



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 64
(1999, chapter 62)

**An Act to amend the Courts of Justice
Act and the Act respecting municipal
courts**

**Introduced 28 May 1999
Passage in principle 2 November 1999
Passage 18 November 1999
Assented to 26 November 1999**

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EXPLANATORY NOTE

This bill amends the Courts of Justice Act and the Act respecting municipal courts in order to ensure the implementation of certain recommendations of the committee that examined the remuneration of the judges of the Court of Québec and the municipal courts.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 64

AN ACT TO AMEND THE COURTS OF JUSTICE ACT AND THE ACT RESPECTING MUNICIPAL COURTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 92 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the second paragraph by the following paragraph :

“A judge who has held the office of chief judge, senior associate chief judge or associate chief judge for at least seven 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 chief judge and the senior associate chief judge are entitled to a leave of absence of one year and an associate chief judge is entitled to a leave of absence of six months.”

2. The said Act is amended by inserting the following section after section 121 :

“121.1. A judge who, upon being appointed to the office of chief judge or senior associate chief judge, resides elsewhere than in the territory of Ville de Québec or in the immediate vicinity thereof, is entitled to a working residence allowance for the duration of the judge’s term of office as chief judge or senior associate chief judge. The amount and terms and conditions of payment of the allowance shall be established by order of the Government.”

3. Section 122 of the said Act is amended by replacing the second sentence of the fourth paragraph by the following sentences : “However, the additional remuneration attached to the office of chief judge, senior associate chief judge or associate chief judge shall be included in those salaries only if the judge has held such an office for at least seven years. The remuneration paid to a coordinating judge or associate coordinating judge and any other remuneration paid to a judge on leave without pay or a judge to whom sections 131 to 134 apply shall be excluded from those salaries.”

4. The said Act is amended by inserting the following section after section 122 :

“122.0.1. The chief judge may, if consistent with the proper administration of justice, grant a leave without pay or a leave with deferred pay to a judge who applies for such a leave.”

5. Section 231 of the said Act is amended by replacing the second sentence of the second paragraph by the following sentences: “However, the additional remuneration attached to the office of chief judge, senior associate chief judge or associate chief judge shall be included in those salaries only if the judge has held such an office for at least seven years. The remuneration paid to a coordinating judge or associate coordinating judge and any other remuneration paid to a judge on leave without pay or a judge to whom sections 131 to 134 apply shall be excluded from those salaries.”

6. The English text of section 246.43 of the said Act is amended by replacing “30”, wherever it appears in the second paragraph, by “10”.

7. Section 51 of the Act respecting municipal courts (R.S.Q., chapter C-72.01), amended by section 16 of chapter 30 of the statutes of 1998, is again amended by replacing “any later date” by “any earlier or later date”.

8. A judge of the Court of Québec whose term of office as an associate chief judge ended by the operation of section 63 of chapter 42 of the statutes of 1995 is deemed to have held the office of associate chief judge for at least seven years, for the purposes of sections 122 and 231 of the Courts of Justice Act, as amended by sections 3 and 5 of this Act.

9. The provisions of this Act come into force on 26 November 1999.