

Bill 10

**An Act to provide for the provisional
relief from office of an elected
municipal officer**

Section 5

AMENDMENT:

Replace the second paragraph of proposed section 312.1 by:

The motion may be brought by the municipality, the Attorney General or any of the municipality's electors. It is heard and decided by preference.

Adopted

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Section 5

AMENDMENT:

Insert at the end of the second paragraph of proposed section 312.1:
Notice of the motion is given to the Director of Criminal and Penal Prosecutions
and to any other authority responsible for the proceedings on which the motion is
based, so that they may make representations concerning any order needed to
protect the right to a fair trial in the context of those proceedings.

Adopte

AM 3
s. 5 (312.6)

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Section 5

AMENDMENT:

Insert after proposed section 312.5:

“312.6. The Minister of Municipal Affairs, Regions and Land Occupancy may set up a program to provide financial support to any elector who has brought or intends to bring a motion under the second paragraph of section 312.1.”

Adopte

AM 4
s. 5 (312.4)

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Section 5

AMENDMENT:

Strike out the second paragraph of proposed section 312.4.

Adopte


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Section 5

AMENDMENT:

Insert after proposed section 312.4:

"312.4.1. On a motion by the council member, the Superior Court may put an end to the provisional incapacity if it considers it warranted in view of the fact that the proceedings on which a provisional incapacity motion was based were substantially modified.

It is heard and decided by preference.

Adopted

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AMENDMENT:

Replace subparagraph 2 of the first paragraph of proposed section 312.4 by:

(2) the date of a judgment of acquittal or a stay of proceedings in respect of all such charges; and

Adopted

AM 7

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Amendment number AM 7 has been withdrawn and now bears number AM d

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Section 2

AMENDMENT:

Replace by:

2. Section 604.7 of the Act is amended by adding the following sentence at the end of the third paragraph: "They do not apply in the case provided for in subparagraph 3 of the first paragraph of section 604.6."

Adopte
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Section 4

AMENDMENT:

Replace by:

4. Article 711.19.2 of the Code is amended by adding the following sentence at the end of the third paragraph: "They do not apply in the case provided for in subparagraph 3 of the first paragraph of article 711.19.1."

Adopte

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Section 0.1

AMENDMENT:

Insert before section 1:

0.1. Section 56 of the Cities and Towns Act (chapter C-19) is amended by adding the following sentence at the end of the second paragraph: "When the inability results from a provisional incapacity declared under section 312.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2), the acting mayor shall have and exercise all the powers conferred on the mayor, despite the fourth paragraph of section 53 and any inconsistent legislative provision contained in the charter of a municipality governed in part by this Act."

Adopte

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Section 5

AMENDMENT:

Replace proposed section 312.5 by:

“312.5. If found guilty, by a judgment that has become final, of the offence alleged in the proceedings on which the judgment declaring him provisionally incapable was based, the council member must repay to the municipality and any mandatary body of the municipality or supramunicipal body any sum received as remuneration or an allowance under the Act respecting the remuneration of elected municipal officers (chapter T-11.001) for the period during which he was forced to cease performing any duty of office. The council member also loses the right to any severance allowance or transition allowance under that Act for the period prior to the finding of guilty and any such sums already received must be repaid to the municipality, except if they were received before the beginning of the term during which the council member was forced to cease performing any duty of office.

The council member must also reimburse the municipality for any expenses paid in the context of the defence of the council member against a provisional relief motion brought under subparagraph 3 of the first paragraph of section 604.6 of the Cities and Towns Act (chapter C-19) or subparagraph 3 of the first paragraph of article 711.19.1 of the Municipal Code of Québec (chapter C-27.1).”

Adopté