

1960

c 163 General Sessions Act

Ontario

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CHAPTER 163

The General Sessions Act

1. In this Act, "court" means a court of general sessions of the peace. R.S.O. 1950, c. 158, s. 1. ^{Interpretation}

2. The courts of general sessions of the peace have jurisdiction to try all criminal offences except the offences mentioned in subsection 2 of section 413 of the *Criminal Code* (Canada). R.S.O. 1950, c. 158, s. 2. ^{Jurisdiction 1953-54, c. 51 (Can.)}

3.—(1) Except where otherwise provided, in each year the sittings of the court shall be held in every county commencing on the first Monday in June and December. R.S.O. 1950, c. 158, s. 3 (1). ^{Sittings, general rule}

(2) In the counties of Frontenac, Grey, Hastings, Kent, Ontario, Peterborough and Welland the sittings of the court in each year shall commence on the first Monday in June and the third Monday in November. 1952, c. 34, s. 1 (1), *part*; 1958, c. 32, s. 1. ^{Exceptions: Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Welland}

(3) In the county of Carleton the sittings of the court in each year shall commence on the first Monday in February, April and October. R.S.O. 1950, c. 158, s. 3 (2); 1953, c. 42, s. 1 (1). ^{Carleton}

(4) In the county of Essex the sittings of the court in each year shall commence on the first Monday in April and the third Monday in November. R.S.O. 1950, c. 158, s. 3 (3). ^{Essex}

(5) In the county of Lincoln the sittings of the court in each year shall commence on the first Monday in May and the first Monday in November. 1952, c. 34, s. 1 (1) *part*; 1953, c. 42, s. 1 (2). ^{Lincoln}

(6) In the county of Middlesex the sittings of the court in each year shall commence on the second Monday in May and November. R.S.O. 1950, c. 158, s. 3 (4); 1952, c. 34, s. 1 (2). ^{Middlesex}

(7) In the county of Simcoe the sittings of the court in each year shall commence on the first Monday in June and the last Monday in November. R.S.O. 1950, c. 158, s. 3 (5); 1957, c. 42, s. 1. ^{Simcoe}

- Wentworth (8) In the county of Wentworth the sittings of the court in each year shall commence on the last Wednesday in February and November and on the first Wednesday in May and September. R.S.O. 1950, c. 158, s. 3 (6).
- York (9) In the county of York the sittings of the court in each year shall commence on the first Monday in December, March and May and on the second Monday in September. R.S.O. 1950, c. 158, s. 3 (7); 1953, c. 42, s. 1 (3).
- Postponement of sittings (10) The judge of a county court may postpone any sittings of the court if the postponement does not in his opinion conflict or interfere with the sittings of the Supreme Court in such county. 1952, c. 34, s. 1 (3).
- Notice of postponement (11) Where such a sittings is so postponed, notice of the postponement and of the date upon which the sittings will commence shall be posted in the office of the county court clerk not later than sixty days before the commencement of such postponed sittings. R.S.O. 1950, c. 158, s. 3 (9); 1952, c. 34, s. 1 (4).
- Lieutenant Governor may specify opening day (12) Where it is deemed necessary or expedient in respect of any county, the Lieutenant Governor in Council may specify a different opening day for the sittings of the court from those provided in this section, in which case the sittings shall be held on the day specified. R.S.O. 1950, c. 158, s. 3 (10).
- Concurrent sittings 4. In any county two or more concurrent sittings of the court may be held for the trial of cases with or without a jury and the hearing of appeals. R.S.O. 1950, c. 158, s. 4.
- Place of sittings 5. The sittings of the court shall be held in the county town of the county, unless the Lieutenant Governor, by proclamation, authorizes the holding of the sittings at some other place in the county. R.S.O. 1950, c. 158, s. 5.
- Sittings in provisional judicial districts 6. In the provisional judicial districts sittings of the court shall be held at the same time and place as the sittings of the district courts for the trial of issues of fact and assessment of damages with or without a jury. R.S.O. 1950, c. 158, s. 6.
- Who may preside 7. The judge of the county or district court, as the case may be, or a junior or an acting judge shall be the chairman of the court and shall preside at the sittings thereof. R.S.O. 1950, c. 158, s. 7; 1957, c. 42, s. 2.
- Presence of justice unnecessary 8. Where a judge is present, it is not necessary in order to constitute the court that a justice of the peace be present. R.S.O. 1950, c. 158, s. 8.

9.—(1) Where a judge is unable to hold the sittings at the time appointed, the sheriff or his deputy may, by proclamation, adjourn the court to any hour on the following day to be by him named, and so from day to day until a judge is able to hold the court or until he receives other directions from the judge or from the Attorney General.

When
adjourn-
ment
permitted

(2) The sheriff shall forthwith give notice of such adjournment to the Attorney General. R.S.O. 1950, c. 158, s. 9.

Attorney
General to
be notified

10. Subject to the approval of the Lieutenant Governor in Council, the Rules Committee may,

Rules, fees,
forms

- (*a*) make rules for regulating the practice and procedure in the county and district courts;
 - (*b*) make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;
 - (*c*) prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;
 - (*d*) prescribe forms for use in such courts. R.S.O. 1950, c. 158, s. 10.
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