



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 56

(1997, chapter 11)

An Act to amend the Act respecting threatened or vulnerable species

Introduced 5 November 1996

Passage in principle 17 December 1996

Passage 1 May 1997

Assented to 8 May 1997

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EXPLANATORY NOTES

This bill amends the Act respecting threatened or vulnerable species to enable inspectors of plant life to dispose of seized items that are perishable or likely to depreciate rapidly. Under the bill, the Government will have the power to prescribe, by regulation, the manner in which an inspector of plant life may, when such a case arises, dispose of a thing seized. An indemnity will be paid if, after disposal by the inspector of plant life, it appears that there was, in fact, no cause for confiscation. The amount of the indemnity to be paid will be determined by government regulation.

The bill also extends the retention period from 90 to 120 days.

Lastly, the bill provides that a conviction for an offence against any of the provisions of the Act or the regulations under it will entail the confiscation of any specimen of a threatened or vulnerable plant species, or part thereof, that has been seized by an inspector of plant life.

Bill 56

AN ACT TO AMEND THE ACT RESPECTING THREATENED OR VULNERABLE SPECIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 34 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01) is amended by replacing the words “a judge declares it confiscated” in the second line of the first paragraph by the words “it is confiscated or until a judge”.

2. The said Act is amended by inserting, after section 34, the following section :

“34.1. Where the thing seized is perishable or likely to depreciate rapidly, the inspector of plant life may dispose of it in the manner prescribed by regulation.

If the inspector of plant life has disposed of such a thing and it subsequently appears that there is no cause for confiscation, he shall, at the request of the person entitled thereto, pay to him the indemnity determined in accordance with the regulation, as replacement for the property.”

3. Section 35 of the said Act is amended by replacing the figure “90” in the third line of the first paragraph by the figure “120”.

4. The said Act is amended by inserting, after section 38, the following section :

“38.1. A conviction for an offence against any of the provisions of this Act or the regulations entails the confiscation of any specimen of a threatened or vulnerable plant species, or part thereof, that has been seized by an inspector of plant life.”

5. Section 39 of the said Act is amended by inserting, after subparagraph 6 of the first paragraph, the following subparagraph :

“(6.1) prescribe the manner in which an inspector of plant life may dispose of a thing seized that is perishable or likely to depreciate rapidly and, according to the category or species of the thing seized, determine the amount or the method to be used for determining the amount of the indemnity payable to the person entitled to it when the inspector has disposed of it;”.

6. This Act comes into force on 8 May 1997.