

1960

c 200 Justices of the Peace Act

Ontario

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CHAPTER 200

The Justices of the Peace Act

1. Every judge of the Supreme Court of Canada, of the Exchequer Court of Canada, of the Supreme Court of Ontario and every judge and junior judge of a county or district court is *ex officio* a justice of the peace for every part of Ontario and as such has power to do alone whatever is authorized to be done by two or more justices of the peace. 1952, c. 47, s. 1.

Justices
of the
peace
ex officio

2.—(1) Subject to subsection 2, the Lieutenant Governor by commission under the Great Seal pursuant to an order in council may appoint justices of the peace in and for Ontario or any part thereof.

Appoint-
ment

(2) A person, other than a barrister or solicitor, desirous of being appointed a justice of the peace shall be examined in regard to his qualifications for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as is appointed in that behalf by the Lieutenant Governor in Council, and no such person shall be appointed a justice of the peace without a certificate from such judge or other person that he has examined the applicant and finds him qualified for the office and that in his opinion a justice of the peace is needed for the public convenience in matters pertaining to the administration of justice. 1952, c. 47, s. 2.

Examina-
tion as
to quali-
fications

3. All former general commissions of the peace are void upon the issue of a new general commission of the peace, but nothing in this Act prevents the re-appointment of any justice of the peace named in a former commission if the Lieutenant Governor in Council thinks fit, and the issue of a supplementary commission of the peace does not operate as a revocation of a general commission. 1952, c. 47, s. 3.

Effect of
new general
commission

4.—(1) A justice of the peace, before acting, shall take the following oath:

Oaths

I, A.B., of the of
in the County (or District) of do swear
that I will well and truly serve Her Majesty Queen Elizabeth
(or the reigning Sovereign for the time being) in the office of justice
of the peace, and I will do right to all manner of people according
to law, without fear or favour, affection or ill will. So help me God.

A.B.

Sworn before me, etc.

R.S.O. 1960,
c. 326 and also the oath of allegiance as required by *The Public Officers Act*.

Filing
oaths

(2) The oath of office and oath of allegiance shall be transmitted forthwith to the Inspector of Legal Offices and shall be filed in his office. 1952, c. 47, s. 4.

Power to
take
oaths

R.S.O. 1960,
c. 59

5. A justice of the peace has the same power to administer oaths, affirmations and declarations as a commissioner appointed under *The Commissioners for taking Affidavits Act*. 1952, c. 47, s. 5.

Use of
hall

6. A justice of the peace may use any court room or municipal hall for the hearing of cases brought before him, but not so as to interfere with its ordinary use. 1952, c. 47, s. 6.

Powers
of justices
of the
peace

7.—(1) A justice of the peace acting within his territorial jurisdiction,

- (a) may take informations or issue search warrants, summonses or warrants returnable before a magistrate; and
- (b) may hear and determine prosecutions under municipal by-laws.

Limitation
of power

(2) Except as provided in subsection 1, a justice of the peace shall not act in any case except under the direction of a magistrate. 1952, c. 47, s. 7.

Returns of
convictions,
etc.

8. Where a justice of the peace tries an offence,

- (a) under a municipal by-law; or
- (b) under the direction of a magistrate,

he shall make such returns as the Inspector of Legal Offices directs. 1952, c. 47, s. 8.

Fees

1953-54,
c. 51 (Can.)
R.S.O. 1960,
c. 387

9. In cases not provided for by the *Criminal Code* (Canada) or *The Summary Convictions Act*, the Lieutenant Governor in Council may prescribe the fees and allowances to be paid by a county, or, in the case of a provisional judicial district, by the Province, to a justice of the peace not receiving a salary. 1952, c. 47, s. 9.

Assignment
of justices of
the peace
to cities

10. The Lieutenant Governor in Council may assign any justice of the peace to a city and fix his salary which shall be paid by the city. 1952, c. 47, s. 10.

Dual
offices

11. Where a person who is a justice of the peace is employed on salary in any capacity connected with a magistrate's court, the authority that employs and pays him in such capa-

city may require him to pay over to it all or such portion as it determines of the fees collected by him as a justice of the peace, and, where his salary is paid out of the revenues of the magistrate's court, such fees or the portion thereof so determined shall be paid over by him to the magistrate and shall form part of the moneys that accrue to the treasurer of the municipality. 1952, c. 47, s. 11.
