

2009 Bill 13

Second Session, 27th Legislature, 58 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

**JUSTICE OF THE PEACE
AMENDMENT ACT, 2009**

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 13

2009

JUSTICE OF THE PEACE AMENDMENT ACT, 2009

(Assented to _____, 2009)

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

Amends RSA 2000 cJ-4

1 The *Justice of the Peace Act* is amended by this Act.

2 Section 1 is amended

(a) by repealing clause (d) and substituting the following:

(d) “presiding justice of the peace” means a justice of the peace who is designated under section 4(2) or under section 7.1(6) as a presiding justice of the peace;

(b) by repealing clause (e) and substituting the following:

(e) “sitting justice of the peace” means a justice of the peace who is designated under section 4(2) or under section 7.1(6) as a sitting justice of the peace.

3 Section 4(5)(f) is amended by adding “subject to section 7.1(1),” before “a person who”.

Explanatory Notes

1 Amends chapter J-4 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

(d) “presiding justice of the peace” means a justice of the peace who is designated as a presiding justice of the peace under section 4(2);

(e) “sitting justice of the peace” means a justice of the peace who is designated as a sitting justice of the peace under section 4(2).

3 Section 4(5)(f) presently reads:

(5) The following are not eligible to be appointed or to remain as justices of the peace appointed under this section:

(f) a person who is 70 years of age or older.

4 Section 7 is amended

- (a) **in subsection (1) by striking out** “section 4(6)” **and substituting** “sections 4(6) and 7.1(1)”;
- (b) **in subsection (2) by adding** “except in accordance with section 7.1” **after** “extended”.

5 The following is added after section 7:

Reappointment of justices of the peace

7.1(1) A justice of the peace appointed under section 4(1) may, if the justice of the peace is not disqualified under section 4(5)(a) to (e), be reappointed as a justice of the peace in accordance with this section.

(2) Where a justice of the peace referred to in subsection (1) is approaching the age of 70 years but the term of appointment of that justice of the peace under section 7(1) has not expired, the Chief Judge may request that the Lieutenant Governor in Council reappoint the justice of the peace for a term of one year.

(3) Where a justice of the peace has been reappointed under this section, the Chief Judge may request that the Lieutenant Governor in Council reappoint that person for a term of one year.

(4) The Chief Judge may request the reappointment of a justice of the peace under this section if

- (a) the Chief Judge determines that the reappointment will enhance the efficient and effective administration of the Court, and
- (b) the request is made in accordance with and subject to the criteria established by the Chief Judge and approved by the Judicial Council.

(5) Where the Chief Judge requests under subsection (2) or (3) that the Lieutenant Governor in Council reappoint a justice of the peace for a term of one year, the Lieutenant Governor in

4 Section 7 presently reads in part:

7(1) Subject to section 4(6), a justice of the peace appointed under section 4(1) holds office for 10 years and may be removed from office only in accordance with Part 6 of the Judicature Act.

(2) An appointment referred to in subsection (1) may not be renewed or extended.

5 Reappointment of justices of the peace.

Council shall, subject to subsection (7), reappoint that justice of the peace for a term of one year.

(6) Subject to section 4(3) and (4), a justice of the peace reappointed under this section must be designated as a sitting justice of the peace or as a presiding justice of the peace, and as a full-time or part-time justice of the peace, consistent with the initial designation of that justice of the peace.

(7) A justice of the peace shall be reappointed under this section only if

- (a) a request for reappointment has been made under subsection (2) or (3),
- (b) the justice of the peace in respect of whom the request has been made has consented to the reappointment, and
- (c) the justice of the peace has not attained the age of 75 years.

(8) A justice of the peace who has been reappointed under this section may, subject to subsection (7), be reappointed under subsection (5) for further terms of one year until 10 years has elapsed from the date on which the justice of the peace was appointed under section 4(1).

(9) Notwithstanding anything in this section, a term of reappointment of a justice of the peace who is reappointed under this section expires when

- (a) the justice of the peace attains the age of 75 years, or
- (b) 10 years has elapsed from the date on which the justice of the peace was appointed under section 4(1),

whichever occurs first.

(10) Subject to Part 6 of the *Judicature Act*, no justice of the peace reappointed under this section may be removed from office before the expiry of the justice of the peace's term.

6 Section 10(1) is amended by adding “or reappointed under section 7.1” after “section 4”.

6 Section 10(1) presently reads:

10(1) This section applies only to justices of the peace appointed under section 4.

