



CHAPTER 76

An Act respecting the Provincial Police Force

[Assented to, the 8th of April, 1938]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Provincial Police Force

1. A police force exercising its functions throughout the Province is constituted under the name of Quebec Provincial Police Force. Quebec Provincial Police Force.

Wherever the expression "police force" occurs in this act it shall designate the said Provincial Police Force. 'Police force'.

Duties and Functions of Police Force

2. The police force shall be charged with:

- a. the maintenance of public peace, order and safety;
- b. the maintenance of order before the courts;
- c. the guarding of government property;
- d. the prevention and investigation of criminal offences and misdemeanors and of violations of the laws relating to road traffic and to alcoholic liquor and of any other laws of the Province;

Duties of police force.

e. all other duties assigned to such police force by the police force regulations adopted under section 29.

Territorial Division of Police Force

3. The Province of Quebec shall be divided into two police districts: Division into police districts.

Quebec district.

a. Quebec district, with headquarters in the city of Quebec, comprising the territory of the judicial districts of Abitibi, Arthabaska, Beauce, Chicoutimi, Gaspé, Kamouraska, Montmagny, Nicolet, Quebec, Rimouski, Roberval, Saguenay and Trois-Rivières;

Montreal district.

b. Montreal district, with headquarters in the city of Montreal, comprising the territory of the judicial districts of Beauharnois, Bedford, Hull, Iberville, Joliette, Montcalm, Montreal, Pontiac, Richelieu, St. Francis, St. Hyacinthe and Terrebonne.

Establishing of police sub-districts.

4. The Lieutenant-Governor in Council may establish police sub-districts in each of the districts of Quebec and Montreal and fix the place in each such sub-district at which the police force offices shall be kept.

Id., of individual posts.

5. The Attorney-General may, in addition, establish temporarily or permanently, in such places in the Province as he may deem appropriate, for local or regional police purposes, individual posts of the police force.

Police Force Services

Designation.

6. All members of the police force shall bear the title of officers of the Provincial Police Force.

Powers, etc., of officers.

7. Such officers shall all be constables and peace officers for the whole Province and shall have all the powers, attributions and privileges, with which constables and peace officers are endowed by the written law or by the common law.

Branches of police force.

8. Without restricting the powers, attributions and privileges accorded to them by section 7, each officer of the police force is more specially attached to a special police service and comprised within the scope of any one of the following branches of the police force;

Judicial police.

1. The judicial police, charged with the investigation of criminal offences and misdemeanors and of violations of the laws of this Province, except the laws relating to road traffic or to alcoholic liquor;

Constabulary force.

2. The constabulary force, charged with the maintenance of the public peace, order and safety, and of order before the courts; the guarding of government property; the prevention of criminal offences and misdemeanors and of violations of the laws of the Province, and with any other duty which may be assigned to such constabulary by the regulations of the police force.

3. The highway police, charged with the prevention and investigation of violations of the highway traffic laws; Highway police.
4. The liquor police, charged with the prevention and investigation of violations of the alcoholic liquor laws. Liquor police.

Direction and Composition of the Police Force

9. The direction and control of the police force shall be under the authority of the Attorney-General. Direction and control of police force.

10. The police force shall consist of the following officers: Composition of police force.

1. An officer called "Commissioner of the Provincial Police Force", to whom shall be assigned, under the direction and control of the Attorney-General, the command and administration of the police force; Commissioner.

2. An officer to assist him in exercising his functions, called "Deputy Commissioner of the Provincial Police Force", who, in the event of the Commissioner's absence or inability to act, shall exercise the authority and powers of the latter; Deputy Commissioner.

3. An officer called "Superintendent of the Provincial Police Force at Quebec", exercising under the direction and control of the Commissioner, the functions of commandant of the judicial police and of the constabulary force in the district of Quebec; Superintendent, at Quebec.

4. An officer called "Superintendent of the Provincial Police Force at Montreal", exercising under the direction and control of the Commissioner, the functions of commandant of the judicial police and of the constabulary force in the district of Montreal; Superintendent, at Montreal.

5. An officer called "Director of Traffic", exercising throughout the Province, under the direction and control of the Commissioner, the functions of commandant of the highway police; Director of Traffic.

6. An officer called "Director of the Liquor Police", exercising throughout the Province, under the direction and control of the Commissioner, the functions of commandant of the liquor police; Director of Liquor Police.

7. The inspectors, sub-inspectors, sergeants, policemen and constables, in the number determined by the Lieutenant-Governor in Council, appointed by the Attorney-General as members of the police force's services. Inspectors etc.

- 11.** The officers mentioned in paragraphs 1, 2, 3, 4, 5 and 6 of section 10 shall be appointed by the Lieutenant-Governor in Council, who shall fix their place of residence and their salary.
- Appointing, etc., of officers.
- Term of office.
- They shall remain in office during good conduct, but may be dismissed for cause after inquiry before a judge of the Superior Court, held in conformity with the provisions of the Public Inquiry Commission Act (Revised Statutes, 1925, chapter 8).
- 12.** The Lieutenant-Governor in Council may entrust to the deputy commissioner the functions of superintendent of the police force for the district in which he resides.
- Entrusting of certain functions.
- 13.** The command of any patrol in charge of a sub-district shall be entrusted to an inspector, and that of any post established under section 5, either to an inspector or to a sub-inspector.
- Entrusting of certain command.
- 14.** The Attorney-General may attach to the police force such secretaries, accountants, stenographers, clerks, instructors and other officials whose services he may deem necessary for the proper administration and functioning of the said force.
- Attaching of secretaries, etc.
- They shall, like the officers of the police force, be under the direction of the Commissioner.
- Under whose direction.
- 15.** The Attorney-General may attach legal counsel and physicians to assist the police force and may determine their duties and fix their remuneration.
- Attaching, etc., of counsel, etc.

Conditions of Admission to the Police Force

- 16.** No person may be a member of the police force unless he be a British subject, of good moral character and repute and free from any sentence in criminal matters, and have sufficient education for the performance of his duties and a fair knowledge of the English and French languages and have satisfactorily passed an examination on his state of health before a physician of the police force or a physician selected by the Attorney-General.
- Conditions of admission.
- 17.** Every officer of the police force must, before entering upon his duties, take the oath of allegiance and the oath of office according to the forms annexed to this act.
- Oaths of allegiance and office.

Such oaths shall be taken before the Commissioner, the Deputy Commissioner or one of the Superintendents. How taken.

A duplicate of the certificate of the taking of such oaths shall be transmitted without delay to the Attorney-General by the officer before whom they were taken. Transmitting of duplicate certificate.

18. The provisions of Division IV of the Public Officers Act (Revised Statutes, 1925, chapter 9) shall apply to every officer or official of the police force who is required by his duties to receive moneys for which he must render an account to the Crown or to the police force. Provisions applicable to certain officers, etc.

Sundry Provisions

19. The Commissioner and the Deputy Commissioner shall be *ex officio* justices of the peace with jurisdiction throughout the Province. Ex officio justices of the peace.

Each Superintendent shall be *ex officio* a justice of the peace for the district wherein he exercises his functions. Ex officio justice of the peace.

20. The Commissioner may hold an inquiry whenever he deems it necessary into the conduct of the officers and employees under his direction and any other inquiry authorized by the Attorney-General respecting the administration of the police force. Holding of inquiry by Commissioner.

In exercising the functions assigned to him by this section, the Commissioner shall have the powers of a Commissioner appointed under the Public Inquiry Commission Act (Revised Statutes, 1925, chapter 8). Powers of Commissioner thereat.

21. An officer shall not be competent to act as a juror, nor as an official or member of any municipal council. Restriction.

22. All property placed by the Government at the disposition of the police force or of its officers and officials shall remain the property of the Government. Deemed Government property.

23. The Lieutenant-Governor in Council may authorize continuation of the payment, to any officer of the police force, of the whole or part of his remuneration after such officer has become unable to perform his duties because of wounds received in the performance of his duties. Remuneration, in event of officer being wounded.

In the event of the death of an officer as a result of such wounds, the Lieutenant-Governor in Council may grant to his widow and the children of whom he was the support, if they are in want, a compensation not exceeding three thousand dollars. Grant, in event of death.

24. All expenditure incurred for the organizing and functioning of the police force and, in general, for the carrying out of this act shall be paid out of the consolidated revenue fund.

25. Every action against an officer of the police force by reason of an act done by him or a complaint lodged by him, in his official capacity, must be preceded by at least thirty days' notice to the defendant, in writing, and be brought in the district wherein the said act was done or the said complaint lodged.

Such action shall be prescribed by six months.

26. Common repute shall be sufficient proof of the due appointment of any police officer and of his right to act as such, without the necessity of establishing any appointment or of producing other matter in proof of such right, or, when a complaint has been laid by him as a police officer, without the necessity of proving that he was authorized to lay such complaint.

27. Any officer of the police force may be suspended for cause by the Commissioner, by the Deputy Commissioner or, in each district, by the Superintendent in charge of such district.

Such suspension must forthwith be made known to the Attorney-General and shall continue until adjudication thereon by the latter.

28. No keeper of a tavern shall knowingly receive or harbour any officer of the police force in such tavern, nor permit him to remain therein, except for the purpose of fulfilling a duty assigned to him.

Every person infringing the provisions of this section shall be liable to a fine of not more than one hundred dollars and costs, and, upon failure to pay, to imprisonment for not more than three months.

Police Force Regulations

29. The Lieutenant-Governor in Council may make regulations:

1. To provide for a classification of the officers of the police force enumerated in paragraph 7 of section 10, determine their powers and attributes and fix the remuneration or salaries payable for each class;

2. To change the limits of the police districts mentioned in section 3;

3. Generally, to assure the direction, discipline, supervision, internal government, proper administration and efficiency of the police force;

4. To impose penalties for contravention of such regulations.

Repeal

30. Division III of the Police and Good Order Act (Revised Statutes, 1925, chapter 168) comprising sections 40 to 84, inclusive, and the amendments thereto, are repealed. Provisions repealed.

31. Sections 84*a*, 84*b*, 84*c*, 84*d*, 84*e* and 84*f* of the said act, as enacted by the act 24 George V, chapter 50, section 5, are repealed. Idem.

32. Division IV of the said Police and Good Order Act, comprising sections 85 to 90, inclusive, and the amendments thereto, are repealed. Idem.

33. The provisions of this act shall, in the case of incompatibility, prevail over those of every other law or special act. Interpretation.

34. This act shall come into force thirty days after its sanction. Coming into force.

ANNEX

Oath of Allegiance

I, A. B., swear that I will be faithful and bear true allegiance to His Majesty King (*name of reigning Sovereign*), his heirs and successors, according to law. So help me God! Oath of allegiance.

Oath of Office

I, A. B., swear that I will honestly, faithfully and impartially perform the duties of my office (*or trust or employment, as the case may be*) of . So help me God. Oath of office.

