



CHAPTER 73

An Act to replace the Penalty Payment Act

[Assented to, the 4th of April, 1930]

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

1. The Penalty Payment Act (Revised Statutes, 1925, R. S., c. 166, chapter 166) is replaced by the following: replaced.

"CHAPTER 166

"AN ACT RESPECTING THE PAYMENT OF FINES

"1. This act may be cited as the *Fines Payment Act*. Short title.

"2. Every person condemned to pay a fine or a fine and costs may free himself: How person may free himself.

a. By paying, before the issuing of a warrant of distress or of a warrant of commitment, the sum fixed, to the clerk of the court which or to the magistrate who imposed it;

b. By paying, after the issue of a warrant of distress or of a warrant of commitment, to any constable or other person charged with its execution, the total amount of the fine and costs;

c. By paying, after commitment, to the gaoler or keeper of the gaol, in which he is imprisoned, the total amount of the fine and of the costs stated in the order for commitment.

The constable or person charged with the execution of the warrant of distress or of commitment, who receives the amount mentioned in such warrant, shall forthwith pay the same to the clerk of the court which or of the magistrate who issued such warrant. Sums re-mitted to clerk.

Sums re-
mitted to
the clerk.

The gaoler or keeper of the gaol shall forthwith pay the sum received to the clerk of the court which or of the magistrate who gave the order for commitment for non-payment.

Remittance
to clerk of
the peace.

“3. Every clerk of a district magistrate, of a recorder, or of justices of the peace, who receives from an offender, gaoler, constable or other person a fine imposed by a magistrate, shall transmit the same without delay to the clerk of the peace, with the record of the case, as provided in section 369 of the Courts of Justice Act (Chap. 145).

Transmis-
sion of sums
paid.

“4. The clerk of the peace, as well as every clerk other than those mentioned in section 3, shall, within the shortest possible delay, transmit the fines, which have been paid to them, to those entitled thereto.

Fines to
form part of
consolidated
revenue
fund.

“5. If there be no provisions to the contrary, the fines recovered under the above provisions shall form part of the consolidated revenue fund and shall, in consequence, be transmitted to the Treasury Department.

Provisions
applicable.

“6. The provisions of section 370f of the Courts of Justice Act (Chap. 145) shall apply, *mutatis mutandis*, to clerks of courts, clerks of magistrates, constables, gaolers and to any other person who, in whatever capacity, may supply information as to the collection of fines.

Remittance
to munici-
palities in
certain
cases.

“7. Notwithstanding the above provisions, the Lieutenant-Governor in Council may, by contract, authorize the remittance, in whole or in part, of any fine, pecuniary penalty or confiscation, which otherwise should belong to the Crown in the right of this Province, to the municipality which entirely or partially bears the cost of the administration of the act under which such fine, pecuniary penalty or confiscation is imposed, or allow it to be applied in any other way deemed the best for the purpose and good administration of this act.

Duty of
clerks.

Should such be the case, the clerks mentioned in section 3 must submit to the conditions of any contract accepted by the Lieutenant-Governor in Council.

Regulations.

“8. The Lieutenant-Governor in Council may make, amend and repeal regulations:

1. To determine, from time to time, the system of book-keeping with respect to monies collected in conformity with this act;

2. To determine, according to actual circumstances, in what way each officer or person coming under this act shall be bound to account for such monies;

3. To permit, if he deems it to be more advantageous, a total accounting at fixed dates;

4. To assure the carrying out of the provisions of this act."

2. This act shall come into force on the date which it ~~Coming into~~ may please the Lieutenant-Governor in Council to fix by ~~force.~~ proclamation.