FOURTH SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 40

An Act to amend the Code of Civil Procedure and other legislation

First reading .....

Second reading .....

Third reading .....

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Ministre de la justice

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This bill amends the Code of Civil Procedure to make 26 December and 2 January non-juridical days. It raises to $6 000 the maximum monetary jurisdiction of the Provincial Court and the minimum of pleno jure *appeals to the Court of Appeal. The procedure of appeal is amended; this procedure will be initiated, as a general rule, by a statement rather than by a joint record. This bill amends the procedure of seizure of wages and of service, specifies the system of determining the costs of bailiffs, and makes the property of a person that he requires to compensate for a handicap unseizable. It raises the number of judges of the Provincial Court from 150 to 155.*

Finally, this bill contains provisions of concordance.

Sec. 1. *The proposed amendment authorizes the appointment of a clerk of the Provincial Court who would have the powers the Code assigns to the special prothonotary.*

Sec. 2. *This section changes 26 December and 2 January into non-juridical days.*

Sec. 3. *This section provides for an amendment for concordance with section 2 of the bill.*

Sec. 4. *This section generalizes the application of the rule provided by section 86 of chapter 83 of the statutes of 1975.*

Bill 40

An Act to amend the Code of Civil Procedure and other legislation

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Article 4 of the Code of Civil Procedure, amended by section 1 of chapter 83 of the statutes of 1975 and by section 1 of chapter 73 of the statutes of 1977, is again amended by replacing subparagraph *k* of the first paragraph by the following subparagraph:

"*k*) "special prothonotary": the prothonotary, the deputy prothonotary, the clerk or the deputy clerk appointed by order in council, with the consent of the chief justice of the court, to exercise in that court, in addition to his other functions, the attributions attached to such capacity."

2. Article 6 of the said Code, amended by section 11 of chapter 5 of the statutes of 1978, is again amended:

(*a*) by replacing paragraph *b* by the following paragraph:

"(*b*) 1 and 2 January;";

(*b*) by replacing paragraph *h* by the following paragraph:

"(*h*) 25 and 26 December;".

3. Article 8 of the said Code is amended by replacing paragraph 3 by the following paragraph:

"3. Saturday is considered a non-juridical day."

4. The said Code is amended by inserting between articles 20 and 21, the following article:

Sec. 5. *This section provides for an amendment for concordance with the Federal Court Act (Statutes of Canada).*

Sec. 6. *Paragraph* a *raises to $6 000 the minimum* pleno jure *appeals to the Court of Appeal. Paragraph* b *specifies in what matters an appeal lies from a final judgment, by leave, and clarifies the right to appeal in the matter of contempt of court.*

Sec. 7. *Paragraph* a *specifies in what cases an appeal lies from an interlocutory judgment with or without leave. Paragraph* b *introduces new law.*

"**20***a*. Where a law or regulation provides for the use of the mails, the Lieutenant-Governor in Council may, if postal services are interrupted, authorize the use of another means of communication, according to such terms and conditions as he may determine."

5. Article 24 of the said Code is amended by replacing the first paragraph by the following paragraph:

"**24.** The courts under the legislative authority of the Parliament of Canada which have jurisdiction in civil matters in Québec are the Supreme Court of Canada and the Federal Court of Canada."

6. Article 26 of the said Code, replaced by section 1 of chapter 80 of the statutes of 1969, is amended:

(*a*) by replacing paragraph 1 by the following paragraph:

"1. from any final judgment of the Superior Court, except in a case where the value of the object of the dispute in appeal is less than six thousand dollars;";

(*b*) by replacing paragraph 4 by the following paragraphs:

"4. with leave of a judge of the Court of Appeal, from any other final judgment of the Superior Court and of the Provincial Court, when the matter at issue is one which should be submitted to the Court of Appeal;

"5. from any final judgment rendered in matters of contempt of court for which there is no other recourse."

7. Article 29 of the said Code, amended by section 2 of chapter 80 and section 1 of chapter 81 of the statutes of 1969 and by section 4 of chapter 83 of the statutes of 1975, is again amended:

(*a*) by replacing that part of the first paragraph preceding paragraph 1 by the following:

"**29.** An appeal also lies from an interlocutory judgment of the Superior Court or of the Provincial Court, with or without leave of a judge of the Court of Appeal according to whether or not the appeal from the final judgment would require such leave:";

(*b*) by inserting, after the second paragraph, the following paragraph:

"An interlocutory judgment dealing with a matter the determination of which is left to the discretion of the judge or of the court of first instance may be appealed from only with the

Sec. 8. *This section raises to $6 000 the maximum monetary jurisdiction of the Provincial Court and provides for an amendment for concordance with the Federal Court Act (Statutes of Canada).*

Sec. 9. *This section authorizes the issue of a contempt of court ruling by the court of the place where the contempt was committed and not only by the court against which the contempt was committed.*

Sec. 10. *This section puts an end to the obligation to serve on the Attorney General all the proceedings instituting a suit in matters of civil status. A judge will, however, be entitled to order such service.*

Sec. 11. *This section provides for an amendment for concordance with section 10 of the bill.*

permission of a judge of the Court of Appeal. The application for leave does not suspend the suit, unless a judge of the Court of Appeal decides otherwise."

8. Article 34 of the said Code, amended by section 2 of chapter 81 of the statutes of 1969, section 1 of chapter 70 of the statutes of 1972 and by section 1 of chapter 8 of the statutes of 1978, is again amended by replacing the paragraphs 1, 2 and 3 of the first paragraph by the following paragraphs:

"1. wherein the sum claimed or the value of the thing demanded is less than six thousand dollars, except suits for alimentary pension and those reserved for the Federal Court of Canada;

2. for specific performance, annulment, dissolution or rescission of a contract, when the value of the plaintiff's interest in the object of the dispute is less than six thousand dollars;

3. to annul a lease when the amount claimed for rent and damages is less than six thousand dollars."

9. Article 53 of the said Code is amended by replacing the second paragraph by the following paragraphs:

"The judge may issue the rule *ex officio* or on application. Service of this rule is not required; it may be presented before a judge of the district where the contempt was committed.

The rule must be served personally, unless for valid reasons another mode of service is authorized by the judge."

10. Article 97 of the said Code, amended by section 3 of chapter 79 of the statutes of 1969, is replaced by the following article:

"**97.** A judge, *ex officio* or on application, may order a copy of the proceeding which contains a demand in nullity of marriage, in declaration of death or in rectification of registers of civil status to be served upon the Attorney General. In such case, the suit is stayed until the expiry of ten days from the date of the service."

11. Article 98 of the said Code is replaced by the following article:

"**98.** After service of the notice provided for in article 95 or 96 or at any time in the case of a demand contemplated in article 97, the Attorney-General may intervene in the case on behalf of the Crown and file written conclusions upon which the court must adjudicate.

Sec. 12. *This section fixes at 15 kilometres the radius within which there is no consideration of the place of practice of the nearest bailiff.*

Sec. 13. *This section fixes at 50 kilometres the radius within which another mode of service can be authorized only if there is no bailiff capable of acting.*

Sec. 14. *This section amends article 305 of the Code to take the North-eastern Québec Agreement into account.*

Sec. 15. *This section corrects an error made in the French text in 1965.*

In the cases contemplated in articles 95 and 96, the prothonotary transmits a copy of the judgment to the Attorney General without delay. In the cases contemplated in article 97, he does so if the judge has ordered the proceeding which contains the demand served upon the Attorney General or if the latter has intervened in the case."

12. Article 120 of the said Code is replaced by the following article:

"**120.** Unless specifically otherwise provided, any sheriff or bailiff may make a service anywhere in Québec.

However, the costs of service are not taxed at a greater amount than if the service had been made by the sheriff or bailiff nearest to the place of service, unless the tax claimed does not exceed that which would have been granted had the officer making the service travelled fifteen kilometres."

13. Article 122 of the said Code, replaced by section 12 of chapter 83 of the statutes of 1975, is again replaced by the following article:

"**122.** In any place where, within a radius of fifty kilometres, there is neither sheriff nor bailiff able to act, service may be made by any person of legal age residing within that radius or by registered or certified mail; service made otherwise without sufficient reason gives no right to higher costs."

14. Article 305 of the said Code, replaced by section 13 of chapter 73 of the statutes of 1977, is again replaced by the following article:

"**305.** To facilitate the examination of a witness, the judge may retain the services of an interpreter, whose remuneration forms part of the costs of the case.

However, the Ministre de la justice assumes that remuneration in the judicial district of Abitibi, if one of the parties benefits by the agreement contemplated in chapter 46 of the statutes of 1976, and in the judicial district of Mingan, if one of the parties benefits by the agreement contemplated in chapter 98 of the statutes of 1978."

15. Article 483 of the said Code is amended by replacing paragraph 4 of the French text by the following paragraph:

"4. Lorsqu'il a été statué sur la foi d'un consentement ou à la suite d'offres non autorisés et subséquemment désavoués;".

Sec. 16. *This section specifies the number of copies of the inscription in appeal which must be filed in the court office.*

Sec. 17. *This section supplements the information contained in the inscription in appeal.*

Sec. 18. *This section specifies the power of the judge regarding dismissal of the appeal owing to the failure to furnish a security.*

Sec. 19. *This section imposes the transmission of the inscription in appeal to the judge of first instance and provides for an amendment for concordance with section 21 of the bill.*

Sec. 20. *This section introduces new legislation.*

16. Article 495 of the said Code is amended by replacing the first paragraph by the following paragraph:

"**495.** The appeal is brought by depositing at the office of the court of first instance, within the delay provided by article 494, a duplicate and two copies of an inscription which has been served upon the adverse party or his attorney."

17. Article 496 of the said Code is replaced by the following article:

"**496.** The inscription in appeal must contain the description of the parties, the name of the court that rendered the judgment, the date of judgment, the duration of the proof and hearing in first instance, the conclusions sought by the appelant and a summary statement of the grounds he intends to set up."

18. Article 497 of the said Code is amended by replacing the second paragraph by the following paragraphs:

"However, a judge of the Court of Appeal may, upon motion, when the appeal appears dilatory, or for some other special reason, order the appellant to furnish, within the delay he sets, security in a specified amount to guarantee in whole or in part the payment of the costs of appeal and the amount of the condemnation, if the judgment is upheld.

If the appellant does not furnish security within the fixed delay, a judge of the Court of Appeal may, upon motion, dismiss the appeal."

19. Article 498 of the said Code is replaced by the following article:

"**498.** As soon as the inscription in appeal is filed, the prothonotary must transmit a copy to the Appeal Office at Québec or Montreal, as the case may be, and a copy to the judge whose judgment is appealed from. He must also, without delay, prepare and certify, in the manner prescribed by the rules of practice of the Court of Appeal, the record of the case, a list of the documents therein and a copy of the entries made in the registers, to be transmitted to the Appeal Office as soon as possible."

20. Article 499 of the said Code is amended by adding, at the end of the first paragraph, the following: "The appelant must attach to his written appearance a copy of the judgment appealed from."

Sec. 21. *This section establishes the new system of appeal. The procedure will be initiated by a simple statement, unless the parties agree on the production and content of a joint record or, if there is no such agreement, unless a judge so decides.*

This section reduces from 10 to 7 the number of copies of the statement or of the joint record to be transmitted to the Court, and extends the delay for the production of those documents from 30 to 60 days.

Sec. 22. *This section provides for an amendment for concordance with section 21 of the bill.*

21. Article 503 of the said Code is replaced by the following articles:

"**503.** The appellant must prepare a statement and submit it to the respondent for approval, amendment, with the consent of the appellant, or additional comments.

The appellant must file in the Appeal Office seven copies of the statement and serve two copies on the respondent, within sixty days of the filing of the inscription or of the judgment rendered on a motion made under article 501. He must furnish, with the statement, the notes filed by the judge or the transcription of the reasons of the judgment if they were given orally.

"**503***a*. The parties may attach to the statement a detailed agreement respecting the filing and content of a joint record. Failing an agreement, one of the parties may attach to the statement a motion that a judge of the Court of Appeal order the filing of a joint record, containing whatever he determines.

If an agreement or motion respecting the filing of a joint record is not attached to the statement, the appeal is submitted on the basis of that statement alone.

"**503***b*. A judge of the Court of Appeal, if he considers it necessary and on such conditions as he may determine, may authorize the respondent to amend the statement before he has filed his factum.

"**503***c*. Where such is the case, the appellant, within sixty days following the filing of the statement or of the judgment authorizing the filing of the joint record, must file seven copies of that record in the Appeal Office and serve two copies on the respondent.

"**503***d*. The joint record is made in accordance with the record of the case. The appellant himself must obtain the transcript of that part of the notes taken during the hearing which must be included in the joint record."

22. Article 504 of the said Code is amended by replacing the second paragraph by the following paragraph:

"The first party to file an inscription in appeal must prepare a statement, which must be submitted to all the parties to the appeals. Where such is the case, the agreement or judgment providing for the filing of a joint record determines who must prepare it and how its cost is to be divided amongst the appellants; the failure of any of them to pay his share may be ground for dismissal of his appeal."

Sec. 23. *This section provides for an amendment for concordance with section 21 of the bill.*

Sec. 24. *This section provides for an amendment for concordance with section 21 of the bill, and also extends the delay for the production of the factum of the respondent from 15 to 30 days.*

Sec. 25. *This section introduces new legislation.*

Sec. 26. *This section provides for an amendment for concordance with section 21 of the bill.*

Sec. 27. *This section provides for an amendment of concordance with section 21 of the bill, and provides that an appeal on corollary relief in separation from bed and board or in divorce proceedings or on an interlocutory injunction does not, as a general rule, suspend proceedings in first instance.*

23. Article 505 of the said Code, replaced by section 28 of chapter 83 of the statutes of 1975, is again replaced by the following article:

"**505.** If the statement or joint record is not filed within the delay provided, a judge of the Court of Appeal may, on motion, make such orders as are required and even declare the appeal abandoned."

24. Article 507 of the said Code, amended by section 29 of chapter 83 of the statutes of 1975, is again amended by replacing the first paragraph by the following paragraph:

"**507.** Within thirty days of the filing of the statement or the joint record, the appelant must file in the Appeal Office seven copies of a factum setting out his pretensions, and serve two copies on the respondent; the respondent must, within the following thirty days, file in the Appeal Office seven copies of his own factum and serve two copies on the appellant. Such factums must be prepared in the manner provided by the rules of practice."

25. The said Code is amended by inserting between articles 507 and 508, the following articles:

"**507***a*. The clerk of appeals must place an appeal on the court roll as soon as it is ready to be so placed.

"**507***b*. If the appeal is not ready to be placed on the court roll in the year following the filing of the inscription in appeal, the clerk of appeals gives the attorneys or the party who does not have an attorney, by registered or certified mail, a notice of not less than thirty days to the effect that the case has been placed on a special roll.

If the appeal is still not ready to be placed on the court roll on the date fixed in the notice, the chief justice or any other judge he may designate, after giving the parties the opportunity to be heard, declares the appeal abandoned, unless one of the parties submits a valid excuse, in which case he makes such order as he deems appropriate."

26. Article 508 of the said Code is repealed.

27. Article 511 of the said Code is amended:

(*a*) by replacing paragraph 1 of the first paragraph by the following paragraphs:

Sec. 28. *This section readjusts the procedure of determination of damages caused by a dilatory or abusive appeal.*

Sec. 29. *This section makes unseizable the property necessary to compensate for a handicap.*

"1. the statement must be filed within fifteen days of the filing of the inscription in appeal;

"1*a*. where such is the case, the joint record must be filed in the Appeal Office and served on the respondent within fifteen days of the filing of the statement or of the judgment authorizing the filing of the joint record;";

(*b*) by replacing paragraph 3 of the first paragraph by the following paragraph:

"3. the appeal is privileged and, unless the chief justice decides otherwise, must be heard at the first sitting which follows the filing of the statement or the joint record.";

(*c*) by replacing the second paragraph by the following paragraph:

"Such appeal suspends the suit, except in the case of an appeal on corollary relief in divorce or separation from bed and board proceedings or an appeal on an interlocutory injunction. A judge of the Court of Appeal may, however, suspend the suit or authorize that it be continued notwithstanding the appeal."

28. Article 524 of the said Code is replaced by the following article:

"**524.** The Court may, *ex officio* or on motion of a party, declare dilatory or abusive an appeal that it dismisses or declares abandoned.

It may condemn the appellant to pay the damages caused by the appeal if their amount appears in the record or is accepted by the parties.

In other cases, the respondent may, within sixty days of the date of the judgment of the Court of Appeal, claim damages from the appellant, by motion addressed to the Superior Court or the Provincial Court, according to the amount claimed. Upon receipt of a copy of the motion, the clerk of appeals transmits the record to the office of the court to which the motion is addressed."

29. Article 553 of the said Code, amended by section 469 of chapter 70 of the statutes of 1974 and by section 18 of chapter 73 of the statutes of 1977, is again amended by inserting after subparagraph 7*b* the following subparagraph:

"7*c*. Property of a person that he requires to compensate for a handicap;".

Sec. 30. *This section provides for an amendment for concordance with section 12 of the bill.*

Sec. 31. *This section suppresses the requisition of the writ of seizure.*

Sec. 32. *This section enables the garnishee, in the matter of seizure of wages, to declare and deposit by mail.*

Sec. 33. *This section introduces new legislation.*

30. Article 554 of the said Code, amended by section 10 of chapter 21 of the statutes of 1966, is again amended by replacing the second paragraph by the following paragraphs:

"Unless specifically otherwise provided, any sheriff or bailiff may execute a writ anywhere in Québec.

However, the costs of execution are not taxed at a greater amount than if the execution had been made by the sheriff of the district or, as the case may be, by the bailiff nearest to the place of execution, unless the tax claimed does not exceed that which would have been granted had the bailiff travelled fifteen kilometres."

31. Article 555 of the said Code is replaced by the following article:

"**555.** The writ must mention the date of the judgment to be executed and the amount of the condemnation; it is prepared by the seizing creditor, and signed and issued by the prothonotary of the district where the judgment was rendered."

32. Article 641 of the said Code, amended by section 43 of chapter 83 of the statutes of 1975, is again amended:

(*a*) by inserting between the first and second paragraphs, the following paragraphs:

"The writ orders the garnishee to declare to and deposit with the prothonotary, within ten days following the service of the writ, personally or by registered or certified mail, the seizable portion of what he owes the seized debtor, to declare and deposit again in the same manner every month and to serve a copy of his first declaration on the debtor and seizing creditor, by registered or certified mail.

If the debtor leaves his employ, the garnishee must forthwith so declare.";

(*b*) by striking out the last paragraph.

33. The said Code is amended by inserting between articles 641 and 642, the following article:

"**641***a*. The debtor may, personally or by registered or certified mail, oppose the seizure by garnishment within five days following the service of the copy of the first declaration of the garnishee. He forwards a copy of the opposition to the seizing creditor and the garnishee, within the same delay and in the same manner."

Sec. 34. *This section provides for an amendment for concordance with section 9 of chapter 73 of the statutes of 1977.*

Sec. 35. *This section provides for an amendment for concordance with the Mental Patients Protection Act (1972, chapter 44).*

Sec. 36. *This section provides for an amendment for concordance with section 2 of the bill.*

Sec. 37. *This section provides for the use of the mails in the matter of agreements modifying matrimonial regimes.*

34. Article 872 of the said Code, amended by section 56 of chapter 83 of the statutes of 1975, is again amended by replacing the third paragraph by the following paragraph:

"The notification, which may be made by registered or certified mail, is, in addition, governed by article 280."

35. Articles 882 and 883 of the said Code are replaced by the following articles:

"**882.** When the demand is based upon drunkenness or the abuse of narcotics, the judge or prothonotary may, whether he grants or refuses the interdiction, order that the person be placed under close treatment in an establishment. That order may be made even after the interdiction, on motion for that purpose, and on sufficient proof. The order must indicate the name of the establishment, the duration of the close treatment and the name of the attending physician; a certified copy must be delivered to the director of professional services of the establishment.

The order for close treatment may be suspended or revoked by a judge, upon motion, if it is established that the patient, in his own interest and in that of his family, may be released.

"**883.** Every judgment which orders the interdiction of, appoints a judicial adviser to, or orders the placing under close treatment of a person, must be served upon him at the diligence of the applicant, and be inscribed forthwith by the prothonotary in a register kept for that purpose at the office of the court of the district where the judgment was rendered."

36. Article 17 of the Civil Code, as it reads in section 5775 of the Revised Statutes of 1888, and amended by section 1 of chapter 38 of the statutes of 1893, section 1 of chapter 50 of the statutes of 1896/1897, section 3 of chapter 12 of the statutes of 1902, section 1 of chapter 74 of the statutes of 1934, section 1 of chapter 67 of the statutes of 1945, section 2 of chapter 19 of the statutes of 1947, section 1 of chapter 80 of the statutes of 1966/1967 and by section 10 of chapter 5 of the statutes of 1978, is again amended by inserting, between paragraphs 14 and 15 of the Schedule, the following paragraph:

"14*a*. By the words "non-juridical days" are also understood 26 December and 2 January."

37. Article 1266 of the said Code, replaced by section 27 of chapter 77 of the statutes of 1969 and amended by section 8 of chapter 68 of the statutes of 1972, is again amended by replacing the second paragraph by the following paragraph:

Sec. 38. *This section provides for the use of the mails in the matter of agreements modifying marriage covenants.*

Sec. 39. *This section raises the number of judges of the Provincial Court from 150 to 155.*

"The motion for homologation, together with a notice of the date of its presentation, must be served, by registered or certified mail, on all the creditors of each of the consorts and on all the persons still living who were parties to the contract of marriage; to such motion must be annexed a list of the creditors of each consort and of the community or partnership of acquests, with a balance-sheet indicating the assets and liabilities of each consort and of the community or partnership of acquests. Notice of the motion, of the date and of the place of its presentation must also be published in the manner provided in article 139 of the Code of Civil Procedure."

38. Article 1266*a* of the said Code, enacted by section 27 of chapter 77 of the statutes of 1969, is amended by replacing the first paragraph by the following paragraph:

"**1266***a*. The prothonotary or the clerk of the court who rendered the judgment of homologation must serve it forthwith, by registered or certified mail, on the depositary of the original of the contract of marriage and on the depositary of the original of any act modifying the matrimonial regime. The depositary of the original is bound to mention the judgment which was served on him on the original and on all copies that he may make of it, by indicating the date of the judgment, the number of the record, the name of the district and that of the court."

39. Section 117 of the Courts of Justice Act (Revised Statutes, 1964, chapter 20), replaced by section 22 of chapter 17 of the statutes of 1965 (1st session), amended by section 7 of chapter 7 of the statutes of 1966, replaced by section 11 of chapter 18 of the statutes of 1966/1967, amended by section 6 of chapter 15 of the statutes of 1968, section 14 of chapter 19 of the statutes of 1969 and by section 6 of chapter 10 of the statutes of 1970, replaced by section 5 of chapter 14 of the statutes of 1971, amended by section 9 of chapter 11 of the statutes of 1972, section 14 of chapter 13 and section 7 of chapter 39 of the statutes of 1973, section 31 of chapter 11 of the statutes of 1974, section 11 of chapter 10 and section 41 of chapter 45 of the statutes of 1975, section 6 of chapter 8 of the statutes of 1976 and by section 23 of chapter 19 of the statutes of 1978, is again amended by replacing the first paragraph by the following paragraph:

"**117.** The Provincial Court shall consist of one hundred and fifty-five judges appointed by the Lieutenant-Governor in Council, by commission under the Great Seal, namely: a chief judge, a senior associate chief judge, an associate chief judge and one hundred and fifty-two puisne judges."

Sec. 40. *This section enables the Government to establish a tariff for the taking and transcription of the notes taken or recorded during the hearing.*

Sec. 41. *This section extends from 8 to 30 days the delay to appeal from the judgment of a municipal court.*

Sec. 42. *This section provides for an amendment for concordance with section 2 of the bill.*

Sec. 43. *This section provides for an amendment for concordance with section 4 of the bill.*

Sec. 44. *This section enables a judge of the Court of Appeal to act alone in all cases where the statutes of Québec provide that two judges are necessary.*

40. Section 232 of the said act, enacted by section 27 of chapter 21 of the statutes of 1969, is replaced by the following section:

"**232.** The Lieutenant-Governor in Council may impose such tax or duty as he sees fit on insinuations or registrations in the offices of the courts, and on any proceeding before any court, judge, justice of the peace or judicial or ministerial officer.

The Lieutenant-Governor in Council may also establish a tariff for the taking down and copying or transcription of the depositions which have been stenographed or recorded in any other manner he authorizes before a court or a judicial officer."

41. Section 10 of the Municipal Courts Act (Revised Statutes, 1964, chapter 24) is replaced by the following section:

"**10.** The appeal is instituted by an inscription made before the Municipal Court, within thirty days from the rendering of the judgment or decision, and served upon the clerk of that court within the said delay; which service stays the execution of the judgment."

42. Section 134*a* of the Labour Code (Revised Statutes, 1964, chapter 141), enacted by section 63 of chapter 41 of the statutes of 1977 and amended by section 14 of chapter 5 of the statutes of 1978, is again amended:

(*a*) by replacing paragraph *b* by the following paragraph:

"(*b*) 1 and 2 January;";

(*b*) by replacing paragraph *h* by the following paragraph:

"(*h*) 25 and 26 December;".

43. Section 86 of the Act to amend the Code of Civil Procedure and to authorize the use of certified mail for certain purposes (1975, chapter 83) is repealed.

44. In any act, the words "two judges of the Court of Appeal" are replaced by the words "a judge of the Court of Appeal".

45. Paragraph *a* of section 6 and section 8 apply to cases pending on 1 September 1979 and to those judged before that date, but in respect of which the delay for appeal had not yet expired; in the latter case, the delay for appeal or for an application for leave to appeal, as the case may be, is extended to 30 September 1979.

46. A case the hearing of which is not commenced on 1 September 1979, instituted before the Superior Court prior to that date and which, by section 8, becomes within the jurisdiction of the Provincial Court is, on that date, transferred to that Court for hearing and judgment, as if it had been instituted and all interlocutory judgments had been rendered before that court.

The Superior Court ceases to have jurisdiction in such cases from that date; the prothonotary shall transmit the record of each case to the clerk of the Provincial Court, who shall give notice thereof to the parties or to their attorneys, and shall transmit to them the number he assigns to the case upon receiving the record.

47. Excepting paragraph *a* of section 6 and sections 8, 16 to 24, 26 and 27, which will come into force on 1 September 1979, this act comes into force on the day of its sanction.