

AMENDMENT

Bill 40

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

SECTION 9 (section 192 of the Courts of Justice Act)

In the second paragraph of proposed section 192:

1. Replace "meet municipalities' performance objectives and needs" in subparagraph 1 by "; meet the performance objectives of the municipal courts and consider the needs of municipalities and of individuals before the courts".
2. Replace "municipalities' needs are met" in subparagraph 2 by "municipalities' needs are taken into consideration".

*Adopted
RB*

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SECTION 9 (section 195 of the Courts of Justice Act)

Strike out "usual" in the third paragraph of proposed section 195.

*Adopted
1/12*

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SECTION 9 (section 197 of the Courts of Justice Act)

Strike out "usual" in the fourth paragraph of proposed section 197.

*Adopte
PB*

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SECTION 9 (section 196 of the Courts of Justice Act)

In proposed section 196:

1. Replace subparagraph 2 of the first paragraph by:
 - (2) the number of judges who presided over the sittings of each municipal court and the number of sittings presided over by a same judge in that same court;
2. Replace "without delay" in the second paragraph by "as soon as possible".

*Adopted
PB*

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SECTION 19 (section 246.26 of the Courts of Justice Act)

Replace "in the third paragraph by "municipal judges"" by "and "be borne by each municipality, respectively" in the third paragraph by "municipal judges" and "be borne by the municipalities in accordance with the regulation made under section 86.1 of the Act respecting municipal courts (chapter C-72.01)", respectively".

*Adopte
RB*

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SECTION 60 (section 28 of the Municipal Courts Regulation)

Replace by:

60. Section 28 of the Regulation is amended by replacing "president judge, the judge responsible for the court or a judge" by "judge assigned to the municipal court".

*Adopte
RR*

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SECTION 68

Replace by:

68. The Government may, at any time, appoint the first chief municipal judge. The latter must be selected from among the judges appointed to one of the municipal courts established under the Act respecting municipal courts. Furthermore,

(1) the judge's term of office is five years from his or her appointment and may not be renewed;

(2) the judge is deemed, from the date of coming into force of section 9 of this Act and for the unexpired portion of his or her term, to have been appointed and to have taken the oath in accordance with the Courts of Justice Act, as amended by this Act;

(3) the judge exercises the functions that the Courts of Justice Act and the Act respecting municipal courts, as they read before the coming into force of this Act, assign to the associate chief judge responsible for municipal courts, until the date referred to in subparagraph 2; and

(4) when an order is made under section 199 of the Courts of Justice Act, enacted by section 9 of this Act, the judge receives the additional remuneration and all the social benefits fixed in the order with regard to the office of chief municipal judge, retroactively to the date of his or her appointment.

Until the first 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, as the case may be, that refer to the office of chief municipal judge are applicable to him or her.

The appointment of the first chief municipal judge puts an end to the term of the associate chief judge responsible for municipal courts. However, the latter

continues to receive the 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.

*Adopte
7B*

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**AN ACT MAINLY TO REFORM MUNICIPAL COURTS AND TO IMPROVE THE
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SECTION 70

1. Replace "the coordinating region of Montréal" and "the Montréal coordinating region" by "Region 4".
2. Insert ", with no possibility of renewal" at the end of the first paragraph.

*Adopté
2/3*

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**AN ACT MAINLY TO REFORM MUNICIPAL COURTS AND TO IMPROVE THE
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**SECTION 66 (section 1 of the Act respecting monetary administrative
penalties in municipal matters)**

Replace "regulatory provision" in proposed section 1 by "provision of an Act or regulation".

*Adopted
7/12*

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**AN ACT MAINLY TO REFORM MUNICIPAL COURTS AND TO IMPROVE THE
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**SECTION 66 (section 2 of the Act respecting monetary administrative
penalties in municipal matters)**

Insert "and in accordance with a procedure conducted so as to ensure a fair debate, in keeping with the duty to act impartially and with the right to be heard" after "with the principles of fundamental justice" in subparagraph 6 of the first paragraph of proposed section 2.

*Adopte
PB*

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SECTION 34.1 (section 54.1 of the Act respecting the Barreau du Québec)

Insert after section 34:

34.1. Section 54.1 of the Act respecting the Barreau du Québec (chapter B-1) is amended by replacing the last sentence of the second paragraph by the following: "Nevertheless, he may,

(1) perform the acts referred to in subsection 1 of section 128 within a legal person referred to in section 131.1 in accordance with the by-law adopted under that section; and

(2) act as certified mediator in accordance with a regulation made under article 570 of the Code of Civil Procedure (chapter C-25.01)."

*Adopté
2022*

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SECTION 52.1 (section 13.1 of the Notaries Act)

Insert after section 52:

52.1. Section 13.1 of the Notaries Act (chapter N-3), enacted by section 22 of chapter 23 of 2023, is amended by replacing the last sentence of the second paragraph by the following: "Nevertheless, a retired notary may,

(1) perform, within a legal person referred to in section 26.1 and in accordance with the regulation made under that section, the acts mentioned in paragraphs 3 to 5 of section 15 as well as those mentioned in paragraph 7 of that section, with the exception of representing clients in connection with any application that may be dealt with according to the procedure for non-contentious proceedings set out in Book III of the Code of Civil Procedure (chapter C-25.01); and

(2) act as certified mediator in accordance with a regulation made under article 570 of the Code of Civil Procedure."

*Adopte
R3*

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**SECTION 66 (section 8 of the Act respecting monetary administrative
penalties in municipal matters)**

Replace "Minister" in the first and second paragraphs of proposed section 8 by
"Government".

*Adopte
PB*

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**SECTION 66 (section 9 of the Act respecting monetary administrative
penalties in municipal matters)**

Replace "The Minister may" and "opinion of the Minister" in the first paragraph of proposed section 9 by "The Government may" and "opinion of the Government", respectively.

*Adopte
PB*

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

SECTION 76

1. Replace "34, 41, 50, 51" in paragraph 1 by "34, 34.1, 41, 50, 51, 52.1, 66, 68".
2. Replace paragraph 3 by:
 - (3) sections 2 to 5 and 35, which come into force on 1 July 2024 or on the date of the appointment of the first chief municipal judge, whichever date is earlier; and

*Adopte
RJR*