

(3) the sanction to which the optometrist is subject if the optometrist does not remedy the failure within the time prescribed.

8. Where the optometrist does not remedy the failure within the period prescribed by section 7, the board of directors, after giving the optometrist an opportunity to submit written observations, suspends the permit referred to in section 1 that is held by the optometrist.

The Order notifies a notice of suspension to the optometrist and informs the optometrist that the optometrist is subject to the revocation of the permit if the optometrist does not remedy the failure before the end of the reference period during which the permit is suspended. The suspension is in force from the time it is notified.

9. At the end of the reference period during which the permit referred to in section 1 is suspended, the board of directors revokes the permit of the optometrist who has not remedied the failure indicated in the notice provided for in section 7. The Order notifies a notice of revocation to the optometrist.

10. An optometrist whose permit has been revoked must again meet the conditions set out in Division I for the issue of the permit.”

2. Section 14 is amended by striking out the second paragraph.

3. Section 15 is amended by striking out the second and third paragraphs.

4. Section 16 is revoked.

5. This Regulation comes into force on 1 April 2024.

106239

Draft Regulation

Courts of Justice Act
(chapter T-16)

Act respecting municipal courts
(chapter C-72.01)

Selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation updates the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, judge of a municipal court and presiding justice of the peace (chapter T-16, r. 4.1) owing to the changes made by the Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec (2023, chapter 3), which provides that the judges of the courts of justice who are appointed by the Government may be appointed from among notaries having at least ten years’ practice. The draft Regulation also makes other amendments to optimize the selection procedure. It revises the composition of the selection committee established to appoint a person to the office of judge to allow the Minister of Justice to appoint to the committee, in certain cases, a person working in an organization assisting persons who are victims of criminal offences.

Further information on the draft Regulation may be obtained by contacting the Secrétariat à la sélection des candidats à la fonction de juge, Ministère de la Justice, édifice Louis-Philippe-Pigeon, 1200, route de l’Église, 9^e étage, Québec (Québec) G1V 4M1; email: secretariatjudges@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the secretary of the Secrétariat à la sélection des candidats à la fonction de juge at the above address.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace

Courts of Justice Act
(chapter T-16, ss. 88, 163 and 164)

Act respecting municipal courts
(chapter C-72.01, ss. 34, 35 and 118)

1. The Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1) is amended in section 5

(1) by adding the sentence “The training is given by any means by the secretary or, where applicable, by the person designated by the secretary, in which case the secretary must approve the form and content of the training.” at the end of the first paragraph;

(2) by inserting “by section 25” before “for the office” in the second paragraph.

2. Section 7 is amended by replacing “the website of the Ministère de la Justice and on that of the Barreau du Québec” in the first paragraph by “the websites of the Ministère de la Justice, the Barreau du Québec and the Chambre des notaires du Québec”.

3. Section 10 is amended by inserting “to the president of the Chambre des notaires du Québec,” after “concerned,”.

4. Section 11 is amended by inserting “or the Roll of the Ordre des notaires” before “, if applicable.” in the first paragraph.

5. Section 15 is amended

(1) by replacing paragraphs 1, 2 and 3 by the following:

“(1) a judge designated by the chief judge of the Court of Québec from among the judges of the Court of Québec or presiding justices of the peace, who will act as chair of the committee;

(2) an advocate or a professor in a law faculty in Québec designated by the Bâtonnier du Québec;

(3) a notary or a professor in a law faculty in Québec designated by the president of the Chambre des notaires du Québec;

(4) a person who is neither a judge nor a member of the Barreau du Québec or the Chambre des notaires du Québec, designated by the chair of the Office des professions du Québec;

(5) for the office of judge assigned to the Criminal and Penal Division, a person designated by the Minister and working in an organization assisting persons who are victims of criminal offences, after consulting such organizations; and

(6) for the office of judge not assigned to the Criminal and Penal Division, an additional person designated under subparagraph 4.”;

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

“Where a committee is established to fill a number of positions of judges, at least one of which is assigned to the Criminal and Penal Division, subparagraph 6 of the first paragraph does not apply.

A person designated under the first paragraph to sit on a committee may be designated only once a year.

A retired judge authorized by the Government to exercise judicial functions under section 93 of the Courts of Justice Act (chapter T-16) may be designated by the chief judge under subparagraph 1 of the first paragraph to sit on a committee and act as chair.”.

6. Section 16 is amended

(1) by replacing paragraphs 1, 2 and 3 by the following:

“(1) a judge designated by the associate chief judge of the Court of Québec who is responsible for municipal courts from among municipal court judges or, after consulting the chief judge of the Court of Québec, from among the judges of the Court of Québec, who will act as chair of the committee;

(2) an advocate or a professor in a law faculty in Québec designated by the Bâtonnier du Québec;

(3) a notary or a professor in a law faculty in Québec designated by the president of the Chambre des notaires du Québec;

(4) a person who is neither a judge nor a member of the Barreau du Québec or the Chambre des notaires du Québec, designated by the chair of the Office des professions du Québec;

(5) for the office of judge assigned to a municipal court that tries proceedings commenced under Part XXVII of the Criminal Code (R.S.C. 1985, c. C-46), a person designated by the Minister and working in an organization assisting persons who are victims of criminal offences, after consulting such organizations; and

(6) for the office of judge assigned to a municipal court that does not try proceedings commenced under Part XXVII of the Criminal Code, an additional person designated under subparagraph 4.”;

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

“Where a committee is established to fill a number of positions of judges, at least one of which is assigned to a municipal court that tries proceedings commenced under Part XXVII of the Criminal Code, subparagraph 6 of the first paragraph does not apply.

A person designated under the first paragraph to sit on a committee may be designated only once a year.”.

7. Section 17 is amended by replacing “paragraphs 2 and 3 of sections 15 and 16, the Barreau du Québec and the Office des professions du Québec” by “subparagraphs 2 to 6 of the first paragraph of sections 15 and 16, the persons who designate the members of the committee”.

8. The following is inserted after section 19:

“**19.1.** A person who agrees to sit on a committee must have the required availability.”.

9. Section 21 is amended by replacing “last 5 years” at the end of subparagraph 3 of the first paragraph by “last 10 years”.

10. Section 22 is revoked.

11. The following is inserted after section 22:

“**22.1.** A person who holds a position within a municipal, provincial or federal political party, such as an officer, its official representative and its official agent or a person holding an elective position, may not be designated to sit on a committee.”.

12. Section 24 is amended by adding the sentence “The candidates must promptly be met by the committee.” at the end of the first paragraph.

13. Section 26 is amended

(1) in the first paragraph

(a) by replacing “indique” in the French text by “doit indiquer”;

(b) by replacing “of 3 candidates qualified” by “of the 3 best candidates the committee proposes, namely, those whose application best meets the criteria set out in section 25.”;

(c) by striking out “that it proposes”;

(d) by replacing “is 3” by “proposed must be 3”;

(e) by inserting “and a candidate may only be proposed for one office. The decision on the proposed candidates is made by the majority of the members” after “each additional office”;

(2) by replacing the second and third paragraphs by the following:

“Where 3 candidates or less submit their application for an office, the committee so indicates in the report and proposes each candidate. If the Minister cannot choose one of the candidates to be recommended to the Cabinet, the competition is cancelled for that office.”.

14. Section 29 is amended by replacing “disciplinary bodies, professional orders, police authorities and credit agencies” by “the syndic of the professional orders and the persons designated, within each of them, by disciplinary bodies, police authorities and credit agencies. They must take the oath of discretion appearing in Schedule C and take the measures required to ensure the confidentiality of the information received concerning the candidates. They may discuss the information only with the secretary or, where authorized by the secretary, with another person within their organization who has also taken the oath of discretion appearing in Schedule C”.

15. Section 31 is amended by replacing “\$100” by “\$250”.

16. Section 33 is amended

(1) by replacing “the Minister may request the committee to propose the name of other candidates qualified to be appointed as judges for that position, in accordance with section 26” at the end of the first paragraph by “the competition is cancelled for that position”;

(2) by striking out the second and third paragraphs.

