

1970

c 38 The Provincial Courts Amendment Act, 1970

Ontario

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CHAPTER 38

**An Act to amend
The Provincial Courts Act, 1968**

*Assented to June 26th, 1970
Session Prorogued November 13th, 1970*

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

1. Clause *a* of subsection 1 of section 7 of *The Provincial Courts Act, 1968* is amended by adding at the end thereof "who shall be chairman", so that the clause shall read as follows: 1968, c. 103,
s. 7, subs. 1,
cl. a,
amended

(a) the Chief Justice of Ontario, who shall be chairman.

2. Section 8 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor: 1968, c. 103,
s. 8,
re-enacted

8.—(1) The functions of the Judicial Council are, Functions

(a) at the request of the Minister, to consider the proposed appointments of provincial judges and make a report thereon to the Minister;

(b) to receive complaints respecting the misbehaviour of or neglect of duty by judges or the inability of judges to perform their duties; and

(c) to take such action to investigate complaints as it considers advisable including the review thereof with the judge where appropriate, and to make such recommendations to the Minister with respect thereto as it sees fit.

(2) The chairman may transmit such complaints as he considers appropriate to the chief judge of the Provincial Courts (Criminal Division) or the chief judge of the Provincial Courts (Family Division). Transmission
to chief
judge

(3)

Recom-
mendation
of inquiry

(3) The Judicial Council may recommend to the Lieutenant Governor in Council that an inquiry be held under section 4.

Advising
Minister

(4) The proceedings of the Judicial Council shall not be public, but it may inform and advise the Minister respecting matters that it has investigated or reviewed.

Powers

R.S.O. 1960,
c. 323

(5) The Judicial Council has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Liability for
damages

(6) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty.

1968, c. 103,
s. 9, subs. 2,
cl. a,
re-enacted

3. Clause *a* of subsection 2 of section 9 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor:

(a) he is or has been a member of the bar of one of the provinces of Canada.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Provincial Courts Amendment Act, 1970*.