

*chapter C-72*

***MUNICIPAL COURTS ACT***

*Chapter C-72 is replaced by the Act respecting municipal courts (chapter C-72.01). (1989, c. 52, s. 215).  
1989, c. 52, s. 215.*

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***REPEAL SCHEDULE***

***DIVISION I***

***APPOINTMENT OF CLERK***

***1.*** *In every city or town wherein a Municipal Court is established, the clerk of such court shall, in the absence of other provisions of law, be appointed by resolution of the council of such city or town.*

*R. S. 1964, c. 24, s. 1.*

***DIVISION II***

***JURISDICTION OF MUNICIPAL COURTS OUTSIDE THE MUNICIPALITY***

***2.*** *The council of any municipality may, by the affirmative vote of the majority of its members, adopt a by-law to submit its territory to the jurisdiction of the Municipal Court of any other municipality, provided the latter is situated wholly or in part in the same judicial district as the municipality adopting such by-law or within a radius of 25 kilometres from the latter.*

*R. S. 1964, c. 24, s. 2; 1979, c. 36, s. 100; 1982, c. 32, s. 78.*

***3.*** *Such by-law shall set forth the conditions upon which it is ready to subscribe to thus submit itself to the jurisdiction of the Municipal Court of such other municipality.*

*The council of such municipality is authorized to provide, in the by-law, for the payment of the contribution made necessary by its passing.*

*R. S. 1964, c. 24, s. 3.*

***4.*** *The council of the municipality wherein such Municipal Court exists, if it agrees with the tenor of the by-law mentioned in section 2 shall pass a by-law to that effect.*

*R. S. 1964, c. 24, s. 4.*

***5.*** *Certified copies of such by-laws shall be transmitted to the Government, along with a petition praying for its approval as well as for the issue of a proclamation ordering their coming into force.*

*R. S. 1964, c. 24, s. 5.*

***6.*** *The Government may require from the council of each of the two municipalities all documents, deeds of agreement or information that it deems necessary to decide upon the advisability or inadvisability of the by-laws; and the officers of each of such municipalities shall be bound to furnish the same.*

*R. S. 1964, c. 24, s. 6.*

***7.*** (1) *The Government may, at its discretion, grant or refuse its approval to the by-laws.*

(2) *If it approves them, the Government shall issue a proclamation to the effect that, from and after the date therein mentioned, which must not be within thirty days of the date of the proclamation, the territory of the municipality therein mentioned, situated wholly or partly in the same judicial district as the municipality in which a Municipal Court is already established or within a radius of 25 kilometres from the latter, shall be subject to the jurisdiction of such Municipal Court, as if the two municipalities formed but one, but for such purpose only.*

*Such jurisdiction shall extend also to the officers of the court.*

*R. S. 1964, c. 24, s. 7; 1982, c. 2, s. 39; 1982, c. 32, s. 79.*

**7.1.** *The council of a municipality may, by the affirmative vote of its members, pass a by-law revoking a by-law submitting its territory to the jurisdiction of the Municipal Court of another municipality or contributing to the tenor of a by-law mentioned in section 2.*

*1982, c. 2, s. 40; 1982, c. 32, s. 80.*

**7.2.** *A certified copy of the by-law shall be transmitted to the Government, along with a petition praying for its approval as well as for the issue of a proclamation ordering its coming into force. Such a copy shall also be transmitted to the other municipality.*

*The Government may require from the council of each of the two municipalities all documents and information that it deems necessary to decide upon the advisability or inadvisability of the by-law; and the officers or employees of each of such municipalities shall be bound to furnish the same.*

*1982, c. 2, s. 40.*

**7.3.** *The Government may, at its discretion, grant or refuse its approval to the by-law.*

*If it approves the by-law, the Government shall issue a proclamation to the effect that, from and after the date therein mentioned, which must not be within thirty days of the date of the proclamation, the territory of the municipality therein mentioned ceases to be subject to the jurisdiction of the Municipal Court of the other municipality.*

*The Government may fix the conditions relating to the end of the subjection of the territory.*

*1982, c. 2, s. 40.*

### **DIVISION III**

*Repealed, 1988, c. 74, s. 6.*

*1988, c. 74, s. 6.*

**8.** *(Repealed).*

*R. S. 1964, c. 24, s. 8; 1988, c. 74, s. 6.*

### **DIVISION IV**

#### **APPEALS FROM THE DECISIONS OF MUNICIPAL JUDGES AND MUNICIPAL COURTS IN MATTERS OF ASSESSMENT**

*1990, c. 4, s. 351.*

**9.** *In all cases or proceedings in which the amount in dispute relates to one or more municipal or school taxes or assessments exceeding in all the sum of \$500, or to the interpretation of a contract to which the municipality is a party, the subject matter whereof is of the value of at least \$500, there shall be an appeal from the final decision of any municipal judge or Municipal Court to the Court of Appeal.*

*If the amount in dispute does not appear upon the face of the proceedings it may be established by affidavit.*

*R. S. 1964, c. 24, s. 9; 1974, c. 11, s. 2.*

**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.*

*R. S. 1964, c. 24, s. 10; 1979, c. 37, s. 40.*

**11.** *As soon as the inscription is filed, the record, a copy of the judgment, and the inscription, shall be sent to the Court of Appeal in accordance with article 30 of the Code of Civil Procedure, and the case shall thereafter be continued in the same way as an ordinary case in appeal.*

*R. S. 1964, c. 24, s. 11; 1965 (1st sess.), c. 80, a. 1; 1974, c. 11, s. 2.*

**12.** *The parties to any suit or proceeding may, for the purposes of the appeal, have the evidence taken down at length, or cause the same to be taken, either by stenography or otherwise, under the direction of the court, and such evidence shall form part of the record.*

*R. S. 1964, c. 24, s. 12.*

**13.** *If the proceeding before the Municipal judge or Municipal Court has been commenced by a summary complaint for overcharge of assessment, and a declaration is made that the complaint is not acquiesced in, the complainant may file, in the Court of Appeal, a detailed complaint, and if the proceeding has been commenced by writ, the defendant may plead specially in writing.*

*R. S. 1964, c. 24, s. 13; 1974, c. 11, s. 2.*

**14.** *The appeal provided for by this division may be taken notwithstanding the provisions of any special statute.*

*R. S. 1964, c. 24, s. 14.*

**15.** *Whenever by the judgment in any civil suit, case or proceeding, before a municipal Judge or a Municipal Court, future rights may be affected, the defendant may evoke the suit, case or proceeding, and apply for its removal to the Superior Court in the same district, for hearing and judgment, and in such case articles 32 and 155 to 157 of the Code of Civil Procedure (chapter C-25) shall apply.*

*R. S. 1964, c. 24, s. 15; 1965 (1st sess.), c. 80, a. 1; 1990, c. 4, s. 352.*

## **DIVISION V**

### **SPECIAL JURISDICTION OF MUNICIPAL JUDGES**

**16.** *Every municipal judge acts in Québec as recorder, with respect to the jurisdictions attributed to a recorder under the acts by the Parliament of Canada.*

*1952-53, c. 52, s. 4 (part).*

## **DIVISION VI**



*This Division ceased to have effect on 17 April 1987.*

**17.** *(This section ceased to have effect on 17 April 1987).*

*1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.*

*REPEAL SCHEDULE*

*In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 24 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter C-72 of the Revised Statutes.*

