



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 84
(2004, chapter 41)

An Act to amend the Courts of Justice Act

Introduced 10 December 2004
Passage in principle 16 December 2004
Passage 16 December 2004
Assented to 17 December 2004

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EXPLANATORY NOTES

This bill amends the Courts of Justice Act to give legislative effect to the resolution passed by the National Assembly on 4 June 2004 as regards the recognition of the pensionable salary of judges of the Court of Québec whose salary is protected under section 116 of that Act.

The bill also makes concordance amendments to the Supplementary Benefits Plan for Judges Covered by the Pension Plan Established under Part VI of the Courts of Justice Act.

LEGISLATION AMENDED BY THIS BILL:

- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 84

AN ACT TO AMEND THE COURTS OF JUSTICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 224.9 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting the following paragraph after the third paragraph:

“A judge having held the office of chief judge, senior associate chief judge or associate chief judge for at least seven years is deemed, for the sole purpose of determining the amount of the judge’s pension, to have received, for each of the years taken into consideration, an annual salary at least equivalent to that of a puisne judge.”

2. Section 231 of the said Act is amended by inserting the following paragraph after the third paragraph:

“A judge having held the office of chief judge, senior associate chief judge or associate chief judge for at least seven years is deemed, for the sole purpose of determining the amount of the judge’s pension, to have received, for each of the years taken into consideration, an annual salary at least equivalent to that of a puisne judge.”

3. Section 11 of the Supplementary Benefits Plan for Judges Covered by the Pension Plan Established under Part VI of the Courts of Justice Act, enacted by Order in Council 326-93 dated 17 March 1993 (1993, G.O. 2, 1949) and amended by Orders in Council 793-93 dated 9 June 1993 (1993, G.O. 2, 3247), 322-94 dated 9 March 1994 (1994, G.O. 2, 1211), 1477-95 dated 15 November 1995 (1995, G.O. 2, 3208) and 1473-2001 dated 12 December 2001 (2001, G.O. 2, 6861), is again amended by replacing section 11 by the following section:

“**11.** To calculate the supplementary benefits payable under this plan, the average salary is determined in accordance with section 231 of the Act.”

4. This Act also applies to a judge who is already retired on 17 December 2004, held the office of chief judge, senior associate chief judge or associate chief judge for at least seven years and received a lump sum as a salary adjustment after 1 January 2000. It applies from the date of retirement.

5. This Act comes into force on 17 December 2004.