



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 68
(2002, chapter 21)

**An Act to amend the Act respecting
municipal courts, the Courts of Justice
Act and other legislative provisions**

**Introduced 13 December 2001
Passage in principle 7 May 2002
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Assented to 13 June 2002**

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EXPLANATORY NOTES

This bill amends the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions to subject all the municipal courts of Québec, including those of the cities of Laval, Montréal and Québec, to the Act respecting municipal courts. The bill clarifies the purpose of the latter Act, which is to dispense community justice throughout Québec, thus making the justice system more readily accessible to citizens.

A new office of associate chief judge is created within the Court of Québec, its holder to be responsible for the municipal courts. The associate chief judge, under the authority of the chief judge of the Court of Québec, will have the direction of the municipal courts and take over the functions currently exercised by the chief judge of the municipal courts, in particular as regards the establishment of the general policies of the municipal courts, the adoption of rules of practice, the monitoring of compliance with judicial ethics and the promotion of professional development for municipal judges.

The bill revises the structure of the administrative functions within the municipal courts, providing for the appointment by the Government of president judges in the courts in which the judges exercise their functions exclusively and on a full-time basis. The bill provides that a president judge may be assisted by an associate president judge, appointed by the Government, if circumstances so warrant. The function of president judge or associate president judge is to coordinate the work of the judges assigned to the court. President judges and associate president judges will exercise their functions under the authority of the associate chief judge responsible for the municipal courts.

Municipal judges are prohibited from practising the profession of advocate before any municipal court and before the Court of Québec, subject, as concerns the latter court, to a five-year transition period with respect to matters other than criminal and penal matters.

The bill amends the Code of Penal Procedure to authorize the application of the provisions of the Criminal Code concerning audio and video evidence and to restrict the scope of the powers of collectors of fines upon their designation.

Lastly, the bill contains various measures intended to ensure the transition from the rules under the current Act respecting the municipal courts to the rules introduced by this bill.

LEGISLATION AMENDED BY THIS BILL :

- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Charter of the City of Laval (1965, 1st session, chapter 89);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

Bill 68

AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL COURTS, THE COURTS OF JUSTICE ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING MUNICIPAL COURTS

1. Section 1 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is amended

(1) by striking out “other than the cities of Laval, Montréal and Québec,” in the first and second lines ;

(2) by adding the following paragraph at the end :

“The purpose of this Act is to establish municipal courts to dispense community justice throughout Québec, thus making the justice system more readily accessible to citizens.”

2. Section 23 of the said Act is amended

(1) by replacing “and the” in the first line of the first paragraph by “who shall consult the” ;

(2) by striking out “of the municipal courts” at the end of the first paragraph.

3. Section 24 of the said Act is amended by inserting “or to determine any other place where the court may hold its sittings” after “sittings” in the second line of the second paragraph.

4. The said Act is amended by inserting the following section before section 25 in Division I of Chapter III :

“24.1. Municipal courts and municipal judges shall be under the authority of the associate chief judge of the Court of Québec who is responsible for municipal courts. The associate chief judge shall exercise, under the authority of the chief judge of the Court of Québec, the functions exercised by the chief judge in respect of municipal judges and municipal courts pursuant to this Act, in addition to the functions assigned to the associate chief judge by the Courts of Justice Act (chapter T-16).

5. Section 25 of the said Act is amended by adding the following paragraphs at the end :

“However, in courts where judges exercise their functions exclusively and on a full-time basis, the Government shall appoint a president judge from among the judges where it considers that the volume of judicial activity so warrants.

The Government may, in addition, where circumstances so warrant, appoint an associate president judge from among the judges of the court to assist the president judge in the exercise of his or her functions.”

6. The said Act is amended by inserting the following sections after section 25 :

“25.1. Under the authority of the chief judge, the president judge and the judge responsible for the court shall be responsible for coordinating and distributing the work of the judges assigned to the court, assigning the cases and scheduling the sittings of the court. The judges must, in that regard, comply with the orders and directives of the president judge and judge responsible for the court.

The president judge shall also exercise such other functions as the chief judge determines.

“25.2. The term of office of the president judge is seven years and the term of office of the judge responsible for the court is three years. The term may not be renewed.

The term of the judge responsible for a court shall terminate upon the appointment of a president judge to that court.

The president judge and the judge responsible for the court shall remain in office notwithstanding the end of their term until they are replaced.

Where the president judge is absent or unable to act, he or she may be replaced by the associate president judge or, where there is no associate president judge, by another municipal judge appointed by the Government from among the judges assigned to the same court, to exercise the functions of the president judge until the president judge resumes the exercise of his or her functions or is replaced.

“25.3. Where the judge responsible for the court is absent or unable to act, he or she may be replaced by another municipal judge appointed by the Government from among the judges assigned to the same court, to exercise the functions of the judge responsible for the court until the latter resumes his or her functions or is replaced.

“25.4. The associate president judge shall advise and assist the president judge. In addition, the president judge shall exercise such other functions as are determined by the chief judge.

“25.5. The term of office of the associate president judge shall not exceed three years and may be renewed.

The associate president judge shall remain in office notwithstanding the end of his or her term until he or she is replaced or reappointed.”

7. Section 36 of the said Act is amended by striking out “of the municipal courts” in the first line of the second paragraph.

8. Sections 36.1 to 36.5 of the said Act are repealed.

9. Section 37 of the said Act is amended by replacing “other than those of Laval, Montréal and Québec” in the fifth line by “or before the Court of Québec”.

10. Section 37.1 of the said Act is repealed.

11. Section 39.1 of the said Act is amended

(1) by adding “or for the purpose of being temporarily assigned to a municipal court in accordance with section 46.1” at the end of the first sentence;

(2) by replacing “to a municipal court” at the end of the second sentence by “of a municipal court or temporarily assign the judge to a municipal court”.

12. The English text of section 39.3 of the said Act is amended by replacing “give preference” in the first line by “give priority consideration”.

13. The English text of section 42 of the said Act is amended by replacing “The Minister” in the third line by “The chief judge”.

14. The said Act is amended by inserting the following section after section 45:

“45.1. Every judge exercising his or her functions in a municipal court to which a president judge has been appointed must exercise such functions on an exclusive basis.

The second paragraph of section 129 of the Courts of Justice Act applies to the exercise of such functions.”

15. The heading of Subdivision 4 of Division II of Chapter III of the said Act is amended by adding “*and temporarily assigned judge*” after “*judge*”.

16. Section 46 of the said Act is amended by replacing the first sentence of the first paragraph by the following sentences : “The chief judge shall designate a deputy judge for each municipal court that is not under the authority of a president judge. Deputy judges shall be designated from among the judges of other municipal courts who are not required to exercise their functions on an exclusive basis.”

17. The said Act is amended by inserting the following section after section 46 :

“46.1. For the proper dispatch of the business of a municipal court that is under the authority of a president judge and on the recommendation of the latter, the chief judge may temporarily assign a municipal judge to that court, for the period determined by the chief judge, in order to meet a temporary need. The judge has the powers of the judges of the court to which he or she is assigned.

In making a temporary assignment, the chief judge shall have regard to the requirements of the proper administration of justice and the efficient management of the public funds allocated therefor.

Notwithstanding section 45.1, a judge not required to exercise his or her functions on an exclusive basis before the temporary assignment does not become subject to that requirement during the assignment.

The remuneration and employment benefits of a temporarily assigned judge shall be borne by the municipality responsible for the administration of the municipal court to which the judge is so assigned.”

18. Section 49 of the said Act is amended by adding the following paragraphs at the end :

“However, in the case of a municipal court under the authority of a president judge, the Government shall fix, by order, the salaries of the judges appointed to the municipal court and determine the pension plan applicable to them as well as their employment benefits.

The Government shall fix, in the same manner, the additional remuneration attached to the office of president judge and of associate president judge.”

19. Sections 49.1 to 49.3 of the said Act are repealed.

20. Section 51 of the said Act is amended by striking out “, 49.1 or 49.2” in the first line.

21. Section 53 of the said Act is amended by adding the following paragraph at the end :

“In the case of a court that is under the authority of a president judge, the chief judge may, at the request of the president judge and if warranted by the circumstances, authorize the court, according to the terms and conditions determined by the chief judge, to sit after 6 o’clock p.m. or on Saturdays in a lesser proportion than that prescribed in the second paragraph. However, the proportion may not be less than one sitting out of three. The chief judge may cancel the authorization. Such an authorization or cancellation must be posted in the office of the court and sent to the Minister.”

22. Section 54 of the said Act is amended by inserting “Under the authority of the chief judge,” at the beginning.

23. Section 55 of the said Act is amended by adding the following paragraph at the end :

“Where the size of the territory of the municipality served by a municipal court so warrants, the municipal court may, in addition, sit at any other place in the territory that is indicated in the by-law or agreement establishing the court approved by the Government.”

24. Section 56.1 of the said Act is amended

(1) by inserting “, in agreement with the chief judge” after “judges” in the first line ;

(2) by adding “and take into account the specific character of municipal courts” at the end.

25. Section 56.2 of the said Act is amended

(1) by inserting “, in agreement with the chief judge,” after “judges” in the first line of the first paragraph ;

(2) by inserting the following paragraph after the first paragraph :

“Similarly, a majority of the judges of the Municipal Court of Ville de Montréal, in agreement with the chief judge, may, either at a meeting called for that purpose by the chief judge or through any other means whereby the chief judge may consult them, supplement the rules of practice with special rules applicable only before their court.”

26. Section 58 of the said Act is amended by inserting the following paragraph after the first paragraph :

“The clerk may designate, from among the members of the personnel assigned to the office of the court, the members who may perform certain acts in the clerk’s stead or in the stead of the deputy clerk, provided those acts do not require the exercise of any judicial or discretionary power.”

27. Section 66 of the said Act is amended by inserting “or the director general, if the power has been delegated to the director general by the council,” after “court” in the second line of the first paragraph.

28. Section 79 of the said Act is amended by replacing “the judge responsible for the court” in the fifth line of the second paragraph by “the president judge or the judge responsible for the court, as the case may be.”

29. Section 84 of the said Act is amended by adding the following sentence at the end of the fourth paragraph: “The council may, however, in its internal by-law, delegate to the executive committee of the municipality the responsibility of effecting a remittance of the fine and costs.”

30. Section 86.1 of the said Act is repealed.

31. Section 98 of the said Act is amended by replacing “and the” in the first line by “who shall consult the”.

32. Section 111 of the said Act is amended by replacing “and the” in the first line of the first paragraph by “who shall consult the”.

COURTS OF JUSTICE ACT

33. Section 5.3 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting “before (*insert here the date of coming into force of section 5*)” after “Québec” in the third line.

34. The said Act is amended by inserting the following section after section 5.3:

“**5.3.1.** The municipality responsible for a municipal court that is under the authority of a president judge may entrust the administration of the pension plan of the judges of its court to the Commission administrative des régimes de retraite et d’assurances.

It may also entrust the administration of the employment benefits plan applicable to the judges of its court to the person or body responsible for the employment benefits plan of the judges of the Court of Québec.

The obligations of the municipality, the judges, the Commission and any other person shall be determined by the agreement.”

35. Section 85 of the said Act is amended by replacing “three” in the second line by “four”.

36. Section 88.1 of the said Act is repealed.

37. Section 90 of the said Act is amended

(1) by replacing “and” in the third line of the first paragraph by “,”;

(2) by adding “and an associate chief judge responsible for municipal courts” at the end of the first paragraph.

38. Section 98 of the said Act is amended by adding the following paragraph at the end :

“The associate chief judge responsible for municipal courts has the direction of the municipal courts and, as such, his or her functions, in addition to the functions conferred under the Act respecting municipal courts (chapter C-72.01), shall be

(1) to establish, concurrently with the municipal judges, general policies applicable to them and to ensure that the policies are respected;

(2) to see that such rules of practice as are necessary for the exercise of the jurisdiction of the municipal courts are adopted and to supervise their application;

(3) to ensure that judicial ethics are observed;

(4) to promote the professional development of municipal judges in collaboration with the Conseil de la magistrature;

(5) to provide support to municipal judges in their efforts to improve the operation of the municipal courts.”

39. Section 101 of the said Act is replaced by the following section :

“**101.** Where an associate chief judge is absent or unable to act, the chief judge shall designate, to exercise the functions of the associate chief judge, either a judge of the division concerned in the case of an associate chief judge of a division, or a judge of the Court of Québec in the case of an associate chief judge responsible for municipal courts. The judge designated shall exercise such functions until the associate chief judge resumes his or her functions or is replaced.”

40. Section 224.1 of the said Act, enacted by section 9 of chapter 8 of the statutes of 2001, is replaced by the following section :

“**224.1.** The pension plan established by this Part applies to judges of the Court of Québec appointed after 31 December 2000. It also applies to judges of that court appointed before 1 January 2001 and still in office on that date, insofar as they elected to participate in the plan before 1 January 2002.

It also applies to judges of municipal courts that are under the authority of a president judge, to the extent determined by an order in council under the second paragraph of section 49 of the Act respecting municipal courts.”

41. Section 225 of the said Act, amended by section 11 of chapter 8 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph:

“The plan also applies to the judges of the municipal courts of Laval, Montréal and Québec, to the extent determined by an order in council under the second paragraph of section 49 of the Act respecting municipal courts.”

42. Section 246.29 of the said Act is amended

(1) by striking out “and the municipal courts of Laval, Montréal and Québec” in the third line of the second paragraph;

(2) by inserting “and the pension plan of those judges, if any,” before “are” in the sixth line of the second paragraph;

(3) by inserting “, the Conférence des juges municipaux du Québec” after “Conférence des juges du Québec” in the second line of the third paragraph;

(4) by replacing “of Laval, Montréal and Québec” in the fourth line of the third paragraph by “that are under the authority of a president judge”.

43. Section 246.30 of the said Act is amended by striking out “and the municipal courts of Laval, Montréal and Québec” in the second line of the second paragraph.

44. Section 246.31 of the said Act is amended

(1) by striking out “the chief judge of the municipal courts,” in the second paragraph;

(2) by replacing “municipal courts” in subparagraph 2 of the third paragraph by “Court of Québec”;

(3) by striking out “the chief judge of the municipal courts,” and “, the chief judge of the municipal courts” in subparagraph 4 of the third paragraph;

(4) by striking out “and the municipal courts of Laval, Montréal and Québec” in the third and fourth lines of the fourth paragraph.

45. Section 246.36 of the said Act is amended by striking out “the chief judge of the municipal courts,” in the third paragraph.

46. Section 246.41 of the said Act is amended

(1) by striking out “the chief judge of the municipal courts or” in the third line of the first paragraph;

(2) by replacing “cities of Laval, Montréal and Québec” in the sixth line of the first paragraph by “municipalities responsible for the administration of a municipal court that is under the authority of a president judge”.

47. Section 246.42 of the said Act is amended by replacing “municipal judges” in the third line of the second paragraph by “judges of municipal courts that are not under the authority of a president judge”.

48. Section 248 of the said Act, amended by section 172 of chapter 26 of the statutes of 2001, is again amended

(1) by replacing “three” in paragraph *c* by “four”;

(2) by replacing paragraph *d* by the following paragraph :

“(d) a president judge of a municipal court;”;

(3) by striking out paragraph *d.2*;

(4) by striking out “or the Municipal Courts of Laval, Montréal or Québec” in paragraph *e*;

(5) by striking out “other than those of Laval, Montréal or Québec” in paragraph *f*.

49. Section 262 of the said Act is amended

(1) by adding “of this Act or section 45.1 of the Act respecting municipal courts” at the end of the first paragraph;

(2) by striking out “other than the Municipal Courts of Laval, Montréal and Québec” in the second and third lines of the second paragraph;

(3) by replacing the last sentence of the second paragraph by the following sentence: “The provisions of the code of ethics applicable to municipal judges may vary according to whether they apply to judges exercising their functions on a part-time basis or to judges exercising their functions on a full-time and exclusive basis.”

CODE OF PENAL PROCEDURE

50. Article 61 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), amended by section 91 of chapter 32 of the statutes of 2001, is again amended by adding the following paragraph at the end :

“The provisions of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) relating to video and audio evidence apply, having regard to the resources put at the disposal of the court, to the trial of proceedings instituted in accordance with this Code.”

51. Article 322 of the said Code is amended by adding the following sentence at the end of the first paragraph: “The powers conferred on collectors may be restricted to the purposes defined in the instrument of appointment.”

CHARTER OF THE CITY OF LAVAL

52. Sections 31 to 31.13 and 645 of the Charter of the City of Laval (1965, 1st session, chapter 89) are repealed.

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

53. Section 243 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

54. Notwithstanding section 37 of the Act respecting municipal courts, as amended by section 9, municipal judges remain qualified to practise the profession of advocate before the Court of Québec in all matters other than criminal or penal matters, until (*insert here the date occurring five years after the date of coming into force of section 9*).

55. Sections 3 to 6, 9, 13 and 14 of Order in Council 1494-2001 dated 12 December 2001 concerning the organization of municipal courts covered by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais are repealed.

56. The term of office of the chief judge of the municipal courts in office on (*insert here the date that occurs one day before the date of coming into force of this section*) ends on that date. The chief judge becomes, on (*insert here the date of coming into force of this section*), a judge of the Court of Québec and the associate chief judge of that Court who is responsible for the municipal courts.

From 1 July 2001, the associate chief judge shall participate in the pension plan established by Part V.1 of the Courts of Justice Act. He must pay the contribution required by section 224.2 of that Act for the year 2002 to the Commission administrative des régimes de retraite et d’assurances. In addition, he must pay, as a contribution for past service subsequent to 1989, an amount equal to the contribution he should have paid pursuant to the said section 224.2 for the year 2001. However, that amount may not be greater than the amount admissible as a contribution for past service under the applicable fiscal rules. The provisions of the second, third and fourth paragraphs of section 23 and sections 27 to 29 of chapter 8 of the statutes of 2001 apply, with the necessary modifications, to the associate chief judge. Also from 1 July 2001, he shall enjoy the employment benefits of judges of the Court of Québec.

57. The term of office of the chief judge of the new Municipal Court of Ville de Québec shall terminate on (*insert here the date of coming into force of this section*). On the same date, the chief judge becomes the president judge of that court for a term of seven years.

The new president judge is entitled, until 30 June 2004, to the additional remuneration to which the chief judge of that municipal court is entitled under the terms of the resolution to that effect adopted by the National Assembly on 18 December 2001. He is also entitled during that period to reimbursement of the expenses attached to that office. However, he is not entitled during that period to the additional remuneration attached to the office of president judge.

From 1 July 2004 and until the expiry of his seven-year term as president judge, he will be entitled to the additional remuneration attached to the office of president judge, as determined pursuant to section 246.44 of the Courts of Justice Act.

At the expiry of his seven-year term as president judge, he will be entitled, until such time as his salary as judge of the Municipal Court of Ville de Québec reaches the amount of his combined salary and additional remuneration at the time he ceased to hold the office of president judge, to the difference between that amount and his salary.

However, if additional remuneration becomes payable to him under section 115 of the Courts of Justice Act or if expenses are reimbursed to him under section 121 of that Act, the amounts to which he is entitled under this section shall be reduced accordingly.

The monies required for the purposes of this section shall be provided by Ville de Québec.

The provisions of this section apply notwithstanding the third paragraph of section 240 and section 242 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

58. The terms of office of the judge responsible for the court and the coordinating judge of the Municipal Court of Ville de Montréal end upon the appointment of a president judge for that court, in accordance with section 25 of the Act respecting municipal courts, as amended by this Act. They are entitled to receive the additional remuneration attached to their office until the end of the term for which they had been appointed.

The associate chief judge of that court ceases to hold that office upon the appointment of a president judge. He is then entitled, until such time as his salary as a judge of that court reaches the amount of his combined salary and additional remuneration at the time he ceased to hold that office, to the difference between that amount and his salary.

59. Notwithstanding the third paragraph of section 240 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), the judges in office at the former Municipal Court of Ville de Montréal on 31 December 2001 became judges of the new Municipal Court of Ville de Montréal.

60. The judges of the Municipal Court of Ville de Laval are governed as regards their status and remuneration by the provisions of the Charter of the City of Laval (1965, 1st session, chapter 89) applicable to them, which remain in effect solely for those purposes.

However, the remuneration of the judges is that to which they are entitled on 30 June 2001 under the provisions applicable to them at that time and, thereafter, the remuneration determined in their regard pursuant to section 246.44 of the Courts of Justice Act.

61. The Municipal Court of Ville de Laval is maintained and is deemed to have been established in accordance with the Act respecting municipal courts.

The new municipal courts established by section 234 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) are deemed to have been established in accordance with the Act respecting municipal courts.

62. The repeal by section 52 of this Act of the provisions of the Charter of the City of Laval relating to the Municipal Court does not entail, by that sole fact, a loss of jurisdiction of the court in matters pending on (*insert here the date that occurs one day before the date of coming into force of section 52*).

63. The municipal judges designated for assignment to the new municipal courts of Montréal and Québec under the second paragraph of section 240 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais remain competent to finish, without remuneration in that capacity, the matters they began in an amalgamated court, even if they must exercise their functions on an exclusive basis in the new courts to which they are assigned.

64. The municipal judges designated by the chief judge of municipal courts under section 10 or 12 of Order in Council 1494-2001 dated 12 December 2001 remain competent to finish the matters they began in that capacity in the new municipal courts of the cities of Gatineau, Lévis, Longueuil, Montréal and Québec, even if they are not subsequently designated for assignment to those new courts under the second paragraph of section 240 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais.

65. The judges of the municipal courts of the cities of Laval, Montréal and Québec retain their powers of two justices of the peace for the purposes of the Acts of the Parliament of Canada which require that competence, in respect of

proceedings brought before their respective court before (*insert here the date of coming into force of this section*), until the conclusion of the proceedings, including on appeal.

66. The judges of the municipal courts of the cities of Laval, Montréal and Québec shall remain subject to the Judicial Code of Ethics, approved by Order in Council 643-82 dated 17 March 1982, until the coming into force of the provisions of the Code of ethics of municipal judges to be adopted by the Conseil de la magistrature in respect of municipal judges exercising their functions on a full-time and exclusive basis.

67. Notwithstanding section 5.3.1 of the Courts of Justice Act, enacted by section 34, the time limit within which Ville de Montréal and the Commission administrative des régimes de retraite et d'assurances may enter into an agreement pursuant to section 31 of chapter 8 of the statutes of 2001 is extended to 31 December 2002.

68. The assistant to and the secretary of the chief judge of municipal courts in office on (*insert here the date of coming into force of this section*) become employees of the Ministère de la Justice. They are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Conseil du trésor shall determine their classification, remuneration and any other condition of employment applicable to them.

69. The provisions of this Act come into force on the date or dates to be fixed by the Government.