



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 151
(1997, chapter 76)

An Act to amend the Courts of Justice Act

Introduced 12 June 1997
Passage in principle 19 June 1997
Passage 12 December 1997
Assented to 18 December 1997

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EXPLANATORY NOTES

This bill amends the Courts of Justice Act to reduce to not more than 270 the number of judges at the Court of Québec. The reduction shall be effected progressively as and when judges of the Court of Québec become eligible for retirement or cease to hold office as judges.

The bill also amends the procedure governing the appointment of the secretary of the Conseil de la magistrature.

Bill 151

AN ACT TO AMEND THE COURTS OF JUSTICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 85 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the figure “290” by the words “not more than 270”.

2. Sections 255 to 255.4 of the said Act are replaced by the following sections :

“255. The chairman shall appoint the secretary of the council, for a five-year term, from among the advocates on the Roll of the Order of Advocates for at least 10 years who are members of the public service. The Government shall determine the salary, the employment benefits and other conditions of employment of the secretary.

Upon being appointed, the secretary shall cease to be subject to the Public Service Act (chapter F-3.1.1); the person appointed to the office of secretary shall be on leave without pay for the duration of the five-year term.

“255.1. The secretary of the council shall exercise the functions of the secretary on an exclusive basis, under the authority of the chairman.

The secretary shall, before taking office, make the oath or solemn affirmation set out in Schedule III, before the chief judge of the Court of Québec.

“255.2. At the expiry of the five-year term of office, the secretary shall remain in office until replaced or reappointed.

“255.3. The members of the personnel of the council, other than the secretary, shall be appointed and remunerated in accordance with the Public Service Act.”

3. Schedule III to the said Act is amended by replacing the figure “255.3” by the figure “255.1”.

4. Notwithstanding section 1, a person who, on 18 December 1997, is a judge of the Court of Québec shall continue to hold that office.

Where an office of judge becomes vacant, the Government may, if it considers it necessary to ensure the proper administration of justice and after

taking into consideration the needs of the Court, appoint a judge in accordance with section 86 of the Courts of Justice Act in order to fill the vacancy, even if no office of judge of the Court is vacant at that time, provided that the total number of judges then in office does not exceed 276; this paragraph shall cease to have effect when the total number of judges in office is 270.

5. The term of office of the secretary of the Conseil de la magistrature in office on 17 December 1997 shall end upon the appointment of the secretary pursuant to section 255 of the Courts of Justice Act, as replaced by section 2 of this Act.

6. This Act comes into force on 18 December 1997.