

23-24 ELIZABETH II

CHAPTER 48

An Act to amend the Judges Act and certain other Acts for related purposes and in respect of the reconstitution of the Supreme Courts of Newfoundland and Prince Edward Island

[Assented to 19th June, 1975]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

JUDGES ACT

1. The definition “judge” in section 2 of the *Judges Act* is repealed and the following substituted therefor:

“ “judge” includes a chief justice, senior associate chief justice, associate chief justice, supernumerary judge, chief judge, associate chief judge, senior judge and junior judge;”

AMENDMENTS RELATING TO THE RECONSTITUTION OF THE SUPREME COURT OF PRINCE EDWARD ISLAND

25. (1) The Acts mentioned in Schedule II to this Act are amended in the manner and to the extent indicated in that Schedule.

(2) Proceedings to which any of the provisions amended by Schedule II apply that were commenced before the coming into force of this section shall be continued in accordance with those amended provisions without any further formality.

(3) A reference in any Act, other than this Act, or in any document, instrument, regulation, proclamation or order in council, to a County Court of Judicature of Prince Edward Island shall be held, as regards any transaction, matter or thing subsequent to the coming into force of this section, to be a reference to the Supreme Court of Prince Edward Island.

SCHEDULE II (*Continued*)

Item	Act Affected	Amendment
6	Indian Act R.S., c I-6	<p>Subsections 9(3) and (4) are repealed and the following substituted therefor:</p> <p>“(3) Within three months from the date of a decision of the Registrar under this section,</p> <p>(a) the council of the band affected by the Registrar’s decision, or</p> <p>(b) the person by or in respect of whom the protest was made, may, by notice in writing, request the Registrar to refer the decision to a judge for review, and thereupon the Registrar shall refer the decision, together with all material considered by the Registrar in making his decision,</p> <p>(c) in the Province of Prince Edward Island, to a judge of the Supreme Court,</p> <p>(d) in the Province of Quebec, to a judge of the Superior Court for the district in which the band is situated or in which the person in respect of whom the protest was made resides, or for such other district as the Minister may designate, or</p> <p>(e) in any other province, to a judge of the county or district court of the county or district in which the band is situated or in which the person in respect of whom the protest was made resides, or of such other county or district as the Minister may designate.</p> <p>(4) The judge of the Supreme Court, Superior Court, county or district court, as the case may be, shall inquire into the correctness of the Registrar’s decision, and for such purposes may exercise all the powers of a commissioner under Part I of the <i>Inquiries Act</i>; the judge shall decide whether the person in respect of whom the protest was made is, in accordance with this Act, entitled or not entitled, as the case may be, to have his name included in the Indian Register, and the decision of the judge is final and conclusive.”</p>