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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

## Bill 51

(2015, chapter 26)

### **An Act mainly to make the administration of justice more efficient and fines for minors more deterrent**

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**Introduced 3 June 2015  
Passed in principle 29 September 2015  
Passed 18 November 2015  
Assented to 19 November 2015**

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## EXPLANATORY NOTES

*This Act amends certain legislative provisions that are under the responsibility of the Minister of Justice and other provisions relating to traffic or toll offences.*

*An amendment is made to the Code of Civil Procedure to give the court the power to exempt a party to a proceeding from paying the costs prescribed for each hearing day required to try the merits of the case.*

*A number of amendments are made to the Code of Penal Procedure. Some clarify certain provisions without modifying their scope. Others make the special trial by default procedure applicable to offences evidenced by an automated camera system in penal proceedings deemed uncontested by the defendant. Under the Act, a case management judge may be designated to exercise the jurisdiction of a trial judge, in particular, to manage the proceedings and rule on pre-trial issues, and a joint hearing may be held if a pre-trial issue is raised in more than one trial. The court is granted the power to order a pre-trial conference. To facilitate the issue of search telewarrants, the Act provides that information under oath may be submitted using various technological means. Lastly, the maximum limit on fines or security that may be imposed on or required from offenders under 18 years of age is raised, and a higher limit is introduced for fines for offences under the Highway Safety Code or the Act respecting off-highway vehicles.*

*The provisions of the Act respecting transport infrastructure partnerships relating to the ministerial power to designate persons entrusted with reporting toll offences are amended to remove the requirement that the designated persons be employees of the private partner.*

*The Act also amends the Professional Code and the Act respecting administrative justice to subject disciplinary council chairs to the jurisdiction of the Conseil de la justice administrative as regards the application of their code of ethics. It provides that the Government may dismiss, suspend or reprimand the chair of the disciplinary council of a professional order if the Conseil de la justice administrative so recommends and may remove a disciplinary council chair when it is ascertained by the Conseil de la justice administrative that the*

*chair has a permanent disability. The Government may, moreover, on certain conditions, remove the senior chair of the Bureau des présidents des conseils de discipline or the deputy senior chair from administrative office. The Professional Code is further amended to give the chair of a disciplinary council or the senior chair of the Bureau des présidents des conseils de discipline the power to decide to adjourn a hearing if the circumstances so warrant.*

*In addition, an amendment to the Interpretation Act is proposed to withdraw the reference to marginal notes which, in the past, appeared beside each of the legislative provisions in the annual compilation of statutes assented to. An amendment to the Youth Protection Act transfers to the Société québécoise d'information juridique the responsibility of redacting the decisions rendered by the Court of Québec in youth protection matters.*

*The Act respecting the class action is also amended to allow the Fonds d'aide aux recours collectifs to use the sums it holds to pay for the costs of its operations.*

*Furthermore, the Courts of Justice Act is amended to allow the Court of Appeal to hold sittings in places other than the territories of Ville de Québec and Ville de Montréal, to increase the period considered by a committee on the remuneration of judges and justices of the peace in evaluating judges' remuneration from three to four years and to define that period, to extend the term of office of the members of that committee to four years and to change the date on which their term begins, to update and standardize the designation of the associations representing the various categories of judges in the proceedings of a committee on the remuneration of judges and justices of the peace and of the Conseil de la magistrature, and to add a member appointed among the justices of the peace to the composition of that council.*

*Lastly, various consequential amendments and transitional provisions are introduced.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Code of Civil Procedure (chapter C-25.01);
- Code of Penal Procedure (chapter C-25.1);
- Professional Code (chapter C-26);

- Interpretation Act (chapter I-16);
- Act respecting administrative justice (chapter J-3);
- Act respecting transport infrastructure partnerships (chapter P-9.001);
- Youth Protection Act (chapter P-34.1);
- Act respecting the class action (chapter R-2.1);
- Courts of Justice Act (chapter T-16).

**REGULATION AMENDED BY THIS ACT:**

- Regulation respecting toll road infrastructures operated under a public-private partnership agreement (chapter P-9.001, r. 3).

## **Bill 51**

### **AN ACT MAINLY TO MAKE THE ADMINISTRATION OF JUSTICE MORE EFFICIENT AND FINES FOR MINORS MORE DETERRENT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CODE OF CIVIL PROCEDURE

**1.** Article 339 of the Code of Civil Procedure (chapter C-25.01) is amended by adding the following paragraphs at the end:

“A party to a proceeding may, given their financial situation, apply to be exempted from paying the costs prescribed for each hearing day required to try the merits of a case. Such an exemption is exceptionally granted by the court, in whole or in part, taking into account any appropriate factor, including such factors as may be specified by government regulation, if it is shown to the court that paying those costs would result, for that party, in difficulties so excessive that the party would not be able to effectively conduct its case.

An application for such an exemption may be made at any time during the proceeding. It suspends the obligation to pay the costs concerned until the court rules on the application. The decision of the court cannot be appealed. The court may, however, even on its own initiative, revoke an exemption it has granted or review its decision to refuse an exemption if a significant change in the party's financial situation justifies doing so.

The court may not, however, grant such an exemption if it is related to a judicial application or pleading by the party that is clearly unfounded, frivolous or intended to delay or is otherwise abusive.”

#### CODE OF PENAL PROCEDURE

**2.** Article 51 of the Code of Penal Procedure (chapter C-25.1) is amended by replacing “\$100” at the end of the last paragraph by “\$500”.

**3.** Article 71 of the Code, amended by section 13 of chapter 51 of the statutes of 1995, is again amended by replacing “a certificate attesting that the defendant did not enter a plea of guilty or not guilty within the time prescribed in article 160 and did not pay the whole or any part of the fine and costs requested” in paragraph 9 by “an attestation or certificate referred to in any of subparagraphs 2 and 5 to 8 of the second paragraph of article 218.4”.

**4.** Article 92 of the Code is amended by replacing “\$100” at the end of the last paragraph by “\$500”.

**5.** Article 99 of the Code is amended

(1) by striking out “; an application for a search telewarrant must be supported by an oral statement submitted by telephone or other means of telecommunication and is deemed to be made under oath” in the first paragraph;

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

“In the case of a telewarrant, the application and a statement are made by telephone or by any other means of telecommunication.”

**6.** Article 100 of the Code is amended

(1) by inserting “by telephone or by any other means of telecommunication that does not allow communication in written form” after “is made” in the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “The statement is deemed to be made under oath.”;

(3) by replacing “il” after “S’il décerne le télémandat,” in the second paragraph in the French text by “le juge”.

**7.** Article 101 of the Code is amended by inserting “by telephone or by any other means of telecommunication that does not allow communication in written form” after “applied for a telewarrant” in the first sentence.

**8.** The Code is amended by inserting the following article after article 101:

**101.1.** The judge to whom an application for a search telewarrant is made by a means of telecommunication that allows communication in written form shall promptly cause the statement to be filed with the clerk of the Court of Québec in the judicial district where the search is to be made and certify the date and time on which it was received. The statement is deemed to be made under oath if the person making it attests that, to the best of the person’s knowledge, the facts alleged are true.

If the judge issues the telewarrant, the judge shall

(1) complete the original, indicating the number of the telewarrant and the place, date and time of issue of the telewarrant, and sign it;

(2) send the telewarrant to the applicant; the copy received is deemed to be a duplicate of the telewarrant; and

(3) promptly have the original of the telewarrant filed with the clerk of the Court of Québec in the judicial district where the search is to be made.”

**9.** Article 146 of the Code is amended

(1) by replacing “in the case of an offence coming under Division II of Chapter VI and witnessed personally by a peace officer or a person entrusted with the enforcement of an Act,” in the second paragraph by “if a statement of offence is served in accordance with article 157.2 and all the conditions set out in subparagraphs 1, 2 and 4 of the second paragraph of article 163 are met;”;

(2) by inserting “or, if applicable, to send a declaration referred to in section 592.1 or 592.1.1 of the Highway Safety Code (chapter C-24.2) within the time prescribed by section 592.1 of that Code” after “of the statement” in the second paragraph.

**10.** Article 157.2 of the Code is replaced by the following article:

**“157.2.** A statement of offence that includes the warning referred to in the second paragraph of article 146 must be served

(1) at the time of the commission of the offence, personally on the defendant or in accordance with article 158 or 158.1, as applicable;

(2) on the defendant, in accordance with article 20, 21, 22 or 23, within 60 days after the date the offence was committed in the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system;

(3) on the defendant liable for paying the toll and related fees and interest under paragraph 5 of section 13 of the Act respecting transport infrastructure partnerships (chapter P-9.001), in accordance with article 20, 21, 22 or 23, within 60 days after the date the offence under section 417.2 of the Highway Safety Code (chapter C-24.2) was committed, if the offence is evidenced by a photograph taken by a camera described in section 595.1 of that Code; or

(4) on the defendant liable for paying the toll and related fees and interest under paragraph 1, 3 or 6 of section 13 of the Act respecting transport infrastructure partnerships, in accordance with article 20, 21, 22 or 23, within one year after the date the offence under section 417.2 of the Highway Safety Code was committed, if the offence is evidenced by a photograph taken by a camera described in section 595.1 of that Code.”

**11.** Article 163 of the Code is amended by replacing the second paragraph by the following paragraphs:

“However, a defendant who does not enter a plea or, if applicable, send the declaration referred to in section 592.1 or 592.1.1 of the Highway Safety Code

(chapter C-24.2) and does not pay the whole or any part of the fine and costs requested is deemed not to contest the proceedings if

- (1) the offence comes under Division II of Chapter VI;
- (2) the offence was witnessed personally by one or more peace officers or persons entrusted with the enforcement of an Act;
- (3) the statement of offence was served on the defendant in accordance with any of the paragraphs of article 157.2, as the case may be; and
- (4) the defendant was 18 years of age or over at the time the offence was committed.

The second paragraph does not apply if the defendant is a driver or a renter identified in accordance with section 592.1 or 592.1.1 of the Highway Safety Code.”

**12.** Article 168.1 of the Code is amended by replacing “in the case of an offence coming under Division II of Chapter VI” by “in the case of proceedings that the defendant is deemed not to contest under the second paragraph of article 163”.

**13.** The Code is amended by inserting the following division after article 186:

### “DIVISION III

#### “PROVISIONS RELATING TO CERTAIN CASES

“**186.1.** If the interests of justice so require, in particular to ensure that evidence is presented without interruption, the chief judge or chief justice of the court before which proceedings are instituted, or the judge he designates, may, on his own initiative, on a party’s application or following a hearing that he convenes, designate a case management judge for those proceedings.

Before the trial, the case management judge exercises the jurisdiction of a trial judge and may, in particular, in that capacity,

- (1) assist the parties in identifying the witnesses to be heard;
- (2) encourage the parties to make admissions and reach agreements;
- (3) establish schedules and impose deadlines;
- (4) hear pleas of guilty and impose sentences;
- (5) assist the parties in identifying the questions to be ruled on during the trial;



(6) encourage the parties to consider any other matters that would promote a fair and efficient trial; and

(7) subject to article 186.3, rule on any issues that can be decided at that stage, including those related to the disclosure and admissibility of evidence, expert witnesses, the Canadian Charter of Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) or the Charter of human rights and freedoms (chapter C-12).

The case management judge also exercises that jurisdiction to rule on any matter referred to him by the trial judge.

“**186.2.** The case management judge may try a case even if he has, in his capacity as case management judge, rendered a decision relating to that case.

“**186.3.** If the interests of justice so require, in particular to ensure consistent decisions, the chief judge or chief justice of the court before which proceedings are instituted, or the judge he designates, may, on his own initiative, on a party’s application or following a hearing that he convenes, order that a joint hearing be held to rule on a question referred to in subparagraph 7 of the second paragraph of article 186.1 that is raised or likely to be raised in more than one proceeding.

A question may relate to proceedings instituted under various Acts and concern more than one defendant or plaintiff.

An order made under the first paragraph must specify the proceedings in which the question must be ruled on and the parties that are to be convened, designate the judge who is to rule on the question and, if the proceedings concerned are instituted in different judicial districts, determine the district in which the hearing is to be held.

The judge so designated exercises the jurisdiction of a trial judge with regard to the proceedings specified in the order.

“**186.4.** Unless it would not serve the interests of justice because, among other considerations, new evidence is presented, a trial judge is bound by the decisions rendered under this division. Those decisions are deemed to have been rendered at trial.”

**14.** The Code is amended by inserting the following article after article 218:

“**218.0.1.** A judge may, on his own initiative or on a party’s application, order that a pre-trial conference be held to discuss the measures likely to promote a quick and efficient trial.”

**15.** Article 218.2 of the Code is replaced by the following article:

**“218.2.** This division applies to the trial by default of proceedings relating to offences under the Highway Safety Code (chapter C-24.2) or a traffic or parking by-law adopted by a municipality if, pursuant to the second paragraph of article 163, the defendant is deemed not to contest the proceedings.”

**16.** Article 218.4 of the Code is replaced by the following article:

**“218.4.** The judge shall try the case and render judgment by default, in the absence of the defendant and the prosecutor, based on the documents filed in the record.

The record is made up of

- (1) the statement of offence;
- (2) the attestation of the peace officer or of the person entrusted with the enforcement of an Act indicating that he personally witnessed the offence and, if applicable, that the facts constituting the offence were partially witnessed by him and partially witnessed by another peace officer or another person entrusted with the enforcement of an Act;
- (3) the attestation of service of the statement of offence;
- (4) in the cases referred to in articles 158 and 158.1, the attestation that a notice was sent to the defendant;
- (5) in the cases referred to in paragraphs 2, 3 and 4 of article 157.2, the certificate of a person authorized for that purpose by the prosecutor attesting that the statement of offence was served in the manner and within the time prescribed in the applicable paragraph;
- (6) in the cases referred to in paragraphs 2 and 3 of article 157.2, the certificate of the person authorized for that purpose by the prosecutor attesting that the statement of offence and the photograph were sent in accordance with section 592.1 or 592.5 of the Highway Safety Code (chapter C-24.2), as the case may be;
- (7) in the case referred to in paragraph 2 of article 157.2, the certificate of the person authorized for that purpose by the prosecutor attesting that the defendant is not a driver or a renter identified in accordance with section 592.1 or 592.1.1 of the Highway Safety Code; and
- (8) the certificate of a clerk or of a person authorized for that purpose by the prosecutor attesting that the defendant did not enter a plea of guilty or not guilty within the time prescribed in article 160 and did not pay the whole or any part of the fine and costs requested or, if applicable, send, within the time prescribed in section 592.1 of the Highway Safety Code, the declaration referred to in that section or in section 592.1.1 of that Code.”

**17.** Article 218.5 of the Code is amended

(1) by replacing “any attestation of the sending of a notice, if applicable” in the first paragraph by “the attestation referred to in subparagraph 2 of the second paragraph of article 218.4 and, if applicable, the certificates and the attestation referred to in subparagraphs 4 to 7 of the second paragraph of that article”;

(2) by replacing “has not entered” and “has not paid” in the second paragraph by “did not enter” and “did not pay”, respectively;

(3) by inserting “and, if applicable, that the defendant did not send within the time prescribed in section 592.1 of the Highway Safety Code (chapter C-24.2) a declaration referred to in that section or in section 592.1.1 of that Code” after “requested” in the second paragraph;

(4) by replacing “has been correctly filled out” in the introductory clause of the third paragraph by “and the attestation of the peace officer or the person entrusted with the enforcement of an Act have been correctly filled out”;

(5) by replacing subparagraph 3 of the third paragraph by the following subparagraph:

“(3) that the peace officer or the person entrusted with the enforcement of an Act has attested, if such is the case, that the facts constituting the offence were partially witnessed by them and partially witnessed by another peace officer or another person entrusted with the enforcement of an Act;”.

**18.** Article 228.1 of the Code is amended by inserting the following paragraph after the first paragraph:

“The time prescribed in section 592.1 or 592.5 of the Highway Safety Code (chapter C-24.2) for sending a statement of offence does not apply to that other statement of offence to the extent that the prosecutor complied with all the requirements of that section when sending the statement of offence which instituted the proceedings that were cancelled.”

**19.** Article 233 of the Code is amended by replacing “may exceed \$100, notwithstanding any provision to the contrary” by “may, notwithstanding any provision to the contrary, exceed \$500 or, if the defendant has contravened the Highway Safety Code (chapter C-24.2) or the Act respecting off-highway vehicles (chapter V-1.2), \$750”.

## PROFESSIONAL CODE

**20.** The Professional Code (chapter C-26) is amended by inserting the following sections after section 115.10:

**“115.11.** The Government may dismiss, suspend or reprimand a disciplinary council chair if the Conseil de la justice administrative so recommends, after an inquiry into a complaint for breach of the code of ethics adopted under section 117.2.

A complaint must be in writing and briefly set out the grounds on which it is based. The complaint is sent to the seat of the Conseil.

The Conseil shall, when examining a complaint brought against a disciplinary council chair, act in accordance with the provisions of sections 184 to 192 of the Act respecting administrative justice (chapter J-3), with the necessary modifications.

However, when the Conseil forms an inquiry committee under section 186 of the Act respecting administrative justice, two inquiry committee members are chosen from among the members of the Conseil referred to in paragraphs 1 to 8 and 9 of section 167 of that Act, at least one of whom shall neither practise a legal profession nor be a member of a body of the Administration whose president or chair is a member of the Conseil. The third inquiry committee member is the member of the Conseil referred to in paragraph 8.2 of that section or is chosen from a list drawn up by the senior chair of the Bureau des présidents des conseils de discipline after consulting all the disciplinary council chairs. In the latter case, if the inquiry committee finds the complaint to be justified, the third member takes part in the deliberations of the Conseil for the purpose of determining a penalty.

**“115.12.** The Government may remove a disciplinary council chair if, in the Government’s opinion, a permanent disability prevents the disciplinary council chair from performing the duties of office satisfactorily. Permanent disability is ascertained by the Conseil de la justice administrative after an inquiry is conducted at the request of the Minister or of the senior chair of the Bureau des présidents des conseils de discipline.

The Conseil shall, when conducting an inquiry to determine whether a disciplinary council chair is suffering from a permanent disability, act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice (chapter J-3), with the necessary modifications; however, the inquiry committee must be formed in accordance with the rules set out in section 115.11.

**“115.13.** The Government may remove the senior chair of the Bureau des présidents des conseils de discipline or the deputy senior chair from administrative office if the Conseil de la justice administrative so recommends, after an inquiry is conducted at the Minister’s request into a lapse pertaining only to that office.

The Conseil shall, when conducting an inquiry referred to in the first paragraph, act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice (chapter J-3), with the necessary

modifications; however, the inquiry committee must be formed in accordance with the rules set out in section 115.11.”

**21.** Section 118.5 of the Code, enacted by section 8 of chapter 12 of the statutes of 2013, is amended by inserting “, removed from office or suspended” after “is dismissed” in the first paragraph.

**22.** The Code is amended by inserting the following section after section 139:

“**139.1.** The disciplinary council chair or, if the latter has not yet been designated, the senior chair may adjourn a hearing if the circumstances so warrant, on the conditions the chair determines.”

#### INTERPRETATION ACT

**23.** Section 17 of the Interpretation Act (chapter I-16) is repealed.

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

**24.** Section 167 of the Act respecting administrative justice (chapter J-3), amended by section 169 of chapter 15 of the statutes of 2015, is again amended by inserting the following paragraphs after paragraph 8:

“(8.1) the senior chair of the Bureau des présidents des conseils de discipline;

“(8.2) a disciplinary council chair other than the deputy senior chair of the Bureau des présidents des conseils de discipline, chosen after consultation with all the chairs appointed to the Bureau; and”.

**25.** Section 168 of the Act, amended by section 170 of chapter 15 of the statutes of 2015, is again amended by replacing “paragraphs 2, 4, 8 and 9” and “paragraphs 1 to 8” in the first paragraph by “paragraphs 2, 4, 8, 8.2 and 9” and “paragraphs 1 to 8.2”, respectively.

**26.** Section 184 of the Act is amended by adding the following paragraph after the first paragraph:

“If the complaint is lodged against a president or chair who is a member of the council, that president or chair cannot take part in the council’s sittings as long as a final decision has not been rendered on the complaint, and must be replaced in the meantime by the vice-president or vice-chair of the body of which the president or chair concerned is a member.”

**27.** Section 184.2 of the Act, amended by section 171 of chapter 15 of the statutes of 2015, is again amended

(1) by replacing “five” in the first paragraph by “seven”;

(2) by replacing “Two” in the second paragraph by “Three”;

(3) by replacing “three” in the third paragraph by “five”.

**28.** Section 186 of the Act is amended by adding the following paragraph after the third paragraph:

“If the complaint is lodged against a president or chair or a vice-president or vice-chair of a body of the Administration whose president or chair is a member of the council, the third member of the inquiry committee shall be chosen from among the council members or from a list of names drawn up by the presidents and chairs of those bodies. The third member must not be a member of the body whose president or chair or vice-president or vice-chair is the subject of the complaint.”

#### ACT RESPECTING TRANSPORT INFRASTRUCTURE PARTNERSHIPS

**29.** Section 20 of the Act respecting transport infrastructure partnerships (chapter P-9.001) is amended by replacing “partner’s employees” in the first paragraph by “persons”.

#### YOUTH PROTECTION ACT

**30.** The Youth Protection Act (chapter P-34.1) is amended by inserting the following section after section 94:

**“94.1.** A copy of a decision or an order of the tribunal relating to a matter concerning a child must also be sent without delay to the Société québécoise d’information juridique, which ensures, in the exercise of the duties conferred on it by its constituting Act, that sections 11.2 and 11.2.1 of this Act are complied with.”

**31.** Section 96.1 of the Act is amended by replacing “to take cognizance of a record under the third paragraph of section 85.4 or section 96” by “to take cognizance of a decision, order or record under the third paragraph of section 85.4, section 94.1 or section 96”.

#### ACT RESPECTING THE CLASS ACTION

**32.** Section 43 of the Act respecting the class action (chapter R-2.1) is amended

(1) by inserting “or in order to carry on its operations” after “with respect to the assistance it grants” in the introductory clause;

(2) by replacing “and those which have been withheld in accordance with section 42” in paragraph *a* by “and any sum it receives under this Act, with interest”.

## COURTS OF JUSTICE ACT

**33.** Section 7 of the Courts of Justice Act (chapter T-16) is amended by adding the following sentence at the end of the third paragraph: “The Chief Justice shall designate the judges who are to sit when the Court of Appeal holds sittings elsewhere than in those territories.”

**34.** Section 18 of the Act is amended by inserting the following sentence after the first sentence of the first paragraph: “On a decision of the Chief Justice made in accordance with the rules of the Court, the sittings of the Court may occasionally be held at the chief-place of another judicial district.”

**35.** Section 246.29 of the Act is amended,

(1) in the second paragraph,

(a) by replacing both occurrences of “every three years” by “every four years”;

(b) by adding the following sentence at the end: “The four-year period to be considered for those purposes begins on 1 July of the year that follows the formation of the committee.”;

(2) by replacing “the Conférence des juges du Québec, the Conférence des juges municipaux du Québec, an association representing presiding justices of the peace” in the third paragraph by “the Conférence des juges de la Cour du Québec, the Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec, the Conférence des juges de paix magistrats du Québec”.

**36.** Section 246.31 of the Act is amended

(1) by replacing “three-year term” in the first paragraph by “four-year term”;

(2) by replacing “the Conférence des juges du Québec, the Conférence des juges municipaux du Québec, the association representing presiding justices of the peace” in the second paragraph by “the Conférence des juges de la Cour du Québec, the Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec, the Conférence des juges de paix magistrats du Québec”;

(3) by replacing “on or before 15 February 1998, and every three years thereafter” in the introductory clause of the third paragraph by “on or before 15 July 2018, and every four years after that”;

(4) by replacing “the Conférence des juges du Québec” in subparagraph 1 of the third paragraph by “the Conférence des juges de la Cour du Québec”;

(5) by inserting “, the Conférence des juges municipaux à titre exclusif du Québec” after “Court of Québec” in subparagraph 2 of the third paragraph;

(6) by replacing “the association representing presiding justices of the peace” in subparagraph 3 of the third paragraph by “the Conférence des juges de paix magistrats du Québec”;

(7) by replacing “the Conférence des juges du Québec, the Conférence des juges municipaux du Québec, the association representing presiding justices of the peace” and “the Conférence des juges du Québec, the Conférence des juges municipaux du Québec and the association representing presiding justices of the peace” in subparagraph 5 of the third paragraph by “the Conférence des juges de la Cour du Québec, the Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec, the Conférence des juges de paix magistrats du Québec” and “the Conférence des juges de la Cour du Québec, the Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec and the Conférence des juges de paix magistrats du Québec”, respectively.

**37.** Section 246.32 of the Act is amended by replacing “on or before 1 April 1998, and every three years thereafter” by “on or before 1 September 2018, and every four years after that”.

**38.** Section 246.36 of the Act is amended by replacing “the Conférence des juges du Québec, the Conférence des juges municipaux du Québec, the association representing presiding justices of the peace” in the third paragraph by “the Conférence des juges de la Cour du Québec, the Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec, the Conférence des juges de paix magistrats du Québec”.

**39.** Section 246.41 of the Act is amended by replacing “the Conférence des juges du Québec, from the Conférence des juges municipaux du Québec or from the association representing presiding justices of the peace” in the first paragraph by “the Conférence des juges de la Cour du Québec, the Conférence des juges municipaux à titre exclusif du Québec and the Conférence des juges municipaux du Québec, or from the Conférence des juges de paix magistrats du Québec”.

**40.** Section 248 of the Act is amended

(1) by replacing “15” in the introductory clause by “16”;

(2) by replacing “the Conférence des juges du Québec” in paragraph *e* by “the Conférence des juges de la Cour du Québec”;

(3) by inserting the following paragraph after paragraph *f*:



“(f.1) one judge chosen among the presiding justices of the peace and appointed upon the recommendation of the Conférence des juges de paix magistrats du Québec;”.

**41.** Section 251 of the Act is amended by replacing “Eight” by “Nine”.

**42.** Section 258 of the Act is amended by replacing “the Conférence des juges du Québec, the Conférence des juges municipaux du Québec, the association representing presiding justices of the peace” by “the Conférence des juges de la Cour du Québec, the Conférence des juges municipaux à titre exclusif du Québec, the Conférence des juges municipaux du Québec, the Conférence des juges de paix magistrats du Québec”.

**43.** Section 269.5 of the Act is repealed.

#### REGULATION RESPECTING TOLL ROAD INFRASTRUCTURES OPERATED UNDER A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT

**44.** Section 35 of the Regulation respecting toll road infrastructures operated under a public-private partnership agreement (chapter P-9.001, r. 3) is amended

(1) by replacing “An employee of the partner designated” in the introductory clause by “A person designated”;

(2) by replacing “majeur” in paragraph 1 of the French text by “majeure”;

(3) by replacing paragraph 2 by the following paragraph:

“(2) not have, in the last 5 years, been found guilty of or pleaded guilty to a criminal offence related to the activities he or she will have the authority to perform under that designation, unless he or she has obtained a pardon;”.

#### TRANSITIONAL AND FINAL PROVISIONS

**45.** Despite sections 246.31 and 246.32 of the Courts of Justice Act (chapter T-16), the term of office of the members of the committee on the remuneration of judges and justices of the peace who are to be appointed in 2016 by the Government is to begin on 1 April 2016 and end on 31 August 2018.

**46.** Three years after the coming into force of section 32, the Fonds d’aide aux recours collectifs must report to the Minister of Justice on the carrying out of section 43 of the Act respecting the class action (chapter R-2.1) and the advisability of amending it.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days after resumption. The competent committee of the National Assembly examines the report in the year after its tabling.

**47.** This Act comes into force on 19 November 2015, except

(1) sections 1 to 4, 9 to 12, 15 to 21, 24, 25 and 27, which come into force on the date or dates to be set by the Government; and

(2) paragraph 1 of section 35, paragraphs 1 and 3 of section 36 and section 37, which come into force on 1 July 2018.