coordinating judge.”

**61.** Section 30 of the Regulation is replaced by the following section:

**“30. Scheduling of sittings.** The sittings of the court are scheduled by the judge assigned to the municipal court, where only one judge is assigned to the court.

In municipal courts where more than one judge is assigned, the sittings are scheduled by the coordinating judge.

In all cases, the clerk is consulted about and cooperates in the scheduling of the sittings.”

**62.** Section 31 of the Regulation is amended

(1) by replacing “by the president judge, the judge responsible for the court or the judge and, in all cases, after consulting the clerk” by “, after consultation with the clerk, by the judge assigned to the municipal court, where only one judge is assigned to the court”;

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

“In municipal courts where more than one judge is assigned, the time is set, after consultation with the clerk, by the coordinating judge.”

**63.** Section 45 of the Regulation is amended

(1) by replacing “president judge, the judge responsible for the court or the judge” in the second paragraph by “judge assigned to a municipal court, where only one judge is assigned to the court. In municipal courts where more than one judge is assigned, the application is submitted to the coordinating judge”;

(2) by replacing “president judge, the judge responsible for the court or the judge” in the fifth paragraph by “assigned judge or, in the case of a municipal court where more than one judge is assigned, the coordinating judge”.

**64.** Section 59 of the Regulation is amended by replacing “president judge, the judge responsible for the court or the judge” in the first paragraph by “assigned judge or, in the case of a municipal court where more than one judge is assigned to the court, the coordinating judge”.

**65.** Section 77 of the Regulation is amended by replacing “president judge, the judge responsible for the court or a judge” in the first paragraph by “assigned judge or, in the case of a municipal court where more than one judge is assigned, the coordinating judge”.

## **CHAPTER II**

### **ENACTMENT OF THE ACT RESPECTING MONETARY ADMINISTRATIVE PENALTIES IN MUNICIPAL MATTERS**

**66.** The Act respecting monetary administrative penalties in municipal matters, the text of which appears below, is enacted.

## **“ACT RESPECTING MONETARY ADMINISTRATIVE PENALTIES IN MUNICIPAL MATTERS**

**“1.** The Government may, by regulation, allow a municipal body to establish a system of monetary administrative penalties as an incentive to rapidly remedy a failure to comply with a regulatory provision or to prevent the repetition of such a failure.

**“2.** The government regulation must

(1) determine the municipal body authorized to establish a system of monetary administrative penalties;

(2) determine the categories of failures to comply or the failures that may be the subject of a system of monetary administrative penalties;

(3) set the amount of the monetary administrative penalties;

(4) set the prescription period of the monetary administrative penalties and the reasons for interrupting prescription;

(5) prohibit, regarding the same failure to comply, the accumulation of monetary administrative penalties or that of a monetary administrative penalty and penal proceedings;

(6) impose any measure to ensure that any person concerned by the imposition of a monetary administrative penalty may apply to have it reviewed and, if applicable, contest the review decision within a framework that is consistent with the principles of fundamental justice; and

(7) set the costs that the person responsible for hearing a contestation may impose when confirming the review decision.

The government regulation may prescribe all the other terms and conditions, including all the rules of procedure and the rules relating to the recovery of the amounts owing, that the system of monetary administrative penalties of a municipal body must comply with or authorize the municipal body to prescribe those terms and conditions.

The standards prescribed by the government regulation may vary on the basis of any distinction considered useful.

**“3.** A municipal body authorized under this Act must establish a contestation body or enter into an agreement with a municipal body having established such a body by which the monetary administrative penalties it imposes may be contested before that body.

**“4.** The authorized municipal body establishes a system of monetary administrative penalties by a by-law that is in conformity with the provisions of the government regulation referred to in section 2.

The standards prescribed by the municipal body’s by-law may vary on the basis of any distinction considered useful.

The by-law is sent to the Minister of Municipal Affairs, Regions and Land Occupancy and to the Minister of Justice.

**“5.** The Government, on the recommendation of the Minister of Justice, appoints the persons responsible for hearing contestations according to the recruiting and selection procedure established by government regulation. The Government may entrust the application of that recruiting and selection procedure to the authorized municipal body.

The Minister may also designate a decision maker from among the persons responsible for hearing contestations.

The government regulation may also prescribe any measure relating to the execution of the functions of the persons responsible for hearing contestations and of the decision maker. The regulation must, in particular, prescribe the duration of the term of the persons responsible for hearing contestations, determine the remuneration and other conditions of employment of those persons, prescribe the functions incompatible with their functions and the rules of conduct that apply to them.

**“6.** Any person may lodge a complaint with the Conseil de la justice administrative (the “council”) against a person responsible for hearing contestations, for a breach of the rules of conduct, of a duty imposed by the government regulation or of the prescriptions governing conflicts of interest and incompatible functions.

The complaint must be in writing and must briefly state the reasons on which it is based.

It is transmitted to the seat of the council.

**“7.** When examining a complaint against a person responsible for hearing contestations, the council acts in accordance with sections 184 to 192 of the Act respecting administrative justice (chapter J-3), with the necessary modifications.

**“8.** The Minister may dismiss a person responsible for hearing contestations if the council so recommends, after an inquiry conducted following the lodging of a complaint pursuant to section 6.

The Minister may also suspend the person with or without remuneration for the period recommended by the council.

**“9.** The Minister may also remove a person responsible for hearing contestations from office due to a permanent disability which, in the opinion of the Minister, prevents the person from performing the duties of office satisfactorily; permanent disability is ascertained by the council, after an inquiry conducted at the request of the Minister.

The council acts in accordance with sections 193 to 197 of the Act respecting administrative justice, with the necessary modifications.

**“10.** The Minister of Justice is responsible for the administration of this Act.”

### **CHAPTER III**

#### **TRANSITIONAL AND FINAL PROVISIONS**

**67.** The judges appointed to one of the municipal courts established under the Act respecting municipal courts (chapter C-72.01) and who are exercising their functions in one of the courts on 30 June 2024 are deemed to have been appointed under section 183 of the Courts of Justice Act (chapter T-16), enacted by section 9 of this Act.

Those judges are deemed to have taken the oath in accordance with the Courts of Justice Act, as amended by this Act.

The judges are to be assigned mainly to the municipal court to which they are assigned on 30 June 2024.

The judges’ notice of appointment is deemed to provide, from 1 July 2024, that the city where they must establish their residence is that in which the municipal court to which they are assigned on 30 June 2024 is situated, including the immediate vicinity of that city.

If, on 30 June 2024, a judge is assigned to more than one municipal court, the judge’s notice of appointment is deemed to provide that, from 1 July 2024, the city where the judge must establish his or her residence is one of the cities in which one of the municipal courts to which the judge is assigned on 30 June 2024 is situated, including the immediate vicinity of those cities. The judge informs the chief municipal judge and the Minister of Justice of the place of establishment of his or her residence not later than 1 July 2025.

If the place of residence of a judge referred to in the first paragraph differs from that mentioned in the fourth or fifth paragraph, the judge concerned may, before 15 July 2024, submit the matter of his or her place of residence to the Conseil de la magistrature (the “council”). The council hears the judge concerned and the chief municipal judge, if the council considers it expedient.

The council may then determine

(1) that the judge's place of residence, from 1 July 2024, is the city where the municipal court to which the judge was assigned on 30 June 2024 is situated, including the immediate vicinity of that city; if, on 30 June 2024, a judge is assigned to more than one municipal court, the council determines that the place of residence is one of the cities in which one of the municipal courts to which the judge was assigned on 30 June 2024 is situated, including the immediate vicinity of that city; and

(2) that the judge's place of residence is, from 1 July 2024, the city in which the judge resides on 30 June 2024, including the immediate vicinity of that city, and the municipal court to which the judge is assigned is the court situated nearest to that place of residence.

The decision of the council is sent to the chief municipal judge and to the Minister of Justice.

The judge who, following the application of this section, must change his or her place of residence, must do so not later than 1 July 2025.

**68.** Until a chief municipal judge is appointed, the associate chief judge responsible for municipal courts remains in charge of directing municipal courts and of the courts themselves and the provisions of the Act respecting municipal courts and of the Courts of Justice Act, as amended by this Act and referring to the office of chief municipal judge, are applicable to him or her.

If the appointment of the chief municipal judge occurs before the end of the term of office of the associate chief judge responsible for municipal courts, the latter's term of office is ended but he or she continues to receive his or her additional remuneration related to that position for the unexpired portion of his or her term. He or she is then entitled to receive, until his or her salary as a judge is equal to the amount of salary and additional remuneration he or she was receiving, the difference between the latter amount and his or her salary. The associate chief judge responsible for municipal courts is also entitled to the benefits provided for in sections 92, 122 and 224.9 of the Courts of Justice Act, as they read before the coming into force of sections 6 and 14 of this Act.

**69.** Until a coordinating judge of a coordinating region is appointed by the Government, a president judge appointed to a municipal court established under the Act respecting municipal courts and who is exercising his or her functions in that court on 30 June 2024 becomes a coordinating judge of the coordinating region in which the municipal court in which he or she is president judge on 30 June 2024 is situated for the unexpired portion of his or her term as president judge, with no possibility of renewal.

If the appointment of a coordinating judge of a coordinating region occurs before the end of the term of office of the president judge, the latter's term of office is ended but he or she continues to receive his or her additional



remuneration related to that position for the unexpired portion of his or her term. He or she is then entitled to receive, until his or her salary as a judge is equal to the amount of salary and additional remuneration he or she was receiving, the difference between the latter amount and his or her salary. He or she is also entitled to the benefits provided for in section 72 of this Act.

**70.** Until an associate coordinating judge of the coordinating region of Montréal is appointed, if any, the associate president judge appointed under the Act respecting municipal courts and who is exercising his or her functions in the municipal court of Ville de Montréal on 30 June 2024 becomes the associate coordinating judge for the Montréal coordinating region for the unexpired portion of his or her term as associate president judge.

If the appointment of an associate coordinating judge of the coordinating region of Montréal occurs before the end of the term of office of the associate president judge's term, the latter's term of office is ended but he or she continues to receive his or her additional remuneration related to that position for the unexpired portion of his or her term.

**71.** In addition to its functions under the second paragraph of section 246.29 of the Courts of Justice Act, the function of the committee on the remuneration of judges and justices of the peace, formed for the period from 1 July 2023 to 30 June 2027, is to examine any change proposed by the Government to any additional remuneration, to the pension plan and to the other employee benefits arising from the provisions of this Act. The committee ascertains whether the change is adequate, and reports and makes recommendations to the Government in that respect.

Sections 246.30 to 246.45 of the Courts of Justice Act apply to the committee in the exercise of the function referred to in the first paragraph.

**72.** Any judge or former judge who has held or holds the office of president judge of a municipal court for at least seven years is entitled to receive, until his or her salary as a judge is equal to the amount of salary and additional remuneration he or she was receiving when he or she ceased to hold such office, the difference between the latter amount and his or her salary.

The years during which a judge holds the office of coordinating judge of a coordinating region, after having held the office of president judge of a municipal court, are taken into consideration for the purpose of computing the seven years referred to in the first paragraph.

**73.** Section 246.16.1 of the Courts of Justice Act, enacted by section 17 of this Act, applies to spouses referred to in that section who ceased living together after 31 August 1990, but before the coming into force of that section 17, if they agree to the partition referred to in that section not later than 12 months after that later date.

**74.** Any order made under section 49 of the Act respecting municipal courts, as it reads on 30 June 2024, that pertains to a judge other than a deputy judge, president judge, associate president judge, judge responsible for a municipal court or judge responsible for the professional development of judges of municipal courts and that is consistent with the provisions of the Courts of Justice Act, as amended by this Act, is deemed to be made under those provisions.

**75.** The term of office of the president judge of a municipal court who sits on the council under paragraph *d* of section 248 of the Courts of Justice Act ends on 1 July 2024.

The term of office of the judge selected from among the judges of the municipal courts and appointed on the recommendation of the Conférence des juges municipaux du Québec ends on the date of appointment of a municipal judge on the recommendation of the conference representing municipal judges, in accordance with paragraph *f* of section 248 of the Courts of Justice Act, as amended by section 26 of this Act.

**76.** This Act comes into force on 1 July 2024, except

(1) sections 18, 34, 41, 50, 51, 71 and 73, which come into force on (*insert the date of assent to this Act*);

(2) section 17, which comes into force on the date of coming into force of the first regulation made under section 246.16.1 of the Courts of Justice Act, enacted by this Act;

(3) sections 2 to 5 of this Act, section 191 of the Courts of Justice Act, enacted by section 9 of this Act, and section 35 of this Act, which come into force on the day the first chief municipal judge is appointed; and

(4) the first paragraph of section 72, which has effect from 28 March 2017.



