

1987

## c 1 Courts of Justice Amendment Act, 1987

Ontario

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## CHAPTER 1

### An Act to amend the Courts of Justice Act, 1984

*Assented to February 3rd, 1987*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** Subsection 39 (1) of the *Courts of Justice Act, 1984*, being chapter 11, is repealed and the following substituted therefor:

- (1) The Unified Family Court shall be presided over by, Composition  
of court
- (a) a senior judge of the District Court, appointed for the Unified Family Court; or
  - (b) a judge of the District Court,

who is a local judge of the High Court and is authorized under subsection (2) to exercise the jurisdiction of a judge of the Provincial Court (Family Division).

**(2)** Section 39 of the said Act is amended by adding thereto the following subsection:

(2a) The senior judge appointed for the Unified Family Court shall direct and supervise the sittings of the Unified Family Court and the assignment of its judicial duties. Duties of  
senior judge

**2.** Subsection 44 (4) of the said Act is amended by striking out “a proceeding referred to in subsection 40 (1)” in the first and second lines and inserting in lieu thereof “a proceeding under a statutory provision set out in the Schedule to this Part”.

**3.** Subsection 47 (1) of the said Act, as amended by the Statutes of Ontario, 1984, Chapter 55, section 213, is further amended by striking out “magistrate under the *Criminal Code* (Canada)” in the second and third lines and inserting in lieu

thereof “judge sitting in the Provincial Court (Criminal Division)”.

**4.—(1) Clause 61 (1) (b) of the said Act is repealed.**

**(2) Subsection 61 (2) of the said Act is repealed.**

**5. Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 64, section 3, is repealed and the following substituted therefor:**

Jurisdiction

(1) When sitting in the Provincial Court (Criminal Division), a provincial judge has the powers and authority that any Act of the Parliament of Canada confers on a provincial court judge or on two or more justices of the peace.

**6. The said Act is amended by adding thereto the following section:**

Appeals

**75a.** Where no provision is made for an appeal from an order of the Provincial Court (Family Division), an appeal lies to the District Court.

**7.—(1) Subsections 125 (1) and (2) of the said Act are repealed and the following substituted therefor:**

Investigation  
and report of  
Official  
Guardian  
S.C. 1986,  
c. 4  
R.S.O. 1980,  
c. 68

(1) In a proceeding under the *Divorce Act, 1985* (Canada) or the *Children's Law Reform Act* in which a question concerning custody of or access to a child is before the court, the Official Guardian may cause an investigation to be made and may report and make recommendations to the court on all matters concerning custody of or access to the child and the child's support and education.

Idem

(2) The Official Guardian may act under subsection (1) on his or her own initiative, at the request of a court or at the request of any person.

**(2) Subsection 125 (3) of the said Act is amended by striking out “divorce” in the seventh line.**

**(3) Subsections 125 (5), (6) and (7) of the said Act are repealed.**

**8. Clause 143 (b) of the said Act is amended by striking out “on the ground that the discretion was wrongly exercised” in the third and fourth lines.**

**9. The said Act is further amended by adding thereto the following section:**

**159a.** A writ of execution that was issued before the 1st day of January, 1985 may be renewed in the same manner and with the same effect as a writ of execution issued on or after that day.

Renewal of writs of execution issued before January 1, 1985

**10.** Section 32 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed.

**11.—(1)** This Act, except section 9, comes into force on the day it receives Royal Assent.

Commencement

(2) Section 9 shall be deemed to have come into force on the 1st day of January, 1985.

Idem

**12.** The short title of this Act is the *Courts of Justice Amendment Act, 1987*.

Short title

