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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

## Bill 104

(2005, chapter 26)

### **An Act to amend the Code of Civil Procedure and other legislative provisions**

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**Introduced 3 May 2005**

**Passage in principle 31 May 2005**

**Passage 10 June 2005**

**Assented to 17 June 2005**

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**EXPLANATORY NOTES**

*This bill amends the Code of Civil Procedure, the Code of Penal Procedure and the Act respecting municipal courts to allow judges who are appointed to another court to continue and terminate the cases or proceedings of which they are seized at the time of their appointment.*

*The bill contains a transitional measure under which these amendments also apply to judges appointed to another court before the Act comes into force and who, at the time of their appointment, were seized of a case or proceedings.*

**LEGISLATION AMENDED BY THIS BILL:**

- Code of Civil Procedure (R.S.Q., chapter C-25);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Act respecting municipal courts (R.S.Q., chapter C-72.01).

## Bill 104

### AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Article 464 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by adding the following paragraph at the end:

“However, if a judge ceases to hold office because of an appointment to another court, the judge may, with the agreement of the chief judges or chief justices of the courts concerned, continue and terminate any case of which the judge was seized at the time of the appointment. Failing that, the procedure set out in the first two paragraphs is followed.”

**2.** Article 195 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by adding the following paragraphs at the end:

“However, if a judge ceases to hold office because of an appointment to another court, the judge may, with the agreement of the chief judges or chief justices of the courts concerned, continue and terminate any proceedings of which the judge was seized at the time of the appointment. Failing that, the procedure set out in the first two paragraphs is followed.

For the purposes of this article, a court means a municipal court, the Court of Québec, the Superior Court or the Court of Appeal.”

**3.** Section 79 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is amended by adding the following paragraphs at the end:

“However, if a judge ceases to exercise the functions of office because of an appointment to another court, the judge may, with the agreement of the chief judges or chief justices of the courts concerned, continue and terminate any case of which the judge was seized at the time of the appointment. Failing that, the procedure set out in the first two paragraphs is followed.

For the purposes of this section, a court means a municipal court, the Court of Québec, the Superior Court or the Court of Appeal.”

**4.** The provisions of this Act also apply to any judge appointed to a municipal court, the Court of Québec, the Superior Court or the Court of Appeal before 17 June 2005, as regards a case or proceedings of which the judge was seized at the time of the appointment.

**5.** This Act comes into force on 17 June 2005.