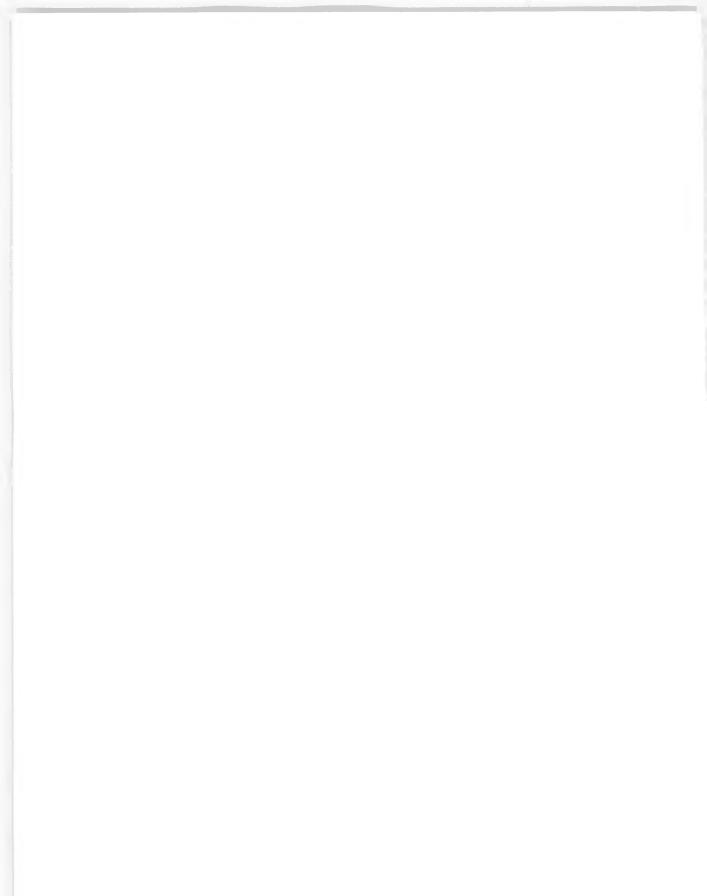


Statutes of Québec 1998

NATIONAL ASSEMBLY

The Honourable LISE THIBAULT, $\it Lieutenant$ -Governor

QUÉBEC OFFICIAL PUBLISHER





Statutes of Québec 1998

assented to during the Second Session of the Thirty-Fifth Legislature, held from 10 March to 19 June and from 20 to 21 October 1998

A publication of the Legal and Legislative Affairs Directorate, National Assembly

Legal Deposit – 2nd Quarter 1999 Bibliothèque nationale du Québec

ISBN 2-551-18584-X ISSN 0712-4422 $^{\circ}$ Québec Official Publisher, 1999

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NOTE

This volume contains the text of Acts assented to in 1998.

It also contains information that enables the reader to locate an Act, to trace the stages of its consideration in the National Assembly and to determine its effects on existing legislation.

Each Act is preceded by an introductory page indicating, in addition to the chapter number and title of the Act, the corresponding bill number, the name of the Member who introduced the bill, the date of each stage of consideration in the National Assembly, the date of assent, the date or dates of coming into force if fixed on 1 March 1999, and a list of the Acts amended by the Act.

The table of amendments is a cumulative listing of all amendments made to the Revised Statutes of Québec, 1977 and other public Acts, including amendments made by the Acts passed in 1998. It is followed by a table of general amendments and a table of corrections made for updating purposes since 1979 pursuant to the Act respecting the consolidation of the statutes and regulations (R.S.Q., chapter R-3).

The equivalence table lists the chapter number in the Revised Statutes of Québec assigned to Acts adopted between 1 January 1998 and 1 January 1999.

A table, compiled since 1964, shows the dates on which public legislative provisions came into force by proclamation or order in council, except those already indicated in the annual volumes of statutes. The next table enumerates legislative provisions which have yet to be brought into force by proclamation or order in council. Another table lists the letters patent issued in respect of municipalities in 1998, whose publication is required by law.

The table of concordance lists, opposite each other, the bill number of each Act and its chapter number in the annual volume of statutes.

Most of the information described above can be found in the yellow pages of the volume. An alphabetical index is provided at the end of the volume.

Legal and Legislative Affairs Directorate National Assembly Québec

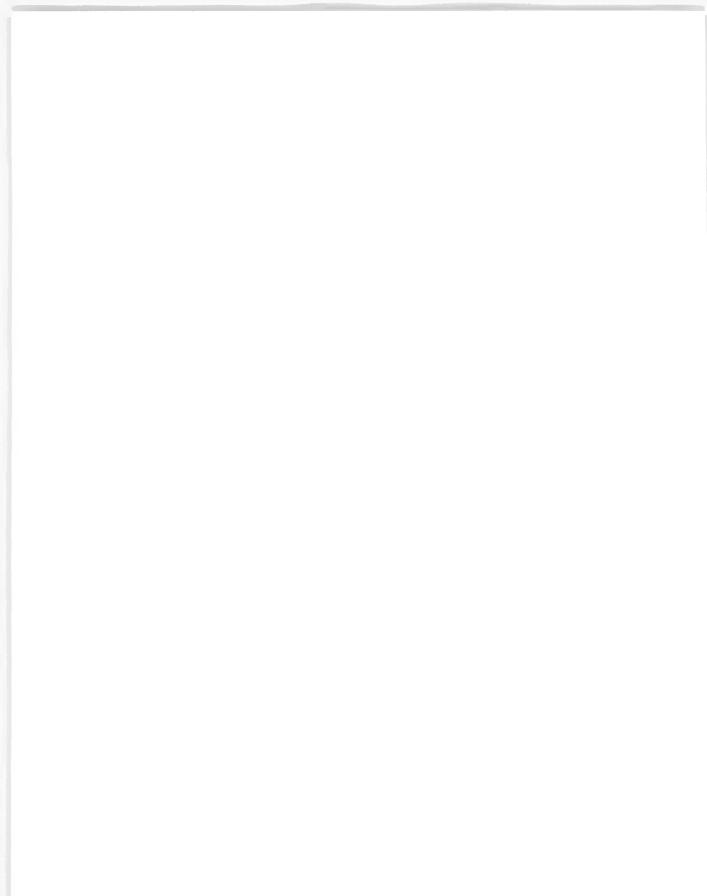
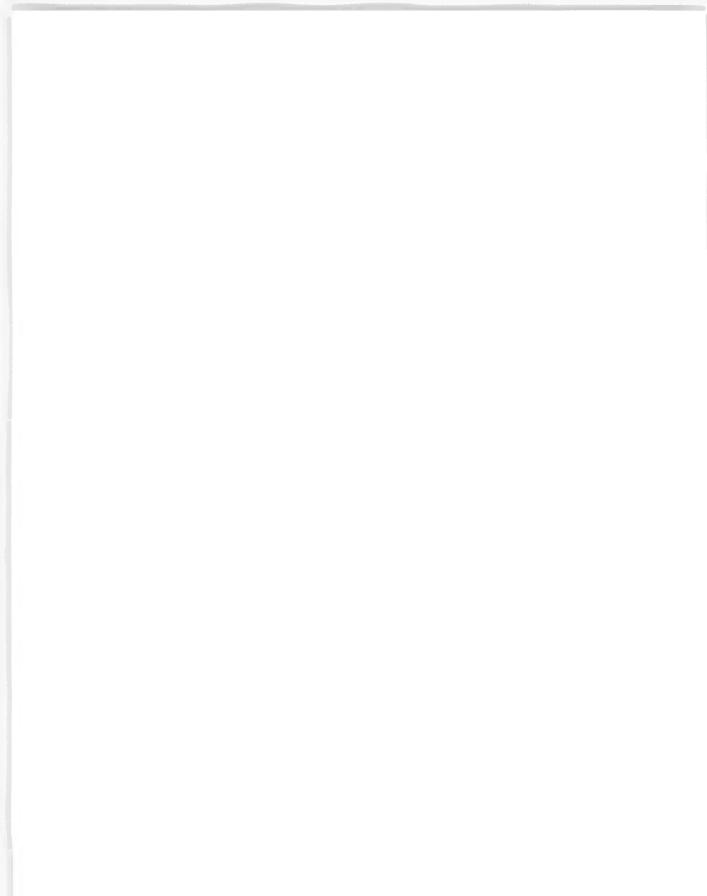


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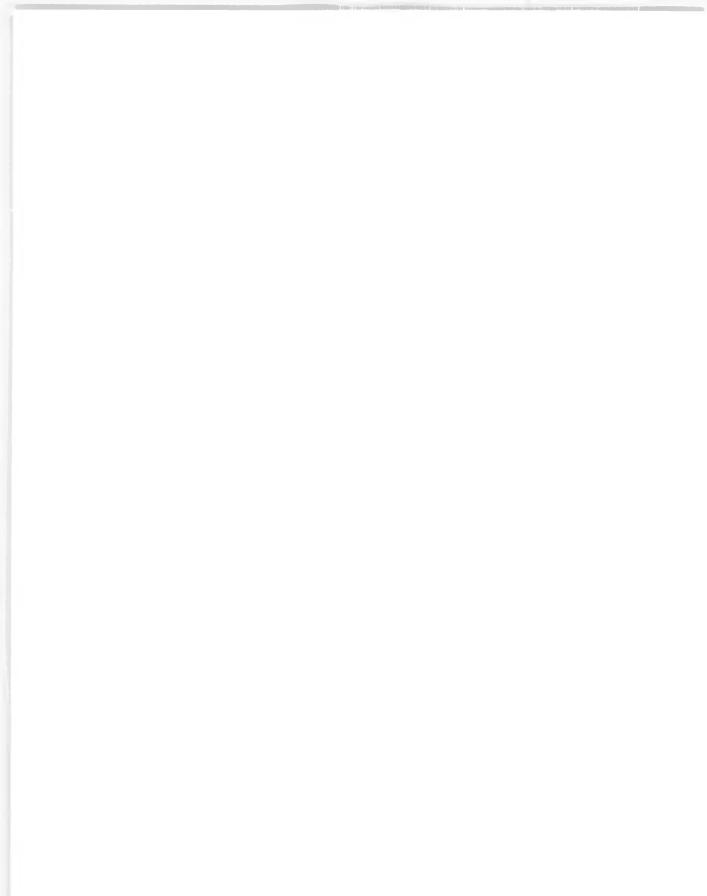
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NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

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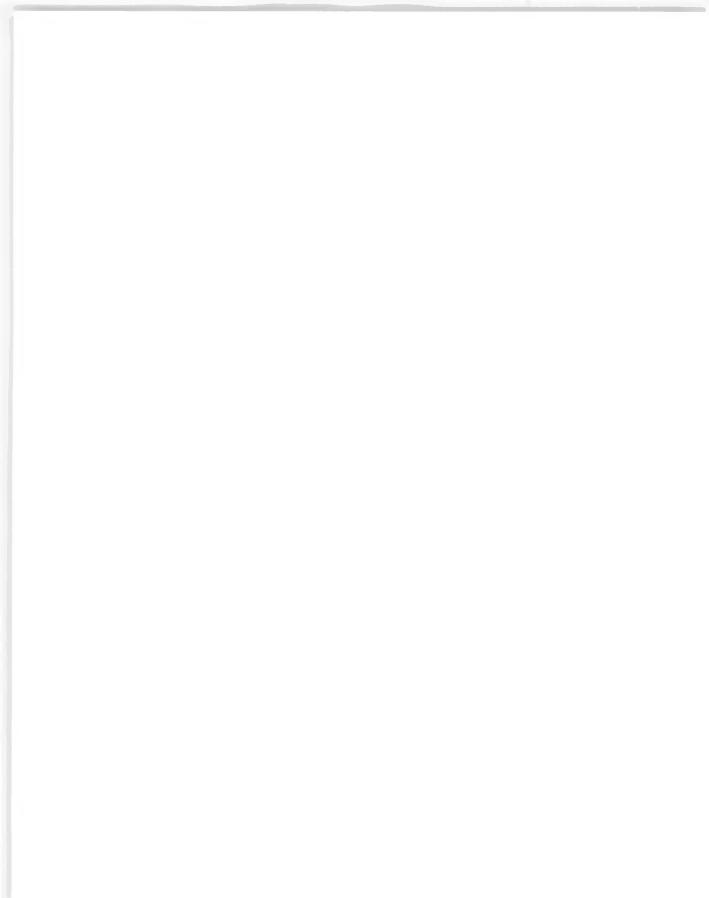
Bill 408

Introduced by Mr Bernard Landry, Minister of Finance Introduced 11 March 1998 Passage in principle 11 March 1998 Passage 11 March 1998 Assented to 12 March 1998

Coming into force: 12 March 1998

Legislation amended: None







Chapter 1

APPROPRIATION ACT NO. 1, 1998-99

[Assented to 12 March 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

\$414,500,000 for 1998-99.

1. The Government may take out of the consolidated revenue fund a sum not exceeding \$414,500,000.00 to defray a part of the Québec 1998-99 Expenditure Budget that will be laid before the National Assembly and that is not otherwise provided for.

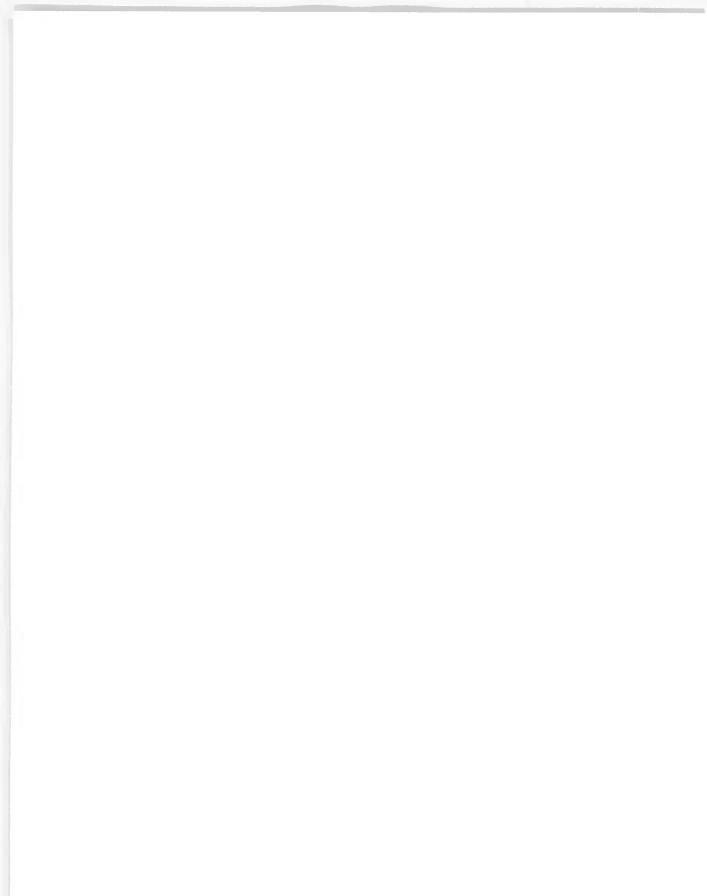
Apportionment.

The sum is apportioned as follows:

- (1) \$324,500,000.00 representing 10.2% of the appropriations to be voted for Program 4, "Financial Assistance Measures", of the "Emploi, Solidarité et Condition féminine" portfolio;
- (2) \$90,000,000.00 representing 11.0% of the appropriations to be voted for Program 2, "Family Benefits", of the "Famille et Enfance" portfolio.

Coming into force.

2. This Act comes into force on 12 March 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 2 AN ACT RESPECTING THE NEGOTIATION OF AGREEMENTS CONCERNING THE REDUCTION OF LABOUR COSTS IN THE MUNICIPAL SECTOR

Bill 414

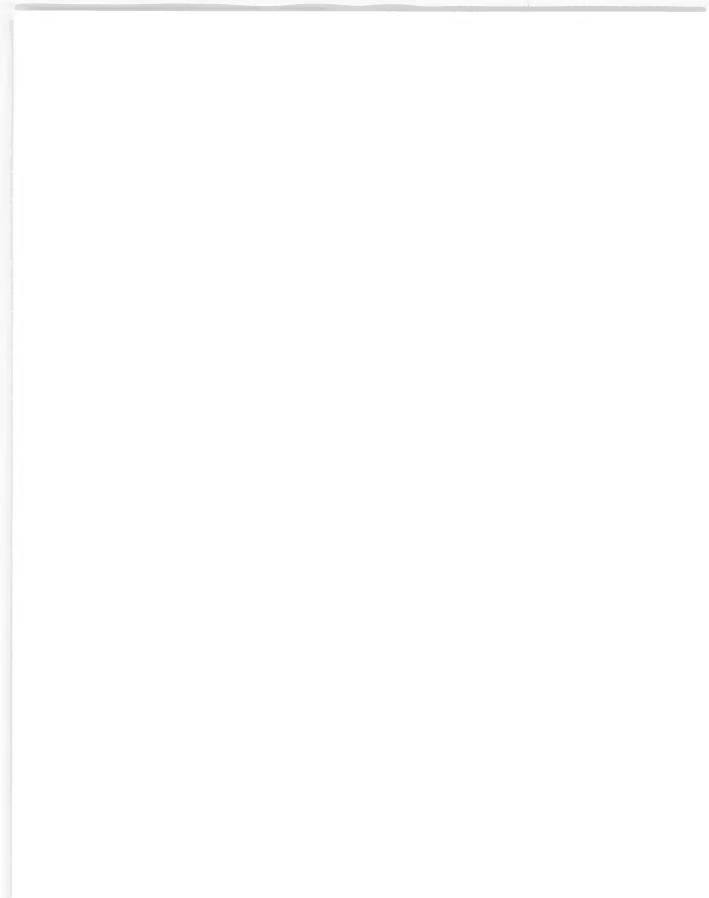
Introduced by Mr Rémy Trudel, Minister of Municipal Affairs Introduced 12 March 1998 Passage in principle 12 March 1998 Passage 12 March 1998 Assented to 12 March 1998

Coming into force: 12 March 1998

Legislation amended:

Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) Charter of the city of Québec (1929, chapter 95) Charter of the city of Montréal (1959-60, chapter 102)







Chapter 2

AN ACT RESPECTING THE NEGOTIATION OF AGREEMENTS CONCERNING THE REDUCTION OF LABOUR COSTS IN THE MUNICIPAL SECTOR

[Assented to 12 March 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

OBJECT AND APPLICATION

Object.

1. The object of this Act is to ensure that municipal sector employees, elected municipal officers and members of municipal bodies make an equitable contribution to the collective effort to reduce public expenditure.

Municipal bodies.

- **2.** For the purposes of this Act, the following bodies are municipal bodies:
 - (1) municipalities;
- (2) bodies declared by law to be mandataries or agents of a municipality and bodies whose boards of directors are composed in the majority of members of the council of a municipality and whose budget is adopted by the council of the municipality;
- (3) urban communities, intermunicipal boards, intermunicipal transit corporations, intermunicipal boards of transport, any other public bodies whose boards of directors are composed in the majority of elected municipal officers and any councils or commissions designated as supramunicipal bodies under section 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

Applicability.

3. This Act does not apply in respect of employees governed by a new collective agreement entered into by the parties after 25 March 1997. However, the Act applies in respect of employees governed by such a collective agreement if an agreement in principle was reached on its stipulations before that date, if the parties have agreed in writing on subsequent negotiations on a reduction of labour costs or if such a collective agreement expired before 1 January 1998.

Applicability.

Furthermore, this Act does not apply in respect of employees governed by an agreement on the reduction of labour costs entered into since the said date between the association of employees representing the employees and the municipal body.

DIVISION II

OPTION

Groups of employees.

4. A municipal body other than Ville de Montréal may, by a resolution adopted not later than 19 March 1998, avail itself of the provisions of this Act in respect of a group of employees represented by an association of employees certified under the Labour Code (R.S.Q., chapter C-27) identified in the resolution or in respect of a group of employees determined in the resolution from among those who are not represented by such an association. For the purposes of this section, one employee may constitute a group of employees.

Resolution.

A municipal body all or part of whose territory was, owing to the ice storm that occurred between 5 and 9 January 1998, without electricity for at least seven days may adopt a resolution under the first paragraph not later than 2 April 1998.

Resolution.

A municipal body may adopt a resolution under the first paragraph not later than 2 April 1998 in respect of the following groups of employees:

- (1) a group governed by an agreement in principle on the reduction of labour costs that is entered into but not ratified before 19 March 1998;
- (2) a group concerned by a disagreement that is under mediation on 11 March 1998 following the appointment of a mediator by the Minister of Labour.

Resolution.

5. The resolution shall fix for each of the groups of employees concerned a labour cost reduction objective that the municipal body intends to pursue from the fiscal year 1998.

Objective.

The objective shall be expressed as a percentage of the total annual expenditures relating to remuneration and employment benefits of the nature of the expenditures listed in the schedule and provided for in the budget of the municipal body for the fiscal year 1997. The percentage may not exceed 6%. In the case of Ville de Québec, the percentage may not exceed 4.5% in respect of the members of the Régime de retraite de la Ville de Québec registered with the Régie des rentes du Québec under number 24450, having regard to the reduction in expenditures pursuant to section 306.1 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) and to section 42 of this Act.

Resolution.

6. The resolution suspends, from the date following the date of adoption of the resolution, the exercise of the right to strike or the right to declare a lock-out in relation to the conclusion, renewal or revision of a collective agreement until the parties reach an agreement on the reduction of labour costs or until an arbitration award is rendered under this Act. Any strike or lock-out in progress must cease on the date following the date of adoption of the resolution. As of that time, the conditions of employment applicable to the employees shall be those that are to continue to apply pursuant to section 59 of the Labour Code.

Arbitration.

The arbitration of a dispute relating to the conclusion, renewal or revision of a collective agreement is suspended for the same period.

DIVISION III

SETTLEMENT OF DISAGREEMENTS WITH CERTIFIED ASSOCIATIONS OF EMPLOYEES UNDER THE LABOUR CODE

§1. — Final proposal of the municipal body

Final proposal.

7. A municipal body that adopts a resolution under section 4 shall, at the same sitting, establish by resolution a final proposal, to be made to each of the certified associations of employees concerned, setting out the cutback measures to be taken to achieve the reduction objective fixed.

Proposal.

8. The proposal shall first indicate the amount of any savings anticipated by the municipal body in the course of the fiscal year 1998 as a result of the staff reduction that the municipal body may achieve unilaterally through attrition.

Staff reduction.

Any staff reduction already projected for that fiscal year, under an agreement entered into with the association of employees, shall not be taken into account in the calculation of the staff reduction under the first paragraph.

Cutback measures.

9. The proposal shall also set out the other cutback measures enabling, together with the cutback measures referred to in the first paragraph of section 8, a reduction in expenditures, equivalent to the reduction set out in the resolution, to be achieved.

Cutback measures.

Such cutback measures must have a recurrent effect and may relate only to the following matters:

- (1) changes to the conditions of employment provided for in the collective agreement in force or applicable to the employees under section 59 of the Labour Code or under an expired collective agreement, other than the wage rates and salary scales applicable to the employees who are in the employ of the municipal body at that time;
- (2) in respect of a pension plan, the allocation of the surplus assets of the pension plan to the payment of contributions or the amendment of provisions relating to contributions or the method for calculating contributions.

Contents.

- **10.** In addition to a description of the cutback measures, the proposal must include
- (1) a statement of the annual amount of the reduction represented by the percentage fixed pursuant to section 5;
- (2) the method of calculation of the savings projected and the items taken into account to arrive at the proposed amount.

Temporary cutback measures.

11. The proposal may also include temporary cutback measures pertaining to matters referred to in the second paragraph of section 9 to make up any amount of the reduction objective fixed in the resolution that is not attained between 1 January 1998 and the date on which the proposed measures become effective.

Allocation of surplus assets.

12. A proposal may provide for the allocation of surplus assets of a pension plan to the payment of employer contributions only if no amount is payable in relation to an unfunded actuarial liability or to an amount referred to in subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act and only if the latest actuarial valuation of the entire pension plan, the report of which was transmitted to the Régie des rentes du Québec, enabled a surplus of assets to be determined according to both the funding method and the solvency method, in accordance with Chapter X of that Act.

Maximum amount.

In addition, the maximum amount of surplus assets that, pursuant to a resolution, may be allocated to the payment of employer contributions is the lesser of the surplus determined according to the funding method and the surplus determined according to the solvency method at the time the actuarial valuation under the first paragraph was made, reduced by the value of additional obligations arising from an amendment to the pension plan that was made after the date of that actuarial valuation and did not give rise to the determination of an improvement unfunded actuarial liability referred to in Chapter X of the said Act.

Transmission of resolution and proposal.

13. The municipal body shall transmit the resolution adopted under section 4 and its proposal to each certified association of employees concerned, and shall transmit a copy to the Minister of Labour.

§2. — Final proposal of a certified association

Certified association.

14. Within seven days after receipt of the proposal of the municipal body, a certified association may transmit to the municipal body a final proposal, a copy of which is sent to the Minister of Labour, setting out cutback measures enabling the reduction objective fixed under section 5 to be achieved.

Proposal.

The proposal of the certified association may relate only to matters that may be the subject of a proposal of the municipal body. The proposal must include the particulars mentioned in section 10.

Cutback measures.

The cutback measures proposed may not operate to reduce the level of service provided to the population by the municipal body below the previous level of service or below the level that would result from the application of the proposal of the municipal body.

§3. — Mediation and arbitration

Mediator-arbitrator.

15. After the transmission of the proposal of the certified association or, if no such proposal is transmitted, at the expiry of the period provided for in section 14, the Minister of Labour shall, if there is no agreement, appoint a mediator-arbitrator.

Agreement.

16. The mediator-arbitrator must, before proceeding to arbitration, attempt to bring the parties to an agreement.

Agreement.

If the parties have not reached an agreement within seven days after the appointment of the mediator-arbitrator, the mediator-arbitrator shall proceed with the arbitration of the disagreement and shall notify the parties thereof.

Provisions applicable.

17. Section 76, the first paragraph of section 80, sections 81 to 87, 89, 91, 91.1 and 139 to 140 of the Labour Code, adapted as required, apply to the arbitration.

Observations.

18. Within five days after transmission of a notice under section 16, the parties may transmit written observations to the mediator-arbitrator.

Arbitration.

19. The mediator-arbitrator shall proceed with the arbitration on examination of the record. If the mediator-arbitrator considers it necessary, the mediator-arbitrator may hold a hearing.

Agreement.

20. The parties may, at any time, come to an agreement on the subject of the disagreement.

Proposals.

21. The mediator-arbitrator shall, while taking equity into account, choose between the two final proposals the proposal that appears to the mediator-arbitrator to be the more likely to ensure that the reduction objective fixed pursuant to section 5 is achieved. The arbitration award must reproduce the content of the proposal.

Final proposal.

If the mediator-arbitrator is seized of only one final proposal or if only one proposal is in conformity with this Act, the mediator-arbitrator shall render an award that reproduces the content of that proposal.

Amendment.

22. The mediator-arbitrator may not amend a final proposal, except to correct an error in spelling or in calculation or any other clerical error. The mediator-arbitrator may also, if necessary, make adjustments to a measure contained in a final proposal to accurately reflect the true intent of the party having made the proposal or to incorporate a measure into the collective agreement.

Mediator-arbitrator's award.

23. The mediator-arbitrator's award must be rendered within 10 days after the transmission of the notice provided for in section 16.

Extension.

Where, in the opinion of the Minister of Labour, exceptional circumstances so warrant, the Minister may, at the request of the mediator-arbitrator, grant an extension for the period determined by the Minister.

Arbitration award.

24. The arbitration award must be in writing and be signed by the mediatorarbitrator. It need not contain reasons before it becomes effective.

Reasons.

If, however, a party so requests upon receipt of the award, the mediatorarbitrator must give reasons in writing for the decision.

Copy of award.

If the arbitration award contains a provision relating to a pension plan, the mediator-arbitrator must transmit a copy of the award to the administrator of the plan and to the Régie des rentes du Québec. The Régie shall register the award and notify the administrator of the plan.

Arbitration award.

25. The arbitration award is binding on the parties.

Negotiations.

If a collective agreement is in force, the award operates as an amendment to the collective agreement. If negotiations are in progress to renew the collective agreement, the measures set out in the award are, from the date the arbitration award becomes effective, deemed to form part of the latest collective agreement. If negotiations are in progress in respect of a first collective agreement, the measures set out in the arbitration award change the conditions of employment that are applicable.

Provisions of agreement or arbitration award.

26. The provisions of an agreement reached after the adoption of a resolution under section 4 or the provisions of an arbitration award under section 25 that relate to a pension plan operate to amend the pension plan, and bind, without any condition, time limit or formality, every person or body having rights or obligations under the pension plan.

Allocation of surplus assets.

The allocation of surplus assets of a pension plan to the payment of contributions pursuant to such an agreement or arbitration award shall cease on the date of any actuarial valuation of the pension plan establishing that the conditions provided in the first paragraph of section 12 are no longer satisfied or that the balance of the surplus amount referred to in the second paragraph of that section has become inadequate.

Arbitrator or mediatorarbitrator. **27.** An arbitrator or mediator-arbitrator assigned, under the Labour Code, to arbitration proceedings that have been suspended pursuant to section 6 is bound by an agreement reached after the adoption of a resolution under section 4 or by an arbitration award rendered under this division. The arbitrator or mediator-arbitrator must, in rendering the award in respect of the dispute, ensure that full effect is given to the reduction of labour costs resulting from this Act.

Remuneration and costs.

28. The Minister of Labour shall determine the remuneration and costs to which a mediator-arbitrator is entitled. The remuneration and costs shall be borne by the municipal body, and are deemed to be paid to the mediator-arbitrator pursuant to a contractual obligation of the municipal body.

DIVISION IV

PROVISIONS RELATING TO THE UTILIZATION OF THE ACTUARIAL GAINS OF PENSION PLANS OF THE EMPLOYEES OF VILLE DE MONTRÉAL

Reduction in labour costs.

- **29.** The purpose of this division is to reduce the labour costs of Ville de Montréal through the utilization of the actuarial gains of the following pension plans:
- (1) the Régime de retraite des contremaîtres de la Ville de Montréal, registered under number 27693;
- (2) the Régime de retraite des employés manuels de la Ville de Montréal, registered under number 27494;
- (3) the Régime de retraite des fonctionnaires de la Ville de Montréal, registered under number 27543;
- (4) the Régime de retraite des pompiers de la Ville de Montréal, registered under number 22503;
- (5) the Régime de retraite des professionnels de la Ville de Montréal, registered under number 28739.

Applicability.

This division also applies to the Régime de retraite des cadres de la Ville de Montréal, registered with the Régie des rentes du Québec under number 27542.

Pension plans.

Each such pension plan shall include the agreement referred to in section 3 or 4 of the Act respecting the city of Montréal (1984, chapter 75) that relates to that pension plan.

Pension plans.

30. Notwithstanding any contrary provision, any pension plan referred to in section 29 shall be the subject of an actuarial valuation of the entire pension plan as at 31 December 1997. The actuary shall, not later than 31 August 1998, or within any additional period granted by the Régie, transmit to the Régie, to the administrator of the pension plan, to the city and to the association of employees concerned the report relating to that valuation.

Monthly contribution.

Until a report under the first paragraph is transmitted to the Régie, the city must pay a monthly contribution equal to the contribution determined in the report of the latest actuarial valuation of the entire pension plan transmitted to the Régie, reduced by the following amounts:

(1) an amount corresponding to the amount otherwise required to be paid to amortize any technical unfunded actuarial liability or improvement unfunded actuarial liability referred to in Chapter X of the Supplemental Pension Plans Act;

(2) an amount corresponding to not more than 50% of the amount otherwise required to be paid to amortize any initial unfunded actuarial liability within the meaning of that Act.

Additional amounts.

31. Upon receipt of the report provided for in section 30, the city must, where required, pay into the pension fund any additional amount that it should have paid from 1 January 1998 pursuant to the Supplemental Pension Plans Act; interest, computed according to the rate of return of the pension fund during the period concerned, shall be paid into the fund by the city in respect of any insufficient contribution.

Reduction in contributions.

Where the contributions paid by the city from 1 January 1998 are greater than the contributions required under the Supplemental Pension Plans Act, the city may reduce the contributions that it is required to pay thereafter until it is compensated for the overpayments it has made.

Apportionment.

- **32.** An amount of \$1,166,667,000 determined as at 31 December 1997 and corresponding to the value of the actuarial gains to be determined in the actuarial valuation prepared for that date, or up to that amount in future valuations, must be used to reduce the amortization amounts relating to certain unfunded liabilities or to improve the benefits of the members or beneficiaries of the pension plan in the manner provided in sections 306.2 to 306.5 of the Supplemental Pension Plans Act. The amount shall be apportioned between the pensions plans referred to in section 29 in the following proportions:
- (1) the pension plan referred to in subparagraph 1 of the first paragraph: 2.5774%;
- (2) the pension plan referred to in subparagraph 2 of that paragraph: 31.1318%;
- (3) the pension plan referred to in subparagraph 3 of that paragraph: 31.5081%:
- (4) the pension plan referred to in subparagraph 4 of that paragraph: 17.7105%;
- (5) the pension plan referred to in subparagraph 5 of that paragraph: 7.6546%;
 - (6) the pension plan referred to in the second paragraph: 9.4176%.

Actuarial gain.

For the purposes of this section, the actuarial gain is the positive difference between, on the one hand, the value of the assets of the plan, increased by the value of the amortization amounts remaining to be paid in relation to one or more unfunded actuarial liabilities, and, on the other hand, the value of the obligations arising out of the pension plan, having regard to the service credited to the members. The gain shall be measured according to the funding method provided for in Chapter X of the Supplemental Pension Plans Act.

DIVISION V

MISCELLANEOUS PROVISIONS

Reduction in remuneration.

33. The remuneration, fixed in accordance with the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) and applicable on 1 January 1998 in the case of a municipality that adopts a resolution under section 4, shall be reduced, from the adoption of such a resolution, by a percentage equal to the percentage fixed in the resolution as the reduction objective or, if more than one percentage is fixed, equal to a percentage corresponding to the average of the percentages fixed. In the case of Ville de Montréal and Ville de Québec, that remuneration shall be reduced by 6% from the same date.

Reduction in remuneration.

The same applies in respect of any other form of remuneration attached to the functions of member of the council or of a committee or commission of a municipal body.

Reductions.

Those reductions may not, however, operate to lower the remuneration to a level that is below the minimum level of remuneration provided for in section 16 of the said Act.

Applicability.

This section applies in respect of elected municipal officers whose annual remuneration was reduced after 25 March 1997 only to the extent required to achieve a reduction corresponding to a percentage equal to or greater than the percentage that would result from the application of the first paragraph.

Cutback measures.

34. A municipal body that has adopted a resolution under section 4 may take, in respect of those of its employees who are not represented by an association of employees certified under the Labour Code, cutback measures enabling the reduction objective fixed in the resolution to be achieved without reduction in the wage rates and salary scales applicable to the employees in the employ of the municipal body at that time. It may take, in respect of the members of the council or of a committee or commission of the municipal body who are not elected municipal officers, cutback measures enabling a labour cost reduction of not more than 6% to be achieved.

Cutback measures.

Subject to the same restriction, Ville de Montréal may, in respect of such employees, take cutback measures enabling a labour cost reduction of not more than 6% to be achieved, except if such a reduction was achieved after 25 March 1997.

Remedy.

No remedy under sections 72 to 73 of the Cities and Towns Act (R.S.Q., chapter C-19), under articles 181 and 267.0.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), under sections 71 and 169.9 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1), under sections 107 and 281 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), under sections 76 and 187.24 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), under section 61 of the Act respecting municipal courts (R.S.Q., chapter

C-72.01), under section 20 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or under section 79 of the Police Act (R.S.Q., chapter P-13) may be exercised against any measure taken under this section that operates to reduce the remuneration received by an employee. Notwithstanding any contrary provision of a statute or statutory instrument, a decision pertaining to such a measure may be made, at a sitting of the council of the municipal body, by a vote for which the required majority is the majority applicable for the adoption of a resolution under section 4.

Notice.

35. For the purposes of sections 4 and 7, a special sitting of the council of a regional county municipality may be called by a notice calling a meeting of the council given to the members at least two days before the date fixed for the sitting.

Proposal.

- **36.** For the purposes of sections 9 and 14, a proposal that relates to a pension plan whose members are represented by more than one certified association must
- (1) in the case of a proposal of a municipal body, be made to all certified associations concerned;
- (2) in the case of a union proposal, be made by all certified associations concerned.

Documents.

37. Any document required to be transmitted to the Minister of Labour under this Act shall be transmitted, to the attention of the Minister, to the arbitration service of the Ministère du Travail in the city of Québec.

Staff reduction by attrition.

38. A staff reduction by attrition resulting from the application of this Act does not require the authorization of the Minister of Public Security provided for in the third paragraph of section 64.0.1 of the Police Act.

Applicability.

39. This Act does not apply to Northern, Cree or Naskapi villages, to the parish of Notre-Dame-des-Anges, to the municipality of Saint-Benoît-du-Lac or to the parish of Saint-Louis-de-Gonzague-du-Cap-Tourmente.

DIVISION VI

AMENDING AND FINAL PROVISIONS

c. R-15.1, subsect. 3, ss. 135.1-135.5, added.

- **40.** The Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by inserting, after section 135, the following:
- "§3. Special provisions applicable to certain pension plans in the municipal sector

Applicability.

"135.1. This subdivision applies in respect of the following pension plans:

- (1) the Régime de retraite des cadres de la Ville de Montréal, registered under number 27542;
- (2) the Régime de retraite des contremaîtres de la Ville de Montréal, registered under number 27693;
- (3) the Régime de retraite des employés manuels de la Ville de Montréal, registered under number 27494;
- (4) the Régime de retraite des fonctionnaires de la Ville de Montréal, registered under number 27543;
- (5) the Régime de retraite des pompiers de la Ville de Montréal, registered under number 22503;
- (6) the Régime de retraite des professionnels de la Ville de Montréal, registered under number 28739.

Provisions applicable.

"135.2. The provisions of section 133 do not apply to a pension plan subject to this subdivision except as required for the purposes of section 134.

Reduction.

The reduction authorized under section 134 does not apply to the amortization of an initial unfunded actuarial liability or improvement unfunded actuarial liability affecting such a plan.

Mandatory reductions.

The reductions authorized under section 134 in relation to the other amounts and unfunded actuarial liabilities to which it applies are, in the case of such a plan, mandatory.

Reduction in amounts.

"**135.3.** Notwithstanding section 132, the amortization amounts payable in respect of any initial unfunded actuarial liability or any improvement unfunded actuarial liability may be reduced only to the extent provided for in section 135.4.

Increase in amortization amounts.

Moreover, the amortization amounts payable in respect of any initial unfunded actuarial liability which affects a pension plan subject to this subdivision and for which the amortization period originally fixed by law exceeds 15 years may be increased only to the extent required by section 135.5.

Reduction in amounts.

However, no reduction in amortization amounts authorized by this section may be made that would cause an amount payable to be determined pursuant to subparagraph 4 of the second paragraph of section 137 or to be higher than it would have been without the reduction.

Balance.

"135.4. If a balance of the surplus amount referred to in the first paragraph of section 134 remains after the reductions made mandatory pursuant to section 135.2, all or part of the surplus may be utilized to reduce proportionately each of the amortization amounts remaining to be paid to amortize one or more unfunded actuarial liabilities referred to in section 135.3

or to shorten the amortization period of such unfunded actuarial liabilities, without, in the latter case, increasing the amounts remaining to be paid. In the case of a plan referred to in paragraphs 2 to 6 of section 135.1, such a utilization may be authorized only if the city and the employees' associations representing the majority of the members of the plan agree thereto in writing. A copy of every agreement must be transmitted to the Régie together with the report on the actuarial valuation outlining the result of the agreement.

Report.

"135.5. Any report of the actuarial valuation of a pension plan subject to this subdivision must include a projection of the level of the pension fund for a period of at least 15 years, without extending beyond the amortization period of an unfunded actuarial liability referred to in the second paragraph of section 135.3. The Régie may fix all the conditions that it considers appropriate for the determination of the actuarial assumptions and methods to be used for that purpose.

Corrective measures.

Where such a projection indicates that the assets will become inadequate in the course of that period to pay as required the refunds and pension benefits provided by the plan, the actuary shall include, in his or her report, a recommendation concerning corrective measures, including increases, that must be taken in respect of the amortization amounts to ensure that the assets are adequate at all times during that period. The recommendation must be approved by the Régie; if approved, the recommendation is binding on the administrator of the plan and on the parties. If the recommendation is not approved, the Régie may order any remedial measure it determines."

c. R-15.1, ss. 306.1-306.6, added.

41. The said Act is amended by inserting, after section 306, the following:

Amortization amounts.

***306.1.** As concerns the Régime de retraite de la Ville de Québec registered under number 24450, the amortization amounts remaining to be paid as at 30 December 1997 for any initial unfunded actuarial liability which affects the pension plan and for which the amortization period originally fixed by law exceeds 15 years must correspond to the amounts that were identified in the report of the latest actuarial valuation of the entire pension plan transmitted to the Régie before 12 March 1998.

Reduction in amounts.

Notwithstanding section 134, the reduction in the amortization amounts remaining to be paid in relation to the unfunded liability referred to in the first paragraph shall be effected last, the other reductions under that section being otherwise mandatory. The balance of the surplus, if any, may thereafter be used to reduce proportionately each of the amounts remaining to be paid to amortize the unfunded liability.

Provisions applicable.

Section 135.5, adapted as required, applies to the pension plan as regards the initial unfunded actuarial liability referred to in the first paragraph.

Applicability.

The provisions of this section apply to any actuarial valuation of the plan the report of which is transmitted to the Régie after 12 March 1998. Such provisions shall prevail over any contrary provision.

Modification.

- ****306.2.** As concerns the pension plans referred to in section 135.1, the amortization amounts remaining to be paid as at 30 December 1997 for any unfunded actuarial liability referred to in the second paragraph of section 135.3 shall be modified from that date to ensure that
- (1) the same amount is paid in the course of each year occurring between 1 January 1998 and 31 December 2003;
- (2) an amount corresponding to 170% of the amount referred to in subparagraph 1 is paid in the course of the year 2004;
- (3) an amount corresponding to 106% of the amount to be paid for the preceding year is paid in the course of each year occurring between 1 January 2005 and 31 December 2015;
- (4) an amount identical to the amount required to be paid for the year 2015 in accordance with subparagraph 3 is paid in the course of each year occurring between 1 January 2016 and 31 December 2045;
 - (5) no amount is paid after 31 December 2045.

Calculation of values.

The amount referred to in subparagraph 1 of the first paragraph must be determined in such a manner that, as at 30 December 1997, the value of all the amounts referred to in that paragraph is the same as the value of the amortization amounts that remained to be paid after that date and that had been identified in the report of the latest actuarial valuation of the entire pension plan transmitted to the Régie before 12 March 1998. The values must be calculated using the same interest assumption as that used for the valuation. The amounts referred to in the first paragraph may not be modified after 30 December 1997 except in accordance with subdivision 3 of Division II of Chapter X and with sections 306.3 to 306.5.

Balance.

- **"306.3.** As long as the value, as at 31 December 1997, of the reduction in amortization amounts effected up to or after that date, pursuant to the third paragraph of section 135.2 and to this section, is less than nine fourteenth of the portion of gain determined in respect of the pension plan pursuant to the first paragraph of section 32 of the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, chapter 2), the balance of the surplus referred to in section 135.4 shall be used in the following manner and order:
- (1) to reduce proportionately each of the amortization amounts remaining to be paid to amortize any improvement unfunded actuarial liability or technical unfunded actuarial liability identified in the report of the latest actuarial valuation of the entire pension plan transmitted to the Régie before 12 March 1998, from the oldest to the most recent, if there is more than one;
- (2) to reduce proportionately each of the amortization amounts remaining to be paid after 31 December 2003 to amortize any unfunded actuarial liability referred to in the second paragraph of section 135.3.

Ralance

- ****306.4.** Where the ceiling provided for in section 306.3 is reached but the value, as at 31 December 1997, of the reduction in amortization amounts effected up to or after that date, pursuant to this section, is less than the portion of gain determined in respect of the pension plan pursuant to the first paragraph of section 32 of the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector, the balance of the surplus referred to in section 135.4 shall be used
- (1) to reduce proportionately each of the amortization amounts remaining to be paid after 31 December 2003 to amortize the unfunded actuarial liability referred to in the second paragraph of section 135.3;
- (2) to eliminate all amortization amounts remaining to be paid to amortize an improvement unfunded actuarial liability resulting from the improvement of the benefits of the members or beneficiaries of the plan.

Balance.

In the case of a plan referred to in paragraphs 2 to 6 of section 135.1, the balance of the surplus amount may be used in a proportion greater than 60% in accordance with subparagraph 1 of the first paragraph only if the city and the employee's associations representing the majority of the members of the plan agree thereto in writing. A copy of the agreement must be transmitted to the Régie together with an application for registration of the amendment to the pension plan.

Balance

In the case of the plan referred to in paragraph 1 of section 135.1, the proportion of the balance used in accordance with subparagraph 1 of the first paragraph shall be at least 60%.

Residual amount.

If, once the amortization amounts referred to in subparagraph 1 of the first paragraph are eliminated, a residual amount which may be used pursuant to this section is remaining on the balance of the surplus, the amount must be used for the purposes of subparagraph 2 of the first paragraph, in a proportion of 40%.

Calculation of value.

"306.5. The value as at 31 December 1997 of the reductions referred in sections 306.3 and 306.4 must be calculated using the same interest assumption as that used for the actuarial valuation of the pension plan effected as at 31 December 1997. However, the city and the employees' associations representing the majority of the members of the plan may agree in writing that the value of the reductions be calculated according to the interest assumption utilized in any valuation effected as at a later date; in such a case the plan must be amended to provide for the method of calculation of that value. Moreover, no reduction may be made that would cause an amount payable to be determined pursuant to subparagraph 4 of the second paragraph of section 137 or to be higher than it would have been without the reduction.

Reduction.

The amounts payable according to subparagraph 1 of the first paragraph of section 306.2 may not be reduced except in a proportionate manner and through the utilization of the gain determined in the actuarial valuation under section 30 of the Act respecting the negotiation of agreements concerning the

reduction of labour costs in the municipal sector. In addition, the amount referred to in subparagraph 2 of the first paragraph of section 306.2 shall be adjusted as at 31 December 1997 in such a manner that, after the application of paragraph 2 of section 306.3 or of subparagraph 1 of the first paragraph of section 306.4, the present value as at that date of the reduction of the amortization amounts that had been identified in the report referred to in the second paragraph of section 306.2 and that, according to that report, were required to be paid from that date until 31 December 2007 becomes equal to 50% of the value of the reduction of all the amortization amounts relating to the unfunded actuarial liability referred to in the second paragraph of section 135.3.

Applicability.

"**306.6.** The provisions of subdivision 3 of Division II of Chapter X and of sections 306.2 to 306.5 apply to any actuarial valuation of a pension plan referred to in section 135.1 the report of which is transmitted to the Régie after 12 March 1998. Such provisions shall prevail over any contrary provision."

1959-60, c. 102, a. 172, am.

42. Article 172 of the Charter of the city of Montréal (1959-60, chapter 102) is amended by inserting, after the second paragraph, the following:

Recommendation.

"However, the recommendation provided for in the second paragraph may be made, in respect of a by-law effecting the amendment referred to in subparagraph 2 of the first paragraph of section 306.4 of the Supplemental Pension Plans Act, only by the majority of the members designated among the plan members."

1929, c. 95, s. 162*b*, replaced.

43. Section 162*b* of the Charter of the city of Québec (1929, chapter 95) is replaced by the following:

By-law.

"**162**b. A by-law adopted under section 162a is subject to the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

Contributions.

The amount of all the contributions that the city must pay into the fund of its pension plan pursuant to that Act shall not, for each year occurring between 1 January 1998 and 31 December 2010, be less than 13% of the total payroll of the members."

Provisions applicable.

44. Notwithstanding section 3, Division IV and sections 40 to 43 bind, without any condition, time limit or formality, every person or body having rights or obligations under a pension plan to which they apply.

Ministers responsible.

45. The Minister of Municipal Affairs is responsible for the administration of this Act, except sections 15 to 28 which are under the administration of the Minister of Labour.

Effect.

46. Section 43 has effect from 1 January 1998.

Coming into force.

47. This Act comes into force on 12 March 1998.

SCHEDULE

EXPENDITURE USED FOR THE CALCULATION OF THE REDUCTION OBJECTIVE (Section 5)

- wages and salaries, bonuses, allowances and salary and wage replacement indemnities;
- employer contributions made by the municipal body to pension and group insurance plans and to public plans such as health insurance, employment insurance and the Québec Pension Plan;
- contributions paid to the Commission de la santé et de la sécurité du travail and to the Commission des normes du travail;
- other employment benefits such as repayment of sick-leave days, vacation bonuses, moving expenses and free room and board.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 3 AN ACT TO AMEND THE ACT RESPECTING STUFFING AND UPHOLSTERED AND STUFFED ARTICLES

Bill 412

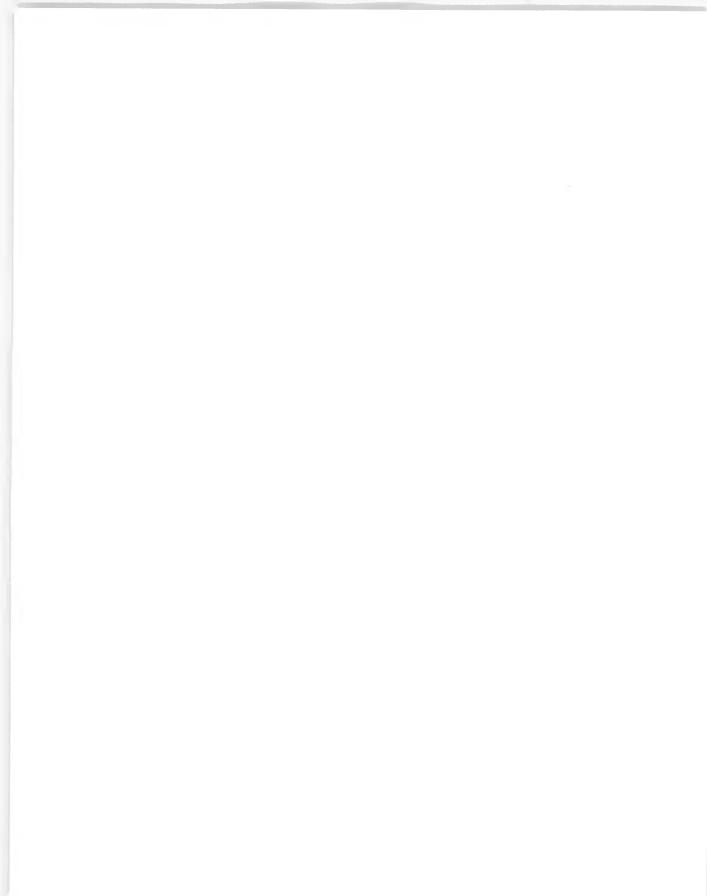
Introduced by Mr Roger Bertrand, Minister for Industry and Trade Introduced 17 March 1998 Passage in principle 24 March 1998 Passage 24 March 1998 Assented to 30 March 1998

Coming into force: on the date fixed by the Government

Legislation amended:

Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5)







Chapter 3

AN ACT TO AMEND THE ACT RESPECTING STUFFING AND UPHOLSTERED AND STUFFED ARTICLES

[Assented to 30 March 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. M-5, s. 1, am.

- **1.** Section 1 of the Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5) is amended
- (1) by replacing, in the French text, "manufacturier" in the first line of paragraph e by "fabricant";
 - (2) by inserting, after paragraph e, the following:

"artisan".

- "(e.1) "artisan": any person who manufactures, on a small-scale basis, fewer than 1,000 stuffed or upholstered articles per year;".
- c. M-5, s. 2, am.
- **2.** Section 2 of the said Act is amended by adding the following:
 - "(c) accessories for domestic animals;
 - "(d) coffins;
 - "(e) shoes."
- c. M-5, s. 3, replaced.
- **3.** Section 3 of the said Act is replaced by the following:

Permits.

- **"3.** No person shall act as a manufacturer, artisan or renovator unless the person holds a manufacturer's, an artisan's or a renovator's permit, as the case may be."
- c. M-5, s. 4, replaced.
- **4.** Section 4 of the said Act is replaced by the following:

Permits

"4. No person shall sell or offer for sale stuffing if it has been manufactured by a person who does not hold a manufacturer's permit, unless the stuffing has been manufactured in another province of Canada designated by regulation.

Permits.

No person shall sell or offer for sale upholstered or stuffed articles other than second-hand articles if they have been manufactured by a person who does not hold a manufacturer's permit or an artisan's permit, unless the articles have been manufactured in another province of Canada designated by regulation." c. M-5, s. 5, am.

- **5.** Section 5 of the said Act is amended
- (1) by replacing, in the French text, "manufacturier" by "fabricant";
 - (2) by adding, at the end, the following:

Label.

"Every artisan shall, immediately upon their manufacture, affix to the upholstered or stuffed articles which the artisan manufactures the label prescribed for such purpose by regulation."

c. M-5, s. 7, am.

6. Section 7 of the said Act is amended by replacing the second paragraph by the following:

Applicability.

"This section does not apply to the sale, by a natural person, of movable property which furnishes that person's residence."

c. M-5, s. 12, am.

- **7.** Section 12 of the said Act is amended by replacing the last two lines by the following: "it is in the possession of a manufacturer, an artisan, a wholesaler or a retailer, to be offered for sale by such manufacturer, artisan, wholesaler or retailer".
- c. M-5, s. 22, am.
- **8.** Section 22 of the said Act is amended by replacing "manufacturer's" in the first line of the first paragraph by "manufacturer's, artisan's".
- c. M-5, s. 37, am.
- **9.** Section 37 of the said Act is amended by replacing the last two lines by the following: "and liable to a fine of not more than \$500 in the case of a natural person, or to a fine of not more than \$2,000 in the case of a legal person".
- c. M-5, s. 38, am.
- **10.** Section 38 of the said Act is amended by adding the following:

"(k) to establish classes of artisan's permits according to the number of upholstered or stuffed articles manufactured per year and to fix the duties payable for each class."

Coming into force.

11. This Act comes into force on the date fixed by the Government.

NATIONAL ASSEMBLY
Thirty-fifth Legislature, second session

1998, chapter 4 APPROPRIATION ACT NO. 2, 1998-99

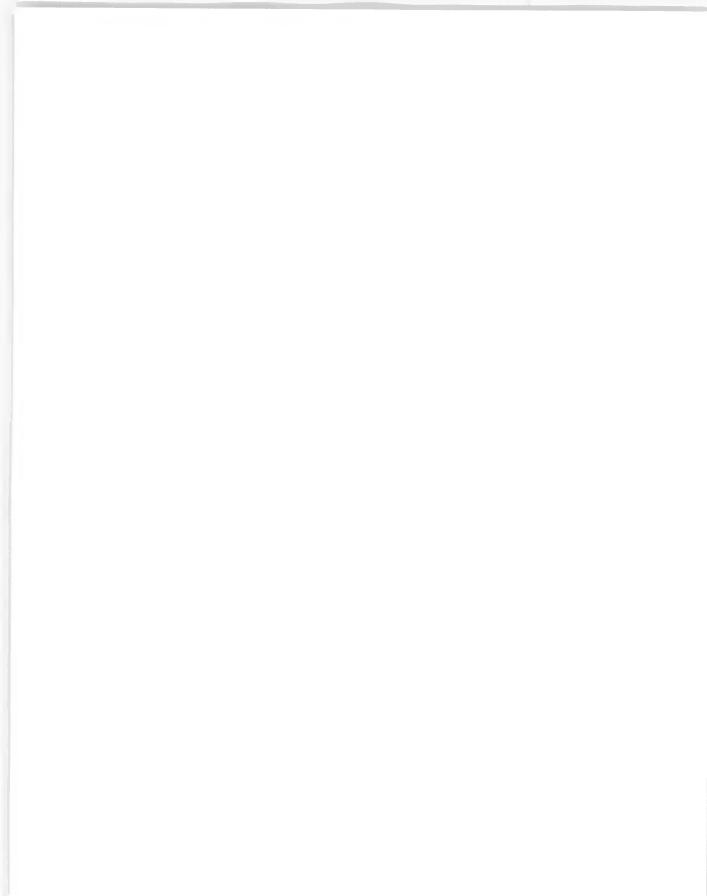
Bill 413

Introduced by Mr Bernard Landry, Minister of Finance Introduced 26 March 1998 Passage in principle 26 March 1998 Passage 26 March 1998 **Assented to 30 March 1998**

Coming into force: 30 March 1998

Legislation amended: None







Chapter 4

APPROPRIATION ACT NO. 2, 1998-99

[Assented to 30 March 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

\$7,620,540,639 for 1998-99.

1. The Government may draw out of the consolidated revenue fund a sum not exceeding \$7,620,540,639.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the fiscal year 1998-99, not otherwise provided for.

Apportionment.

That sum is apportioned according to the amounts shown in the Schedule for the various programs listed therein, constituted as follows:

- (1) \$7,208,220,350.00, representing 25.0% of the appropriations to be voted for each of the programs appearing in the expenditure estimates of the Government for the said fiscal year;
- (2) \$73,158,325.00, representing an additional 27.7% of the appropriations to be voted for Program 3, "Financial Compensation", of the "Affaires municipales" portfolio;
- (3) \$6,909,000.00, representing an additional 16.1% of the appropriations to be voted for Program 5, "Development of Recreation and Sport", of the "Affaires municipales" portfolio;
- (4) \$46,234,675.00, representing an additional 26.8% of the appropriations to be voted for Program 6, "Financial Assistance for the Construction of Water and Sewer Systems and for Sewage Treatment", of the "Affaires municipales" portfolio;
- (5) \$9,827,600.00, representing an additional 63.5% of the appropriations to be voted for Program 7, "Administrative and Quasi-judicial Agencies", of the "Affaires municipales" portfolio;
- (6) \$12,182,400.00, representing an additional 21.8% of the appropriations to be voted for Program 2, "Farm Financing", of the "Agriculture, Pêcheries et Alimentation" portfolio;
- (7) \$20,168,850.00, representing an additional 9.1% of the appropriations to be voted for Program 4, "Government Corporations and Agencies", of the "Culture et Communications" portfolio;

- (8) \$5,078,900.00, representing an additional 0.6% of the appropriations to be voted for Program 3, "Employment Assistance Measures", of the "Emploi, Solidarité et Condition féminine" portfolio;
- (9) \$138,921,800.00, representing an additional 4.4% of the appropriations to be voted for Program 4, "Financial Assistance Measures", of the "Emploi, Solidarité et Condition féminine" portfolio;
- (10) \$90,000,000.00, representing an additional 11.0% of the appropriations to be voted for Program 2, "Family Benefits", of the "Famille et Enfance" portfolio;
- (11) \$7,424,600.00, representing an additional 4.8% of the appropriations to be voted for Program 2, "Inventory and Management of Forest Heritage", of the "Ressources naturelles" portfolio;
- (12) \$524,200.00, representing an additional 21.0% of the appropriations to be voted for Program 3, "Forestry Financing", of the "Ressources naturelles" portfolio;
- (13) \$1,889,939.00, representing an additional 4.7% of the appropriations to be voted for Program 6, "Energy Development", of the "Ressources naturelles" portfolio.

Coming into force.

2. This Act comes into force on 30 March 1998.

SCHEDULE

AFFAIRES MUNICIPALES

PROGRAM 1

Municipal Development 3,198,950.00

PROGRAM 2

Financial Assistance for Municipalities

and Northern Villages 25,322,850.00

PROGRAM 3

Financial Compensation 139,100,000.00

PROGRAM 4

General Administration 8,935,750.00

PROGRAM 5

Development of Recreation and Sport 17,645,300.00

PROGRAM 6

Financial Assistance for the

Construction of Water and Sewer

Systems and for Sewage Treatment 89,432,300.00

PROGRAM 7

Administrative and Quasi-judicial Agencies 13,700,000.00

PROGRAM 8

Société d'habitation du Québec 87,094,700.00

PROGRAM 9

Régie du logement 3,273,000.00

387,702,850.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION

PROGRAM 1 Training, Research and Technological Development 7,388,175.00 PROGRAM 2 Farm Financing 26,148,100.00 PROGRAM 3 Assistance for Agri-food Businesses 36,459,600.00 PROGRAM 4 Farm Insurance 49,413,175.00 PROGRAM 5 Regulatory Support 9,520,125.00 PROGRAM 6 Internal Management and Support 10,762,300.00 PROGRAM 7

Fisheries and Aquiculture Development 3,700,425.00 143,391,900.00

CONSEIL DU TRÉSOR, ADMINISTRATION ET FONCTION PUBLIQUE

PROGRAM 1

Conseil du trésor 13,183,250.00

PROGRAM 2

Government Operations 27,970,775.00

PROGRAM 3

Commission de la fonction publique 539,700.00

PROGRAM 4

Retirement and Insurance Plans 1,071,250.00

PROGRAM 5

Contingency Fund 125,514,025.00

168,279,000.00

CONSEIL EXÉCUTIF

PROGRAM 1

Lieutenant-Governor's Office 94,650.00

PROGRAM 2

Support Services for the Prime Minister

and the Conseil exécutif 6,151,325.00

PROGRAM 3

Canadian Intergovernmental Affairs 2,447,050.00

8,693,025.00

CULTURE ET COMMUNICATIONS

PROGRAM 1

Internal Management and Support 8,810,125.00

PROGRAM 2

Cultural and Communications Assistance 25,910,125.00

PROGRAM 3

National Institutions 6,962,750.00

PROGRAM 4

Government Corporations and Agencies 75,657,850.00

PROGRAM 5

Charter of the French Language 5,492,425.00

PROGRAM 6

Information Highway 2,296,225.00

125,129,500.00

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Appropriation Act No. 2, 1998-99

1998

ÉDUCATION

PROGRAM 1

Administration 23,609,550.00

PROGRAM 2

Consultation and Evaluation 1,121,300.00

PROGRAM 3

Financial Assistance for Education 116,816,925.00

PROGRAM 4

Preschool, Primary and Secondary

Education 1,397,864,600.00

PROGRAM 5

Higher Education 687,493,500.00

PROGRAM 6

Tourism and Hotel Industry Training 3,824,750.00

2,230,730,625.00

EMPLOI, SOLIDARITÉ ET CONDITION FÉMININE PROGRAM 1

Status of Women 1,472,850.00

PROGRAM 2

Secretariat for Concerted Action 344,850.00

PROGRAM 3

Employment Assistance Measures 224,121,500.00

PROGRAM 4

Financial Assistance Measures 936,118,425.00

PROGRAM 5

Development of Policies and Support 35,571,475.00

1,197,629,100.00

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Appropriation Act No. 2, 1998-99

ENVIRONNEMENT ET FAUNE

PROGRAM 1

Environmental, Wildlife and Natural Heritage Protection Policies 10,222,950.00

PROGRAM 2

Environmental, Wildlife and Natural Heritage Protection Operations 29,749,500.00

PROGRAM 3

Internal Management and Support 13,230,250.00

PROGRAM 4

Bureau d'audiences publiques sur l'environnement

1,261,600.00

54,464,300.00

CHAP. 4

FAMILLE ET ENFANCE

PROGRAM 1

Child and Family Services 108,037,450.00

PROGRAM 2

Family Benefits 294,581,825.00

PROGRAM 3

Conseil de la famille et de l'enfance 175,300.00

402,794,575.00

| FINANCES | |
|---|---------------|
| PROGRAM 1 | |
| Economic and Fiscal Policy Studies | 2,060,175.00 |
| PROGRAM 2 | |
| Financial Policies and Operations | 1,408,200.00 |
| PROGRAM 3 | |
| Comptroller of Finance | 3,940,875.00 |
| PROGRAM 5 | |
| Internal Management and Support | 4,268,750.00 |
| PROGRAM 6 | |
| The Inspector General of Financial Institutions | 5,057,850.00 |
| PROGRAM 7 | |
| Statistics, Socio-economic Forecasts and Overall Research | 1,640,950.00 |
| PROGRAM 8 | |
| Private Investment and Job Creation Promotion Fund | 13,000,000.00 |
| PROGRAM 9 | |
| Provision for "Collecting all revenue owed to the government" | 8,750,000.00 |

40,126,800.00

INDUSTRIE, COMMERCE, SCIENCE ET TECHNOLOGIE PROGRAM 1

Technical Support for the Manufacturing and Commercial Sectors and for the Development of Science, Technology and External Trade

18,059,875.00

PROGRAM 2

Financial Support for the Manufacturing and Commercial Sectors and for the Development of Science, Technology and External Trade

51,969,525.00

PROGRAM 3

Support for Government Corporations and Agencies

5,294,275.00

75,323,675.00

| CHAP. 4 |
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Appropriation Act No. 2, 1998-99

1998

JUSTICE

PROGRAM 1

Formulation of Decisions 4,115,925.00

PROGRAM 2

Administration of Justice 59,120,550.00

PROGRAM 3

Administrative Justice 3,126,975.00

PROGRAM 4

Assistance to Persons Brought before

the Courts 26,549,675.00

92,913,125.00

MÉTROPOLE PROGRAM 1

Metropolitan Montréal Promotion and Development

29,131,850.00 29,131,850.00

| CHAP. | 4 |
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Appropriation Act No. 2, 1998-99

1998

PERSONNES DÉSIGNÉES PAR L'ASSEMBLÉE NATIONALE PROGRAM 1

The Public Protector 1,357,600.00

PROGRAM 2

The Auditor General 3,609,350.00

4,966,950.00

CHAP. 4

RÉGIONS ET AFFAIRES AUTOCHTONES

PROGRAM 1

Regional Development 33,016,875.00

PROGRAM 2

Native Affairs 1,362,700.00

34,379,575.00

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Appropriation Act No. 2, 1998-99

1998

RELATIONS AVEC LES CITOYENS ET IMMIGRATION PROGRAM 1

Civic Relations and Citizen Relations 5,409,675.00

PROGRAM 2

Immigration and Integration 22,614,800.00

PROGRAM 3

Advisory and Protection Agencies Responsible to the Minister

Responsible to the Minister 5,528,375.00

33,552,850.00

RELATIONS INTERNATIONALES PROGRAM 1

Promotion and Development of International Affairs

20,563,200.00

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Appropriation Act No. 2, 1998-99

1998

RESSOURCES NATURELLES

PROGRAM 1

Land Inventory and Management 5,421,650.00

PROGRAM 2

Inventory and Management of

Forest Heritage 46,142,875.00

PROGRAM 3

Forestry Financing 1,149,225.00

PROGRAM 4

Mineral Resources Management and

Development 9,382,400.00

PROGRAM 5

Management and Administrative Support 18,411,075.00

PROGRAM 6

Energy Development 12,037,439.00

92,544,664.00

CHAP. **4**

REVENU PROGRAM 1

Tax Administration

91,869,275.00

91,869,275.00

SANTÉ ET SERVICES SOCIAUX

PROGRAM 1

National Operations 36,641,200.00

PROGRAM 2

Regional Operations 1,864,069,575.00

PROGRAM 3

Research 16,787,175.00

PROGRAM 4

Office des personnes handicapées

du Québec 12,761,675.00

1,930,259,625.00

SÉCURITÉ PUBLIQUE

PROGRAM 1

Internal Management and Control of
Activities Relating to Alcohol, Racing
and Gambling 15,417,175.00

PROGRAM 2

Sûreté du Québec 77,193,175.00

PROGRAM 3

Custody of Prisoners and Reintegration of Delinquents into Society 55,103,675.00

PROGRAM 4

Safety and Prevention 10,066,700.00

157,780,725.00

TOURISME PROGRAM 1

Promotion and Development of Tourism

14,305,575.00

14,305,575.00

Appropriation Act. No. 2, 1998-99

CHAP. 4

TRANSPORTS

PROGRAM 1

Transportation Infrastructures 174,982,900.00

PROGRAM 2

Transportation Systems 75,283,700.00

PROGRAM 3

Administration and Corporate Services 17,425,700.00

267,692,300.00

TRAVAIL PROGRAM 1

Labour

16,315,575.00

16,315,575.00

7,620,540,639.00

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 5
AN ACT TO AMEND THE CIVIL CODE AND OTHER
LEGISLATIVE PROVISIONS AS REGARDS
THE PUBLICATION OF PERSONAL AND MOVABLE
REAL RIGHTS AND THE CONSTITUTION OF MOVABLE
HYPOTHECS WITHOUT DELIVERY

Bill 181

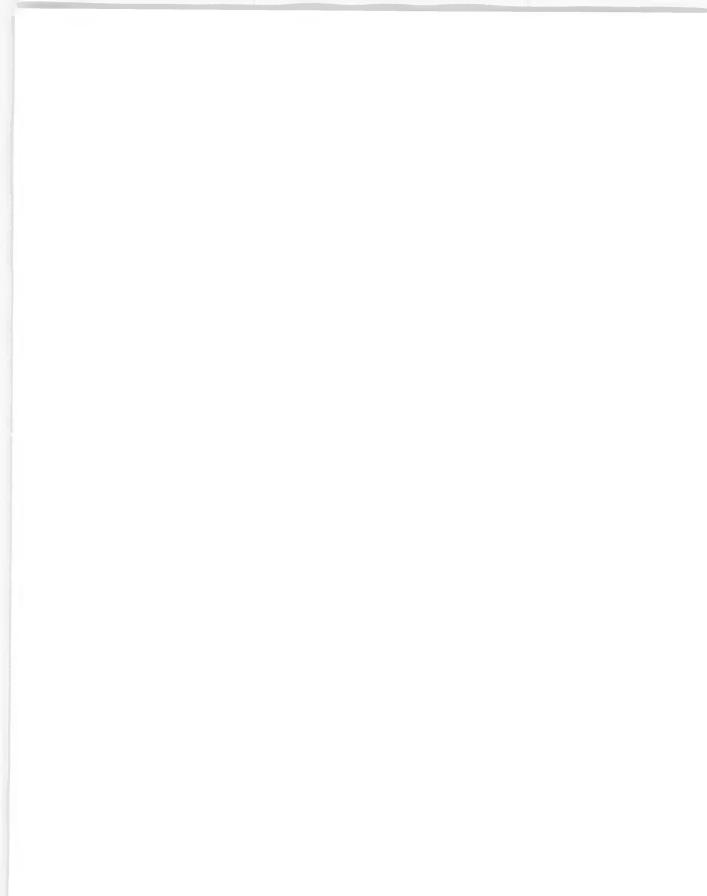
Introduced by Mr Serge Ménard, Minister of Justice Introduced 28 November 1997 Passage in principle 10 December 1997 Passage 31 March 1998 Assented to 16 April 1998

Coming into force: 1 July 1998, except sections 1 to 9, 12, 13, 19, 21, 23, 24 and 25 which come into force on a later date to be fixed by the Government

Legislation amended:

Civil Code of Québec (1991, chapter 64)
Act respecting the implementation of the reform of the Civil Code (1992, chapter 57)
Act respecting registry offices (R.S.Q., chapter B-9)
Code of Civil Procedure (R.S.Q., chapter C-25)
Consumer Protection Act (R.S.Q., chapter P-40.1)







Chapter 5

AN ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS AS REGARDS THE PUBLICATION OF PERSONAL AND MOVABLE REAL RIGHTS AND THE CONSTITUTION OF MOVABLE HYPOTHECS WITHOUT DELIVERY

[Assented to 16 April 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

1991, c. 64, a. 1263, replaced.

- **1.** Article 1263 of the Civil Code of Québec (1991, chapter 64) is replaced by the following article:
- "1263. The purpose of an onerous trust established by contract may be to secure the performance of an obligation. If that is the case, to have effect against third persons, the trust must be published in the register of personal and movable real rights or in the land register, according to the movable or immovable nature of the property transferred in trust.

In case of default by the settlor, the trustee is governed by the rules regarding the exercise of hypothecary rights set out in the Book on Prior Claims and Hypothecs."

1991, c. 64, a. 1745, am.

2. Article 1745 of the said Code is amended by replacing the second paragraph by the following paragraph:

"A reservation of ownership in respect of a road vehicle or other movable property determined by regulation, or in respect of any movable property acquired for the service or operation of an enterprise, has effect against third persons only if it has been published; effect against third persons operates from the date of the sale provided the reservation of ownership is published within fifteen days. As well, the transfer of such a reservation has effect against third persons only if it has been published."

1991, c. 64, a. 1749, replaced.

- **3.** Article 1749 of the said Code is replaced by the following article:
- "1749. A seller or transferee who, upon the default of the buyer, elects to take back the property sold is governed by the rules regarding the exercise of hypothecary rights set out in the Book on Prior Claims and Hypothecs; however, in the case of a consumer contract, only the rules contained in the Consumer Protection Act are applicable to the exercise by the seller or transferee of the right of repossession.

If the reservation of ownership required publication but was not published, the seller or transferee may take the property back only if it is in the hands of the original buyer; the seller or transferee takes the property back in its existing condition and subject to the rights and charges with which the buyer may have encumbered it.

If the reservation of ownership required publication but was published late, the seller or transferee may likewise take the property back only if it is in the hands of the original buyer, unless the reservation was published before the sale of the property by the original buyer, in which case the seller or transferee may also take the property back if it is in the hands of a subsequent acquirer; in all cases, the seller or transferee takes the property back in its existing condition, but subject only to such rights and charges with which the original buyer may have encumbered it at the time of the publication of the reservation of ownership and which had already been published."

1991, c. 64, a. 1750, am.

4. Article 1750 of the said Code is amended by replacing the second paragraph by the following paragraph:

"A right of redemption in respect of a road vehicle or other movable property determined by regulation, or in respect of any movable property acquired for the service or operation of an enterprise, has effect against third persons only if it has been published; effect against third persons operates from the date of the sale provided the right of redemption is published within fifteen days. As well, the transfer of such a right of redemption has effect against third persons only if it has been published."

1991, c. 64, a. 1751, am.

5. Article 1751 of the said Code is amended

- (1) by replacing the words "The notice shall be published; it" at the beginning of the second sentence by the words "If the right of redemption has been published, the notice must also be published; in that case, the notice";
- (2) by adding the following sentence at the end: "In the case of a consumer contract, the twenty days' notice is increased to thirty days."

1991, c. 64, a. 1752, am.

6. Article 1752 of the said Code is amended by replacing the words "laid upon it, provided his right was published in accordance with the rules respecting the publication of rights" at the end by the words "encumbered it with, provided the seller's right, if it required publication, was published in due time and in accordance with the rules regarding the publication of rights."

1991, c. 64, a. 1847, replaced.

- **7.** Article 1847 of the said Code is replaced by the following article:
- "1847. The rights of ownership of the lessor have effect against third persons only if they have been published; effect against third persons operates from the date of the leasing contract provided the rights are published within fifteen days.

As well, the transfer of the lessor's rights of ownership has effect against third persons only if it has been published."

1991, c. 64, a. 1852, am.

8. Article 1852 of the said Code is amended by adding the following paragraphs:

"Publication is required, however, in the case of rights under a lease with a term of more than one year in respect of a road vehicle or other movable property determined by regulation, or of any movable property required for the service or operation of an enterprise, subject, in the latter case, to regulatory exclusions; effect of such rights against third persons operates from the date of the lease provided they are published within fifteen days. A lease with a term of one year or less is deemed to have a term of more than one year if, by the operation of a renewal clause or other covenant to the same effect, the term of the lease may be increased to more than one year.

The transfer of rights under a lease requires or is open to publication, according to whether the rights themselves require or are open to publication."

1991, c. 64, a. 2683, am.

- **9.** Article 2683 of the said Code is amended
- (1) by replacing the words "on the conditions and in the forms authorized by law" at the end by the words "on road vehicles or other movable property determined by regulation and subject to the conditions determined by regulation";
 - (2) by adding the following paragraph:

"Where the act constituting the hypothec is accessory to a consumer contract, it is subject to the rules as to form and contents prescribed by this Book or by regulation."

1991, c. 64, a. 2700, am.

10. Article 2700 of the said Code is amended by replacing the words "and that is registered under the name of the grantor is preserved" in the first paragraph by the words "and that is not registered in a file opened under the description of the property is preserved".

1991, c. 64, a. 2745, am.

11. Article 2745 of the said Code is amended by replacing the second sentence by the following sentence: "To do so he shall notify the grantor and the debtor of the hypothecated rights that he himself will thenceforth collect the sums falling due."

1991, c. 64, a. 2758, am.

12. Article 2758 of the said Code is amended by adding the following at the end of the second paragraph: "; however, the period is of thirty days in the case of a notice relating to movable property charged with a hypothec constituted by an act accessory to a consumer contract."

1991, c. 64, a. 2961.1, added

13. The said Code is amended by inserting, after article 2961, the following article:

"2961.1. The registration of reservations of ownership or rights of redemption, or of any transfer thereof, in respect of a universality of movable property of the same kind that may be involved in sales or transfers in the ordinary course of business between persons operating enterprises preserves all the rights of the seller or transferee not only in that property but also in any property of the same kind involved in reservations of ownership, rights of redemption or transfers between those persons subsequent to the registration. However, such reservations, rights or transfers do not have effect against a third person who acquires any such property in the ordinary course of business of the seller's enterprise.

Registration preserves the rights for a period of ten years; the period may be extended if the registration is renewed.

These rules also apply to the registration of rights of ownership under leasing contracts and of rights under leases with a term of more than one year, or of any transfer thereof, in respect of a universality of movable property of the same kind that may be involved in such contracts in the ordinary course of business between persons operating enterprises."

1991, c. 64, a. 2969, am.

14. Article 2969 of the said Code is amended by replacing the second paragraph by the following paragraph:

"In addition, a register of personal and movable real rights for Québec is kept in the registry office for personal and movable real rights."

1991, c. 64, a. 2971.1, added.

15. The said Code is amended by inserting, after article 2971, the following article:

2971.1. No one may use the information contained in the registers and documents kept in registry offices in such a manner as to damage the reputation or invade the privacy of a person identified in such a register or document."

1991, c. 64, a. 3000, am.

16. Article 3000 of the said Code is amended by replacing the words "No copy of the act evidencing such a sale may be issued" at the beginning of the second paragraph by the words "Where an immovable is sold by way of a forced sale or a sale following the exercise of a hypothecary right, no copy of the act evidencing the sale may be issued".

1991. c. 64, a. 3018, replaced.

17. Article 3018 of the said Code is replaced by the following article:

"3018. The registrar may not, except for purposes prescribed by regulation, use the registers for purposes other than ensuring, in accordance with the law, the publication of the rights registered therein, particularly so as to render them effective against third persons, establish their rank and give them effect.

Nor may the registrar use the registers to furnish to any person a list of owners, hypothecary creditors or other holders of rights, a list of debtors or grantors of rights or a list of the properties owned by a person. Furthermore, no search in the land register by reference to a person's name is permitted, unless it concerns an immovable situated in a territory which has no cadastral survey, a real right of State resource development or a public service network which is not immatriculated."

1991, c. 64, a. 3105, am.

18. Article 3105 of the said Code is amended by replacing the words "attached to a claim or charged on" in the third paragraph by the word "encumbering".

ACT RESPECTING THE IMPLEMENTATION OF THE REFORM OF THE CIVIL CODE

1992, c. 57, ss. 98, 107, 137 and 162, repealed.

19. Sections 98, 107, 137 and 162 of the Act respecting the implementation of the reform of the Civil Code (1992, chapter 57) are repealed.

ACT RESPECTING REGISTRY OFFICES

c. B-9, s. 2, am.

20. Section 2 of the Act respecting registry offices (R.S.Q., chapter B-9) is amended by replacing the words "registration division" in the first paragraph by the words "registry office".

CODE OF CIVIL PROCEDURE

c. C-25, a. 592.2, am.

21. Article 592.2 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by adding the following paragraph:

"Where the property seized is not the property of an enterprise, the seizing officer must also obtain such a certified statement if the property includes a road vehicle or other movable property, or a group of such properties, which, according to the regulation under article 2683 of the Civil Code of Québec, may be hypothecated and of which the market value is estimated to be \$1,000 or more according to the valuation of the seizing officer."

CONSUMER PROTECTION ACT

c. P-40.1, s. 132, am.

22. Section 132 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing the words "the transfer of ownership of the goods sold by a merchant to a consumer is deferred until" in the first and second lines by the words "a merchant selling goods to a consumer reserves ownership of the goods until".

TRANSITIONAL AND FINAL PROVISIONS

Publication.

23. Unless it has already been published, a trust in respect of movable property established on or after 1 January 1994 to secure the performance of an obligation must be published within one year of (insert here the date of

coming into force of section 1) in order to retain its initial effect against third persons.

Publication

24. Reservations of ownership or rights of redemption in respect of movable property, as well as transfers of such reservations or rights, granted before (insert here the date of coming into force of section 19), whose effect against third persons is, pursuant to the provisions enacted herein, henceforth subject to publication formalities must be published within one year of that date in order to retain their initial effect against third persons.

Publication.

The same applies to a lessor's ownership rights under a leasing contract, unpublished rights under a lease of movable property with a term of more than one year or stipulations of unseizability in respect of movable property, or to any transfer thereof, granted before (insert here the date of coming into force of section 19), if the effect of such rights or transfers against third persons is, pursuant to the provisions enacted herein, henceforth subject to publication formalities.

Register.

25. From (insert here the date of coming into force of section 19), no entry referring to a right referred to in section 23 or 24 may be made in the register of personal and movable real rights unless the right itself is registered therein.

Effect.

26. Section 10 has effect from 1 January 1994.

Coming into force.

27. The provisions of this Act come into force on 1 July 1998, except sections 1 to 9, 12, 13, 19, 21, 23, 24 and 25 which come into force on a later date to be fixed by the Government.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 6 AN ACT TO AMEND THE CONSUMER PROTECTION ACT WITH RESPECT TO ITINERANT MERCHANTS

Bill 401

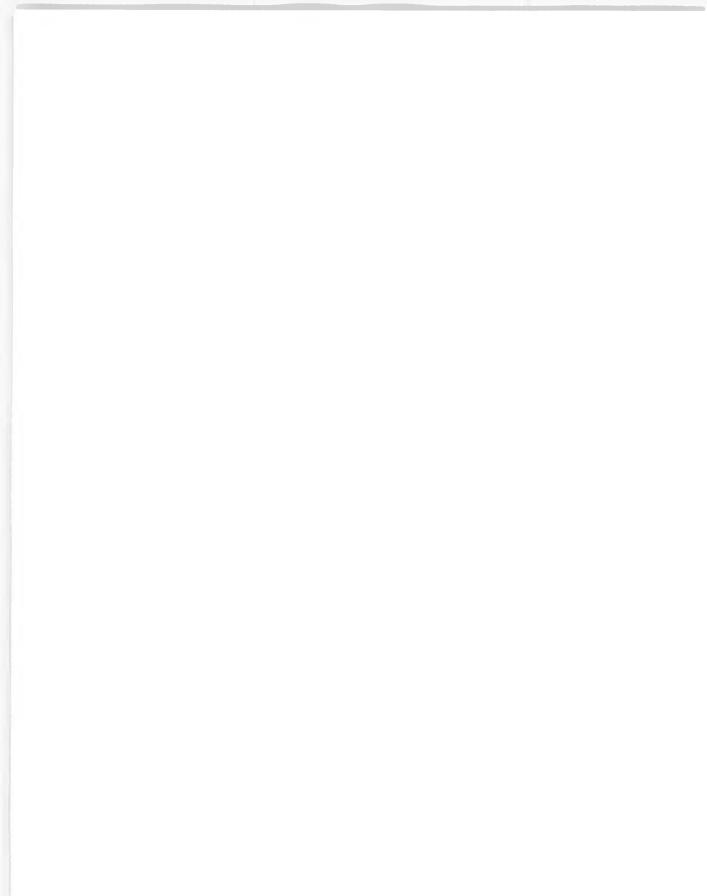
Introduced by Mr André Boisclair, Minister of Relations with the Citizens and Immigration
Introduced 18 December 1997
Passage in principle 31 March 1998
Passage 9 April 1998
Assented to 16 April 1998

Coming into force: 1 August 1998

Legislation amended:

Consumer Protection Act (R.S.Q., chapter P-40.1)







Chapter 6

AN ACT TO AMEND THE CONSUMER PROTECTION ACT WITH RESPECT TO ITINERANT MERCHANTS

[Assented to 16 April 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. P-40.1, s. 56, replaced.

1. Section 56 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is replaced by the following section:

Applicability.

"56. Sections 58 to 65 apply to contracts of sale or lease of goods or services and to mixed contracts of sale and lease entered into by an itinerant merchant, except contracts excluded by regulation."

c. P-40.1, s. 58, am.

- 2. Section 58 of the said Act is amended
- (1) by replacing subparagraph b of the first paragraph by the following subparagraphs:
- "(b) the name, address and telephone number and, where applicable, the electronic address and fax number of each establishment of the itinerant merchant in Québec and each representative of the itinerant merchant who signed the contract;
- "(b.1) the name, address and telephone number and, where applicable, the electronic address and fax number of the consumer;";
- (2) by replacing the words "of the contract" in subparagraph c of the first paragraph by the words "on which the contract is made";
- (3) by replacing subparagraph d of the first paragraph by the following subparagraph:
- "(d) the description and quantity of the goods that are the object of the contract, the year of the model or any other distinguishing mark, and the duration of each service provided for by the contract;";
- (4) by replacing the words "chargeable duties" in subparagraph f of the first paragraph by the words "the amounts of all duties chargeable";
- (5) by inserting, after subparagraph g of the first paragraph, the following subparagraphs:

- "(g.1) where applicable, the terms and conditions of payment; in the case of a contract of credit, the terms and conditions of payment are set out as provided in Schedule 3, 5 or 7;
- "(g.2) the frequency and dates of all deliveries of goods and the frequency and dates of all performances of services, as well as the date by which delivery or performance must be completed;
- "(g.3) where applicable, a description of all goods received as a trade-in or on account, their quantity, and the price agreed for each item;";
- (6) by replacing the word "form" in the second paragraph by the words "Statement of consumer cancellation rights and a cancellation form".

c. P-40.1, s. 59, am

3. Section 59 of the said Act is amended by adding the following paragraph:

Extension.

"The time limit is, however, extended to one year from the date on which the contract is made in any of the following cases:

- (a) the merchant does not hold the permit required by this Act at the time the contract is made;
- (b) the security furnished by the itinerant merchant is invalid or is not in conformity with the security required under this Act at the time the contract is made:
- (c) the contract is inconsistent with any of the rules set out in sections 25 to 28 for the making of contracts, or one of the particulars required under section 58 does not appear in the contract;
- (d) a Statement of consumer cancellation rights and a cancellation form in conformity with the model in Schedule 1 have not been attached to the contract at the time the contract was made;
- (e) the merchant fails to deliver the goods or perform the service within 30 days from the delivery or performance date specified in the contract or a later date agreed to by the consumer, unless the consumer accepts delivery or performance after that time has expired."

c. P-40.1, s. 61, French text. am.

- **4.** Section 61 of the said Act is amended, in the French text, by replacing the words "la formule prévue" in paragraph b by the words "le formulaire prévu".
- c. P-40.1, s. 62, am.
- 5. Section 62 of the said Act is amended
- (1) by replacing, in the French text, the words "de la formule" by the words "du formulaire";

(2) by adding the following paragraph:

Contract of credit.

"A contract of credit made by the consumer, even with another merchant, under or in relation to a contract made with an itinerant merchant, forms part of the whole contract and is also cancelled of right if it was made as a result of an offer or representation made by, or any other action of, the itinerant merchant."

c. P-40.1, s. 63, am.

- **6.** Section 63 of the said Act is amended
 - (1) by replacing the word "ten" in the first paragraph by the figure "15";
 - (2) by inserting, after the first paragraph, the following paragraph:

Restitution of goods.

"If the itinerant merchant is unable to restitute to the consumer the goods received in payment, as a trade-in or on account, the merchant must remit to the consumer the value of the goods or the price of the goods as indicated in the contract, whichever is greater."

c. P-40.1, s. 64, am.

- **7.** Section 64 of the said Act is amended by inserting the words ", as a trade-in or on account" after the word "payment" in paragraph b.
- c. P-40.1, Sched. 1, replaced.
- **8.** Schedule 1 to the said Act is replaced by the following schedule:

"SCHEDULE 1

STATEMENT OF CONSUMER CANCELLATION RIGHTS (Consumer Protection Act, section 58)

You may cancel this contract for any reason within 10 days after you receive a copy of the contract along with the other required documents.

If you do not receive the goods or services within 30 days of the date stated in the contract, you may cancel the contract within one year. You lose that right if you accept delivery after the 30 days. There are other grounds for an extension of the cancellation period to one year, for example if the itinerant merchant does not hold a permit or has not provided the required security at the time the contract is made, if the goods are never delivered or the services never performed, or if the contract is incorrectly made or worded. For more information, you may seek legal advice or contact the Office de la protection du consommateur.

If you cancel the contract, the itinerant merchant must refund all amounts you have paid, and return to you the goods received in payment, as a trade-in or on account; if the merchant is unable to return the goods, you are entitled to receive an amount of money corresponding to the value indicated in the contract or the cash value of the goods, within 15 days of cancellation. You also have 15 days to return to the merchant any goods you received from the merchant.

To cancel, you must return the items received from the merchant to the merchant or the merchant's representative, send the merchant the cancellation form printed below, or send the merchant written notice of cancellation. The form or written notice must be sent to the merchant or the merchant's representative at the address indicated on the form, or at any other address indicated in the contract. You must give notice of cancellation by personal delivery or by any other method that will allow you to prove that you gave notice, including registered mail, E-mail, fax and courier.

CANCELLATION FORM (detachable from schedule)

| TO BE COMPLETED BY THE MERCHANT | | |
|--|--|--|
| TO:(name of itinerant merchant or representative) | | |
| ••••• | | |
| (address of itinerant merchant or representative) | | |
| Telephone number of itinerant merchant or representative: () Fax number of itinerant merchant or representative: () Electronic address of itinerant merchant or representative: | | |
| TO BE COMPLETED BY THE CONSUMER | | |
| DATE: (date on which form is sent) By virtue of section 59 of the Consumer Protection Act, I hereby cancel the contract No.: (contract number, if any) made on (date of contract) at (address where contract was signed by consumer) | | |
| Telephone number of consumer: () Fax number of consumer: () Electronic address of consumer: | | |
| (address of consumer) | | |
| (signature of consumer) | | |

Coming into force.

9. This Act comes into force on 1 August 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 7 AN ACT TO AMEND THE ACT RESPECTING OFF-HIGHWAY VEHICLES

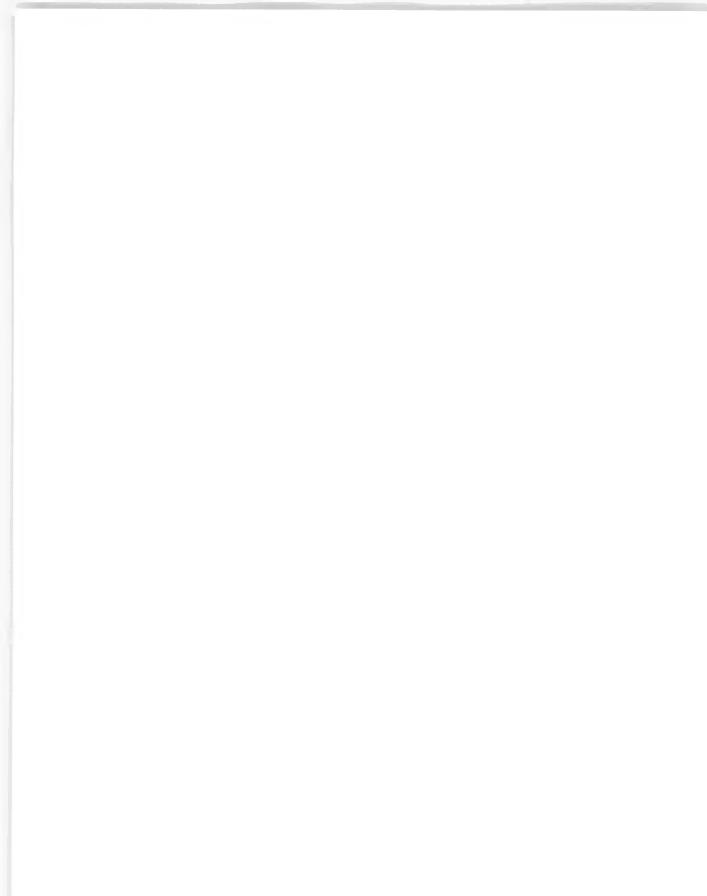
Bill 410

Introduced by Mr Jacques Brassard, Minister of Transport Introduced 12 March 1998 Passage in principle 31 March 1998 Passage 31 March 1998 Assented to 16 April 1998

Coming into force: 16 April 1998

Legislation amended:

Act respecting off-highway vehicles (1996, chapter 60)





Chapter 7

AN ACT TO AMEND THE ACT RESPECTING OFF-HIGHWAY VEHICLES

[Assented to 16 April 1998]

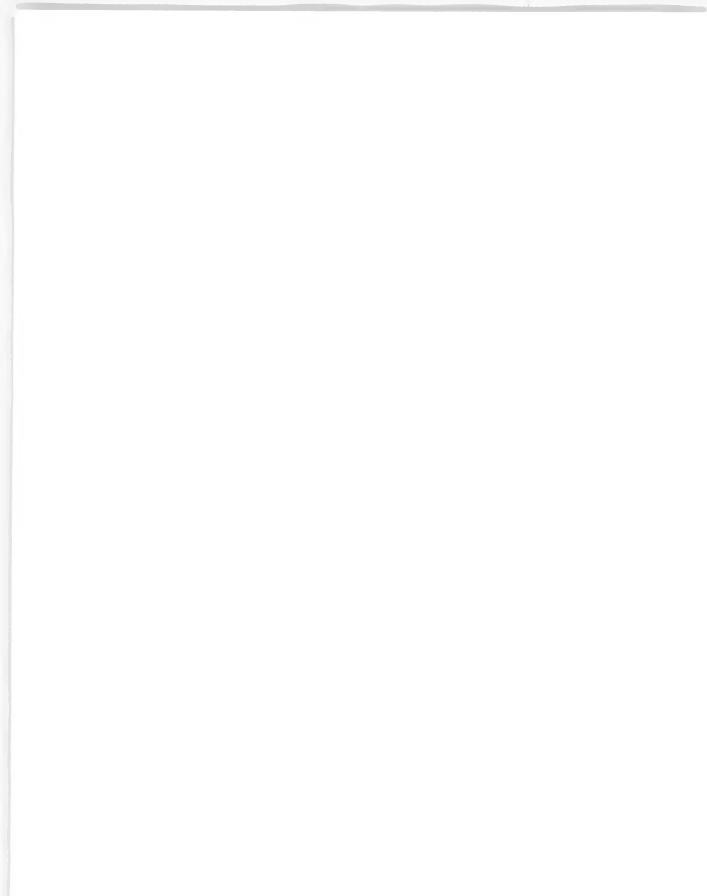
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1996, c. 60, s. 11, am.

- **1.** Section 11 of the Act respecting off-highway vehicles (1996, chapter 60) is amended
- (1) by replacing subparagraph 2 of the second paragraph by the following subparagraph:
- "(2) cross a road at the place where a crossing for off-highway vehicles is indicated by a road sign or signal;";
- (2) by inserting the word "road" before the word "sign" in the first line of subparagraph 4 of the second paragraph.

Coming into force.

2. This Act comes into force on 16 April 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 8 AN ACT TO AMEND THE TRANSPORT ACT AND THE ACT RESPECTING TRANSPORTATION BY TAXI

Bill 416

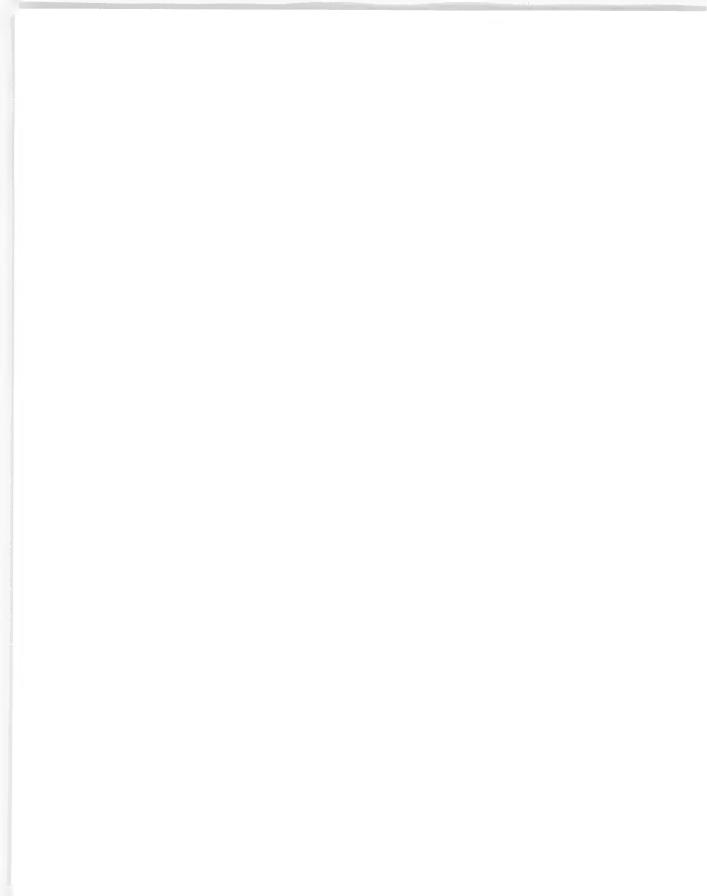
Introduced by Mr Jacques Brassard, Minister of Transport Introduced 1 April 1998 Passage in principle 9 April 1998 Passage 21 April 1998 **Assented to 21 April 1998**

Coming into force: 21 April 1998

Legislation amended:

Act respecting transportation by taxi (R.S.Q., chapter T-11.1) Transport Act (R.S.Q., chapter T-12)







Chapter 8

AN ACT TO AMEND THE TRANSPORT ACT AND THE ACT RESPECTING TRANSPORTATION BY TAXI

[Assented to 21 April 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. T-12, s. 5, am.

- 1. Section 5 of the Transport Act (R.S.Q., chapter T-12) is amended
 - (1) by striking out paragraph h;
- (2) by striking out "prescribe, in respect of any activity, service or territorial division, that rates and tariffs are governed by a procedure of filing with the Commission, and determine the modalities of such procedure and the rules applicable to their coming into force, and" in paragraph *i*.

c. T-12, s. 32, am.

2. Section 32 of the said Act is amended by striking out paragraph 4.

c. T-12, s. 46, replaced.

Tariffs.

3. Section 46 of the said Act is replaced by the following:

"46. The Commission may, by regulation, fix tariffs in the matters governed by subparagraphs b and d of the first paragraph of section 2.

Tariffs.

The Commission may also fix a tariff in respect of one or more specific carriers, at the request of those carriers.

Tariffs.

The Government may limit the powers of the Commission to fix tariffs. It may, in particular, with regard to a given service or territory, determine that the tariffs are to be fixed by the carriers concerned and filed with the Commission; where such is the case, the Government shall determine by regulation the procedure applicable to the filing of a tariff and the conditions subject to which the tariff comes into force.

Publication.

"**46.1.** A draft regulation under section 46 is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

Consultation.

The fixing of tariffs by regulation is, however, subject to prior consultation. For that purpose, a notice shall be published in a daily newspaper inviting interested persons to present their observations."

c. T-12, s. 47, repealed.

- **4.** Section 47 of the said Act is repealed.
- c. T-12, s. 74.2, replaced.
- **5.** Section 74.2 of the said Act is replaced by the following:

Offence and penalty.

"74.2. A carrier who requires or accepts remuneration for transportation services that differs from the applicable tariff is guilty of an offence and liable to the fine provided for in section 74, and to an additional fine corresponding to the difference between the remuneration that gave rise to the proceedings and the tariff applicable."

c. T-11.1, s. 42, am.

- **6.** Section 42 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended
 - (1) by replacing the first paragraph by the following:

Tariffs.

"42. The Commission shall, by regulation, fix tariffs for private transportation by taxi that may vary according to the territory concerned. The tariffs fixed by the Commission shall not apply in the territory of a regional authority that has fixed tariffs itself pursuant to section 62.

Tariffs.

The Government may limit the power of the Commission to fix tariffs.";

(2) by replacing "second" in the last paragraph by "third".

c. T-11.1, s. 42.2, added.

7. The said Act is amended by inserting, after section 42.1, the following:

Publication.

"42.2. A draft regulation under section 42 is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

Consultation.

The fixing of tariffs is, however, subject to prior consultation. For that purpose, a notice shall be published in a daily newspaper inviting interested persons to present their observations."

c. T-11.1, s. 45, repealed.

8. Section 45 of the said Act is repealed.

c. T-11.1, s. 60, am.

- **9.** Section 60 of the said Act is amended
 - (1) by striking out subparagraph 14.1 of the first paragraph;
 - (2) by replacing subparagraph 23 of the first paragraph by the following:
- "(23) prescribe the obligation to post up in each taxi the tariffs applicable to private transportation;".

c. T-11.1, s. 68, am.

- 10. Section 68 of the said Act is amended
 - (1) by striking out subparagraph 3 of the first paragraph;
 - (2) by striking out the second paragraph.

c. T-11.1, s. 70, am.

11. Section 70 of the said Act is amended by replacing "42, 43, 45, 46," by "43,".

c. T-11.1, s. 70.1.1, added

12. The said Act is amended by inserting, after section 70.1, the following:

Offence and penalty.

"**70.1.1.** Subject to the third paragraph of section 42, a carrier who requires remuneration for private transportation by taxi that differs from the tariff fixed by the Commission is guilty of an offence and liable to a fine of \$75 to \$1,400."

Terms replaced.

- **13.** The expressions "rates and scales", "rates and tariffs" and "fares and scales" are replaced by "tariffs"
- (1) in section 3 and the heading of subdivision 4 of Division V of the Transport Act;
- (2) in sections 42.1, 44, 46, 47, 48.0.1, subparagraph 17 of the first paragraph of section 60, subparagraphs 4 and 10 of the first paragraph of section 62 and section 94.1 of the Act respecting transportation by taxi.

Words struck out.

The words "rates and" are struck out in subparagraph 3 of the second paragraph of section 48.3 of the Transport Act.

Tariffs.

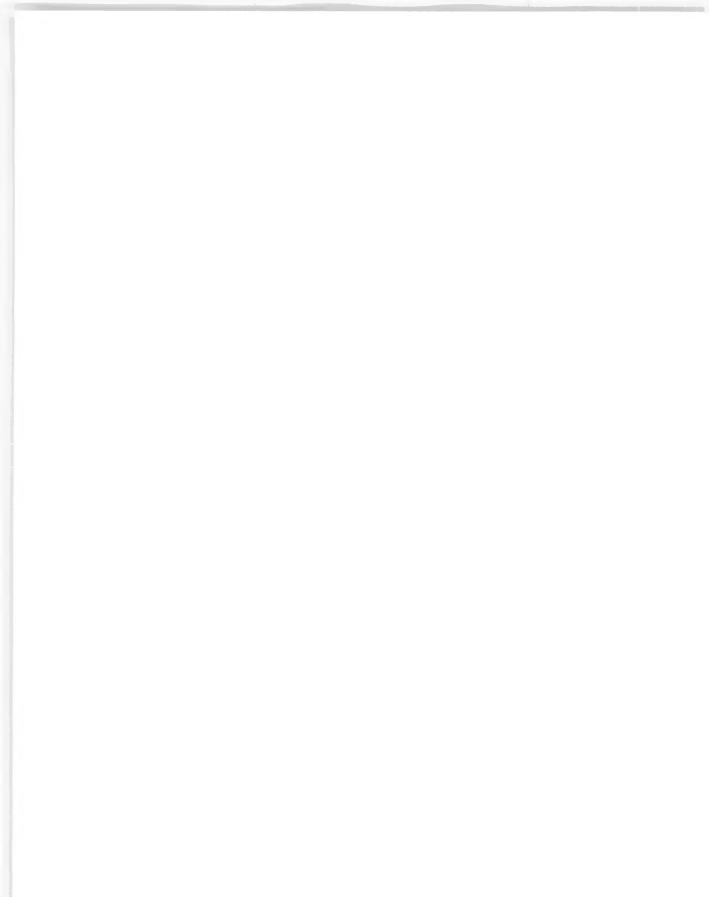
14. The tariffs fixed by the Commission des transports du Québec under the Transport Act (R.S.Q., chapter T-12) and the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) are valid.

Effect.

The tariffs have effect from the date initially provided for their coming into force.

Coming into force.

15. This Act comes into force on 21 April 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 9 AN ACT TO ESTABLISH A FUND IN RESPECT OF THE ICE STORM OF 5 TO 9 JANUARY 1998

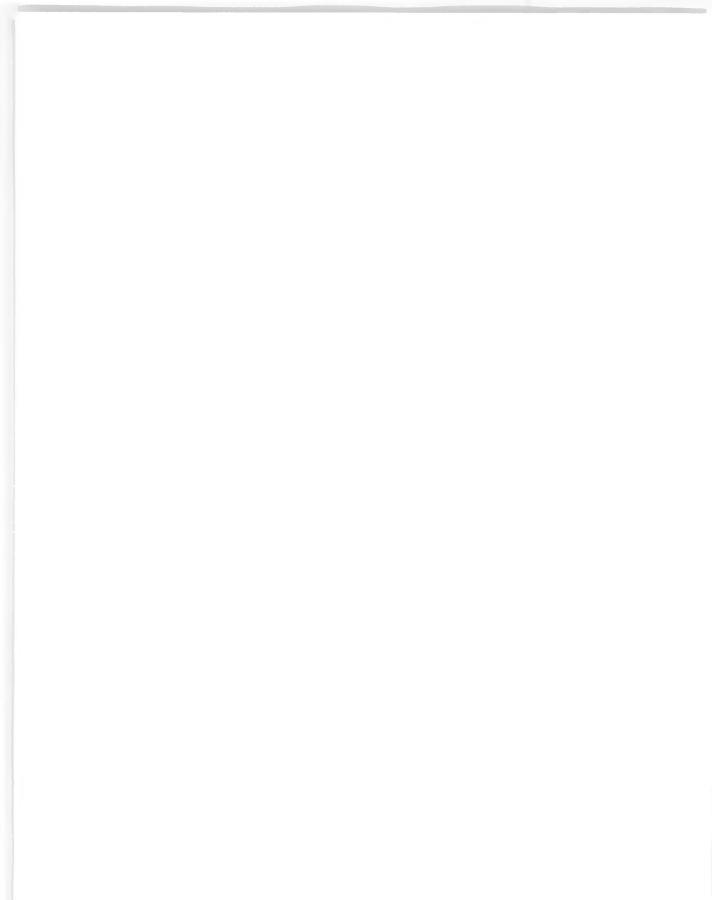
Bill 415

Introduced by Mr Jacques Léonard, Minister for Administration and the Public Service and Chairman of the Conseil du trésor Introduced 25 March 1998
Passage in principle 1 April 1998
Passage 21 May 1998
Assented to 22 May 1998

Coming into force: 22 May 1998

Legislation amended: None







Chapter 9

AN ACT TO ESTABLISH A FUND IN RESPECT OF THE ICE STORM OF 5 TO 9 JANUARY 1998

[Assented to 22 May 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Establishment.

1. A fund relating to the ice storm is hereby established at the Conseil du trésor.

Expenditures.

The fund shall be dedicated to the management and financing of the exceptional expenditures borne by government departments and bodies and of the expenditures pertaining to the various financial assistance programs established to provide compensation for damage caused by the ice storm of 5 to 9 January 1998.

Government body.

A government body includes any government agency or corporation to which sections 4 and 5 of the Auditor General Act (R.S.Q., chapter V-5.01) apply.

Composition.

- 2. The fund shall be made up of
- (1) the sums deposited in the "Compte d'aide financière concernant la catastrophe du 5 au 9 janvier 1998" established under section 3;
- (2) sums paid by the Minister of Finance for the purposes of the first paragraph of section 7 or section 8;
- (3) appropriations committed, in the course of the fiscal year 1997-98 and in the following fiscal years, for the purposes of expenditures incurred by a government department or government body in relation to the disaster;
- (4) gifts, legacies and other contributions paid to further the attainment of the objects of the fund.

Account.

3. A specific purpose account entitled "Compte d'aide financière concernant la catastrophe du 5 au 9 janvier 1998" is established at the Conseil du trésor for the deposit of the sums received or to be received from the Government of Canada in relation to the disaster, as financial assistance allocated in the event of a disaster or under any program or any intergovernmental agreement entered into for that purpose.

Eligible expenses.

The disbursements that are chargeable to the account shall be the expenses eligible for federal assistance in the event of a disaster, for such programs or for such agreements.

Limits.

The limits applicable to the disbursements that may be made out of the account shall correspond to the sums received or to be received from the Government of Canada.

Sums taken out of fund.

- **4.** The sums required for the following purposes are taken out of the fund:
- (1) the payment of the financial assistance granted by a government department or a government body pursuant to the financial assistance programs established, authorized or approved by the Government in relation to the disaster;
- (2) the payment of exceptional expenditures borne by a government department or a government body for emergency measures taken during or after the disaster and for the implementation of the programs referred to in paragraph 1;
- (3) the operation of the Commission scientifique et technique chargée d'analyser les événements relatifs à la tempête de verglas established pursuant to Order in Council number 80-98 dated 28 January 1998;
- (4) the payment of the remuneration and expenses pertaining to the social benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to activities related to the fund;
- (5) the payment of any other expense related to the disaster and determined by the Government.

Nature of disbursements.

5. The Government shall determine the nature of the disbursements chargeable to the fund.

Management.

6. The management of the sums making up the fund shall be entrusted to the Minister of Finance. Such sums shall be paid to the order of the Minister and deposited with the financial institutions designated by the Minister.

Books of account.

Notwithstanding section 13 of the Financial Administration Act (R.S.Q., chapter A-6), the chairman of the Conseil du trésor shall keep the books of account for and record the financial commitments chargeable to the fund. The chairman of the Conseil du trésor shall also certify that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

Advance.

7. The Minister of Finance may, with the authorization of the Government and on the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

Advance.

Conversely, the Minister of Finance may advance to the consolidated revenue fund, on a short-term basis and subject to the conditions determined by the Minister, any part of the sums making up the fund that is not required for its operation.

Advance.

Any advance paid into a fund shall be repayable out of that fund.

Borrowing.

8. The chairman of the Conseil du trésor may, as the manager of the fund, borrow from the Ministère des Finances sums taken out of the financing fund administered by the Ministère des Finances.

Provisions applicable.

9. Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 49.6, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the fund.

Fiscal year.

10. The fiscal year of the fund ends on 31 March.

Deficiency.

11. Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.

Administration.

12. The chairman of the Conseil du trésor is responsible for the administration of this Act.

Effect.

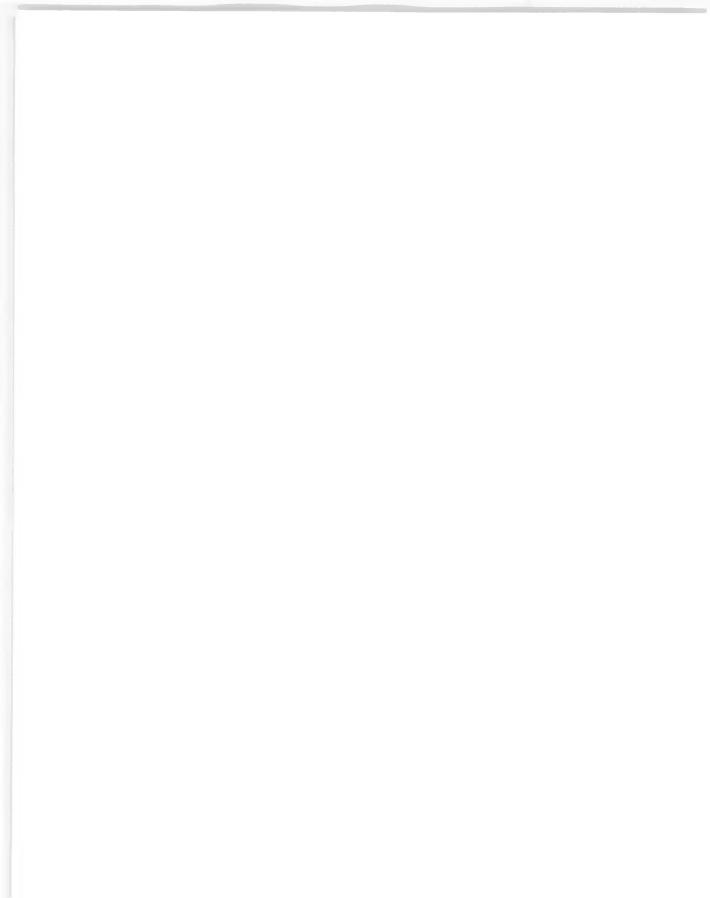
13. This Act has effect from 5 January 1998. It will cease to have effect on the date to be determined by the Government.

Surplus.

The surplus of the fund on the date on which this Act ceases to have effect shall be paid into the consolidated revenue fund.

Coming into force.

14. This Act comes into force on 22 May 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 10 APPROPRIATION ACT NO. 3, 1998-99

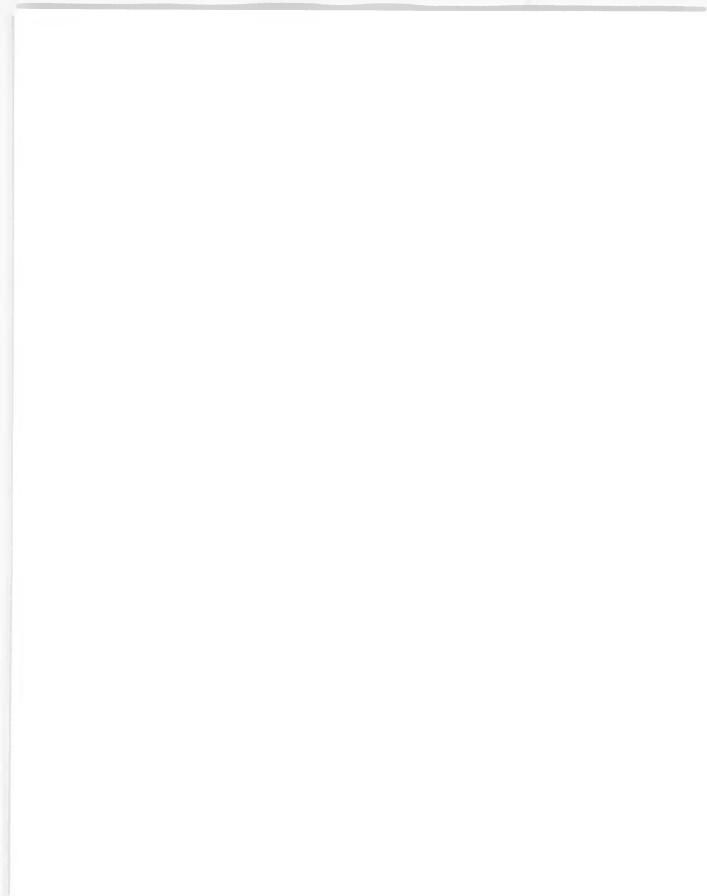
Bill 418

Introduced by Mr Bernard Landry, Minister of Finance Introduced 13 May 1998 Passage in principle 13 May 1998 Passage 13 May 1998 Assented to 22 May 1998

Coming into force: 22 May 1998

Legislation amended: None







Chapter 10

APPROPRIATION ACT NO. 3, 1998-99

[Assented to 22 May 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

\$20,797,840,761 for 1998-99.

1. The Government may take out of the consolidated revenue fund a sum not exceeding \$20,797,840,761.00 to defray a part of the expenses of Québec proposed in the Expenditure Budget for the fiscal year 1998-99 as tabled before the National Assembly, not otherwise provided for, being the amount of the appropriations to be voted for each of the various programs listed in the Schedule, less the amounts voted under the Appropriation Act No. 1, 1998-99 (\$414,500,000.00) and under the Appropriation Act No. 2, 1998-99 (\$7,620,540,639.00).

Coming into force.

2. This Act comes into force on 22 May 1998.

SCHEDULE

AFFAIRES MUNICIPALES PROGRAM 1

Municipal Development 9,596,850.00

PROGRAM 2

Financial Assistance for Municipalities and Northern Villages 75,968,550.00

PROGRAM 3

Financial Compensation 124,666,700.00

PROGRAM 4

General Administration 26,807,250.00

PROGRAM 5

Development of Recreation and Sport 25,299,900.00

PROGRAM 6

Financial Assistance for the
Construction of Water and Sewer
Systems and for Sewage Treatment
83,358,200.00

PROGRAM 7

Administrative and Quasi-judicial Agencies 1,789,600.00

PROGRAM 8

Société d'habitation du Québec 261,284,100.00

PROGRAM 9

Régie du logement 9,819,000.00

618,590,150.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION PROGRAM 1

| Training, Research and Technological Development | 22,164,525.00 |
|--|---------------|
| PROGRAM 2 | |
| Farm Financing | 29,714,700.00 |
| PROGRAM 3 | |

Assistance for Agri-food Businesses 109,378,800.00

PROGRAM 4

Farm Insurance 148,239,525.00

PROGRAM 5

Regulatory Support 28,560,375.00

PROGRAM 6

Internal Management and Support 32,286,900.00

Fisheries and Aquiculture Development 11,101,275.00

PROGRAM 7

381,446,100.00

CONSEIL DU TRÉSOR, ADMINISTRATION ET FONCTION PUBLIQUE PROGRAM I

Conseil du trésor 39,549,750.00

PROGRAM 2

Government Operations 83,912,325.00

PROGRAM 3

Commission de la fonction publique 1,619,100.00

PROGRAM 4

Retirement and Insurance Plans 3,213,750.00

PROGRAM 5

Contingency Fund 376,542,075.00

504,837,000.00

CHAP. **10**

CONSEIL EXÉCUTIF PROGRAM 1

Lieutenant-Governor's Office

283,950.00

PROGRAM 2

Support Services for the Prime Minister

and the Conseil exécutif

18,453,975.00

PROGRAM 3

Canadian Intergovernmental Affairs

7,341,150.00

26,079,075.00

CULTURE ET COMMUNICATIONS PROGRAM 1

Internal Management and Support 26,430,375.00

PROGRAM 2

Cultural and Communications Assistance 77,730,375.00

PROGRAM 3

National Institutions 20,888,250.00

PROGRAM 4

Government Corporations and Agencies 146,298,150.00

PROGRAM 5

Charter of the French Language 16,477,275.00

PROGRAM 6

Information Highway 6,888,675.00

294,713,100.00

ÉDUCATION PROGRAM 1

Administration 70,828,650.00

PROGRAM 2

Consultation and Evaluation 3,363,900.00

PROGRAM 3

Financial Assistance for Education 350,450,775.00

PROGRAM 4

Preschool, Primary and Secondary

Education 4,193,593,800.00

PROGRAM 5

Higher Education 2,062,480,500.00

PROGRAM 6

Tourism and Hotel Industry Training 11,474,250.00

6,692,191,875.00

EMPLOI, SOLIDARITÉ ET CONDITION FÉMININE PROGRAM 1

Status of Women 4,418,550.00

PROGRAM 2

Secretariat for Concerted Action 1,034,550.00

PROGRAM 3

Employment Assistance Measures 652,048,900.00

PROGRAM 4

Financial Assistance Measures 1,928,168,075.00

PROGRAM 5

Development of Policies and Support 106,714,425.00

2,692,384,500.00

ENVIRONNEMENT ET FAUNE PROGRAM 1

Environmental, Wildlife and Natural Heritage Protection Policies

30,668,850.00

PROGRAM 2

Environmental, Wildlife and Natural Heritage Protection Operations

89,248,500.00

PROGRAM 3

Internal Management and Support

39,690,750.00

PROGRAM 4

Bureau d'audiences publiques sur l'environnement

3,784,800.00

163,392,900.00

1998

FAMILLE ET ENFANCE

PROGRAM 1

Child and Family Services 324,112,350.00

PROGRAM 2

Family Benefits 433,745,475.00

PROGRAM 3

Conseil de la famille et de l'enfance 525,900.00

758,383,725.00

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PROGRAM 1

Economic and Fiscal Policy Studies 6,180,525.00

PROGRAM 2

Financial Policies and Operations 4,224,600.00

PROGRAM 3

Comptroller of Finance 11,822,625.00

PROGRAM 5

Internal Management and Support 12,806,250.00

PROGRAM 6

The Inspector General of Financial Institutions 15,173,550.00

PROGRAM 7

Statistics, Socio-economic Forecasts and Overall Research 4,922,850.00

PROGRAM 8

Private Investment and Job Creation
Promotion Fund 39,000,000.00

PROGRAM 9

Provision for "Collecting all revenue owed to the government" 26,250,000.00

120,380,400.00

INDUSTRIE, COMMERCE, SCIENCE ET TECHNOLOGIE PROGRAM I

Technical Support for the Manufacturing and Commercial Sectors and for the Development of Science, Technology and External Trade

54,179,625.00

PROGRAM 2

Financial Support for the Manufacturing and Commercial Sectors and for the Development of Science, Technology and External Trade

155,908,575.00

PROGRAM 3

Support for Government Corporations and Agencies

15,882,825.00

225,971,025.00

JUSTICE

PROGRAM 1

Formulation of Decisions 12,347,775.00

PROGRAM 2

Administration of Justice 177,361,650.00

PROGRAM 3

Administrative Justice 9,380,925.00

PROGRAM 4

Assistance to Persons Brought

before the Courts 79,649,025.00

278,739,375.00

MÉTROPOLE PROGRAM 1

Metropolitan Montréal Promotion and Development

87,395,550.00

87,395,550.00

PERSONNES DÉSIGNÉES PAR L'ASSEMBLÉE NATIONALE PROGRAM 1

The Public Protector

4,072,800.00

PROGRAM 2

The Auditor General

10,828,050.00

14,900,850.00

RÉGIONS ET AFFAIRES AUTOCHTONES PROGRAM 1

Regional Development

99,050,625.00

PROGRAM 2

Native Affairs

4,088,100.00

103,138,725.00

RELATIONS AVEC LES CITOYENS ET IMMIGRATION PROGRAM 1

Civic Relations and Citizen Relations 16,229,025.00

PROGRAM 2

Immigration and Integration 67,844,400.00

PROGRAM 3

Advisory and Protection Agencies Responsible to the Minister

16,585,125.00

100,658,550.00

RELATIONS INTERNATIONALES PROGRAM 1

Promotion and Development of International Affairs

61,689,600.00

61,689,600.00

RESSOURCES NATURELLES PROGRAM 1

Land Inventory and Management 16,264,950.00

PROGRAM 2

Inventory and Management of Forest Heritage 108,730,225.00

PROGRAM 3

Forestry Financing 1,350,875.00

PROGRAM 4

Mineral Resources Management and Development 28,147,200.00

PROGRAM 5

Management and Administrative Support 55,233,225.00

PROGRAM 6

Energy Development 28,552,561.00

238,279,036.00

REVENU PROGRAM 1

Tax Administration

275,607,825.00

275,607,825.00

SANTÉ ET SERVICES SOCIAUX PROGRAM 1

National Operations

109,923,600.00

PROGRAM 2

Regional Operations

5,592,208,725.00

PROGRAM 3

Research

50,361,525.00

PROGRAM 4

Office des personnes handicapées

du Québec

38,285,025.00

5,790,778,875.00

SÉCURITÉ PUBLIQUE PROGRAM 1

Internal Management and Control of Activities Relating to Alcohol, Racing and Gambling

46,251,525.00

PROGRAM 2

Sûreté du Québec

231,579,525.00

PROGRAM 3

Custody of Prisoners and Reintegration of Delinquents into Society

165,311,025.00

PROGRAM 4

Safety and Prevention

30,200,100.00

473,342,175.00

CHAP. **10**

TOURISME PROGRAM 1

Promotion and Development of Tourism

42,916,725.00

42,916,725.00

TRANSPORTS
PROGRAM 1

Transportation Infrastructures 524,948,700.00

PROGRAM 2

Transportation Systems 225,851,100.00

PROGRAM 3

Administration and Corporate Services 52,277,100.00

803,076,900.00

CHAP. 10

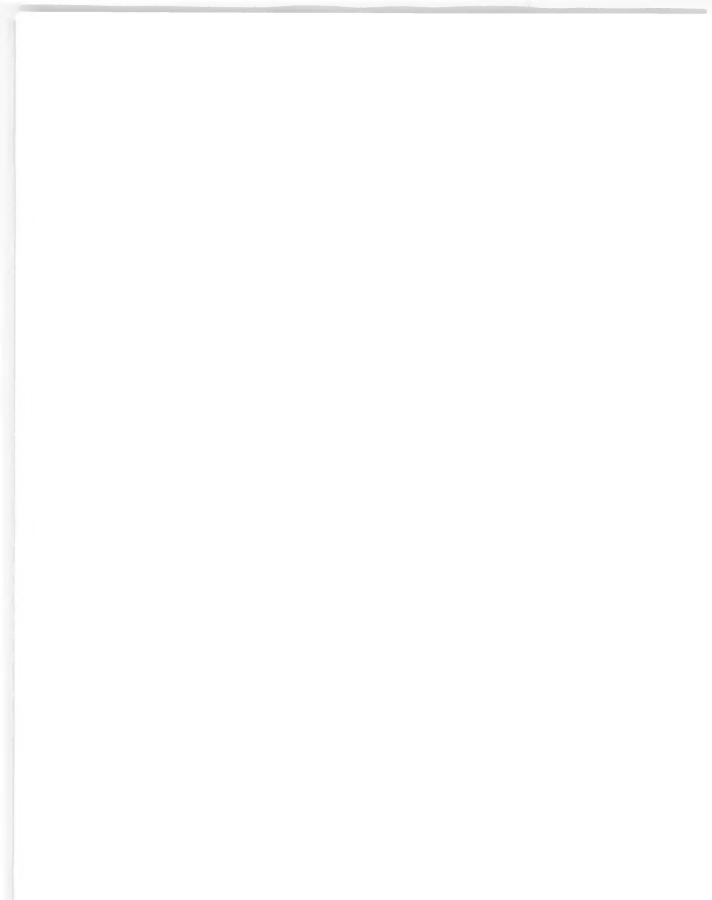
TRAVAIL PROGRAM 1

Labour

48,946,725.00

48,946,725.00

20,797,840,761.00



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 11 AN ACT TO AMEND THE ACT RESPECTING THE NATIONAL ASSEMBLY

Bill 428

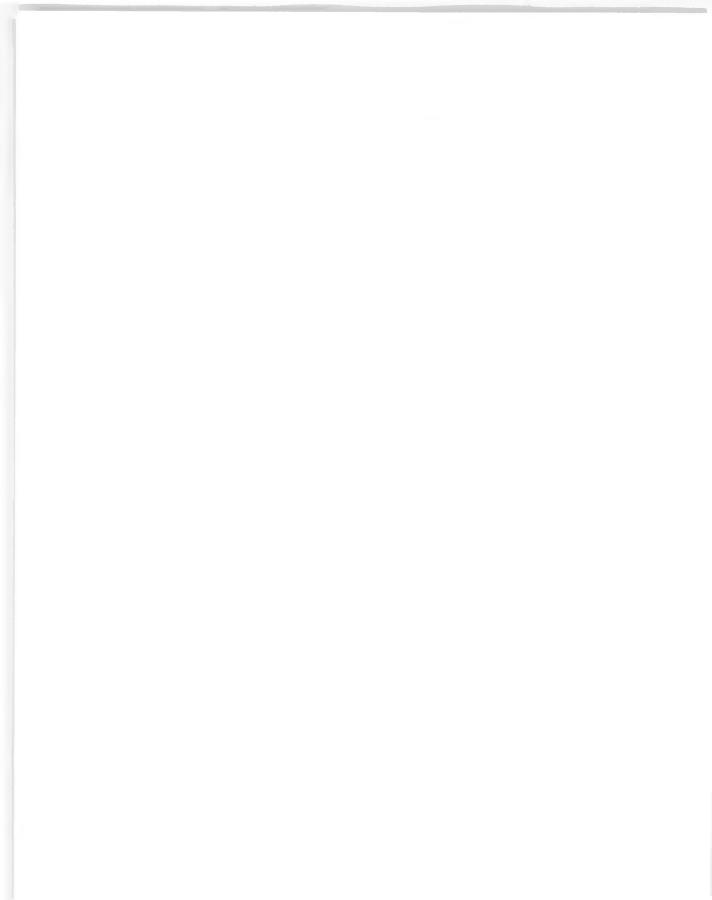
Introduced by Mr Jean-Pierre Jolivet, Government House Leader and Minister for Electoral and Parliamentary Reform
Introduced 12 May 1998
Passage in principle 26 May 1998
Passage 9 June 1998
Assented to 11 June 1998

Coming into force: 11 June 1998

Legislation amended:

Act respecting the National Assembly (R.S.Q., chapter A-23.1)







Chapter 11

AN ACT TO AMEND THE ACT RESPECTING THE NATIONAL ASSEMBLY

[Assented to 11 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-23.1, Div. VI, ss. 85.1-85.4, added.

1. The Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by inserting, after section 85, the following:

"DIVISION VI

"DEFENCE COSTS, JUDICIAL COSTS, EXPENSES FOR COUNSEL AND INDEMNIFICATION

Costs.

"**85.1.** A Member or a former Member is entitled, subject to sections 85.2 to 85.4, to the payment of the defence costs and judicial costs arising out of proceedings brought against the Member or former Member by a third person for any act or omission in the performance of the Member's or former Member's duties of office.

Expenses.

The Member or former Member is also entitled to the payment of expenses incurred for counsel where the Member or former Member is summoned to appear at an inquiry, a preliminary inquiry or judicial or quasi-judicial proceedings in connection with the Member's or former Member's duties of office.

Maximum amount.

In each case submitted to it, the Office of the National Assembly may, after obtaining the advice of the jurisconsult of the National Assembly, fix the maximum amount to be paid under the first and second paragraphs.

Criminal proceedings.

"85.2. In the case of criminal proceedings, the defence costs and judicial costs shall be paid only if the case was withdrawn or dismissed or if the Member or former Member was acquitted by a judgment that has become *res judicata*, or was discharged.

Penal offence.

"**85.3.** Where a Member or former Member is found guilty of a penal offence in a judgment that has become *res judicata*, no costs or expenses may be paid and the Assembly shall recover any costs or expenses paid except where the Office, after obtaining the advice of the jurisconsult, is of the opinion that the Member or former Member had reasonable grounds for believing that the conduct in question was in conformity with the law. In the latter case, the Assembly shall assume the payment of any pecuniary penalty.

Civil suit.

"**85.4.** Where, in a judgment in a civil suit that has become *res judicata*, a Member or former Member is held liable for damage by reason of an act or omission in the performance of the Member's or former Member's duties of office, no costs or expenses may be paid and the Assembly shall recover any costs or expenses paid if the Office, after obtaining the advice of the jurisconsult, is of the opinion that the Member or former Member acted in bad faith.

Pecuniary penalty.

The Assembly shall, however, assume the payment of any pecuniary penalty arising out of a judgment in a civil suit, except where the Office, after obtaining the advice of the jurisconsult, is of the opinion that a gross fault was committed by the Member or former Member or that the judgment should be appealed by the Member or former Member."

c. A-23.1, s. 104.3, added.

2. The said Act is amended by inserting, after section 104.2, the following:

Conditions, rates and terms.

"**104.3.** The Office shall fix, by regulation, the conditions, rates and terms governing the payment of any amount pursuant to sections 85.1 to 85.4."

Consolidated revenue fund.

3. The sums necessary for the carrying out of this Act shall be taken out of the consolidated revenue fund.

Applicability.

4. Sections 85.1 to 85.4 of the Act respecting the National Assembly, enacted by section 1, apply only to proceedings instituted after 11 June 1998 and to expenses incurred for counsel relating to an appearance taking place after that date.

Regulations.

5. Any regulation made within 6 months after 11 June 1998 under section 104.3 of the Act respecting the National Assembly, enacted by section 2, may have effect from any date not prior to 11 June 1998.

Coming into force.

6. This Act comes into force on 11 June 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 12
AN ACT TO AMEND THE ACT RESPECTING THE ELECTION OF THE FIRST COMMISSIONERS OF THE NEW SCHOOL BOARDS AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

Bill 452

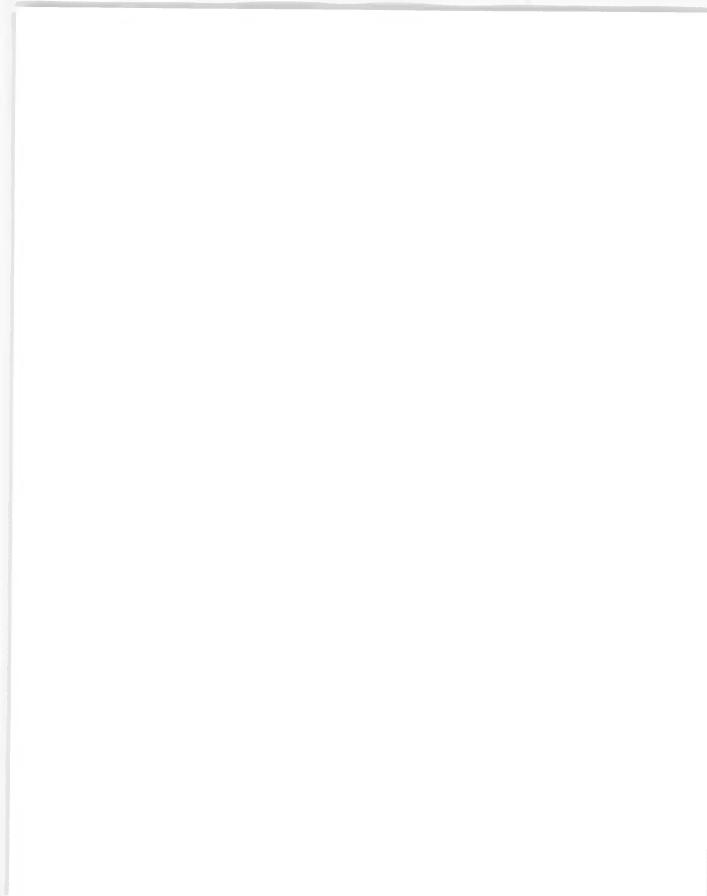
Introduced by Mr Jean-Pierre Jolivet, Minister for Electoral and Parliamentary Reform Introduced 11 June 1998
Passage in principle 11 June 1998
Passage 11 June 1998
Assented to 11 June 1998

Coming into force: 11 June 1998

Legislation amended:

Act respecting the election of the first commissioners of the new school boards and amending various legislative provisions (1997, chapter 98)







Chapter 12

AN ACT TO AMEND THE ACT RESPECTING THE ELECTION OF THE FIRST COMMISSIONERS OF THE NEW SCHOOL BOARDS AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

[Assented to 11 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1997, c. 98, s. 12.1, added.

1. The Act respecting the election of the first commissioners of the new school boards and amending various legislative provisions (1997, chapter 98) is amended by inserting, after section 12, the following:

Authorization.

"12.1. Notwithstanding the expiry of the time referred to in section 17 of the Act respecting school elections (chapter E-2.3), an elector who is entered on the list of electors of the French language school board having jurisdiction over the territory in which the elector is domiciled may be admitted to vote at the election of the commissioners of the English language school board on whose list of electors the elector was entitled to be entered if, on polling day, the elector obtains a written authorization to vote from the returning officer of the English language school board or one of the persons designated for that purpose by the returning officer for each place where there is a polling station.

Authorization.

An authorization to vote shall be issued to any elector who meets the requirements set out in the first paragraph. The authorization shall be signed by the person authorized to issue it and by the elector.

Authorization.

The elector shall be admitted to vote by the deputy returning officer on presenting to the deputy returning officer the authorization issued to the elector under this section."

1997, c. 98, s. 14.1, added.

2. The said Act is amended by inserting, after section 14, the following:

Emergency or exceptional circumstance.

"14.1. If, on polling day, it comes to the attention of the chief electoral officer that, owing to an emergency or an exceptional circumstance, a provision relating to the conduct of the poll does not meet the demands of the resultant situation, the chief electoral officer may adapt such provision in order to achieve its object.

Report.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions he has made pursuant to this section. The President

shall table the report in the National Assembly within 30 days of having received it or, if the National Assembly is not sitting, within 30 days of resumption."

Coming into force.

3. This Act comes into force on 11 June 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 13 AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES TRANSPORTS IN ORDER TO ESTABLISH THE ROLLING STOCK MANAGEMENT FUND

Bill 159

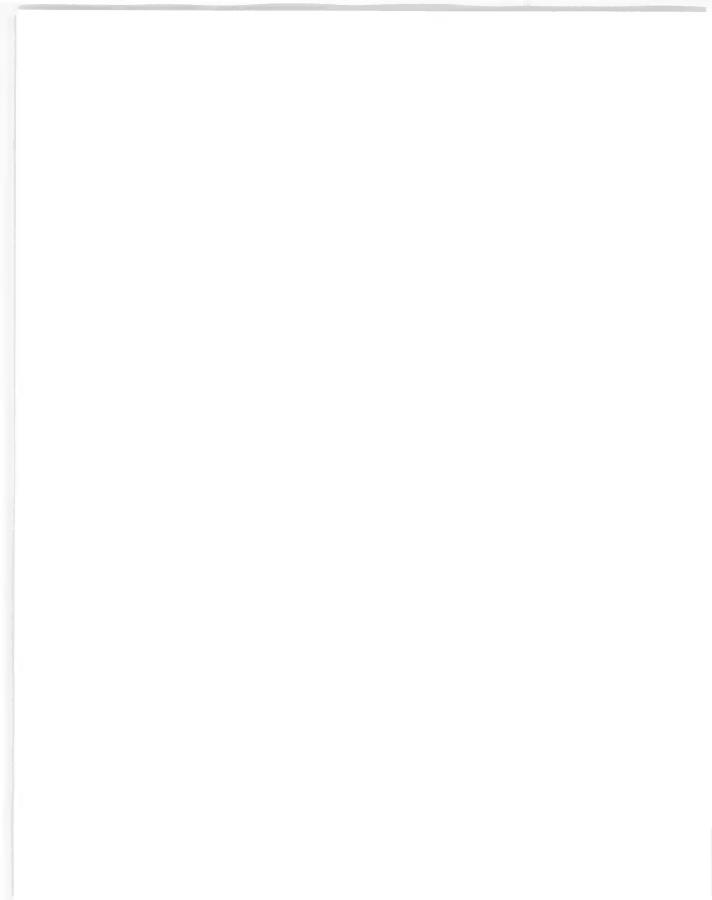
Introduced by Mr Jacques Brassard, Minister of Transport Introduced 29 October 1997 Passage in principle 19 November 1997 Passage 9 June 1998 Assented to 12 June 1998

Coming into force: 12 June 1998, but has effect from 1 April 1998

Legislation amended:

Act respecting the Ministère des Transports (R.S.Q., chapter M-28)







Chapter 13

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES TRANSPORTS IN ORDER TO ESTABLISH THE ROLLING STOCK MANAGEMENT FUND

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. M-28, headings, added.

- **1.** The Act respecting the Ministère des Transports (R.S.Q., chapter M-28), amended by chapter 40 and chapter 46 of the statutes of 1997, is again amended
 - (1) by inserting, before section 1, the following headings:

"CHAPTER I

"DEPARTMENTAL ORGANIZATION AND OPERATION";

(2) by inserting, before section 12.22, the following headings:

"CHAPTER II

"SPECIAL FUNDS

"DIVISION I

"FUND FOR THE CONTRIBUTIONS OF MOTORISTS TO PUBLIC TRANSIT".

c. M-28, s. 12.30, replaced.

2. Section 12.30 of the said Act is replaced by the following headings and section:

"DIVISION II

"OTHER SPECIAL FUNDS

Funds.

"12.30. The following funds are also established:

(1) the "road network preservation and improvement fund", to finance the work necessary for the preservation of roadways and road structures and for the improvement and development of the road network;

- (2) the "rolling stock management fund", to finance activities relating to the management of rolling stock.
- "§1. Road network preservation and improvement fund".
- c. M-28, ss. 12.40-12.42, added.
- **3.** The said Act is amended by inserting, after section 12.39, the following heading and sections:
- "§2. Rolling stock management fund
- Composition.
- "12.40. The fund shall be made up of the following sums, except interest:
- (1) the sums collected in connection with the goods and services financed by the fund;
- (2) the sums paid by the Minister of Transport out of the appropriations granted for that purpose by Parliament;
- (3) the sums paid by the Minister of Finance pursuant to the first paragraph of section 12.34 and to section 12.35;
- (4) the gifts, legacies and other contributions paid into the fund to further the achievement of the objects of the fund.

Activities.

- **"12.41.** The activities of the fund shall consist in
- (1) the leasing of rolling stock;
- (2) the provision of services for the acquisition and disposal of rolling stock, subject to the provisions of the Act respecting government services to departments and public bodies (chapter S-6.1);
 - (3) the repair and maintenance of rolling stock;
 - (4) the supplying of fuel;
 - (5) the provision of mechanical engineering services;
 - (6) the provision of training services for rolling stock operators;
- (7) the provision of consultant services regarding the management of rolling stock;
- (8) any other similar activity related to the management of rolling stock and authorized by the Government.

Provisions applicable.

Sections 12.31 and 12.33 to 12.39 apply to the fund.

Surpluses.

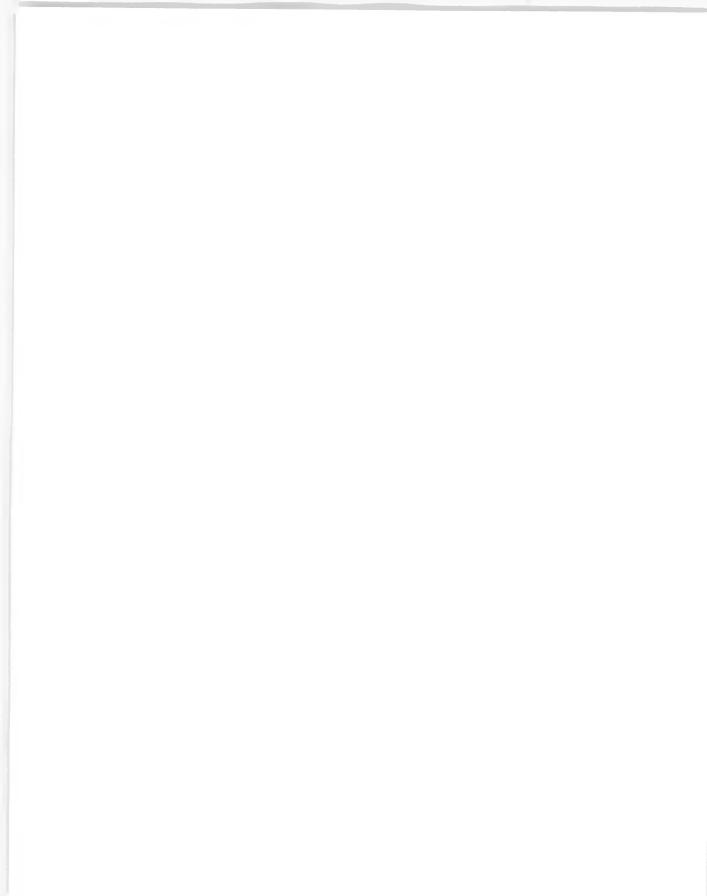
"12.42. The surpluses accumulated in the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government."

Appropriations.

4. For the fiscal year 1998-99, the appropriations granted to the Office des ressources humaines in respect of employment benefits and other conditions of employment of the persons assigned to the activities of the Fonds de gestion de l'équipement roulant are, to the extent determined by the Government, transferred to the Ministère des Transports.

Coming into force.

5. This Act comes into force on 12 June 1998, but has effect from 1 April 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 14 AN ACT TO AMEND THE PROFESSIONAL CODE

Bill 406

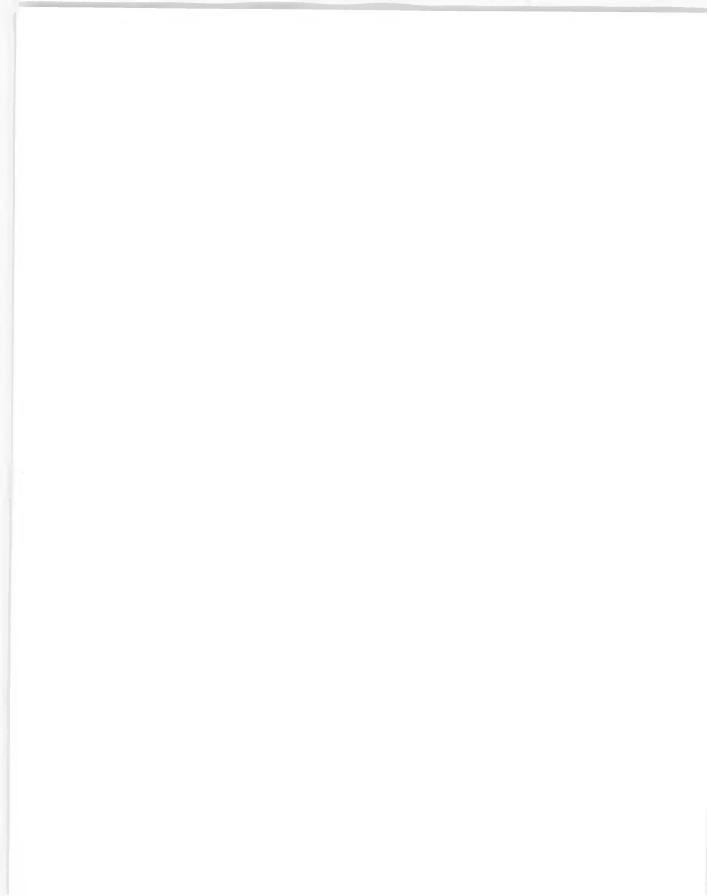
Introduced by Mr Serge Ménard, Minister responsible for the administration of legislation respecting the professions Introduced 18 December 1997
Passage in principle 10 March 1998
Passage 5 June 1998
Assented to 12 June 1998

Coming into force: 12 June 1998

Legislation amended:

Professional Code (R.S.Q., chapter C-26)







Chapter 14

AN ACT TO AMEND THE PROFESSIONAL CODE

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-26, s. 2, replaced.

1. Section 2 of the Professional Code (R.S.Q., chapter C-26) is replaced by the following section:

Applicability.

"2. Subject to the inconsistent provisions of a special Act, of the letters patent issued under section 27 or of an integration or amalgamation order made under section 27.2, this Code applies to all professional orders and to their members."

c. C-26, s. 12, am.

2. Section 12 of the said Code is amended

- (1) by replacing the words "or the amalgamation" in the second line of the second paragraph by the words ", the amalgamation";
- (2) by inserting the words ", the integration of a group of persons into one of the orders referred to in Division III of Chapter IV" after the words "existing orders" in the second line of the second paragraph;
- (3) by inserting the words "the integration or amalgamation orders," after the word "patent," in the third line of the second paragraph.

c. C-26, s. 25, am.

3. Section 25 of the said Code is amended by inserting the words "or if a group of persons should or should not be integrated into one of the orders referred to in Division III of Chapter IV" after the word "constituted" in the first line.

c. C-26, s. 27, am.

- 4. Section 27 of the said Code is amended
- (1) by replacing the word ", and" in the second line of the third paragraph by a comma;
- (2) by inserting the words ", the various categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which members must submit when engaging in such activities or using such titles" after the word "law" in the fourth line of the third paragraph;
- (3) by inserting the words "and operation" after the word "composition" in the ninth line of the third paragraph;

- (4) by replacing the word "and" in the tenth line of the third paragraph by a comma;
- (5) by replacing the words "is to be elected" in the tenth line of the third paragraph by the words "and the directors are to be elected and the designation of the order".

c. C-26, ss. 27.2 and 27.3, added.

5. The said Code is amended by inserting, after section 27.1, the following sections:

Amalgamation of orders.

"27.2. The Government may, by order, after consultation with the Office, the interprofessional council and the orders concerned, amalgamate two or more orders referred to in Division III of Chapter IV to ensure increased protection of the public.

Integration.

The Government may, by order, integrate into an order referred to in Division III of Chapter IV a group of persons to whom it considers necessary, for the protection of the public, to grant a reserved title. However, such integration may only be effected after consultation with the Office, the interprofessional council and the order concerned as well as with the organizations, if any, which represent the group of persons concerned.

Time limit.

However, no order may be made under this section less than 60 days after the publication by the Minister of the proposal for amalgamation or integration in the *Gazette officielle du Québec*, with a notice that the proposal will be considered by the Government upon the expiry of 60 days following such publication.

Amalgamation or integration orders.

The amalgamation or integration order shall set out the titles, abbreviations and initials reserved for the members of the order concerned, a description of the professional activities they may engage in in addition to those otherwise permitted by law, the categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which the members must submit when engaging in such activities or using such titles.

Transitional measures.

The amalgamation or integration order may provide for such transitional measures as are considered necessary to facilitate the amalgamation or integration. These measures may, among other matters, pertain to the regulations applicable to the members of the order concerned and the replacement of such regulations, the conditions of admission of those persons, the composition and operation of the Bureau, the duration of the initial term of office of the directors, the manner in which the president and the directors are to be elected and the designation of the order.

Coming into force.

The amalgamation or integration order shall be published in the *Gazette* officielle du Québec and shall come into force fifteen days after such publication or on any later date indicated in the order.

Table.

The Québec Official Publisher shall insert in the annual volume of statutes a table indicating the date of publication of an order mentioned in the sixth paragraph.

Effect.

The amalgamation or integration order shall cease to have effect on the day of the coming into force of the provisions amending this Code for the purpose of introducing the titles, abbreviations and initials reserved for the members of the order concerned, a description of the professional activities they may engage in and any other relevant provision. Any transitional measures contained in the order that continue to be useful shall, however, remain in force.

Amendment.

"27.3. The Government may, by order, amend the amalgamation or integration order at any time before the day on which it ceases to have effect.

Provisions applicable.

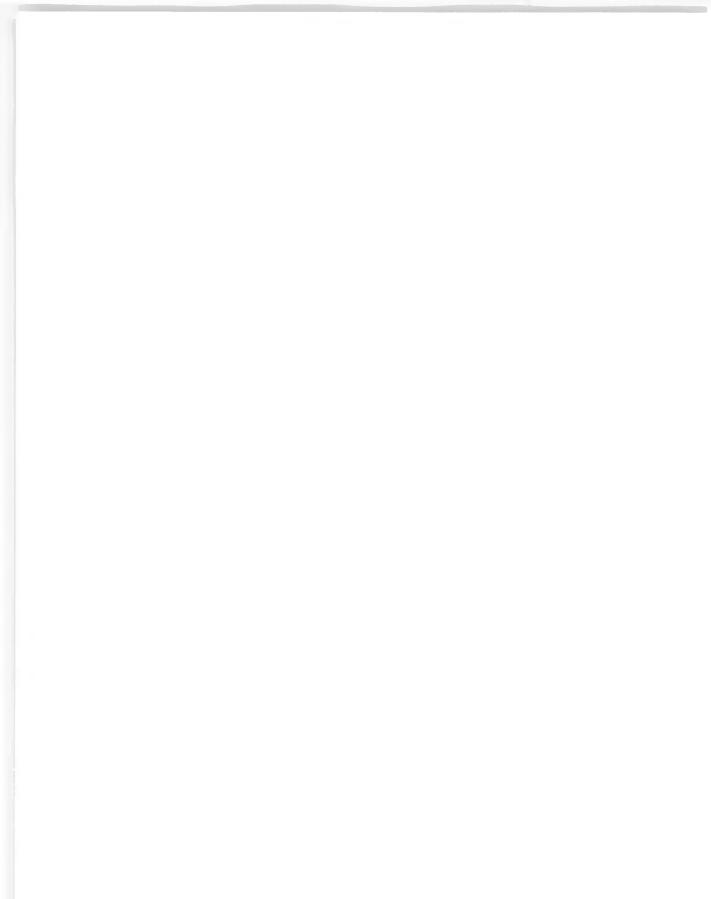
Section 27.2, adapted as required, applies to the order."

c. C-26, s. 38, am.

- **6.** Section 38 of the said Code is amended
 - (1) by replacing the word "or" in the third line by a comma;
- (2) by adding, at the end, the words "or in an amalgamation or integration order".
- c. C-26, s. 62, am.
- **7.** Section 62 of the said Code is amended by inserting the words ", the amalgamation or integration order" after the word "order" in the third line.
- c. C-26, s. 188, am.
- **8.** Section 188 of the said Code is amended
- (1) by replacing the words "Code or" in the first line by the words "Code, of";
- (2) by inserting the words "or of an amalgamation or integration order" after the word "order" in the second line.

Coming into force.

9. This Act comes into force on 12 June 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 15 AN ACT TO AMEND THE ACT RESPECTING IMMIGRATION TO QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

Bill 423

Introduced by Mr André Boisclair, Minister of Relations with the Citizens and Immigration
Introduced 5 May 1998
Passage in principle 20 May 1998
Passage 9 June 1998
Assented to 12 June 1998

Coming into force: 12 June 1998, except section 8 and paragraph 8 of section 10 which

come into force on the date to be fixed by the Government

- 1998-09-07: ss. 8, 10 (par. 8)

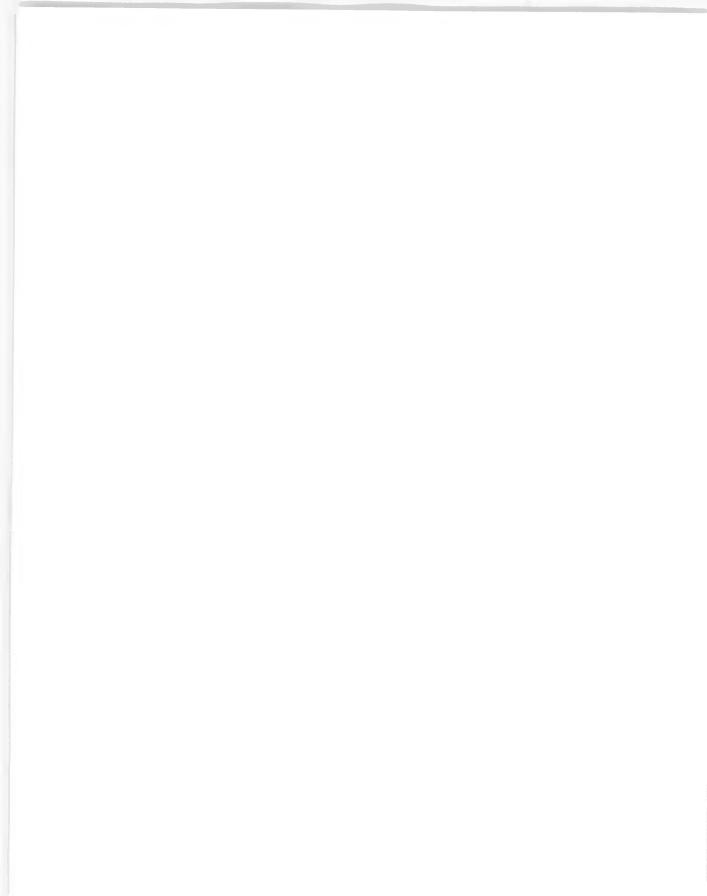
O.C. 1074-98

G.O., 1998, Part 2, p. 3709

Legislation amended:

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)
Act respecting immigration to Québec (R.S.Q., chapter I-0.2)
Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, chapter 70)







Chapter 15

AN ACT TO AMEND THE ACT RESPECTING IMMIGRATION TO QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. I-0.2, s. 3.01, added.

1. The Act respecting immigration to Québec (R.S.Q., chapter I-0.2) is amended by inserting, after section 3, the following:

Annual immigration plan.

"3.01. The Minister, having regard to government policy concerning immigrants and foreign nationals, shall establish an annual immigration plan.

Foreign nationals.

The plan shall set out the number of foreign nationals who may settle in Québec and the distribution of that number by class or within a class. That number and its distribution are estimates within the meaning of section 7 of the Immigration Act (Revised Statutes of Canada, 1985, chapter I-2).

Selection activities.

The plan shall also indicate the selection activities that are planned for the year concerned.

Tabling.

The plan shall be tabled in the National Assembly not later than 1 November or, if the Assembly is not sitting on that date, not later than the fifteenth day after resumption."

c. I-0.2, s. 3.1, am.

2. Section 3.1 of the said Act is amended

- (1) by replacing "file an application" in the first and second lines of the first paragraph by ", except for the classes and in the cases prescribed by regulation, file an application for a selection certificate";
- (2) by striking out "on the form prescribed by the Minister and" in the third line of the first paragraph;
- (3) by inserting "to the annual immigration plan and" after "regard" in the first line of the second paragraph.

c. I-0.2, s. 3.1.1, am.

- **3.** Section 3.1.1 of the said Act is amended
 - (1) by replacing the first paragraph by the following:

Undertaking.

"3.1.1. In the cases determined by regulation, an undertaking to assist a foreign national to settle in Québec is required.";

- (2) by replacing "the forms prescribed" in the sixth line of the last paragraph by "the form prescribed";
 - (3) by adding, at the end, the following:

Certificate of undertaking.

"The Minister shall issue a certificate of undertaking to a foreign national in whose respect an undertaking has been made and who is not required to file an application for a selection certificate."

c. I-0.2, s. 3.1.2, am.

- 4. Section 3.1.2 of the said Act is amended
- (1) by replacing "a certificate of identity" in the second line of the first paragraph by "a certificate of statutory situation";
- (2) by striking out "on the form prescribed by the Minister and" in the third line of the first paragraph;
- (3) by replacing "a certificate of identity" in the first line of the second paragraph by "a certificate of statutory situation".
- c. I-0.2, s. 3.2, am.
- **5.** Section 3.2 of the said Act is amended by striking out "on the form prescribed by the Minister and" in the fourth and fifth lines of the first paragraph.
- c. I-0.2, s. 3.2.1, am.
- **6.** Section 3.2.1 of the said Act is amended by replacing ", a certificate of acceptance or a certificate of identity or" in the second and third lines by "a certificate of acceptance or a certificate of statutory situation or of the application".
- c. I-0.2, s. 3.2.2, am.
- **7.** Section 3.2.2 of the said Act is amended
- (1) by replacing "a certificate of identity or an undertaking" in the second line of the first paragraph by "a certificate of statutory situation, an undertaking or a certificate of undertaking";
- (2) by striking out, in the French text, "ou l'attestation" in the first line of subparagraph a of the first paragraph;
- (3) by striking out, in the French text, "ou l'attestation" in the first line of subparagraph b of the first paragraph;
- (4) by striking out, in the French text, "ou de l'attestation" in the first and second lines of subparagraph c of the first paragraph.
- c. I-0.2, s. 3.2.6, replaced.
- **8.** Section 3.2.6 of the said Act, amended by section 9 of chapter 70 of the statutes of 1993, is replaced by the following:

Financial assistance.

"3.2.6. The Minister may allocate financial assistance to a student receiving linguistic integration services."

- c. I-0.2, s. 3.2.7, am.
- **9.** Section 3.2.7 of the said Act is amended by striking out the last sentence.
- c. I-0.2, s. 3.3, am.
- **10.** Section 3.3 of the said Act, amended by section 11 of chapter 70 of the statutes of 1993, is again amended
 - (1) by inserting, after subparagraph a of the first paragraph, the following:
- "(a.1) determining the cases where and the classes of foreign nationals for which an application for a selection certificate is not required;";
 - (2) by replacing subparagraph c of the first paragraph by the following:
- "(c) determining the cases where an undertaking to assist a foreign national to settle in Québec is required and the cases where an undertaking ceases to have effect;";
 - (3) by replacing subparagraph d.1 of the first paragraph by the following:
- "(d.1) determining the cases where a certificate of statutory situation referred to in section 3.1.2 is to be issued and determining, according to the status of the foreign national as established under the Immigration Act (Revised Statutes of Canada, 1985, chapter I-2), types of certificates of statutory situation and the conditions applicable to each type;";
- (4) by replacing "a certificate of identity" in the second line of subparagraph f of the first paragraph by "a certificate of statutory situation";
- (5) by replacing "a certificate of identity" in the first line of subparagraph f.1.1 of the first paragraph by "a certificate of statutory situation";
- (6) by replacing "of certificate of identity" in the third line of subparagraph f.1.1 of the first paragraph by "of certificate of statutory situation";
 - (7) by replacing subparagraph f.2 of the first paragraph by the following:
- "(f.2) establishing the fees payable for processing an application for an undertaking, a certificate of statutory situation, a selection certificate or a certificate of acceptance, for issuing any such certificate or for subscribing an undertaking, and determining the cases where total or partial exemption from payment is to be granted; the fees may vary in the case of an undertaking according to the family situation of the foreign national, in the case of a certificate of statutory situation according to the authorization allowing the foreign national to be in Canada, in the case of a selection certificate according to the classes of foreign nationals or to the stages in the processing of an application or, in the case of a certificate of acceptance according to the reason for the temporary admission of the foreign national to Québec;";
 - (8) by striking out subparagraph i of the first paragraph;

- (9) by striking out the second paragraph.
- c. I-0.2, s. 12.3, am.
- **11.** Section 12.3 of the said Act is amended by replacing "a certificate of identity" in the first and second lines of paragraph a by "a certificate of statutory situation".

c. I-0.2, s. 12.4, replaced.
Offence.

- **12.** Section 12.4 of the said Act is replaced by the following:
- "12.4. Every person who contributes to the issue of a selection certificate, a certificate of acceptance, a certificate of undertaking or a certificate of statutory situation to a foreign national or to the subscription of an undertaking in favour of a foreign national in contravention of this Act is guilty of an offence."

c. I-0.2, s. 12.7, am.

13. Section 12.7 of the said Act is amended by replacing "of the selection certificate, the certificate of acceptance or the certificate of identity" in the fourth and fifth lines by "for the selection certificate, the certificate of acceptance, the undertaking or the certificate of statutory situation".

1993, c. 70, s. 8, repealed.

14. Section 8 of the Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, chapter 70) is repealed.

c. B-1, s. 128, am.

- **15.** Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 of the statutes of 1997, by section 86 of chapter 43 of the statutes of 1997 and by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing subparagraph 7 of paragraph a of subsection 2 by the following subparagraph:
- "(7) in matters of immigration, the social affairs division of the Administrative Tribunal of Québec, in the case and subject to the conditions set out in the third paragraph of section 102 of the Act respecting administrative justice;".

Coming into force.

16. This Act comes into force on 12 June 1998, except section 8 and paragraph 8 of section 10 which come into force on the date to be fixed by the Government.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 16 AN ACT TO AMEND THE TAXATION ACT AND OTHER LEGISLATIVE PROVISIONS OF A FISCAL NATURE

Bill 424

Introduced by Madam Rita Dionne-Marsolais, Minister for Revenue Introduced 7 May 1998 Passage in principle 19 May 1998 Passage 9 June 1998 Assented to 12 June 1998

Coming into force: 12 June 1998

Legislation amended:

Tobacco Tax Act (R.S.Q., chapter I-2)

Taxation Act (R.S.Q., chapter I-3)

Act respecting the application of the Taxation Act (R.S.Q., chapter I-4)

Licenses Act (R.S.Q., chapter L-3)

Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)

Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5)

Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)

Act respecting the Québec sales tax (R.S.Q., chapter T-0.1)

Fuel Tax Act (R.S.Q., chapter T-1)

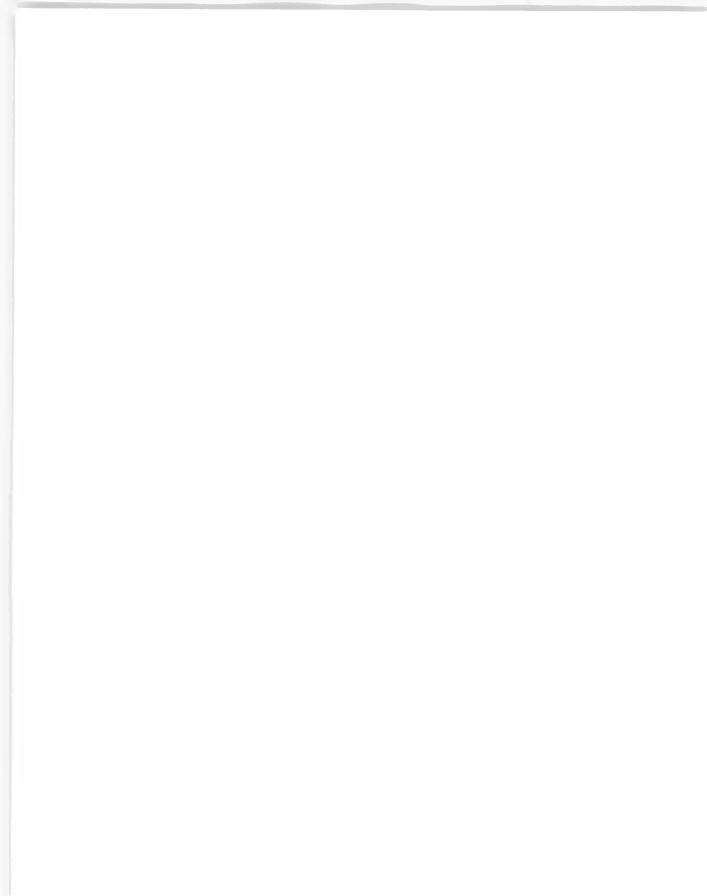
Act respecting the application of the Taxation Act (1972, chapter 24)

Act to amend the Taxation Act, the Act respecting the Québec sales tax and other legislative provisions (1995, chapter 1)

Act to again amend the Taxation Act, the Act respecting the Québec sales tax and other

legislative provisions (1997, chapter 85)







Chapter 16

AN ACT TO AMEND THE TAXATION ACT AND OTHER LEGISLATIVE PROVISIONS OF A FISCAL NATURE

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TOBACCO TAX ACT

- c. I-2, s. 2, English text, am.
- **1.** Section 2 of the Tobacco Tax Act (R.S.Q., chapter I-2) is amended, in the English text of the definition of "person", by replacing the words "an estate" by the words "a succession".
- c. I-2, s. 2.1, am.
- **2.** Section 2.1 of the said Act is amended by replacing the words "Government departments and agencies and mandataries of the Crown" by the words "on Government departments and bodies and on mandataries of the State".
- c. I-2, s. 17.4, am.
- **3.** Section 17.4 of the said Act is amended, in the first, second and third paragraphs, by replacing the words "Her Majesty in right of Québec" by the words "the State".

TAXATION ACT

- c. I-3, s. 1, am.
- **4.** (1) Section 1 of the Taxation Act (R.S.Q., chapter I-3), amended by section 32 of chapter 85 of the statutes of 1997, is again amended
- (1) by replacing, in the English text, the definition of "benefit under a deferred profit sharing plan" by the following:

"benefit under a deferred profit sharing plan"

- ""benefit under a deferred profit sharing plan" received by a taxpayer in a taxation year means the total of all the amounts received by the taxpayer in the year from a trustee under the plan, minus any amounts deductible under sections 883 and 884 in computing the taxpayer's income for the year;";
- (2) by inserting the following definition in the appropriate alphabetical order:
- "designated insurance property"
- ""designated insurance property" has the meaning assigned by section 818;";
 - (3) by replacing the definition of "office" by the following:

"office"

- ""office" means the position of an individual entitling the individual to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a minister of the State or Crown, the office of a member of a legislative assembly, a member of the Senate or House of Commons of Canada or a member of an executive council and any other office, the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity, and also includes the position of member of the board of directors of a corporation even where the individual neither performs administrative functions within the corporation nor receives stipends or a remuneration to hold that position;";
- (4) by inserting the following definition in the appropriate alphabetical order:

"specified tax consequence"

- ""specified tax consequence" for a taxation year means
- (a) the consequence of the exclusion from the income or the deduction of an amount referred to in the first paragraph of section 1044;
- (b) the consequence of a reduction under section 359.15 of an amount purported to be renounced by a corporation after the beginning of the year to a person or partnership under section 359.2 or 359.2.1 because of the application of section 359.8, determined as if the purported renunciation would, but for section 359.15, have been effective only where the requirements in paragraphs b and c of section 359.8 and the following requirements had been satisfied:
- i. the purported renunciation occurred in the first three months of a particular calendar year,
- ii. the effective date of the purported renunciation was the last date of the calendar year preceding the particular calendar year,
- iii. the corporation agreed in the calendar year preceding the particular calendar year to issue a flow-through share, within the meaning of section 359.1, to a person or partnership;
- iv. the amount does not exceed the amount by which the consideration for which the share was issued exceeds the aggregate of all other amounts purported by the corporation to have been renounced under section 359.2 or 359.2.1 in respect of that consideration, and
- v. the form prescribed for the purpose of section 359.12 in respect of the purported renunciation is filed by the corporation with the Minister before 1 May of the particular calendar year;";
- (5) by replacing, in the English text, paragraphs a to c of the definition of "cost amount" by the following:
- "(a) in the case of depreciable property of a prescribed class, the amount that would be that proportion of the undepreciated capital cost to the taxpayer

of property of that class at that time that the capital cost to the taxpayer of the property is of the capital cost to the taxpayer of all property of that class that has not been disposed of by the taxpayer before that time if section 99 were read without reference to paragraph d.1 thereof and if paragraph b and subparagraph d.1 of that section were read as follows:

- "(b) subject to section 284, where a taxpayer, having acquired property for some other purpose, begins at a particular time to use it to gain income, the taxpayer is deemed to have acquired it at that particular time at a capital cost to the taxpayer equal to the fair market value of the property at that time;";
- "i. where the proportion of the use made of the property to gain income has increased at a particular time, the taxpayer is deemed to have acquired at that time depreciable property of that class at a capital cost equal to the proportion of the fair market value of the property at that time that the amount of the increase in the use regularly made by the taxpayer of the property to gain income is of the whole of the use made of it;";
- "(b) in the case of capital property, other than depreciable property, of the taxpayer, its adjusted cost base to the taxpayer at that time;
- "(c) in the case of property described in an inventory of the taxpayer, its value at that time as determined for the purpose of computing the taxpayer's income;";
- (6) by replacing, in the English text, paragraph f of the definition of "cost amount" by the following:
- "(f) in any other case, the cost to the taxpayer of the property as determined for the purpose of computing the taxpayer's income, except to the extent that that cost has been deducted in computing the taxpayer's income for any taxation year ending before that time;";
 - (7) by replacing the definition of "employment" by the following:

"employment"

- ""employment" means the position of an individual in the service of some other person, including the State, Her Majesty or a foreign state or sovereign;";
- (8) by replacing, in the English text, the definition of "employer" by the following:

"employer"

- "employer", in relation to an employee, means the person from whom the employee receives remuneration;";
 - (9) by striking out, in the English text, the definition of "estate";
- (10) by replacing the definition of "foreign exploration and development expense" by the following:

"foreign exploration and development expenses" ""foreign exploration and development expenses" has the meaning assigned by sections 372 and 372.1;";

- (11) by replacing, in the English text, paragraph a of the definition of "gross revenue" by the following:
- "(a) all amounts received or receivable in the year, depending on the method regularly followed by the taxpayer in computing the taxpayer's income, otherwise than as or on account of capital; and";
- (12) by replacing, in the English text, the portion of the definition of "home relocation loan" before paragraph b by the following:

"home relocation loan"

""home relocation loan" means a loan made to an individual or the individual's spouse in circumstances where the individual has commenced employment at a new work location in Canada and by reason thereof has moved from the old residence in Canada at which, before the move, the individual ordinarily resided to a new residence in Canada at which, after the move, the individual ordinarily resides, if

- (a) the distance between the old residence and the new work location is at least 40 kilometres greater than the distance between the new residence and the new work location;";
 - (13) by replacing the definition of "law" by the following:

"law"

- ""law" includes any Act other than an Act of the Parliament of Québec;";
- (14) by replacing the definition of "mineral" and of "tar sands" by the following:

"mineral"

""mineral" includes coal, calcium chloride, kaolin, bituminous sands, oil shale and silica, but does not include petroleum, natural gas or other related hydrocarbons;

"tar sands"

""tar sands" means a mineral extracted, otherwise than by a well, from a mineral resource that is a deposit of bituminous sands or oil shales and, for the purpose of applying sections 93 to 104 and 130 and any regulations made under paragraph a of section 130 in respect of property acquired after 6 March 1996, includes material extracted by a well from a deposit of bituminous sands or oil shales;":

- (15) by replacing, in the English text, paragraphs a to c of the definition of "personal or living expenses" by the following:
- "(a) the expenses of properties maintained by any person for the use or benefit of the taxpayer or any person connected with the taxpayer by blood relationship, marriage or adoption, but does not include expenses in respect of properties maintained in connection with a business carried on for profit or with a reasonable expectation of profit;

- "(b) the expenses, premiums or other costs of an insurance policy, annuity contract or other like contract if the proceeds of the policy or contract are payable to or for the benefit of the taxpayer or a person connected with the taxpayer by blood relationship, marriage or adoption; and
- "(c) expenses of properties maintained by a succession or trust for the benefit of the taxpayer as one of the beneficiaries;";
- (16) by replacing paragraph d of the definition of "home relocation loan" by the following:
- "(d) the loan is designated by the individual to be a home relocation loan, but in no case shall more than one loan in respect of a particular move, or more than one loan at any particular time, be designated as a home relocation loan by the individual;";
- (17) by replacing the portion of the definition of "mineral resource" before paragraph a by the following:

"mineral resource"

- ""mineral resource" means a base or precious metal deposit, a coal deposit, a bituminous sands deposit or oil shale deposit, or a mineral deposit in respect of which the principal mineral extracted is";
- (18) by replacing, in the English text, the portion of the definition of "retiring allowance" before paragraph b by the following:

"retiring allowance"

- ""retiring allowance" means an amount, other than an amount received as a consequence of the death of an employee, a pension benefit or a benefit referred to in the third paragraph of section 38 in respect of counselling services described therein, received by a taxpayer or, after the taxpayer's death, by a dependent or a relative of the taxpayer or by the legal representative of the taxpayer
- (a) on or after retirement of the taxpayer from an office or employment in recognition of the taxpayer's long service; or";
 - (19) by replacing the definition of "exempt income" by the following:

"exempt income"

- ""exempt income" means property received or acquired by a person in such circumstances that it is, because of any provision of this Part, not included in computing the person's income, but does not include a dividend on a share;";
- (20) by inserting the following definition in the appropriate alphabetical order:

"bituminous sands"

- "bituminous sands" means sands or other rock materials containing naturally occurring hydrocarbons, other than coal, which hydrocarbons have
- (a) a viscosity, determined in a prescribed manner, equal to or greater than 10,000 centipoise; or

- (b) a density, determined in a prescribed manner, equal to or less than 12 degrees API;";
- (21) by replacing, in the English text, paragraph b of the definition of "specified member" by the following:
- "(b) any member of the partnership, other than a member who is actively engaged in those activities of the partnership business that are other than the financing of the partnership business, or is carrying on a business similar to that carried on by the partnership in its taxation year, otherwise than as a member of a partnership, on a regular, continuous and substantial basis throughout that part of the fiscal period or taxation year during which the business of the partnership is ordinarily carried on and during which the member is a member of the partnership;";
- (22) by inserting, in the English text, the following definition in the appropriate alphabetical order:

"succession"

- ""succession" has the meaning assigned by section 646;".
- (2) Paragraph 2 of subsection 1 applies from the taxation year 1997.
- (3) Paragraph 4 of subsection 1 applies from the taxation year 1996. In addition, there are no specified tax consequences for taxation years that ended before 1 January 1996.
- (4) Paragraph 10 of subsection 1 applies to taxation years that end after 5 December 1996.
 - (5) Paragraphs 14, 17 and 20 of subsection 1 have effect from 7 March 1996.
 - (6) Paragraph 19 of subsection 1 has effect from 1 January 1997.

c. I-3, s. 1.2, English text, am.

5. Section 1.2 of the said Act is amended, in the English text, by replacing the portion before paragraph b by the following:

Substituted property.

- "1.2. For the purposes of this Part, other than paragraph a of section 618 and Title VI.5.1 of Book IV, the following rules apply:
- (a) where a person has disposed of or exchanged a particular property and acquired other property in substitution therefor and subsequently, by one or more further transactions, has acquired other property in substitution for that property or for property already acquired in substitution, the property acquired by any such transaction is deemed to have been substituted for the particular property; and".
- c. I-3, s. 2.2, replaced.
- **6.** (1) Section 2.2 of the said Act is replaced by the following:

Meaning of "spouse" and "former spouse".

- "2.2. For the purposes of sections 2.1, 312.3, 312.4, 313 to 313.0.5, 336.0.2, 336.0.3, 336.0.6 to 336.4, 440, 441.1, 454, 456.1 and 462.0.1, the definition of "pre-1972 spousal trust" in section 652.1, sections 653, 656.3, 656.5 and 913, subparagraph b of the second paragraph of section 961.17, sections 965.0.9, 965.0.11, 971.2 and 971.3 and Division II.11 of Chapter III.1 of Title III of Book IX, "spouse" and "former spouse" of a particular individual include another individual of the opposite sex who is a party to an annulled or annullable marriage, as the case may be, with the particular individual."
- (2) Subsection 1 has effect from 1 January 1997. In addition, where section 2.2 of the said Act, replaced by subsection 1, applies
- (1) after 30 November 1995 and before 10 May 1996, it shall be read with "subsection 2 of section 336" replaced by "subsections 2 and 2.1 of section 336";
- (2) after 9 May 1996, it shall be read with "subsection 2 of section 336" replaced by "subsections 2 to 2.2 of section 336".

c. I-3, s. 7.1, English text, am.

- **7.** Section 7.1 of the said Act is amended, in the English text, by replacing paragraphs a and b by the following:
- "(a) under or as a consequence of the terms of the will or other testamentary instrument of the taxpayer or the taxpayer's spouse or as a consequence of the law governing the intestacy of the taxpayer or the taxpayer's spouse; or
- "(b) as a consequence of a disclaimer, release or surrender by a person who was a beneficiary under the will or other testamentary instrument or on the intestacy of the taxpayer or the taxpayer's spouse."

c. I-3, s. 7.2, English text, replaced.

8. Section 7.2 of the said Act is replaced, in the English text, by the following:

Presumption.

"7.2. A release or surrender by a person who was a beneficiary under the will or other testamentary instrument or on the intestacy of a taxpayer with respect to any property that was property of the taxpayer immediately before the taxpayer's death is deemed, for the purposes of this Part, not to be a disposition of the property by that person."

c. I-3, s. 7.11.1, replaced.

Beneficially interested in a trust.

- **9.** (1) Section 7.11.1 of the said Act is replaced by the following:
- "7.11.1. For the purposes of this Part and the regulations, a person or partnership beneficially interested in a particular trust includes any person or partnership that has any right, whether immediate or future, whether absolute or contingent or whether conditional on or subject to the exercise of any discretionary power by any person or persons, as a beneficiary under a trust to receive all or any part of the income or capital of the particular trust either directly from the particular trust or indirectly through one or more other trusts."

- (2) Subsection 1 has effect from 1 January 1997.
- c. I-3, s. 8, English text, replaced.
- **10.** Section 8 of the said Act is replaced, in the English text, by the following:

Individual deemed resident in Québec.

- ****8.** An individual is deemed to have been resident in Québec throughout a taxation year if, at any time in the year, the individual
- (a) sojourned in Québec for a period of, or periods the total of which is, 183 days or more and was ordinarily resident outside Canada;
- (b) was a member of the Canadian Armed Forces and was resident in Québec immediately before leaving Canada on military service in a foreign country;
- (c) was an ambassador, Member of Parliament, officer, high commissioner, minister, servant or senator of Canada, or an agent-general, officer or servant of a province, and was resident in Québec immediately prior to election, employment or appointment by Canada or the province or received representation allowances in respect of the year;
- (d) performed services in a country other than Canada under a prescribed international development assistance program of the Government of Québec or Canada and was resident in Québec at any time in the six month period preceding the day on which those services commenced;
- (e) was the spouse of an individual to whom paragraph b, c or d applies living with that individual and was resident in Québec in any previous year: or
- (f) was a child of, and dependent for support on, an individual to whom paragraph b, c or d applies and the child's income for the year did not exceed the amount in dollars referred to in the portion of section 752.0.1 before paragraph a, that is used in computing the child's deduction under that section."

c. I-3, s. 9, am.

11. Section 9 of the said Act is amended by replacing the second paragraph by the following:

Spouse and child.

"The same applies to the taxpayer's spouse referred to in paragraph e of section 8 and the taxpayer's child referred to in paragraph f of that section."

c. I-3, s. 12, English text, replaced.

12. Section 12 of the said Act is replaced, in the English text, by the following:

Establishment of a taxpayer.

"12. The establishment of a taxpayer means a fixed place where the taxpayer carries on the taxpayer's business or, if there is no such place, the taxpayer's principal place of business. An establishment also includes an office, a branch, a mine, an oil or gas well, a farm, a timberland, a factory, a warehouse or a workshop.

Corporation having an establishment in Canada.

Without restricting the generality of the first paragraph, a corporation has an establishment in each province of Canada in which an immovable owned by the corporation and used principally for the purpose of earning or producing gross revenue that is rent is situated."

c. I-3, s. 13, English text, replaced.

13. Section 13 of the said Act is replaced, in the English text, by the following:

Deemed establishment.

"13. Where a taxpayer carries on a business through an employee, agent or mandatary, established in a particular place, who has general authority to contract for the taxpayer's employer or mandator or who has a stock of merchandise owned by the taxpayer's employer or mandator from which the taxpayer regularly fills orders which the taxpayer receives, the taxpayer is deemed to have an establishment in that place.

Exception.

However, a taxpayer is not deemed to have an establishment for the sole reason that the taxpayer has business dealings through a commission agent, a broker or other independent agent or maintains an office or warehouse solely for the purchase of merchandise; similarly, the taxpayer is not deemed to have an establishment in a place solely because of the taxpayer's control over a subsidiary carrying on business in that place."

c. I-3, s. 20, English text, am.

- **14.** Section 20 of the said Act is amended, in the English text, by replacing paragraph c by the following:
- "(c) a shareholder of two or more corporations is, as shareholder of one of the corporations, deemed to be related to himself, herself or itself as shareholder of each of the other corporations."

c. I-3, s. 21, English text, am.

- **15.** Section 21 of the said Act is amended, in the English text, by replacing paragraph c by the following:
- "(c) persons are connected by adoption if one has been adopted, either legally or in fact, and would be connected with the other by blood relationship or by marriage if filiation by adoption were filiation by blood."

c. I-3, s. 21.9.2, English text, am. **16.** Section 21.9.2 of the said Act is amended, in the English text, by replacing the first paragraph by the following:

Restriction.

"21.9.2. The rule provided by section 21.8 does not apply, in the case provided for in paragraph b of section 21.9.1, where the owner's right could be exercised by reason of a default under the terms or conditions of the share or any agreement that related to, and was entered into at the time of, the issuance of the share."

c. I-3, s. 21.18, English text, am.

17. Section 21.18 of the said Act is amended, in the English text, by replacing paragraphs a to d by the following:

- "(a) a taxpayer is deemed to own each share of the capital stock of a corporation owned at that time by a person with whom the taxpayer does not deal at arm's length;
- "(b) each beneficiary of a trust is deemed to own that proportion of all the shares of the capital stock of a corporation that are owned by the trust at that time that the fair market value at that time of the beneficial interest of the beneficiary in the trust is of the fair market value at that time of all beneficial interests in the trust;
- "(c) each member of a partnership is deemed to own that proportion of all the shares of the capital stock of a corporation that are property of the partnership at that time that the fair market value at that time of the member's interest in the partnership is of the fair market value at that time of the interests of all members in the partnership;
- "(d) an individual who performs services on behalf of a corporation that would be carrying on a personal services business if the individual or any person related to the individual were at that time a specified shareholder of the corporation is deemed to be a specified shareholder of the corporation at that time if the individual, or any person or partnership with whom the individual does not deal at arm's length, is, or by virtue of any arrangement, may become, entitled, directly or indirectly, to not less than 10% of the assets or the shares of any class of the capital stock of the corporation or any corporation related thereto; and".

c. I-3, s. 21.20.3, English text, replaced. **18.** Section 21.20.3 of the said Act is replaced, in the English text, by the following:

Shares of a child under 18 years of age.

"21.20.3. Shares of the capital stock of a corporation that are owned at any time by a child who is under 18 years of age are deemed, for the purposes of determining whether the corporation is associated at that time with any other corporation that is controlled, directly or indirectly in any manner whatever, by the father or the mother of the child or by a group of persons of which the father or mother is a member, to be owned at that time by the father or the mother, as the case may be, unless, having regard to all the circumstances, it may reasonably be considered that the child manages the business and affairs of the corporation and does so without a significant degree of influence by the father or mother."

c. I-3, s. 21.20.5, English text, replaced. **19.** Section 21.20.5 of the said Act is replaced, in the English text, by the following:

Person related to himself, herself or itself. "21.20.5. For the purposes of sections 21.20 to 21.24, a person who owns shares in two or more corporations is deemed, as shareholder of one of the corporations, to be related to himself, herself or itself as shareholder of each of the other corporations."

c. I-3, s. 21.26, English text, am.

- **20.** Section 21.26 of the said Act is amended, in the English text, by replacing paragraphs b and c by the following:
- "(b) in the case of a loan or lending asset acquired by the taxpayer, the cost to the taxpayer of the loan or lending asset;
- "(c) in the case of a loan or lending asset acquired by the taxpayer, the part of the amount by which the principal amount of the loan or lending asset at the time it was so acquired exceeds the cost to the taxpayer of the loan or lending asset that was included in computing the taxpayer's income for any taxation year ending at or before the particular time;".

c. I-3, s. 21.27, English text, am.

- **21.** Section 21.27 of the said Act is amended, in the English text,
 - (1) by replacing paragraph a by the following:
- "(a) in the case of a loan or lending asset acquired by the taxpayer, the part of the amount by which the cost to the taxpayer of the loan or lending asset exceeds the principal amount of the loan or lending asset at the time it was so acquired that was deducted in computing the taxpayer's income for any taxation year ending at or before the particular time;";
 - (2) by replacing paragraph b by the following:
- "(b) all amounts that the taxpayer received at or before the particular time as, on account or in lieu of payment of, or in satisfaction of, the principal amount of the loan or lending asset;".

c. I-3, s. 21.28, English text, am.

- **22.** Section 21.28 of the said Act is amended, in the English text, by replacing paragraph b of the definition of "securities lending arrangement" by the following:
- "(b) it may reasonably be expected, at the particular time, that the borrower will, at a later time, transfer or return to the lender a security, in this chapter referred to as an "identical security", that is identical to the security transferred or lent by the lender to the borrower at the particular time,".

c. I-3, s. 21.30, English text, am.

23. Section 21.30 of the said Act is amended, in the English text, by replacing the portion before paragraph a by the following:

Disposition of right.

"21.30. For the purposes of this Part, where, at any time, a lender receives property in satisfaction of or in exchange for the lender's right under a securities lending arrangement to receive the transfer or return of an identical security and the property received at that time is neither an identical property nor an amount deemed, under section 21.31, to have been received as proceeds of disposition, the following rules apply:".

c. I-3, s. 22, am.

24. (1) Section 22 of the said Act is amended

(1) by replacing, in the English text, the first paragraph by the following:

Tax payable by persons resident in Québec.

- "22. Every person who is an individual resident in Québec on the last day of a taxation year or a corporation having an establishment in Québec at any time in a taxation year shall pay a tax on the taxable income of the individual or the corporation, as the case may be, for that taxation year.";
 - (2) by replacing the second paragraph by the following:

Individual carrying on a business in Canada but outside Ouébec. "The tax payable under sections 750 and 758 to 766.1 by an individual referred to in the first paragraph who carries on a business in Canada but outside Québec is equal to the proportion of the tax that would be determined under those sections but for this paragraph that the individual's income earned in Québec is of the individual's income earned in Québec and elsewhere, as determined by the regulations."

- (2) Subsection 1 applies from the taxation year 1995.
- c. I-3, s. 23, English text, am.
- **25.** Section 23 of the said Act is amended, in the English text,
- (1) by replacing the portion before subparagraph a of the second paragraph by the following:

Individual ceasing to be resident in Canada.

"23. When an individual ceases to be resident in Canada in a taxation year, the last day of the individual's taxation year is, for the purposes of section 22, the last day on which the individual was resident in Canada.

Taxable income of a resident.

The taxable income, for a taxation year, of an individual referred to in the first paragraph who was resident in Québec on that day is equal to the amount by which the aggregate of the following amounts exceeds such of the deductions permitted by Book IV as can reasonably be considered attributable to a period referred to in subparagraph a:";

- (2) by replacing the portion after subparagraph a of the second paragraph by the following:
- "(b) the amount that would be the individual's taxable income earned in Canada referred to in section 1091 for any period of the year other than that mentioned in subparagraph a if at no time in the year the individual had been resident in Canada, computed as if that period were a whole taxation year and, for the purposes of such computation, an individual who ceased to be resident in Canada in the year in the circumstances mentioned in section 1093 is deemed to have ceased to be resident in Canada in a previous year in the same circumstances

Maximum deductions.

However, the aggregate of the deductions permitted by Book IV which are referred to in the second paragraph and the deductions mentioned in section 1091, in respect of the individual for the year, shall not exceed the aggregate of the amounts that would have been deductible in computing the individual's

taxable income for the year had the individual been resident in Canada throughout that year."

c. I-3, s. 24, English text, replaced.

26. Section 24 of the said Act is replaced, in the English text, by the following:

Taxable income.

"24. The taxable income of an individual referred to in section 22 for a taxation year is the individual's income for the year plus the additions provided for in Book IV and minus the deductions permitted by that Book, except where the individual was resident in Canada for only part of that taxation year. In the latter case, the individual's taxable income shall be computed in the manner described in section 23, whether the individual is an individual who became resident in Canada in the year or an individual who ceased to be resident in Canada in the year."

c. I-3, s. 25, am.

- **27.** (1) Section 25 of the said Act, amended by section 34 of chapter 85 of the statutes of 1997, is again amended
 - (1) by replacing, in the English text, the first paragraph by the following:

Individual carrying on a business in Québec on the last day of a taxation year.

- "25. Every individual resident in Canada but outside Québec on the last day of a taxation year shall, if the individual carried on a business in Québec at any time in the year, pay a tax on the individual's income earned in Québec for the year as determined under Part II.";
- (2) by replacing, in the second paragraph, "sections 750 and 751" and "those sections" by "section 750" and "that section", respectively;
 - (3) by replacing, in the English text, the third paragraph by the following:

Last day of the individual's taxation year.

"For the purposes of this section, where an individual ceases to be resident in Canada in a taxation year, the last day of the individual's taxation year is the last day on which the individual was resident in Canada."

(2) Paragraph 2 of subsection 1 applies from the taxation year 1995.

c. I-3, s. 26, am.

- 28. (1) Section 26 of the said Act is amended
 - (1) by replacing, in the English text, the first paragraph by the following:

Individual not resident in Canada but employed in Québec.

- "26. Every individual who was not resident in Canada at any time in a taxation year and who, in the taxation year or a previous taxation year, was employed in Québec, carried on a business in Québec or disposed of a taxable Québec property, shall pay a tax on the individual's income earned in Québec for the year as determined under Part II.";
 - (2) by replacing the second paragraph by the following:

Tax payable.

"The tax payable under sections 750 and 752.1 to 766.1 by an individual referred to in the first paragraph is equal to the proportion, which cannot exceed 1, of the tax that would, but for this paragraph, be payable under those sections on the individual's taxable income earned in Canada as determined under Part II if the individual were resident in Québec, that the individual's income earned in Québec is of the individual's income earned in Canada as determined in accordance with section 1090."

(2) Subsection 1 applies from the taxation year 1995.

c. I-3, s. 28, English text, replaced.

29. Section 28 of the said Act is replaced, in the English text, by the following:

Computation of income for a taxation year.

- **28.** A taxpayer shall, to determine the income of the taxpayer for a taxation year for the purposes of this Part,
- (a) add the aggregate of the taxpayer's income for the year, other than the taxable capital gains from dispositions of property, from each source inside and outside Canada;
 - (b) add to the aggregate so determined the amount by which
- i. the taxpayer's taxable capital gains for the year from dispositions of property other than precious property and the taxpayer's taxable net gain for the year from dispositions of precious property, exceed
- ii. the amount by which the taxpayer's allowable capital losses for the year from dispositions of property other than precious property exceed the taxpayer's allowable business investment losses for the year; and
 - (c) subtract from the total so determined
- i. the deductions permitted by Title VI in computing the taxpayer's income for the year, except those taken into account in computing the aggregate of the income referred to in paragraph a and, if there is any remainder,
- ii. the losses incurred in the year by the taxpayer from an office, employment, business or property and the taxpayer's allowable business investment losses for the year."

c. I-3, s. 29, am.

- **30.** (1) Section 29 of the said Act, amended by section 35 of chapter 85 of the statutes of 1997, is again amended by replacing subparagraph a of the third paragraph by the following:
- "(a) subject to subparagraph b, the deductions permitted in computing the income of the taxpayer under this Part, except those permitted by paragraphs c to e and j of section 336, sections 336.0.3 and 336.0.4, paragraphs b to g and i of section 339 and sections 340 and 341, shall be applied separately to the income from each of those places;".

- (2) Subsection 1, where it replaces subparagraph a of the third paragraph of section 29 of the said Act to strike out the reference to paragraphs a to b.0.1 of subsection 1 of section 336 of the said Act and to add a reference to sections 336.0.3 and 336.0.4 of the said Act, applies from the taxation year 1997.
- c. 1-3, s. 32, English text, replaced.
- **31.** Section 32 of the said Act is replaced, in the English text, by the following:

Income from an office or employment.

- **"32.** Subject to this Part, an individual's income for a taxation year from an office or employment is the salary, wages and other remuneration, including gratuities, received by the individual in the year."
- c. I-3, s. 35, English text, replaced.
- **32.** Section 35 of the said Act is replaced, in the English text, by the following:

Presumption rebutted.

"35. The presumption provided in section 34 may be rebutted if it is established that, irrespective of when the agreement, if any, was made and the terms thereof, the payment was not made for services rendered or to be rendered, to prompt an individual to accept an office or employment or in consideration for a covenant with reference to what the employee is, or is not, to do before the employee becomes or after the employee ceases to be an employee."

c. I-3, s. 36, am.

- **33.** (1) Section 36 of the said Act is amended
 - (1) by replacing the first paragraph by the following:

Amounts to be included in income.

- "36. An individual shall, in computing the income of the individual for the year from an office or employment, include all amounts the individual receives or benefits from in that year or which are allocated to the individual for that year, and that are provided for in this chapter.";
 - (2) by replacing, in the English text, the second paragraph by the following:

Director's and other fees.

- "Such amounts include the fees received by the individual because of, or in the course of, an office or employment, including director's fees."
- (2) Subsection 1 applies from the first pay period of an employer that begins after 31 December 1997.
- c. I-3, s. 37, English text, replaced.
- **34.** Section 37 of the said Act is replaced, in the English text, by the following:

Value of certain benefits.

"37. The amounts that an individual is required to include in computing the income of the individual include the value of board, lodging and other benefits of any kind whatever received or enjoyed by the individual because of, or in the course of, the individual's office or employment and the allowances received by the individual, including any amount received, without having to account for its use, for personal or living expenses or for any other purpose."

c. I-3, s. 37.0.1.1, English text, am.

- **35.** Section 37.0.1.1 of the said Act is amended, in the English text,
- (1) by replacing the portion before subparagraph a of the first paragraph by the following:

Value of a benefit granted by reason of coverage under a personal insurance plan.

- "37.0.1.1. For the purposes of section 37, the value of the benefit received or enjoyed by an individual for a taxation year where, because of a previous, the current or an intended office or employment of the individual, the individual is provided coverage during the year under a plan for the insurance of persons, is equal to";
 - (2) by replacing subparagraph a of the second paragraph by the following:
- "(a) any premium paid in respect of an individual, because of the individual's office or employment with an employer, under a plan for the insurance of persons, by a person to whom the employer is related, is deemed to be a premium paid by the employer and not by the person to whom the employer is related:":
 - (3) by replacing subparagraph c of the second paragraph by the following:
- "(c) where, in a taxation year, an employer pays, under a plan for the insurance of persons, an additional premium in respect of the coverage or benefits under the plan enjoyed by the employees for a period prior to that year, the additional premium is deemed to be a premium paid at that time in respect of the coverage or benefits enjoyed by the employees for that year and not in respect of the coverage or benefits enjoyed by the employees for the preceding year;".

c. I-3, s. 37.0.1.2, English text, am.

- **36.** Section 37.0.1.2 of the said Act is amended, in the English text,
- (1) by replacing the portion of subparagraph b of the first paragraph before subparagraph ii by the following:
 - "(b) the aggregate of
- i. the portion of the aggregate described in subparagraph *a* that the individual has reimbursed to the employer during the year, and";
 - (2) by replacing the second paragraph by the following:

Particular coverage.

"However, where, for a particular period, included in the year, throughout which the individual is not entitled to benefit from the provisions of the Health Insurance Act, the benefits enjoyed by the individual in relation to particular coverage under the plan covers at least all the services that would be insured in the individual's respect under the said Act for the particular period if the individual were entitled to benefit from the provisions of that Act at that time, the amount referred to in subparagraph a of the first paragraph for the particular period in respect of the individual in relation to the particular coverage is deemed to be the amount that would otherwise be determined

under that subparagraph for the particular period in respect of the individual in relation to the particular coverage if the exception provided for therein were disregarded, if the premium referred to therein were reduced by the amount prescribed for the particular period in respect of the individual in relation to the particular coverage and if the tax referred to therein were reduced to the portion of the tax which can reasonably be attributed to the premium so reduced."

c. I-3, s. 37.0.1.3, English text, am.

- **37.** Section 37.0.1.3 of the said Act is amended, in the English text, by replacing paragraphs a and b by the following:
- "(a) where the amount paid to the employer as a dividend, return or refund of premiums is based on the experience of all coverage and benefits provided by the plan, the proportion of the particular amount that the premium paid by the employer in respect of the coverage and benefits enjoyed by the individual for any period of the year under the plan is of the premium paid by the employer in respect of the coverage and benefits enjoyed by all the employer's employees for any period of the year under the plan;
- "(b) where the amount paid to the employer as a dividend, return or refund of premiums is based on the experience of only certain coverage and benefits provided by the plan, called "particular coverage and benefits" in this paragraph, the proportion of the particular amount that the premium paid by the employer in respect of the particular coverage and benefits enjoyed by the individual for any period of the year under the plan is of the premium paid by the employer in respect of the particular coverage and benefits enjoyed by all the employer's employees for any period of the year under the plan."

c. I-3, s. 37.0.1.5, English text, am.

- **38.** Section 37.0.1.5 of the said Act is amended, in the English text,
- (1) by replacing the portion of paragraph b before subparagraph i by the following:
- "(b) where the risk to an employer, or to a person related to the employer, in relation to a particular plan for the insurance of persons, is reduced by the fact that the employer, or the person related to the employer, has purchased excess of loss insurance from an insurer,";
- (2) by replacing the portion of paragraph c before subparagraph a of the second paragraph of section 37.0.1.4 of the said Act, enacted by that paragraph c, by the following:
- "(c) where, for a particular period, included in the year, throughout which the individual is not entitled to benefit from the provisions of the Health Insurance Act, the particular benefits enjoyed by the individual in relation to particular coverage under the plan covers at least all the services that would be insured in respect of the individual under the said Act for the particular period if the individual were entitled to benefit from the provisions of that Act at that time, subparagraph a of the second paragraph of section 37.0.1.4 shall, in

respect of such particular coverage and benefits, apply without reference to paragraph a and read as follows:".

c. I-3, s. 37.0.1.6, English text, am. **39.** Section 37.0.1.6 of the said Act is amended, in the English text, by replacing the portion before subparagraph a of the first paragraph by the following:

Plan providing coverage to employees of several jurisdictions.

"37.0.1.6. For the purposes of section 37.0.1.4, where the plan for the insurance of persons provides identical coverage to the employer's employees under Québec jurisdiction and to the employer's other employees, the employer must elect, from among the following data in the employer's possession, the data which will best reflect the coverage provided under the plan to those of the employer's employees under Québec jurisdiction:".

c. I-3, ss. 37.0.2 and 37.1, English text, replaced.

40. Sections 37.0.2 and 37.1 of the said Act are replaced, in the English text, by the following:

Allowances and reimbursements.

***37.0.2.** An individual shall, in computing the income of the individual for the year from an office or employment, include all amounts received by the individual in the year as an allowance or reimbursement in respect of an amount that would, if the individual were entitled to no reimbursements or allowances, be deductible under Chapter III in computing the individual's income, except to the extent that the amounts so received are otherwise included in computing the individual's income for the year or are taken into account in computing the amount that is deducted under Chapter III by the individual for the year or a preceding taxation year.

Interest on employee debt.

"37.1. An individual referred to in section 487.1 shall, in computing the income of the individual for the year from an office or employment, include every amount deemed by section 487.1 to be a benefit received in the year by the individual."

c. I-3, s. 38, English text, am.

- **41.** Section 38 of the said Act is amended, in the English text.
- (1) by replacing the portion before subparagraph a of the first paragraph by the following:

Value of certain benefits not included in income.

- **"38.** An individual is not required in computing the income of the individual to include the value of benefits derived from contributions paid in respect of the individual by the individual's employer under";
 - (2) by replacing subparagraph b of the first paragraph by the following:
- "(b) a group insurance plan, in relation to coverage against the loss of all or part of the income from an office or employment;";
 - (3) by replacing the second and third paragraphs by the following:

Benefits not included.

"Similarly, the individual is not required in computing the individual's income to include the value of any benefit derived from group coverage which, otherwise than under an insurance plan referred to in subparagraph b of the first paragraph, is provided to the individual under a plan, against the loss of all or part of the income from an office or employment, or the value of any benefit derived from the payment by the individual's employer of the tax provided for under the Retail Sales Tax Act (chapter I-1) or under Title III of the Act respecting the Québec sales tax (chapter T-0.1), in respect of such group coverage or of the contributions paid by the individual's employer under subparagraph b or g of the first paragraph in respect of the individual.

Benefits not included.

"Furthermore, the individual is not required in computing the individual's income to include the value of any benefit under a retirement compensation arrangement, an employee benefit plan or an employee trust or under a salary deferral arrangement, except to the extent that the value of the benefit is included under section 37 because of section 47.11, the value of any benefit that was a benefit in relation to the use of an automobile, except if the benefit related to the use of an automobile owned or leased by the individual and is not referred to in section 41.1.2, or the value of any benefit derived from counselling services received by the individual or a person related to the individual in respect of stress management or the use or consumption of tobacco, drugs or alcohol, other than a benefit attributable to an outlay or expense to which section 134 applies, or from counselling services in respect of the re-employment or retirement of the individual."

c. I-3, s. 39.2, English text, am.

- **42.** Section 39.2 of the said Act is amended, in the English text,
 - (1) by replacing the portion before paragraph b by the following:

Allowance not included in computing income.

- **"39.2.** An individual who is a Member of the National Assembly or a member of the Legislature of another province is not required in computing the income of the individual for a taxation year to include an amount equal to the amount by which
- (a) the portion of the allowance the individual receives in the year for expenses incident to the discharge of the individual's duties, which does not exceed one-half of the maximum fixed amount provided by law as payable to the individual by way of salary, indemnity and other remuneration in respect of attendance at a session; exceeds";
 - (2) by replacing subparagraph i of paragraph b by the following:
- "i. 6% of the individual's income for the year from that office, determined with reference to the allowance the individual receives in the year for expenses incident to the discharge of the individual's duties,".

c. I-3, s. 39.3, English text, replaced.

43. Section 39.3 of the said Act is replaced, in the English text, by the following:

Allowance not included in computing income.

"39.3. An individual who is an elected member of a municipal council, a member of the council or executive committee of an urban community, regional county municipality or other similar body established under an Act of the Parliament of Québec, a member of a municipal utilities commission or corporation or any other similar body administering such a service or a member of a public or separate school board or any other similar body administering a school district, is not required in computing the income of the individual for a taxation year to include the allowance the individual receives in the year from the municipality or body for expenses incident to the discharge of the individual's duties, other than an allowance the individual is not otherwise required to include in computing the individual's income, to the extent that the allowance does not exceed one-half of the amount, determined without reference to that allowance, paid to the individual in the year by the municipality or body by way of salary or other remuneration."

c. I-3, s. 40.1, English text, am.

44. Section 40.1 of the said Act is amended, in the English text, by replacing the portion before paragraph b by the following:

Unreasonable amount.

- "40.1. For the purposes of paragraph e of section 39 and paragraphs e and e of section 40, an allowance received in the year by the individual referred to therein for the use of a motor vehicle in connection with or in the course of the individual's office or employment is deemed not to be a reasonable allowance
- (a) where the measurement of the use of the vehicle for the purpose of the allowance is not based solely on the number of kilometres for which the motor vehicle is used in connection with or in the course of the office or employment; or".

c. I-3, s. 41, English text, replaced.

45. Section 41 of the said Act is replaced, in the English text, by the following:

Inclusion of the value of the right of use of an automobile.

"41. Where an employer or a person related to the employer makes an automobile available to an employee of the employer, or to a person related to the employee, in the year, the employee shall, in computing the income of the employee, include the amount by which a reasonable amount corresponding to the value of such right of use for the total number of days in the year during which the automobile was made so available exceeds the aggregate of all amounts each of which is an amount, other than an expense related to the operation of the automobile, paid in the year to the employer or a person related to the employer by the employee or the person related to the employee for the use of the automobile."

c. I-3, s. 41.0.1, English text, am.

- **46.** Section 41.0.1 of the said Act is amended, in the English text.
- (1) by replacing the portion of the first paragraph before the formula by the following:

Computation of the value of the right of use of an automobile.

- "41.0.1. For the purposes of section 41, a reasonable amount corresponding to the value of the right of use of an automobile for the total number of days, in this section referred to as the "total available days", in a year during which the automobile is made available to an individual or to a person related to the individual by an employer or a person related to the employer, both of whom are in this section referred to as "the employer", is deemed to be equal to the amount determined by the formula";
- (2) by replacing subparagraph i of subparagraph a of the second paragraph by the following:
- "i. the total number of kilometres that the automobile is driven, otherwise than in connection with or in the course of the individual's office or employment, during the total available days, that total number of kilometres however being deemed to be equal to the product referred to in subparagraph ii unless the individual is required by the employer to use the automobile in connection with or in the course of the office or employment and all or substantially all of the distance travelled by the automobile during the total available days is in connection with or in the course of the office or employment, and";
 - (3) by replacing subparagraph f of the second paragraph by the following:
- "(f) F is the part of the amount determined under subparagraph e that may reasonably be regarded as having been payable to the lessor in respect of all or part of the cost to the lessor of insuring against loss of, or damage to, the automobile or liability resulting from the use or operation of the automobile."

c. I-3, s. 41.0.2, English text, am.

- 47. Section 41.0.2 of the said Act is amended, in the English text,
 - (1) by replacing the portion before paragraph a by the following:
- "41.0.2. Where, in a year, an individual is employed principally in selling or leasing automobiles, an automobile owned by the individual's employer is made available by the employer to the individual or to a person related to the individual, and the employer has acquired one or more automobiles, the reasonable amount corresponding to the value of the right of use determined under section 41.0.1 shall, at the option of the employer, be computed as if":
 - (2) by replacing subparagraphs i and ii of paragraph b by the following:
 - "i. the quotient obtained by dividing the cost to the employer of all new automobiles acquired by the employer in the year for sale or lease in the course of the employer's business by the number of new automobiles so acquired, and
 - "ii. the quotient obtained by dividing the cost to the employer of all automobiles acquired by the employer in the year for sale or lease in the course of the employer's business by the number of automobiles so acquired."

Computation of the value of the right of use for automobile salespersons or lessors.

c. I-3, s. 41.1.1, English text, am. **48.** Section 41.1.1 of the said Act is amended, in the English text, by replacing the portion of the first paragraph before the formula by the following:

Automobile operating expense benefit.

"41.1.1. Where, in computing the income of the individual for a taxation year as income from an office or employment, a reasonable amount corresponding to the value of the right of use of an automobile is determined under sections 41 to 41.0.2, and an amount in respect of the operation, otherwise than in connection with or in the course of the individual's office or employment, of the automobile for the period or periods in the year during which the automobile was made available to the individual or a person related to the individual is paid or payable by the individual's employer or a person related to the individual's employer, each of whom is in this section referred to as the "payor", the individual shall, in computing the individual's income for the year from an office or employment, include the amount determined by the formula".

c. I-3, s. 41.1.2, English text, replaced. **49.** Section 41.1.2 of the said Act is replaced, in the English text, by the following:

Automobile operating expense benefit.

"41.1.2. An individual shall, in computing the income of the individual for a taxation year from an office or employment, include the value of a benefit in respect of the operation of an automobile, other than a benefit to which section 41.1.1 applies or would apply but for the third paragraph thereof, received or enjoyed by the individual in the year because of, or in the course of, the individual's office or employment."

c. I-3, s. 42, English text, am.

50. Section 42 of the said Act is amended, in the English text, by replacing the portion before subparagraph ii of paragraph b by the following:

Employment at a special work site or remote location.

- "42. Notwithstanding sections 36 and 37, an individual who is not entitled to the deduction provided for in section 737.25 is not required. in computing the income of the individual for a taxation year from an office or employment, to include any amount received or enjoyed by the individual because of, or in the course of, the office or employment that is the value of, or an allowance, not in excess of a reasonable amount, in respect of expenses the individual has incurred
- (a) for the individual's board and lodging for a period during which the individual was required by the individual's duties to be away from the individual's principal place of residence, or to be at the special work site referred to in subparagraph i or at the location referred to in subparagraph ii, for not less than 36 hours, if such board and lodging were
- i. at a special work site at which the duties performed by the individual were of a temporary nature and if the individual maintained at another location a self-contained domestic establishment as the individual's principal place of residence that was, throughout the period, available for the individual's occupancy and not rented to any other person, and to which, by reason of distance, the individual could not reasonably be expected to have returned daily from the special work site, or

- ii. at a location at which, by virtue of its remoteness from any established community, the individual could not reasonably be expected to establish and maintain a self-contained domestic establishment; or
- (b) for transportation, in respect of a period described in paragraph a during which the individual received board and lodging, or a reasonable allowance in respect of board and lodging, from the individual's employer, between
- i. the individual's principal place of residence and the special work site referred to in subparagraph i of paragraph a, or".

c. I-3, s. 42.0.1, English text, am. **51.** Section 42.0.1 of the said Act, amended by section 42 of chapter 85 of the statutes of 1997, is again amended, in the English text, by replacing the portion before paragraph a by the following:

Disability-related employment benefits.

"42.0.1. Notwithstanding sections 36 and 37, an individual is not required in computing the income of the individual for a taxation year from an office or employment to include any amount received or enjoyed by the individual because of, or in the course of, the individual's office or employment that is the value of a benefit, or an allowance, not in excess of a reasonable amount, in respect of expenses incurred by the individual for".

c. I-3, s. 43, am.

- **52.** Section 43 of the said Act is amended
 - (1) by replacing, in the English text, subsection 1 by the following:

Salary insurance benefits to be included in income.

- "43. (1) An individual shall, in computing the income of the individual, include the amounts payable on a periodic basis that the individual receives in respect of the loss of all or part of the individual's income from an office or employment, pursuant to an insurance plan to which the individual's employer has made a contribution, not exceeding the limit fixed under subsection 2.";
 - (2) by replacing paragraphs a and b of subsection 2 by the following:
- "(a) the aggregate of all such amounts received by the individual pursuant to the plan before the end of the year and after the later of the end of the year 1971 and the end of the last year in which any such amount was included in the individual's income; exceeds
- "(b) the aggregate of the contributions made by the individual under the plan before the end of the year and after the later of the end of the year 1967 and the end of the last year in which any amount referred to in paragraph a was included in the individual's income."

c. I-3, s. 43.2, English text, replaced.

53. Section 43.2 of the said Act is replaced, in the English text, by the following:

Contributions to be included in income.

"43.2. An individual shall, in relation to a multi-employer insurance plan, include in computing the income of the individual for a taxation year the portion, which can reasonably be attributed to a plan for the insurance of persons, otherwise than in relation to coverage against the loss of all or part of the income from an office or employment, and which relates to work performed by the individual, of the aggregate of all amounts each of which is an amount that corresponds to the total contribution which, because of a previous, the current or an intended office or employment of the individual, was paid, for any period of the year, by an employer of the individual to the administrator of the multi-employer insurance plan and the related tax, within the meaning of subparagraph d of the second paragraph of section 37.0.1.1."

c. I-3, s. 43.3, English text, replaced.

54. Section 43.3 of the said Act is replaced, in the English text, by the following:

Other amount to be included in income.

"43.3. Where the amount established in accordance with the second paragraph for a taxation year in respect of an individual in relation to a multi-employer insurance plan exceeds the amount referred to in section 43.2 for the year in respect of the individual in relation to that plan, the individual shall include the excess in computing the income of the individual for the year.

Interpretation.

The amount which must be established for a taxation year in respect of an individual in relation to a multi-employer insurance plan is equal to the amount that would be established for the year under sections 37.0.1.1 to 37.0.1.6 in respect of the individual in relation to the coverage, other than coverage against the loss of all or part of the income from an office or employment, enjoyed by the individual under the plan for any period of the year, if the administrator of the plan was the employer of all the employees who enjoy coverage under the plan during the year and if those employees were employees of the administrator and enjoyed that coverage by reason of an office or employment with the latter.

Application.

For the purposes of the second paragraph, no amount paid by an individual during the year as contribution to the plan shall be taken into account in computing the amount determined under section 37.0.1.2 or 37.0.1.4 in respect of the individual otherwise than because of a previous, the current or an intended office or employment of the individual.

Coverage not related to an office or employment.

In addition, for the purposes of this Title, except the third paragraph and this paragraph, where it may reasonably be considered that, at any time in a taxation year, an individual enjoys, otherwise than because of a previous, the current or an intended office or employment of the individual, all or part of a coverage under a multi-employer insurance plan, other than coverage against the loss of all or part of the income from an office, employment or business,

(a) the individual is deemed to be an employee who, during the year, enjoys that coverage, or part thereof, by reason of an office or employment; and

- (b) the value of the benefit derived from that coverage or part thereof is deemed to be referred to in section 38."
- c. I-3, s. 47, English text, replaced.
- **55.** Section 47 of the said Act is replaced, in the English text, by the following:

Allocations under a profit sharing plan.

"47. For the purposes of this chapter, an individual shall, in computing the income of the individual, include the amounts allocated to the individual under a profit-sharing plan as provided by Title I of Book VII, except those referred to in section 860, and the amounts required by section 857 to be included in computing the individual's income."

c. I-3, s. 47.1, English text, replaced.

56. Section 47.1 of the said Act is replaced, in the English text, by the following:

Allocations under an employee trust or an employee benefit plan.

"47.1. An individual shall, in computing the income of the individual for a taxation year, include all amounts allocated to the individual for that year by a trustee under an employee trust and all amounts received by the individual in the year out of or under an employee benefit plan or from the disposition of any interest in any such plan."

c. I-3, s. 47.2, replaced.

57. Section 47.2 of the said Act is replaced by the following:

Employee benefit plan benefits.

"47.2. Notwithstanding section 47.1, an individual is not required in computing the income of the individual to include an amount received in respect of an employee benefit plan, to the extent that such amount represents a return of amounts contributed to the plan by the individual or a deceased employee of whom the individual is an heir or legal representative, a death benefit or an amount that would, but for the deduction provided for in sections 3 and 4, be a death benefit, or a pension benefit attributable to services rendered by a person in a period throughout which the person was not resident in Canada."

c. I-3, s. 47.4, English text, replaced.

58. Section 47.4 of the said Act is replaced, in the English text, by the following:

Return of amounts contributed to an employee benefit plan.

"47.4. For the purposes of section 47.2, where an amount is received in a taxation year by an individual from an employee benefit plan that was in a preceding year an employee trust, that amount is deemed to be the return of the amounts contributed to the plan by the individual, up to the amount by which the lesser of the amounts determined under paragraph a or b of section 47.5 exceeds the aggregate of all amounts previously received out of the plan by the individual or a deceased person of whom the individual is an heir or legal representative at a time when the plan was an employee benefit plan, to the extent that the latter amounts were deemed by this section to be a return of amounts contributed to the plan."

c. I-3, s. 47.5, English text, am.

59. Section 47.5 of the said Act is amended, in the English text, by replacing paragraphs a and b by the following:

- "(a) the amount by which the aggregate of all amounts allocated to the individual or a deceased person of whom the individual is an heir or legal representative, by a trustee of the plan at a time when the plan was an employee trust, exceeds the aggregate of all amounts previously paid out of the plan to or for the benefit of the individual or the deceased person at that time; and
- "(b) the portion of the amount by which the cost amount to the plan of its property immediately before it ceased to be an employee trust exceeds the liabilities of the plan at that time that the amount determined under paragraph a in respect of the individual is of the aggregate of amounts determined under that paragraph in respect of all individuals who were beneficiaries under the plan immediately before it ceased to be an employee trust."

c. I-3, s. 47.6, English text, am.

60. Section 47.6 of the said Act is amended, in the English text, by replacing the first paragraph by the following:

"employee benefit plan"

"47.6. For the purposes of this division, "employee benefit plan" means an arrangement under which contributions are made by an employer or by a person with whom the employer does not deal at arm's length to another person, referred to in this Part as the "custodian" of an employee benefit plan, and under which one or more payments are to be made to or for the benefit of employees or former employees of the employer or persons who do not deal at arm's length with any such employee or former employee, other than a payment that, if this chapter were read without reference to the third paragraph of section 38 and to section 47.1, would not be required to be included in computing the income of the recipient."

c. I-3, s. 47.10, English text, am.

61. Section 47.10 of the said Act is amended, in the English text, by replacing the portion before paragraph a by the following:

Salary deferral arrangement payments.

"47.10. An individual shall, in computing the income of the individual for a taxation year, include an amount equal to the amount by which the aggregate of all amounts received by any person as benefits, other than amounts received by or from a trust governed by a salary deferral arrangement, in the year out of or under a salary deferral arrangement in respect of the individual exceeds the amount by which".

c. I-3, s. 47.12, English text, replaced.

62. Section 47.12 of the said Act is replaced, in the English text, by the following:

Interest accrued in respect of a deferred amount.

"47.12. Where at the end of a taxation year any person has a right under a salary deferral arrangement, other than a trust governed by a salary deferral arrangement, in respect of an individual to receive a deferred amount, an amount equal to any interest or other additional amount that accrued to, or for the benefit of, that person to the end of the year in respect of the deferred amount is deemed at the end of the year, for the purposes only of section 47.11, to be a deferred amount that the person has a right to receive under the arrangement."

c. I-3, s. 47.13, English text, am.

- **63.** Section 47.13 of the said Act is amended, in the English text, by replacing paragraph a by the following:
- "(a) was in respect of services rendered by an employee who was not resident in Canada at the time the services were rendered, or was resident in Canada for a period, in this section referred to as an "excluded period", of not more than 36 of the 72 months preceding the time the services were rendered and was an employee to whom the arrangement applied before the employee became resident in Canada; and".

c. I-3, s. 47.14, English text, am.

- **64.** Section 47.14 of the said Act is amended, in the English text,
- (1) by replacing the portion before subparagraph i of paragraph b by the following:

Part of a plan or arrangement.

- "47.14. For the purposes of this Part, other than this section, where deferred amounts under a salary deferral arrangement in respect of an individual, in this section referred to as "that arrangement", are required to be included as benefits under section 37 in computing the individual's income and that arrangement is part of a plan or arrangement, in this section referred to as "the plan", under which amounts or benefits not related to the deferred amounts are payable or provided, the following rules apply:
- (a) that arrangement is deemed to be a separate arrangement independent of other parts of the plan of which it is a part;
- (b) where any person has a right to a deferred amount under that arrangement, an amount received by the person as a benefit at any time out of or under the plan is deemed to have been received out of or under that arrangement except to the extent that it exceeds the amount by which";
 - (2) by replacing subparagraph ii of paragraph b by the following:
- "ii. the aggregate of all deferred amounts received by any person before that time out of or under the plan that were deemed by this paragraph to have been received out of or under that arrangement, and all deferred amounts under that arrangement that were deducted under section 78.2 in computing the individual's income for the year or a preceding taxation year."

c. I-3, s. 47.15, English text, am.

65. Section 47.15 of the said Act is amended, in the English text, by replacing the first paragraph by the following:

Salary deferral arrangement.

"47.15. For the purposes of this division, a salary deferral arrangement in respect of an individual means a plan or arrangement, whether funded or not, under which any person has a right in a taxation year to receive an amount after the end of the year where it is reasonable to consider that one of the main purposes for the creation or existence of the right is to postpone tax payable under this Part by the individual in respect of an amount that is, or is on account or in lieu of, salary or wages of the individual for services rendered by the individual in the year or a preceding taxation year."

c. I-3, s. 47.16, English text, am.

- **66.** Section 47.16 of the said Act is amended, in the English text, by replacing paragraphs j and k by the following:
- "(j) a plan or arrangement established for the purpose of deferring the salary or wages of a professional athlete for the services of the athlete as such with a team that participates in a league having regularly scheduled games,
- "(k) a plan or arrangement under which an individual has a right to receive a bonus or similar payment in respect of services rendered by the individual in a taxation year to be paid within three years following the end of the year, or".

c. I-3, s. 49, English text, replaced.

67. Section 49 of the said Act is replaced, in the English text, by the following:

Benefit deemed received by employee.

"49. Subject to section 49.2, an employee who acquires a share under the agreement referred to in section 48 is deemed to receive because of the employee's office or employment, in the taxation year in which the employee acquires the share, a benefit equal to the amount by which the value of the share at the time the employee acquires it exceeds the aggregate of the amount paid or to be paid to the corporation by the employee for the share and the amount paid by the employee to acquire the right to acquire the share."

c. I-3, s. 49.2, English text, am.

- **68.** Section 49.2 of the said Act is amended, in the English text,
 - (1) by replacing the portion before paragraph a by the following:

Application of s. 49.

- "49.2. Section 49 shall be read with the words "in which the employee acquires the share" replaced by the words "in which the employee disposes of or exchanges the share" where";
 - (2) by replacing paragraph b by the following:
- "(b) the share is acquired by an employee who, at the time immediately after the agreement was made, was dealing at arm's length with the particular corporation, the Canadian-controlled private corporation, the share of the capital stock of which has been agreed to be sold or issued by the particular corporation, and the Canadian-controlled private corporation that is the employer of the employee."

c. I-3, s. 50, English text, replaced.

69. Section 50 of the said Act is replaced, in the English text, by the following:

Employee transferring rights in respect of shares.

"50. An employee who transfers or disposes of rights under the agreement referred to in section 48 in respect of shares to a person with whom the employee is dealing at arm's length, is deemed to receive because of the employee's office or employment, in the taxation year in which the employee makes the transfer or disposition, a benefit equal to the amount by which the value of the consideration for the transfer or disposition exceeds the amount paid by the employee to acquire those rights."

c. I-3, s. 51, English text, am.

70. Section 51 of the said Act is amended, in the English text, by replacing the first paragraph by the following:

Employee transferring rights in respect of shares.

"51. If rights of the employee under the agreement referred to in section 48 have, by one or more transactions between persons not dealing at arm's length, become vested in a person who exercises the employee's right to acquire shares under the agreement, the employee is deemed, subject to the second paragraph, to receive because of the employee's office or employment, in the taxation year in which the person acquired the shares, a benefit equal to the amount by which the value of the shares at the time that person acquired them exceeds the aggregate of the amount paid or to be paid to the corporation by that person for the shares and the amount paid by the employee to acquire the right to acquire the shares."

c. I-3, s. 52, English text, am.

71. Section 52 of the said Act is amended by replacing, in the English text, the first paragraph by the following:

Employee transferring rights in respect of shares.

"52. If rights of the employee under the agreement referred to in section 48 have, by one or more transactions between persons not dealing at arm's length, become vested in a particular person who transfers or disposes of the rights to another person with whom the particular person is dealing at arm's length, the employee is deemed, subject to the second paragraph, to receive because of the employee's office or employment, in the taxation year in which the particular person made the transfer or disposition, a benefit equal to the amount by which the value of the consideration for the transfer or disposition exceeds the amount paid by the employee to acquire those rights."

c. I-3, ss. 52.1 and 53, English text, replaced. **72.** Sections 52.1 and 53 of the said Act are replaced, in the English text, by the following:

Death of an employee.

"52.1. Where an employee has died and, immediately before the death, the employee owned a right to acquire shares under the agreement referred to in section 48, the employee is deemed to have received because of the employee's office or employment, in the taxation year in which the employee died, a benefit equal to the amount by which the value of the right immediately after the death exceeds the amount paid by the employee to acquire the right, and sections 50 to 52 do not apply.

Shares held by a trustee.

"53. Where a trustee holds a share for an employee in any manner whatever, the employee is deemed, for the purposes of this division and sections 725.2 and 725.3, to acquire the share at the time the trustee commences so to hold it and to exchange or dispose of the share at the time the trustee exchanges it or disposes of it to any person other than the employee."

c. I-3, s. 58.1, English text, replaced.

73. Section 58.1 of the said Act is replaced, in the English text, by the following:

Market maker.

"58.1. A market maker who is an employee shall, in computing the income of the market maker for the year from an office or employment, include every amount the market maker is required to include under Title VIII of Book VII in computing income."

c. I-3, s. 59, English text, replaced.

74. Section 59 of the said Act is replaced, in the English text, by the following:

Deductible amounts.

"59. An individual shall not, in computing the income of the individual for a taxation year from an office or employment, deduct any amount except as provided in this chapter and only to the extent that such amount may reasonably be regarded as applicable to that office or employment."

c. I-3, s. 62.0.1, English text, am. **75.** Section 62.0.1 of the said Act is amended, in the English text, by replacing the portion before paragraph c by the following:

Reduction of the allowable deduction.

"62.0.1. The amount that may be deducted by an individual under section 62 in computing the income of the individual for a taxation year from an office or employment shall be reduced by the least of

(a) 6% of the commissions and other similar amounts determined by reference to the sales made or contracts negotiated, that the individual received in the year in relation to such office or employment;

(b) the amount that, but for this section, would be deductible by the individual under section 62 in computing the individual's income for the year from such office or employment; and".

c. I-3, s. 63, English text, replaced.

76. Section 63 of the said Act, replaced by section 47 of chapter 85 of the statutes of 1997, is again replaced, in the English text, by the following:

Travel expenses.

"63. An individual may deduct amounts expended by the individual in the year, other than motor vehicle expenses, for travelling in the course of the individual's office or employment, if the individual is required to perform all or part of the duties of the office or employment away from the employer's place of business or in different places and is required under the contract of employment to pay the travel expenses incurred by the individual in the performance of the duties of the office or employment.

Restriction.

An individual shall not claim any deduction under this section if the individual receives an allowance for travel expenses that is not required to be included in computing the individual's income for the year because of paragraph e of section 39 or paragraph e of section 40, or if the individual claims a deduction for the year under section 62, 65.1, 66 or 67."

c. I-3, ss. 63.1 and 64, English text, replaced. **77.** Sections 63.1 and 64 of the said Act are replaced, in the English text, by the following:

Motor vehicle expenses.

"**63.1.** An individual may deduct amounts expended by the individual in the year in respect of motor vehicle expenses incurred for travelling in the course of the individual's duties, if the individual is required to carry on all or part of the duties away from the place of business of the individual's employer or in different places and is required under the contract of employment to pay the motor vehicle expenses incurred by the individual in the performance of the individual's duties.

Restriction.

An individual shall not claim any deduction under this section if the individual receives an allowance for the use of a motor vehicle that is not required to be included in computing the individual's income for the year because of section 39 or 40, or if the individual claims a deduction for the year under section 62.

Motor vehicle costs.

****64.** An individual who is entitled, in the year, to a deduction under section 62, 63 or 63.1 may also deduct any interest paid by the individual in the year on borrowed money used for the purpose of purchasing, or an amount payable for the purchase of, a motor vehicle that is used by the individual in the performance of the individual's duties, and such part of the capital cost of such a motor vehicle as is allowed by regulation.

Aircraft costs.

The individual may also deduct any interest paid by the individual in the year on borrowed money used for the purpose of purchasing an aircraft that is required for use in the performance of the individual's duties, and such part of the capital cost of the aircraft as is allowed by regulation."

c. I-3, ss. 64.2 and 64.3, English text, replaced.

78. Sections 64.2 and 64.3 of the said Act are replaced, in the English text, by the following:

Restriction.

"64.2. Notwithstanding any other provision of this Act, an individual who uses an aircraft that is owned or rented by the individual for travelling in the course of the individual's duties shall not deduct the aggregate of the amounts that would otherwise be deductible pursuant to section 62, 63 or 64, in respect of the aircraft, except to the extent that such aggregate is reasonable in the circumstances having regard to the cost and availability of other modes of transportation.

Certificate of the employer.

"**64.3.** No amount may be deducted in the year by an individual under section 62, 63 or 63.1, unless the individual files with the Minister, together with the individual's fiscal return for the year under this Part, a prescribed form signed by the individual's employer certifying that the conditions set out in that section were met in the year in respect of the individual."

c. I-3, ss. 65 – 66, English text, replaced. **79.** Sections 65 to 66 of the said Act are replaced, in the English text, by the following:

Away-from-home expenses.

"65. An individual shall not, in computing a deduction under section 62 or 63, deduct an amount expended for a meal unless the meal is consumed during a period while the individual was required by the individual's duties to

be away, for not less than 12 hours, from the local municipal territory or the metropolitan area, as the case may be, where the employer's establishment to which the individual ordinarily reports for work is located.

Away-from-home expenses.

"65.1. An individual who regularly collects or delivers goods for the individual's employer by means of vehicles that are used by the employer to transport goods away from the local municipal territory or the metropolitan area, as the case may be, where the employer's establishment to which the individual ordinarily reports for work is located, may deduct the amounts disbursed by the individual in the year for meals and lodging while the individual is required by the individual's duties to be away for not less than 12 consecutive hours from that territory or metropolitan area or to go to a place located at least 80 kilometres from that territory or metropolitan area, to the extent that the individual is not reimbursed and is not entitled to be reimbursed in respect thereof.

Transport employee's expenses.

'66. Where an individual is an employee of a person whose principal business is transport and the individual's duties require the individual, regularly, to travel away from the local municipal territory or the metropolitan area, as the case may be, where the employer's establishment to which the individual ordinarily reports for work is located, on vehicles used by the employer for transport, the individual may deduct the amounts disbursed by the individual in the year for meals and lodging while the individual is so away from that territory or metropolitan area, to the extent that the individual is not reimbursed and is not entitled to be reimbursed in respect thereof."

c. I-3, s. 67, English text, am.

80. Section 67 of the said Act is amended, in the English text, by replacing the first and second paragraphs by the following:

Expenses of certain railway employees.

"67. An individual who is employed by a railway company may deduct the amounts disbursed by the individual in the year for meals and lodging while performing, away from the individual's ordinary place of residence, the duties of a relieving telegrapher or station agent or of a maintenance and repair worker.

Deductions.

"There may also be deducted any such amounts disbursed by the individual while

- (a) away from the local municipal territory and, as the case may be, the metropolitan area where the individual's home terminal is located; and
- (b) at a location from which, by reason of distance from the place where the individual maintains a self-contained domestic establishment in which the individual resides and actually supports a spouse or a person dependent on the individual for support and connected with the individual by blood relationship, marriage or adoption, the individual cannot reasonably be expected to return daily to that place."

c. I-3, s. 87, am.

- **81.** (1) Section 87 of the said Act, amended by section 49 of chapter 85 of the statutes of 1997, is again amended
 - (1) by inserting, after paragraph e, the following paragraph:
- "(e.1) where the taxpayer is an insurer, any amount prescribed in respect of the insurer for the year;";
 - (2) by adding, after paragraph z.3, the following paragraph:
- "(z.4) 25% of the taxpayer's resource loss for the year, as determined by regulation."
 - (2) Paragraph 1 of subsection 1 applies from the taxation year 1996.
- (3) Paragraph 2 of subsection 1 applies to taxation years that begin after 31 December 1996.

c. I-3, s. 89, am.

- **82.** (1) Section 89 of the said Act is amended
- (1) by replacing the portion before subparagraph b of the first paragraph by the following:

Royalties.

- "89. A taxpayer shall, in computing the income of the taxpayer from a business or property for a taxation year, include any amount that becomes receivable in the year, by virtue of an obligation imposed by statute or a contractual obligation substituted for an obligation imposed by statute, by a person referred to in section 90, as a royalty, tax, rental or bonus, or as an amount that can reasonably be regarded as being in lieu of any such amount, or in respect of the late receipt or non-receipt of any such amount, and that can reasonably be regarded as being in relation to
- (a) the acquisition, development or ownership of a Canadian resource property of the taxpayer in respect of which the obligation imposed by statute or the contractual obligation, as the case may be, applied, or;";
- (2) by inserting, after subparagraph i of subparagraph b of the first paragraph, the following subparagraph:
- "i.1 of sulphur from a natural accumulation of petroleum or natural gas, from an oil or gas well or from a mineral resource;";
 - (3) by replacing the second paragraph by the following:

Royalties or similar amounts in relation to the production in Canada of petroleum, natural gas, metals or minerals. "For the purposes of subparagraph b of the first paragraph, the natural accumulation of petroleum or natural gas, the oil or gas well or the mineral resource referred to therein must be situated in Canada and be property in respect of which the taxpayer has an interest to which the obligation imposed by statute or the contractual obligation, as the case may be, applies."

- (2) Subsection 1 applies to taxation years that begin after 31 December 1996.
- c. I-3, s. 90, replaced.

83. Section 90 of the said Act is replaced by the following:

Royalties receivable by the State, Her Majesty or one of their mandataries. **"90.** Section 89 applies where the amount mentioned therein becomes receivable by the State or Her Majesty in right of Canada or a province, by a mandatary of the State or Her Majesty in right of Canada or a province, or by a corporation, commission or association that is controlled by the State or Her Majesty in right of Canada or a province or a mandatary of the State or Her Majesty in right of Canada or a province."

c. I-3, s. 96.2, added.

84. (1) The said Act is amended by inserting, after section 96.1, the following section:

Ascertainment of certain property.

- "**96.2.** For the purpose of determining whether property meets the prescribed criteria in respect of prescribed energy conservation property, the Technical Guide to Class 43.1, as amended from time to time and published by the Department of Natural Resources of Canada, shall apply conclusively with respect to engineering and scientific matters."
- (2) Subsection 1 applies in respect of property acquired after 21 February 1994. However, where section 96.2 of the said Act, enacted by subsection 1, applies before 12 January 1995, it shall be read with "Department of Natural Resources" replaced by "Department of Energy, Mines and Resources".

c. I-3, s. 97, replaced.

85. (1) Section 97 of the said Act is replaced by the following:

Reclassification of property.

- **"97.** Where one or more depreciable properties of a taxpayer that were included in a prescribed class, in this section referred to as the "old class", become included at any time, in this section referred to as the "transfer time", in another prescribed class, in this section referred to as the "new class", the following rules apply for the purpose of determining at any subsequent time the undepreciated capital cost to the taxpayer of depreciable property of the old class and the new class:
- (a) for the purposes of subparagraph i of paragraph e of section 93, each of those depreciable properties is deemed to be property of the new class acquired before the subsequent time and never to have been included in the old class; and
- (b) the taxpayer shall deduct in computing the total depreciation allowed to the taxpayer before the subsequent time in respect of property of the old class, and add in computing the total depreciation allowed to the taxpayer before the subsequent time in respect of property of the new class, an amount equal to the greater of
- i. the amount by which the aggregate of all amounts each of which is the capital cost to the taxpayer of each of those depreciable properties exceeds the undepreciated capital cost to the taxpayer of depreciable property of the old class at the transfer time, and

- ii. the aggregate of all amounts each of which is an amount that would have been deducted under paragraph a of section 130 in respect of a depreciable property that is one of those depreciable properties in computing the taxpayer's income for a taxation year that ended before the transfer time and at the end of which the property was included in the old class, had the property been the only property included in a separate prescribed class and had the rate prescribed by the regulations made under that paragraph a in respect of that separate prescribed class been the effective rate that was used by the taxpayer to determine the amounts deducted by the taxpayer under that paragraph a in respect of property of the old class for the year."
- (2) Subsection 1 applies in respect of properties of a prescribed class that, after 31 December 1996, become included in property of another prescribed class.

c. I-3, s. 99, English text, am.

- **86.** Section 99 of the said Act is amended, in the English text,
 - (1) by replacing paragraph a by the following:
- "(a) where a taxpayer, having acquired property to gain income, begins at a later time to use it for some other purpose, the taxpayer is deemed to have disposed of it at that time for proceeds of disposition equal to its fair market value and to have reacquired it immediately thereafter at a cost equal to that fair market value;";
- (2) by replacing the portion of paragraph b before subparagraph i by the following:
- "(b) subject to section 284, where a taxpayer, having acquired property for some other purpose, begins at a particular time to use it to gain income, the taxpayer is deemed to have acquired it at that time at a capital cost to the taxpayer equal to the lesser of";
 - (3) by replacing subparagraph ii of paragraph b by the following:
- "ii. the aggregate of its cost to the taxpayer at that time determined without reference to this paragraph, paragraph a and subparagraph ii of paragraph d, and 3/4 of the amount by which the fair market value of the property at that time exceeds the aggregate of the cost to the taxpayer of the property at that time determined without reference to this paragraph, paragraph a and subparagraph ii of paragraph d, and d/3 of the amount deducted by the taxpayer under Title VI.5 of Book IV in respect of the amount by which the fair market value of the property at that time exceeds the cost to the taxpayer of the property at that time determined without reference to this paragraph, paragraph a and subparagraph ii of paragraph d;";
 - (4) by replacing subparagraph i of paragraph d by the following:
- "i. where the proportion of the use made of the property to gain income has increased at a particular time, the taxpayer is deemed to have acquired at that

time depreciable property of that class at a capital cost equal to the aggregate of the proportion of the lesser of its fair market value at that time, and its cost to the taxpayer at that time determined without reference to this subparagraph, subparagraph ii and paragraph a that the amount of the increase in the use regularly made by the taxpayer of the property to gain income is of the whole of the use regularly made of the property, and 3/4 of the amount by which the amount deemed under section 283 to be the taxpayer's proceeds of disposition of the property in respect of the change in the use made of the property exceeds the aggregate of that proportion of the cost to the taxpayer of the property at that time determined without reference to this subparagraph, subparagraph ii and paragraph a, that the amount of the increase in the use regularly made by the taxpayer of the property to gain income is of the whole of the use regularly made of the property, and 4/3 of the amount deducted by the taxpayer under Title VI.5 of Book IV in respect of the amount by which the amount deemed under section 283 to be the taxpayer's proceeds of disposition of the property in respect of the change in the use made of the property exceeds that proportion of the cost to the taxpayer of the property at that time determined without reference to this subparagraph, subparagraph ii and paragraph a that the amount of the increase in the use regularly made by the taxpayer of the property to gain income is of the whole of the use regularly made of the property;";

(5) by replacing subparagraph ii of paragraph d by the following:

"ii. where the proportion of the use made of the property to gain income has decreased at a particular time, the taxpayer is deemed to have disposed at that time of depreciable property of that class and the proceeds of disposition are deemed to be an amount equal to the proportion of the fair market value of the property as of that time that the amount of the decrease in the use regularly made by the taxpayer of the property to gain income is of the whole of the use regularly made of it;";

(6) by replacing subparagraph iii of paragraph d.1 by the following:

"iii. where the cost or capital cost, as the case may be, of the property to the transferor immediately before the transferor disposed of it exceeds the capital cost of the property to the particular person or partnership at that time determined without reference to this paragraph, the capital cost of the property to the particular person or partnership at that time is deemed to be an amount equal to the cost or capital cost, as the case may be, of the property to the transferor immediately before the transferor disposed of it and the excess is deemed to have been allowed as depreciation to the particular person or partnership in respect of the property under regulations made under paragraph a of section 130 in computing the income of the particular person or partnership for taxation years ending before the acquisition of the property by the particular person or partnership;";

(7) by replacing paragraph d.1.1 by the following:

- "(d.1.1) where a taxpayer is deemed by subparagraph a of the first paragraph of section 726.9.2 to have disposed of and reacquired a property that immediately before the disposition was a depreciable property, the taxpayer is deemed to have acquired the property from himself, herself or itself and, in so having acquired the property, not to have been dealing with himself, herself or itself at arm's length;";
 - (8) by replacing subparagraph ii of paragraph d.4 by the following:
- "ii. the amount that immediately before that time was the cost amount to that person of the passenger vehicle minus, as the case may be, the amount deducted by that person under paragraph a of section 130 in respect of the passenger vehicle in computing income for that person's taxation year in which that person disposed of the passenger vehicle, and";
 - (9) by replacing paragraph e by the following:
- "(e) for the purposes of this Part, a taxpayer who has acquired prescribed property between 3 December 1970 and 1 April 1972 for use in a prescribed manufacturing or processing business carried on by the taxpayer, is deemed to have acquired that property at a capital cost equal to 115% of the amount that, but for this paragraph and section 180, would have been the capital cost of that property, if that property was not used for any purpose whatever before it was acquired by the taxpayer."

c. I-3, s. 101.5, English text, am.

- **87.** Section 101.5 of the said Act is amended, in the English text,
- (1) by replacing, in paragraph a, the word "estates" by the word "successions";
- (2) by replacing the word "estate" wherever it appears in paragraph b by the word "succession".

c. I-3, s. 101.8, added.

88. (1) The said Act is amended by inserting, after section 101.7, the following section:

Deemed capital cost.

- "101.8. For the purposes of this Part,
- (a) where a taxpayer, to acquire a property prescribed in respect of the taxpayer, is required under the terms of a contract entered into after 6 March 1996 to make a payment to the State, to Her Majesty in right of Canada or a province or to a Canadian municipality in respect of costs incurred or to be incurred by the recipient of the payment, the taxpayer is deemed to have acquired the property at the later of the time the payment is made and the time at which those costs are incurred at a capital cost equal to the portion of that payment made by the taxpayer that can reasonably be regarded as being in respect of those costs;

- (b) where at any time after 6 March 1996 a taxpayer incurs a cost on account of capital for the building of, for the right to use or in respect of, a prescribed property, and the amount of the cost would, if this paragraph did not apply, not be included in the capital cost to the taxpayer of depreciable property of a prescribed class, the taxpayer is deemed to have acquired the property at that time at a capital cost equal to the amount of the cost;
- (c) where a taxpayer acquires an intangible property as a consequence of making a payment to which subparagraph a of this paragraph applies or incurring a cost to which subparagraph b of this paragraph applies,
- i. the property referred to in subparagraph a or b of this paragraph is deemed to include the intangible property, and
- ii. the portion of the capital cost referred to in subparagraph a or b of this paragraph that applies to the intangible property is deemed to be equal to the amount determined by the formula

$A \times B/C$;

- (d) any property deemed by subparagraph a or b of this paragraph to have been acquired at any time by a taxpayer as a consequence of making a payment or incurring a cost is deemed
- i. to have been acquired for the purpose for which the payment was made or the cost was incurred, and
- ii. to be owned by the taxpayer at any subsequent time that the taxpayer benefits from the property.

Interpretation.

In the formula provided for in subparagraph ii of subparagraph c of the first paragraph,

- (a) A is the lesser of the amount of the payment made or cost incurred and the amount described in subparagraph c of this paragraph;
- (b) B is the fair market value of the intangible property at the time the payment was made or the cost was incurred; and
- (c) C is the fair market value at the time the payment was made or the cost was incurred of all intangible properties acquired as a consequence of making the payment or incurring the cost."
 - (2) Subsection 1 applies to taxation years that end after 6 March 1996.
- **89.** (1) Section 133.3 of the said Act is replaced by the following:
- replaced.

 Judicial and extrajudicial expenses.

c. I-3, s. 133.3,

"133.3. A taxpayer shall not deduct the amounts paid by the taxpayer as judicial or extrajudicial expenses incurred in respect of a divorce, a judicial separation, a written separation agreement, a right to receive an original

amount that is a support amount as defined in the first paragraph of section 312.3 or an original obligation to pay an amount that is a support amount as defined in the first paragraph of section 336.0.2."

- (2) Subsection 1 has effect from 1 January 1997.
- c. I-3, s. 133.4, added.
- **90.** (1) The said Act is amended by inserting, after section 133.3, the following section:

RSP and RIF fees.

- "133.4. A taxpayer shall not, in computing the income of the taxpayer from a business or property for a taxation year, deduct any amount paid or payable by the taxpayer for services in respect of a retirement savings plan or retirement income fund under which the taxpayer is the annuitant."
- (2) Subsection 1 applies in respect of amounts paid or payable after 5 March 1996.
- c. I-3, s. 144, am.
- **91.** (1) Section 144 of the said Act is amended, in subsection 1,
 - (1) by replacing the portion before paragraph a by the following:

Disallowed deduction.

- "144. (1) A taxpayer shall not deduct any amount paid or payable by virtue of an obligation imposed by statute or a contractual obligation substituted for an obligation imposed by statute, to a person referred to in section 90, as a royalty, tax, rental or bonus, or as an amount that can reasonably be regarded as being in lieu of any such amount, or in respect of the late payment or non-payment of any such amount, and that can reasonably be regarded as being in relation to":
- (2) by inserting, after subparagraph i of paragraph b, the following subparagraph:
- "i.1. sulphur from a natural accumulation of petroleum or natural gas situated in Canada, from an oil or gas well situated in Canada or from a mineral resource situated in Canada;".
- (2) Subsection 1 applies to taxation years that begin after 31 December 1996.
- c. I-3, s. 152, am.
- **92.** (1) Section 152 of the said Act is amended by replacing the second paragraph by the following:

Insurance policies.

- "The same applies to reserves in respect of insurance policies, except that in computing an insurer's income for a taxation year from an insurance business, other than a life insurance business, carried on by it, there may be deducted any amount not exceeding the amount prescribed in respect of the insurer for the year."
 - (2) Subsection 1 applies from the taxation year 1996.

c. I-3, s. 157, am.

- **93.** (1) Section 157 of the said Act is amended
 - (1) by replacing paragraph n by the following:
- "(n) such portion claimed by the taxpayer of an amount that is an outlay or expense made or incurred by the taxpayer before the end of the year that is a cost to the taxpayer of any substance injected before that time into a natural reservoir to assist in the recovery of petroleum, natural gas or related hydrocarbons to the extent that that portion was not otherwise deducted in computing the taxpayer's income for the year or deducted in computing the taxpayer's income for any preceding taxation year;";
 - (2) by inserting, after paragraph n, the following paragraph:
- "(n.1) the tax, if any, under Part III.14, under Part XII.6 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) or under a law of a province other than Québec under which tax similar to that payable under Part III.14 is imposed, paid in the year or payable in respect of the year by the taxpayer, depending on the method regularly followed by the taxpayer in computing the taxpayer's income;".
 - (2) Paragraph 1 of subsection 1 applies from the taxation year 1996.
 - (3) Paragraph 2 of subsection 1 applies from the taxation year 1997.

94. Section 157.1 of the said Act is replaced by the following:

c. I-3, s. 157.1, replaced.

Reduction of the inventory allowance deduction.

"157.1. The deduction allowed under paragraph j of section 157, as it read before being struck out, to a taxpayer for a fiscal period referred to therein shall be reduced by an amount equal to 3% of that proportion of the lesser of the cost amount to the taxpayer of the taxpayer's qualifying inventory that was disposed of during the fiscal period by the taxpayer in a specified transaction to a person with whom the taxpayer was not dealing at arm's length and the cost amount to the taxpayer of the taxpayer's qualifying inventory at the beginning of the fiscal period, that the number of days in the fiscal period and after the date of disposition is of 365."

c. I-3, s. 157.2, am.

95. Section 157.2 of the said Act is amended by replacing paragraphs a and b by the following:

"qualifying inventory"

"(a) "qualifying inventory" means tangible property described in paragraph j of section 157, as it read before being struck out, other than an immovable or an interest therein or property of a taxpayer that becomes property of a new corporation by virtue of an amalgamation or merger;

"specified transaction"

"(b) "specified transaction" means a distribution by a corporation of qualifying inventory on or in the course of its winding-up, a disposition by a taxpayer of all or a substantial part of the taxpayer's qualifying inventory, or a disposition at a particular time of qualifying inventory by a taxpayer one of

the principal purposes of which is to permit a person with whom the taxpayer does not deal at arm's length to obtain a deduction in respect thereof under paragraph j of section 157, as it read before being struck out, for that person's first fiscal period commencing after the particular time, but does not include any such distribution or disposition by a taxpayer to another person during a fiscal period of that other person that ends at least 11 months after the commencement of the fiscal period of the taxpayer during which the distribution or disposition occurs."

c. I-3, s. 157.2.0.1, am.

- **96.** (1) Section 157.2.0.1 of the said Act is amended by replacing paragraph b by the following:
- "(b) the amount of such outlay or expense described in that paragraph n that was made or incurred by the taxpayer in the year and not otherwise deducted in computing the taxpayer's income for the year."
 - (2) Subsection 1 applies from the taxation year 1996.

c. I-3, s. 157.6.1, added.

97. (1) The said Act is amended by inserting, after section 157.6, the following section:

Deduction for negative reserves.

- "157.6.1. An insurer may, in computing the income of the insurer for a taxation year, deduct the amount included under paragraph e.1 of section 87 by the insurer in computing the insurer's income for the preceding taxation year."
 - (2) Subsection 1 applies from the taxation year 1996.

c. I-3, s. 157.15, English text, replaced. **98.** Section 157.15 of the said Act is replaced, in the English text, by the following:

Multi-employer insurance plan.

"157.15. Notwithstanding sections 128 and 133, a taxpayer may deduct, in computing the income of the taxpayer from a business for a taxation year, the portion, which can reasonably be attributed to a plan for the insurance of persons, otherwise than in relation to coverage against the loss of all or part of the income from a business, of the aggregate of all amounts each of which is the total contribution relating to work performed in connection with that business and payable by the taxpayer for a period in the year, otherwise than because of a previous, the current or an intended office or employment of another person, to the administrator of a multi-employer insurance plan, within the meaning of section 43.1, and of the tax, within the meaning of subparagraph d of the second paragraph of section 37.0.1.1, relating thereto."

c. I-3, s. 171, am.

99. (1) Section 171 of the said Act is amended by replacing the second paragraph by the following:

Insurance corporation not resident in Canada.

"However, the outstanding debts referred to in sections 169 and 170 do not include an amount outstanding at the particular time in respect of a debt or other obligation to pay an amount to an insurance corporation not resident in

Canada to the extent that the amount outstanding was, for the insurance corporation's taxation year that included the particular time, designated insurance property in respect of an insurance business carried on in Canada through an establishment."

(2) Subsection 1 applies from the taxation year 1997.

c. I-3, Part I, Book III, Title III, Chap. V, Div. II, heading, replaced.

100. The heading of Division II of Chapter V of Title III of Book III of Part I of the said Act is replaced by the following:

"STATE AND FEDERAL CROWN BODIES".

c. I-3, s. 192, am.

- 101. Section 192 of the said Act is amended
 - (1) by replacing the first paragraph by the following:

Application to State and Crown bodies.

- "192. This Part, except section 985, applies to a State body or a federal Crown body, unless otherwise provided by the regulations.";
- (2) by replacing, in the English text, the second and third paragraphs by the following:

Rule.

"Any income or loss from a business carried on by a body, as a mandatary of Her Majesty, that is a prescribed body for the purposes of the third paragraph, or from a property of Her Majesty administered by such a body shall be treated, for the purposes of this Part, as if it were an income or loss of the body from the business or the property.

Presumption.

"Notwithstanding any other provision of this Part, a prescribed body and any corporation controlled by it are deemed not to be private corporations."

c. I-3, s. 193, replaced.

102. Section 193 of the said Act is replaced by the following:

Transfers of land for disposition.

"193. Where land of Her Majesty has been transferred, for purposes of disposition, to a body that is a prescribed body for the purposes of the third paragraph of section 192, the acquisition of the property by the body and any disposition thereof are deemed not to have been in the course of the business carried on by the body."

c. I-3, ss. 230.0.0.3.1 – 230.0.0.3.6, added.

103. (1) The said Act is amended by inserting, after section 230.0.0.3, the following sections:

Limitation in respect of specified employees.

"230.0.3.1. For the purposes of subparagraphs b and c of the first paragraph of section 230, expenditures incurred by a taxpayer in a taxation year do not include expenses incurred in the year in respect of salary or wages of a specified employee of the taxpayer to the extent that those expenses exceed the amount determined by the formula

 $A \times B/365$.

CHAP. **16**

Interpretation.

In the formula provided for in the first paragraph,

- (a) A is 5 times the amount of the Maximum Pensionable Earnings, as determined under section 40 of the Act respecting the Québec Pension Plan (chapter R-9), for the calendar year in which the taxation year ends; and
- (b) B is the number of days in the taxation year during which the employee is a specified employee of the taxpayer.

Associated corporations.

"230.0.0.3.2. For the purposes of subparagraphs b and c of the first paragraph of section 230, where in a taxation year of a corporation that ends in a particular calendar year, the corporation employs an individual who is a specified employee of the corporation, the corporation is associated with another corporation, in this section referred to as the "associated corporation", in a taxation year of the associated corporation that ends in the particular calendar year, and the individual is a specified employee of the associated corporation in that taxation year of the associated corporation, the expenditures incurred by the corporation in its taxation year or years that end in the calendar year and by each associated corporation in its taxation year or years that end in the particular calendar year do not include expenses incurred in those taxation years in respect of salary or wages of the specified employee unless the corporation and all of the associated corporations have filed with the Minister an agreement referred to in section 230.0.0.3.3 in respect of those years in respect of that employee or section 230.0.0.3.5 applies to those corporations in respect of those years in respect of that employee.

Agreement among associated corporations.

***230.0.3.3.** Where none of the members of a group of corporations that are associated with each other in a taxation year that ends in a particular calendar year and of which an individual is a specified employee has, in that taxation year, an establishment in a province other than Québec, all of the members of the group of associated corporations file, in respect of their taxation years that end in the particular calendar year, an agreement with the Minister in which they allocate an amount in respect of the individual to one or more of them for those years and the amount so allocated or the aggregate of the amounts so allocated, as the case may be, does not exceed the amount determined by the following formula, the maximum amount that may be claimed in respect of salary or wages of the individual for the purposes of subparagraphs b and c of the first paragraph of section 230 by each of the corporations for each of those years is the amount so allocated to it for each of those years:

$A \times B/365$.

Interpretation.

In the formula provided for in the first paragraph,

(a) A is 5 times the amount of the Maximum Pensionable Earnings, as determined under section 40 of the Act respecting the Québec Pension Plan (chapter R-9), for the particular calendar year; and

(b) B is the lesser of 365 and the number of days in those taxation years during which the individual was a specified employee of one or more of the corporations.

Filing requirements.

***230.0.0.3.4.** An agreement referred to in the first paragraph of section 230.0.0.3.3 is deemed not to have been filed by a taxpayer with the Minister unless it is in prescribed form, and, where the taxpayer is a corporation, it is accompanied by, where the directors of the corporation are legally entitled to administer its affairs, a certified copy of their resolution authorizing the agreement to be made or, where the directors of the corporation are not legally entitled to administer its affairs, a certified copy of the document by which the person legally entitled to administer its affairs authorized the agreement to be made.

Member having an establishment in a province other than Ouébec.

"230.0.0.3.5. Where one of the members of a group of corporations that are associated with each other in a taxation year that ends in a particular calendar year and of which an individual is a specified employee has, in that taxation year, an establishment in a province other than Québec and an amount in respect of the individual is allocated, in accordance with subsection 9.3 of section 37 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), to one or more of them for each of their taxation years that ends in the particular calendar year, the maximum amount that may be claimed in respect of salary or wages of the individual for the purposes of subparagraphs b and c of the first paragraph of section 230 by each of the corporations for each of those years is the amount so allocated to it for each of those years.

Filing requirements.

Where, in respect of a taxation year, a member of a group of associated corporations referred to in the first paragraph files, in respect of an individual, an agreement with the Minister of National Revenue in accordance with subsection 9.3 of section 37 of the Income Tax Act, the member is required to file with the Minister, in respect of that year, a copy of the agreement.

Deemed corporations.

- "**230.0.0.3.6.** For the purposes of this section and sections 230.0.0.3.2, 230.0.0.3.3 and 230.0.0.3.5, each of the following is deemed to be a corporation associated with a particular corporation:
 - (a) an individual related to the particular corporation;
- (b) a partnership of which a majority interest partner is an individual related to the particular corporation or a corporation associated with the particular corporation; and
- (c) a limited partnership of which a member whose liability as a member is not limited is an individual related to the particular corporation or a corporation associated with the particular corporation."
- (2) Subsection 1, where it enacts sections 230.0.0.3.1 to 230.0.0.3.4 and 230.0.0.3.6 of the said Act, applies to taxation years that begin after 5 March

1996. However, where it applies to a taxation year preceding the taxation year 1998.

- (1) section 230.0.0.3.2 of the said Act, enacted by subsection 1, shall be read with "or section 230.0.0.3.5 applies to those corporations in respect of those years in respect of that employee" struck out;
- (2) section 230.0.0.3.3 of the said Act, enacted by subsection 1, shall be read with "Where none of the members of a group of corporations that are associated with each other in a taxation year that ends in a particular calendar year and of which an individual is a specified employee has, in that taxation year, an establishment in a province other than Québec, all of the members of the group of associated corporations", in the first paragraph, replaced by "Where all of the members of a group of corporations that are associated with each other in a taxation year that ends in a particular calendar year and of which an individual is a specified employee";
- (3) section 230.0.0.3.6 of the said Act, enacted by subsection 1, shall be read with ", 230.0.0.3.3 and 230.0.0.3.5", in the portion before paragraph a, replaced by "and 230.0.0.3.3".
- (3) Subsection 1, where it enacts section 230.0.0.3.5 of the said Act, applies from the taxation year 1998.

104. (1) Section 255 of the said Act, amended by section 58 of chapter 85 of the statutes of 1997, is again amended by replacing subparagraph i of paragraph i by the following:

"i. an amount in respect of each fiscal period of the partnership ending after 31 December 1971 and before the particular time, equal to the taxpayer's share, other than a share under an agreement referred to in section 608, of the income of the partnership from any source for that fiscal period, computed as if this Part were construed without reference to the words "one-half of" in section 105 as it applied to each fiscal period of the partnership ending before 1 April 1977 and without reference to the fractions set out in sections 107, 231 and 265, and as if paragraph l, paragraph z.4 of section 87, sections 89 to 91, 144, 144.1, 145 and 425, paragraph j of section 157, as it read before being struck out, paragraph p of each of sections 200 and 201, Division XV of Chapter IV, paragraphs p and p of section 489, as they read before being struck out, subsection 2 of section 497, and the provisions of the Act respecting the application of the Taxation Act (1972, chapter 24), as they read before their repeal, in respect of income from the operation of new mines, did not exist;".

(2) Subsection 1, where it adds, in subparagraph i of paragraph i of section 255 of the said Act, a reference to paragraph z.4 of section 87 thereof, applies for the purpose of computing the adjusted cost base of property after 31 December 1996.

c. I-3, s. 255, am.

c. I-3, s. 257, am.

105. (1) Section 257 of the said Act is amended

- (1) by replacing paragraphs e and h by the following:
- "(e) where the property was received as consideration for a payment or loan referred to in section 383, as it read in respect of the payment or loan, which the taxpayer made or consented to before 20 April 1983 to a joint exploration corporation, within the meaning of section 382, as a shareholder corporation of such a corporation, in respect of Canadian exploration and development expenses, Canadian exploration expenses, Canadian development expenses or Canadian oil and gas property expenses incurred by the joint exploration corporation, or where the property was substituted for such a property, such portion of the payment or loan as may reasonably be considered to relate to an agreed portion referred to in section 381, 406, 417 or 418.13, as it read in respect of the agreed portion;
- "(h) where the property is a share of the capital stock of a joint exploration corporation, within the meaning of section 382, resident in Canada to which the taxpayer has, after 31 December 1971, made a contribution of capital otherwise than by way of a loan, which contribution was included in computing the adjusted cost base of the property by virtue of paragraph e of section 255, such portion of the contribution as may reasonably be considered to be part of an agreed portion referred to in section 381, 406, 417 or 418.13, as it read in respect of the agreed portion:";
 - (2) by replacing subparagraph i of paragraph l by the following:
- "i. an amount in respect of each fiscal period of the partnership ending after 31 December 1971 and before the particular time, equal to the taxpayer's share, other than a share under an agreement referred to in section 608, of any loss of the partnership from any source for that fiscal period, computed as if this Part were construed without reference to the words "one-half of" in section 105, as it applied to each fiscal period of the partnership ending before 1 April 1977 and without reference to the fractions set out in sections 107 and 231, and as if paragraph z.4 of section 87, sections 89 to 91, 144, 144.1, 145, 205 to 207, 235, 236.2 to 241, 264, 271, 273, 288, 293, 425 and 744.1, paragraph j of section 157, as it read before being struck out, Division XV of Chapter IV, paragraphs g and h of section 489, as they read before being struck out, and the second paragraph of section 741 did not exist, except to the extent that all or a portion of such a loss may reasonably be considered to have been included in the taxpayer's limited partnership loss in respect of the partnership for the taxpayer's taxation year in which that fiscal period ended;";
- (3) by replacing, in subparagraph ii of paragraph l, "(1972, chapter 24)" by "(chapter I-4)".
- (2) Paragraph 2 of subsection 1, where it adds, in subparagraph i of paragraph *l* of section 257 of the said Act, a reference to paragraph *z*.4 of section 87 of the said Act, applies for the purpose of computing the adjusted cost base of property after 31 December 1996.

c. I-3, s. 308.6, am.

- **106.** Section 308.6 of the said Act is amended, in subparagraph i of subparagraph b and subparagraph c of the first paragraph, by replacing "section 157" by "section 157 as it read, before being struck out, in respect of that period,".
- c. I-3, s. 312, am.
- **107.** (1) Section 312 of the said Act, amended by section 62 of chapter 85 of the statutes of 1997, is again amended
 - (1) by striking out paragraphs a to b.2;
 - (2) by replacing paragraph c.2 by the following:
- "(c.2) an amount received out of or under, or as proceeds of disposition of, an annuity where the payment made for the acquisition of the annuity was
- i. deductible in computing the taxpayer's income because of paragraph f of section 339 or because of section 923.3, as it read immediately before its repeal,
- ii. made in circumstances to which, for the purposes of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), subsection 21 of section 146 of that Act applied; or
- iii. made pursuant to or under a deferred profit sharing plan by a trustee under the plan to purchase the annuity for a beneficiary under the plan;";
- (3) in paragraph f, by striking out "of subsection 1" and by replacing the word "sous-paragraphe" by the word "paragraphe" wherever it appears in the French text;
 - (4) by replacing, in the English text, paragraph g by the following:
- "(g) the amount by which the aggregate of all amounts, other than an amount described in paragraph i of section 311, an amount received in the course of business and an amount received because of, or in the course of, an office or employment, received by the taxpayer in the year as a scholarship, fellowship or bursary, or a prize for achievement in a field of endeavour ordinarily carried on by the taxpayer, other than a prescribed prize, exceeds the amount determined under section 312.2 in respect of the taxpayer; and".
- (2) Paragraph 1 of subsection 1 applies in respect of amounts received after 31 December 1996.
 - (3) Paragraph 2 of subsection 1 applies from the taxation year 1996.
- c. I-3, s. 312.1, repealed.
- **108.** (1) Section 312.1 of the said Act is repealed.
- (2) Subsection 1 applies in respect of amounts received after 31 December 1996.

c. I-3, ss. 312.3 – 312.5, added.

109. (1) The said Act is amended by inserting, after section 312.2, the following sections:

Definitions:

"312.3. In this chapter,

"child support amount"

"child support amount" means any support amount that is not identified in the agreement or order under which it is receivable as being solely for the support of a recipient who is a spouse or former spouse of the payer or who is the father or mother of a child of the payer:

"commencement day"

"commencement day" in respect of an agreement or order means

- (a) where the agreement or order is made after 30 April 1997, the day it is made: and
- (b) where the agreement or order is made before 1 May 1997, the day that is after 30 April 1997 and is the earliest of
- i. the day specified as the commencement day by the payer and recipient of the child support amount payable or receivable, as the case may be, under the agreement or order, in a joint election filed with the Minister in prescribed form,
- ii. where the agreement or order is varied after 30 April 1997 to change the child support amounts payable to the recipient, the day on which the first payment of the varied amount is required to be made,
- iii. where a subsequent agreement or order is made after 30 April 1997, the effect of which is to change the total child support amounts payable to the recipient by the payer, the commencement day of the first such subsequent agreement or order, and
- iv. the day specified in the agreement or order, or any variation thereof, as the commencement day for the purposes of this Part;

"support amount"

- "support amount" means, subject to the second paragraph, an amount receivable as an allowance on a periodic basis for the maintenance of the recipient, a child of the recipient or both the recipient and a child of the recipient, if the recipient has discretion as to the use of the amount, and
- (a) the recipient is the spouse or former spouse of the payer, the recipient and payer are living separate and apart because of the breakdown of their marriage and the amount is receivable under an order of a competent tribunal or under a written agreement; or
- (b) the payer is the father or mother of a child of the recipient and the amount is receivable under an order made by a competent tribunal in accordance with the laws of a province.

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Interpretation.

For the purposes of the definition of "support amount" in the first paragraph, a support amount does not include an amount described in that definition that, if paid and received, would not be required to be included in computing the income of the recipient of the amount if

- (a) paragraphs a to b.1 of section 312 applied in respect of an amount received after 31 December 1996 and were read without reference to the words "and throughout the remainder of the year"; and
 - (b) section 312.4 were disregarded.

Support.

"312.4. A taxpayer shall also include the aggregate of all amounts each of which is an amount determined by the formula

$$A - (B + C)$$
.

Interpretation.

In the formula provided for in the first paragraph,

- (a) A is the aggregate of all amounts each of which is a support amount received after 31 December 1996 and before the end of the year by the taxpayer from a particular person where the taxpayer and the particular person were living separate and apart at the time the amount was received;
- (b) B is the aggregate of all amounts each of which is a child support amount that became receivable by the taxpayer from the particular person under an agreement or order on or after the commencement day and before the end of the year in respect of a period that began after that commencement day; and
- (c) C is the aggregate of all amounts each of which is a support amount received after 31 December 1996 by the taxpayer from the particular person and included in the taxpayer's income for a preceding taxation year.

Reimbursement of support payments.

- "312.5. A taxpayer shall also include any amount received under an order of a competent tribunal as a reimbursement of an amount deducted under any of paragraphs a to b of subsection 1 of section 336, as it read for that preceding year, in computing the taxpayer's income for a preceding taxation year, or that could have been so deducted were it not for section 334.1, as it read for that preceding year, or deducted under section 336.0.3 in computing the taxpayer's income for the year or a preceding taxation year."
- (2) Subsection 1, where it enacts section 312.3 of the said Act, has effect from 1 January 1997.
- (3) Subsection 1, where it enacts sections 312.4 and 312.5 of the said Act, applies in respect of amounts received after 31 December 1996.

c. I-3, s. 313, replaced.

110. (1) Section 313 of the said Act is replaced by the following:

Deemed support.

- **"313.** For the purposes of sections 312.4 and 752.0.6, where an order or agreement, or any variation thereof, provides for the payment of an amount to a taxpayer or for the benefit of the taxpayer, a child in the taxpayer's custody or both the taxpayer and a child in the taxpayer's custody, the amount or any part thereof, when payable, is deemed to be payable to and receivable by the taxpayer and, when paid, is deemed to have been paid to and received by the taxpayer."
- (2) Subsection 1 applies in respect of amounts received after 31 December 1996.

c. I-3, s. 313.0.0.1, added.

111. (1) The said Act is amended by inserting, after section 313, the following section:

Act to facilitate the payment of support.

- **"313.0.0.1.** For the purposes of section 312.3, where an order, or any variation thereof, provides for the payment of an amount to a taxpayer or for the benefit of the taxpayer, a child in the taxpayer's custody or both the taxpayer and a child in the taxpayer's custody and the amount or any part thereof is paid by the Minister under the Act to facilitate the payment of support (chapter P-2.2) otherwise than out of the sums collected from the debtor of support, the amount or any part thereof, when paid, is deemed to have been receivable by the taxpayer under the order."
- (2) Subsection 1 applies in respect of amounts received after 31 December 1996.

c. I-3, ss. 313.0.1 – 313.0.3, replaced.

112. (1) Sections 313.0.1 to 313.0.3 of the said Act are replaced by the following:

Deemed support.

"313.0.1. Where an amount, other than an amount that is otherwise a support amount, became payable in a taxation year by a person, in this section and in section 313.0.2 referred to as the "particular person", under an order of a competent tribunal or under a written agreement, in respect of an expense incurred in the year or the preceding taxation year for the maintenance of a taxpayer described in the second paragraph, a child in the taxpayer's custody or both the taxpayer and a child in the taxpayer's custody and the order or agreement provides that this section and section 336.1 apply to any amount paid or payable thereunder, the amount by which the aggregate of all amounts each of which is such an amount payable exceeds the amount determined under section 313.0.3 is, for the purposes of this chapter and section 752.0.6, deemed to be an amount payable to and receivable by the taxpayer as an allowance on a periodic basis, and the taxpayer is deemed to have discretion as to the use of that amount.

Interpretation.

The taxpayer to whom the first paragraph refers is

(a) the spouse or former spouse of the particular person; or

(b) where the amount became payable under an order made by a competent tribunal in accordance with the laws of a province, the father or mother of a child of the particular person.

Restriction.

"313.0.2. For the purposes of section 313.0.1, an expense does not include an expenditure in respect of a self-contained domestic establishment in which the particular person resides or an expenditure for the acquisition of tangible property that is not an expenditure on account of a medical or educational expense or in respect of the acquisition, improvement or maintenance of a self-contained domestic establishment in which the taxpayer described in the second paragraph of that section 313.0.1 resides.

Interpretation.

- "313.0.3. The amount referred to in the first paragraph of section 313.0.1 is the amount by which
- (a) the aggregate of all amounts each of which is an amount included in the aggregate determined under that paragraph in respect of the acquisition or improvement of a self-contained domestic establishment in which the taxpayer described in the second paragraph of that section 313.0.1 resides, including any payment of principal or interest in respect of a loan made or indebtedness incurred to finance, in any manner whatever, such acquisition or improvement; exceeds
- (b) the aggregate of all amounts each of which is an amount equal to 20% of the original principal amount of a loan or indebtedness described in paragraph a."
- (2) Subsection 1 applies in respect of amounts received after 31 December 1996.

c. I-3, s. 313.0.5, replaced.

Prior payments.

- **113.** (1) Section 313.0.5 of the said Act is replaced by the following:
- "313.0.5. For the purposes of this chapter, where a written agreement or order of a competent tribunal made at any time in a taxation year provides that an amount received before that time and in the year or the preceding taxation year is to be considered to have been paid and received thereunder, the following rules apply:
 - (a) the amount is deemed to have been received thereunder;
- (b) the agreement or order is deemed, except for the purpose of this section, to have been made on the day on which the first such amount was received.

Variation.

However, where the agreement or order is made after 30 April 1997 and varies a child support amount payable to the recipient from the last such amount received by the recipient before 1 May 1997, each varied amount of child support received under the agreement or order is deemed to have been receivable under an agreement or order the commencement day of which is

the day on which the first payment of the varied amount is required to be made."

- (2) Subsection 1 applies in respect of amounts received after 31 December 1996.
- c. I-3, s. 336, am.
- **114.** (1) Section 336 of the said Act, amended by section 45 of chapter 31 of the statutes of 1997, by section 110 of chapter 63 of the statutes of 1997 and by section 65 of chapter 85 of the statutes of 1997, is again amended
- (1) by replacing the portion before paragraph a of subsection 1 by the following:

Amounts included.

- "336. The amounts referred to in section 334 include":
- (2) by striking out paragraphs a to b.1 of subsection 1;
- (3) by replacing, in the French text of the portion of paragraph *e*.1 of subsection 1 before subparagraph i, the words "présent sous-paragraphe" by the words "présent paragraphe";
- (4) by replacing, in the English text of subparagraph ii of paragraph f of subsection 1, the word "estate" by the word "succession";
 - (5) by striking out subsections 2 to 2.2.
- (2) Paragraph 2 of subsection 1, where it strikes out paragraphs a to b.0.1 of subsection 1 of section 336 of the said Act, and paragraph 5 of subsection 1, where it strikes out subsection 2 of section 336 of the said Act, applies in respect of amounts paid after 31 December 1996.
- (3) Paragraph 2 of subsection 1, where it strikes out paragraph b.1 of subsection 1 of section 336 of the said Act, has effect from 1 January 1997.
- (4) Paragraph 5 of subsection 1, where it strikes out subsections 2.1 and 2.2 of section 336 of the said Act, applies in respect of amounts reimbursed after 31 December 1996. In addition,
- (1) where subsection 2.1 of section 336 of the said Act, struck out by that paragraph 5, applies in respect of amounts reimbursed before 1 January 1997, it shall be read with the words "to and received by the person" added after the word "paid";
- (2) where subsection 2.2 of section 336 of the said Act, struck out by that paragraph 5, applies in respect of amounts reimbursed before 1 January 1997, it shall be read with the words "to have been paid in that year under the decree, order or judgment" replaced by the words "to have been paid to and received by the person in that year under the decree, order or judgment".

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c. I-3, s. 336.0.1, repealed.

115. (1) Section 336.0.1 of the said Act is repealed.

(2) Subsection 1 applies in respect of amounts paid after 31 December 1996.

c. I-3, ss. 336.0.2 – 336.0.8, added.

116. (1) The said Act is amended by inserting, before section 336.1, the following sections:

Definitions:

"336.0.2. In this chapter,

"child support amount"

"child support amount" means any support amount that is not identified in the agreement or order under which it is payable as being solely for the support of a recipient who is a spouse or former spouse of the payer or who is the father or mother of a child of the payer;

"commencement day"

"commencement day" in respect of an agreement or order has the meaning assigned by the first paragraph of section 312.3;

"support amount"

"support amount" means, subject to the second paragraph and except for the purposes of paragraphs a and b of section 336.0.5, an amount payable as an allowance on a periodic basis for the maintenance of the recipient, a child of the recipient or both the recipient and a child of the recipient, if the recipient has discretion as to the use of the amount, and

- (a) the recipient is the spouse or former spouse of the payer, the recipient and payer are living separate and apart because of the breakdown of their marriage and the amount is payable under an order of a competent tribunal or under a written agreement; or
- (b) the payer is the father or mother of a child of the recipient and the amount is payable under an order made by a competent tribunal in accordance with the laws of a province.

Interpretation.

For the purposes of the definition of "support amount" in the first paragraph, a support amount does not include an amount described in that definition that, if paid and received, would not be required to be included in computing the income of the recipient of the amount if

- (a) paragraphs a to b.1 of section 312 applied in respect of an amount received after 31 December 1996 and were read without reference to the words "and throughout the remainder of the year"; and
 - (b) section 312.4 were disregarded.

Support.

"**336.0.3.** A taxpayer may, in computing the income of the taxpayer for a taxation year, deduct the aggregate of all amounts each of which is an amount determined by the formula

$$A - (B + C)$$
.

Interpretation.

In the formula provided for in the first paragraph,

- (a) A is the aggregate of all amounts each of which is a support amount paid after 31 December 1996 and before the end of the year by the taxpayer to a particular person, where the taxpayer and the particular person were living separate and apart at the time the amount was paid;
- (b) B is the aggregate of all amounts each of which is a child support amount that became payable by the taxpayer to the particular person under an agreement or order on or after the commencement day and before the end of the year in respect of a period that began after that commencement day; and
- (c) C is the aggregate of all amounts each of which is a support amount paid by the taxpayer to the particular person after 31 December 1996 and deductible in computing the taxpayer's income for a preceding taxation year.

Repayment of support payments.

"336.0.4. A taxpayer may, in computing the income of the taxpayer for a taxation year, deduct the amount by which an amount paid by the taxpayer in the year or one of the two preceding taxation years under an order of a competent tribunal as a repayment of an amount included under any of paragraphs a to b.1 of section 312, as it read for a preceding taxation year, in computing the taxpayer's income for that preceding year, or that should have been so included had the taxpayer not made the election provided for in section 309.1, as it read for that preceding year, or included under section 312.4 in computing the taxpayer's income for the year or a preceding taxation year, to the extent that the amount was not deducted in computing the taxpayer's income for a preceding taxation year, exceeded the portion of the amount in respect of which section 334.1 applied for a preceding taxation year, as that section read for that preceding year.

Judicial or extrajudicial expenses.

- "**336.0.5.** A taxpayer may, in computing the income of the taxpayer for a taxation year, deduct any amount paid by the taxpayer as judicial or extrajudicial expenses incurred for any of the following purposes, to the extent that the taxpayer has not been reimbursed, is not entitled to be reimbursed, and did not deduct the amount in computing the taxpayer's income for a preceding taxation year:
- (a) for the purpose of collecting an amount owing to the taxpayer that is a support amount as defined in the first paragraph of section 312.3;
- (b) for the purpose of obtaining a review of the right to receive an amount that is a support amount as defined in the first paragraph of section 312.3; and
- (c) for the purpose of obtaining a review of the obligation to pay an amount that is a support amount.

Deemed support.

"336.0.6. For the purposes of sections 336.0.3 and 752.0.6, where an order or agreement, or any variation thereof, provides for the payment of an amount by a taxpayer to a person or for the benefit of the person, a child in the

person's custody or both the person and a child in the person's custody, the amount or any part thereof, when payable, is deemed to be payable to and receivable by that person and, when paid, is deemed to have been paid to and received by that person.

Act to facilitate the payment of support.

"336.0.7. For the purposes of sections 336.0.2 and 336.0.3, where an order, or any variation thereof, provides for the payment of an amount by a taxpayer to a person or for the benefit of the person, a child in the person's custody or both the person and a child in the person's custody, the amount or any part thereof is paid by the Minister under the Act to facilitate the payment of support (chapter P-2.2) otherwise than out of the sums collected from the taxpayer, and in a particular taxation year the taxpayer reimburses the Minister for all or any part of that amount, the amount so reimbursed is deemed to have been payable in that year under the order and to have been paid to and received by the person in that year.

Last resort assistance.

- **"336.0.8.** For the purposes of sections 336.0.2 and 336.0.3, where an order or agreement, or any variation thereof, provides for the payment of an amount by a taxpayer to a person or for the benefit of the person, a child in the person's custody or both the person and a child in the person's custody, a benefit is paid by the Minister of Employment and Solidarity under Chapter II of the Act respecting income security (chapter S-3.1.1) because the taxpayer fails to pay all or part of the amount that the taxpayer is required to pay, and in a particular taxation year the taxpayer reimburses the Minister of Employment and Solidarity for all or part of that benefit, the amount so reimbursed is deemed to have been payable in that year under the order or agreement and to have been paid to and received by the person in that year."
- (2) Subsection 1, where it enacts sections 336.0.2 and 336.0.5 of the said Act, has effect from 1 January 1997.
- (3) Subsection 1, where it enacts sections 336.0.3, 336.0.4 and 336.0.6 of the said Act, applies in respect of amounts paid after 31 December 1996.
- (4) Subsection 1, where it enacts sections 336.0.7 and 336.0.8 of the said Act, applies in respect of amounts reimbursed after 31 December 1996. However, where section 336.0.8 of the said Act, enacted by subsection 1, applies in respect of amounts that are reimbursed before 25 June 1997, it shall be read with the words "Employment and Solidarity" replaced by the words "Income Security".

c. I-3, ss. 336.1 – 336.4, replaced.

117. (1) Sections 336.1 to 336.4 of the said Act are replaced by the following:

Deemed support.

"336.1. Where an amount, other than an amount that is otherwise a support amount, became payable by a taxpayer in a taxation year under an order of a competent tribunal or under a written agreement, in respect of an expense incurred in the year or the preceding taxation year for the maintenance of a person described in the second paragraph, a child in the person's custody

or both the person and a child in the person's custody and the order or agreement provides that this section and section 313.0.1 apply to any amount paid or payable thereunder, the amount by which the aggregate of all amounts each of which is such an amount payable exceeds the amount determined under section 336.3 is deemed, for the purposes of this chapter and of section 752.0.6, to be an amount payable by the taxpayer to and receivable by the person as an allowance on a periodic basis, and the person is deemed to have discretion as to the use of that amount.

Interpretation.

The person to whom the first paragraph refers is

- (a) the spouse or former spouse of the taxpayer; or
- (b) where the amount became payable under an order made by a competent tribunal in accordance with the laws of a province, the father or mother of a child of the taxpayer.

Restriction.

"336.2. For the purposes of section 336.1, an expense does not include an expenditure in respect of a self-contained domestic establishment in which the taxpayer mentioned in the first paragraph of that section resides or an expenditure for the acquisition of tangible property that is not an expenditure on account of a medical or educational expense or in respect of the acquisition, improvement or maintenance of a self-contained domestic establishment in which the person described in the second paragraph of that section resides.

Interpretation.

- **"336.3.** The amount referred to in the first paragraph of section 336.1 is equal to the amount by which
- (a) the aggregate of all amounts each of which is an amount included in the aggregate determined under that paragraph in respect of the acquisition or improvement of a self-contained domestic establishment in which the person described in the second paragraph of that section 336.1 resides, including any payment of principal or interest in respect of a loan made or indebtedness incurred to finance, in any manner whatever, such acquisition or improvement; exceeds
- (b) the aggregate of all amounts each of which is an amount equal to 20% of the original principal amount of a loan or indebtedness described in paragraph a.

Prior payment.

- **"336.4.** For the purposes of this chapter, where a written agreement or order of a competent tribunal made at any time in a taxation year provides that an amount paid before that time and in the year or the preceding taxation year is to be considered to have been paid and received thereunder, the following rules apply:
 - (a) the amount is deemed to have been paid thereunder; and
- (b) the agreement or order is deemed, except for the purpose of this section, to have been made on the day on which the first such amount was paid.

Variation.

However, where the agreement or order is made after 30 April 1997 and varies a child support amount payable to the recipient from the last such amount paid to the recipient before 1 May 1997, each varied amount of child support paid under the agreement or order is deemed to have been payable under an agreement or order the commencement day of which is the day on which the first payment of the varied amount is required to be made."

(2) Subsection 1 applies in respect of amounts paid after 31 December 1996.

c. I-3, s. 359, am.

118. (1) Section 359 of the said Act is amended by replacing paragraph d by the following:

"oil or gas well"

- "(d)" "oil or gas well" means any well, other than an exploratory probe or a well drilled from below the surface of the earth, drilled for the purpose of producing petroleum or natural gas or of determining the existence, location, extent or quality of a natural accumulation of petroleum or natural gas, but, for the purpose of applying sections 93 to 104 and 130 and any regulations made for the purpose of paragraph a of section 130 in respect of property acquired after 6 March 1996, does not include a well for the extraction of material from a deposit of bituminous sands or oil shales."
 - (2) Subsection 1 has effect from 7 March 1996.

c. I-3, s. 359.1, am.

- **119.** (1) Section 359.1 of the said Act is amended by replacing subparagraphs a and b of the first paragraph by the following:
- "(a) to incur, in the period that begins on the day the agreement was entered into and ends 24 months after the end of the month that includes that day, Canadian exploration expenses or Canadian development expenses in an amount not less than the consideration for which the share is to be issued, and
- "(b) to renounce, before 1 March of the first calendar year that begins after that period, in prescribed form to the person in respect of the share, an amount in respect of the Canadian exploration expenses or Canadian development expenses so incurred by it not exceeding the consideration received by the corporation for the share."
- (2) Subsection 1 applies in respect of renunciations made after 31 December 1998.

c. I-3, s. 359.1.1, replaced.

Effective date of a renunciation.

- **120.** (1) Section 359.1.1 of the said Act is replaced by the following:
- **"359.1.1.** For the purposes of this division, a renunciation made by a corporation under section 359.2, 359.2.1 or 359.4 in respect of a share is effective on the date on which the renunciation is made by the corporation or on an earlier date set out in the form prescribed for the purposes of section 359.12."

(2) Subsection 1 applies in respect of renunciations made after 31 December 1998.

c. I-3, s. 359.2, am.

- **121.** (1) Section 359.2 of the said Act is amended
- (1) by replacing the portion before subparagraph c of the first paragraph by the following:

Canadian exploration expenses to flow-through shareholder.

- "359.2. Where a person gave consideration under an agreement to a corporation for the issue of a flow-through share of the corporation and, in the period that begins on the day the agreement was entered into and ends 24 months after the end of the month that includes that day, the corporation incurred Canadian exploration expenses, the corporation may, after it complies with section 359.10 in respect of the share and before 1 March of the first calendar year that begins after that period, renounce to the person in respect of the share the amount by which the part of those expenses incurred by it on or before the effective date of the renunciation, which part is in this section referred to as the "specified expenses", exceeds the aggregate of
- (a) the assistance that the corporation has received, is entitled to receive, or may reasonably expect to receive at any time, and that can reasonably be related to the specified expenses or to Canadian exploration activities to which the specified expenses relate, other than assistance that can reasonably be related to expenses referred to in subparagraph b or b.1;
- (b) all specified expenses that are prescribed Canadian exploration and development overhead expenses of the corporation;";
- (2) by inserting, after subparagraph b of the first paragraph, the following subparagraph:
- "(b.1) all specified expenses each of which is a cost of, or for the use of, seismic data
- i. that had been acquired, otherwise than as a consequence of performing work that resulted in the creation of the data, by any other person before the cost was incurred,
- ii. in respect of which a right to use had been acquired by any other person before the cost was incurred, or
- iii. all or substantially all of which resulted from work performed more than one year before the cost was incurred; and";
 - (3) by replacing subparagraph a of the second paragraph by the following:
- "(a) the amount by which the consideration for the share exceeds the aggregate of other amounts renounced under this section or section 359.2.1 or 359.4 by the corporation in respect of the share on or before the day on which the renunciation is made; or".

- (2) Paragraph 1 of subsection 1 applies in respect of expenses incurred after 29 February 1996.
- (3) Paragraph 2 of subsection 1 applies in respect of costs incurred after 5 March 1996, other than costs incurred under an agreement in writing entered into before 6 March 1996.
- (4) Paragraph 3 of subsection 1 applies in respect of renunciations made after 31 December 1998.

c. I-3, s. 359.2.1, am.

122. (1) Section 359.2.1 of the said Act is amended by replacing the portion before paragraph c by the following:

Flow-through share rules for first \$1 million of Canadian development expenses.

- ***359.2.1.** Where a person gave consideration under an agreement to a corporation for the issue of a flow-through share of the corporation, the corporation's paid-up capital amount at the time the consideration was given was not more than \$15,000,000, and during the period beginning on the later of 3 December 1992 and the particular day the agreement was entered into and ending on the day that is 24 months after the end of the month that included that particular day, the corporation incurred Canadian development expenses described in paragraph a or a.1 of section 408 or that would be described in paragraph d of that section if the words "expenses described in paragraphs a to c" in that paragraph were read as "expenses described in paragraph a or a.1", the corporation may, after it complies with section 359.10 in respect of the share and before 1 March of the first calendar year that begins after that period, renounce to the person in respect of the share the amount by which the part of those expenses incurred by it on or before the effective date of the renunciation, which part is in this section referred to as the "specified expenses", exceeds the aggregate of
- (a) the assistance that the corporation has received, is entitled to receive, or may reasonably expect to receive at any time, and that can reasonably be related to the specified expenses or Canadian development activities to which the specified expenses relate, other than assistance that can reasonably be related to expenses referred to in paragraph b;
- (b) all specified expenses that are prescribed Canadian exploration and development overhead expenses of the corporation;".
- (2) Subsection 1 applies in respect of expenses incurred after 2 December 1992, except where it inserts, in the portion of section 359.2.1 of the said Act before paragraph a, ", the corporation's paid-up capital amount at the time the consideration was given was not more than \$15,000,000", in which case subsection 1 applies in respect of renunciations made after 5 March 1996, other than renunciations made before 1 January 1999 in respect of consideration given before 6 March 1996 or under an agreement in writing entered into before 6 March 1996 or under the terms of a final prospectus, preliminary prospectus, offering memorandum, registration statement or notice filed before 6 March 1996 with a public authority in Canada in accordance with securities legislation of a province.

c. I-3, s. 359.2.2, am.

- **123.** (1) Section 359.2.2 of the said Act is amended
 - (1) by replacing paragraph a by the following:
- "(a) the particular amount exceeds the amount by which the consideration for the share exceeds the aggregate of other amounts renounced under section 359.2, 359.2.1 or 359.4 by the corporation in respect of the share on or before the day on which the renunciation is made;";
 - (2) by replacing, in paragraph c, "\$2,000,000" by "\$1,000,000".
- (2) Paragraph 1 of subsection 1 applies in respect of renunciations made after 31 December 1998.
- (3) Paragraph 2 of subsection 1 applies in respect of renunciations made after 5 March 1996, other than a renunciation made before 1 January 1999 in respect of consideration given before 6 March 1996 or under an agreement in writing entered into before 6 March 1996 or under the terms of a final prospectus, preliminary prospectus, offering memorandum, registration statement or notice filed before 6 March 1996 with a public authority in Canada in accordance with securities legislation of a province.

c. I-3, ss. 359.2.3 – 359.2.5, added.

124. (1) The said Act is amended by inserting, after section 359.2.2, the following sections:

Paid-up capital amount.

- **"359.2.3.** For the purposes of section 359.2.1, a corporation's paid-up capital amount at any time is the aggregate of
- (a) its paid-up capital determined for its last taxation year that ended more than 30 days before that time; and
- (b) the aggregate of all amounts each of which is the paid-up capital of another corporation associated at that time with the corporation, determined for the other corporation's last taxation year that ended more than 30 days before that time.

Amalgamations and mergers.

"359.2.4. For the purpose of determining the paid-up capital amount at a particular time under section 359.2.3 of any corporation and for the purposes of this section, a corporation that was created as a consequence of an amalgamation or merger of other corporations, each of which is in this section referred to as a "predecessor corporation", and that does not have a taxation year that ended more than 30 days before the particular time, is deemed to have paid-up capital for a taxation year that ended more than 30 days before the particular time equal to the aggregate of all amounts each of which is the paid-up capital of a predecessor corporation for its last taxation year that ended more than 30 days before the particular time.

Determination of the paid-up capital amount.

"359.2.5. For the purpose of determining the paid-up capital amount at a particular time under section 359.2.3 of a corporation and for the purposes of

section 359.2.4, a particular corporation's paid-up capital for a taxation year is its paid-up capital that would be determined for the year in accordance with Title I of Book III of Part IV if no account was taken of the portion of the amount that the corporation may deduct under section 1138 that is attributable to shares of the capital stock of, or indebtedness of, another corporation that

- (a) was not associated with the particular corporation at the particular time; and
- (b) was associated with the particular corporation at the end of the particular corporation's last taxation year that ended more than 30 days before that time."
- (2) Subsection 1 has effect from 6 March 1996. However, for the purpose of determining a corporation's paid-up capital amount under section 359.2.3 of the said Act, enacted by subsection 1, in respect of a renunciation by a corporation, the corporation is deemed not to be associated with any other corporation where the renunciation is made before 1 January 1999 in respect of consideration given before 6 December 1996 or under an agreement in writing entered into before 6 December 1996 or under the terms of a final prospectus, preliminary prospectus, offering memorandum, registration statement or notice filed before 7 December 1996 with a public authority in Canada in accordance with securities legislation of a province.

c. I-3, s. 359.4, am.

125. (1) Section 359.4 of the said Act is amended

(1) by replacing the portion before subparagraph c of the first paragraph by the following:

Canadian development expenses to flow-through shareholder.

- "359.4. Where a person gave consideration under an agreement to a corporation for the issue of a flow-through share of the corporation and, in the period that begins on the day the agreement was entered into and ends 24 months after the end of the month that includes that day, the corporation incurred Canadian development expenses, the corporation may, after it complies with section 359.10 in respect of the share and before 1 March of the first calendar year that begins after the period, renounce to the person in respect of the share an amount equal to the amount by which the part of those expenses incurred by it on or before the effective date of the renunciation, which part is in this section referred to as the "specified expenses", exceeds the aggregate of
- (a) the assistance that the corporation has received, is entitled to receive or may reasonably expect to receive at any time, and that can reasonably be related to the specified expenses or to Canadian development activities to which the specified expenses relate, other than assistance that can reasonably be related to expenses referred to in subparagraph b or b.1;
- (b) all specified expenses that are prescribed Canadian exploration and development overhead expenses of the corporation;";

- (2) by inserting, after subparagraph b of the first paragraph, the following subparagraph:
- "(b.1) all specified expenses that are described in paragraph c of section 408 or that are described in paragraph d of that section because of the reference in the latter paragraph to paragraph c of section 408; and";
 - (3) by replacing subparagraph a of the second paragraph by the following:
- "(a) the amount by which the consideration for the share exceeds the aggregate of other amounts renounced in respect of the share by the corporation under this section or section 359.2 or 359.2.1 on or before the day on which the renunciation is made; or".
- (2) Paragraph 1 of subsection 1 applies in respect of expenses incurred after 29 February 1996.
- (3) Paragraph 2 of subsection 1 applies in respect of renunciations made after 5 March 1996, other than a renunciation made before 1 January 1999 in respect of consideration given before 6 March 1996 or under an agreement in writing entered into before 6 March 1996 or under the terms of a final prospectus, preliminary prospectus, offering memorandum, registration statement or notice filed before 6 March 1996 with a public authority in Canada in accordance with securities legislation of a province.
- (4) Paragraph 3 of subsection 1 applies in respect of renunciations made after 31 December 1998.

c. I-3, ss. 359.6 and 359.7, repealed.

- **126.** (1) Sections 359.6 and 359.7 of the said Act are repealed.
- (2) Subsection 1 applies in respect of renunciations made after 5 March 1996, other than a renunciation made before 1 January 1999 in respect of consideration given before 6 March 1996 or under an agreement in writing entered into before 6 March 1996 or under the terms of a final prospectus, preliminary prospectus, offering memorandum, registration statement or notice filed before 6 March 1996 with a public authority in Canada in accordance with securities legislation of a province.

c. I-3, s. 359.8, replaced.

Canadian exploration expenses or Canadian development expenses incurred in a year.

- **127.** (1) Section 359.8 of the said Act is replaced by the following:
- **"359.8.** Where a corporation that issues a flow-through share to a person under an agreement incurs, in a particular calendar year, Canadian exploration expenses or Canadian development expenses, the corporation is, for the purposes of section 359.2 or 359.2.1, as the case may be, deemed to have incurred the expenses on the effective date of the renunciation, provided that
 - (a) the expenses

- i. are described in paragraph a, b.1 or c of section 395 or paragraph a or a.1 of section 408.
- ii. would be described in paragraph d of section 395 if the reference therein to paragraphs a to b.1 and c to c.2 were read as a reference to paragraphs a, b.1 and c of that section, or
- iii. would be described in paragraph d of section 408 if the reference therein to paragraphs a to c were read as a reference to paragraphs a and a.1 of that section:
 - (a.1) the agreement was entered into in the preceding calendar year;
- (b) the person paid the consideration for the share in money before the end of the preceding calendar year;
- (c) the corporation and the person deal with each other at arm's length throughout the particular calendar year; and
- (d) in one of the first three months of the particular calendar year, the corporation renounces an amount in respect of the expenses to the person in respect of the share in accordance with section 359.2 or 359.2.1, as the case may be, and the effective date of the renunciation is the last day of the preceding calendar year."
- (2) Subsection 1, where it replaces section 359.8 of the said Act, other than paragraph a thereof, applies in respect of expenses incurred after 31 December 1996, other than expenses incurred before 1 March 1997 in respect of an agreement that was entered into in the calendar year 1995.
- (3) In addition, for the purpose of applying paragraph a.1 of section 359.8 of the said Act, enacted by subsection 1, in respect of expenses incurred in the calendar year 1998, any agreement entered into in the calendar year 1996 is deemed to have been entered into in the calendar year 1997.
- (4) Subsection 1, where it replaces paragraph a of section 359.8 of the said Act, applies in respect of expenses incurred after 31 December 1992. However, where subparagraph ii of paragraph a of that section 359.8, enacted by subsection 1, applies before 6 December 1996, it shall be read with "a to b.1 and c to c.2" replaced by "a to b.1, c and c.1".

c. I-3, s. 359.9, am.

- **128.** (1) Section 359.9 of the said Act is amended by replacing paragraph a by the following:
- "(a) not to have renounced under any of sections 359.2, 359.2.1 and 359.4 any expenses that are deemed to have been incurred by it because of a renunciation under this chapter by another corporation that is not related to it;".

- (2) Subsection 1 applies in respect of renunciations made after 31 December 1998.
- c. I-3, s. 359.9.1, am.
- **129.** (1) Section 359.9.1 of the said Act is amended by replacing the portion of paragraph c before subparagraph i by the following:
- "(c) with the partnership if any part of the amount renounced would. but for the second paragraph of section 359.12, be included, because of paragraph d of section 395, in the Canadian exploration expense of".
- (2) Subsection 1 applies in respect of renunciations made after 31 December 1998.

c. I-3, s. 359.11, replaced.

Filing re partners.

- **130.** (1) Section 359.11 of the said Act is replaced by the following:
- "359.11. Where, in a fiscal period of a partnership, an expense is incurred by the partnership as a consequence of a renunciation of an amount under section 359.2, 359.2.1 or 359.4, the partnership shall, before the end of the third month following the end of the fiscal period, file with the Minister the prescribed form identifying the share of the expense attributable to each member of the partnership at the end of that fiscal period.

Consequences of failure to file.

Where the form required to be filed under the first paragraph is not so filed, except for the purposes of the first paragraph the partnership is deemed not to have incurred the expense referred to in that paragraph."

- (2) Subsection 1 applies in respect of renunciations made after 31 December 1998.
- c. I-3, s. 359.11.1, am.
- **131.** (1) Section 359.11.1 of the said Act is amended by replacing the portion before paragraph a by the following:

Filing re assistance.

- "359.11.1. Where a partnership receives or becomes entitled to receive assistance as a mandatary of its members or former members at a particular time in respect of any Canadian exploration expense or Canadian development expense that is or, but for paragraph b of sections 359.3 and 359.5, would be incurred by a corporation, the following rules apply:"
- (2) Subsection 1 applies in respect of renunciations made after 31 December 1998.
- c. I-3, ss. 359.12 and 359.12.0.1, replaced.
- **132.** (1) Sections 359.12 and 359.12.0.1 of the said Act are replaced by the following:

Filing re renunciation.

"359.12. Where a corporation renounces an amount in respect of Canadian exploration expenses or Canadian development expenses under section 359.2, 359.2.1 or 359.4, the corporation shall file the prescribed form in respect of the renunciation with the Minister before the end of the first month following the month in which the renunciation is made.

Consequences of failure to file.

Where the form required to be filed under the first paragraph is not so filed, sections 359.3 and 359.5 do not apply in respect of the amount referred to in the first paragraph that the corporation has renounced.

Filing re assistance.

"359.12.0.1. Where a corporation receives or becomes entitled to receive assistance as a mandatary in respect of any Canadian exploration expense or Canadian development expense that is or, but for paragraph b of sections 359.3 and 359.5, would be incurred by the corporation, the corporation shall, before the end of the first month following the particular month in which it first becomes known to the corporation that a person who holds a flow-through share of the corporation is entitled to a share of any part of the assistance, file with the Minister the prescribed form identifying the share of that part of the assistance to which each of those persons is entitled at the end of the particular month.

Consequences of failure to file.

Where the form required to be filed under the first paragraph is not so filed, except for the purpose of the first paragraph the corporation is deemed not to have incurred the expense referred to in the first paragraph to which the assistance relates."

(2) Subsection 1 applies in respect of renunciations made after 31 December 1998.

c. I-3, s. 359.12.1.1, am.

133. (1) Section 359.12.1.1 of the said Act is amended by replacing the portion before paragraph a by the following:

Late renunciation.

"359.12.1.1. Where a corporation purports to renounce an amount under section 359.2, 359.2.1 or 359.4 after the period in which the corporation was entitled to renounce the amount, the amount is deemed, except for the purposes of this section and sections 359.12 and 359.12.2, to have been renounced at the end of the period if".

(2) Subsection 1 applies in respect of renunciations made after 31 December 1998.

c. I-3, s. 359.12.2, am.

134. (1) Section 359.12.2 of the said Act is amended by replacing paragraph *a* by the following:

"(a) where the penalty is in respect of the late filing of a document referred to in section 359.10, 359.11 or 359.12, the greater of \$100 and 0.25% of the maximum amount in respect of the Canadian exploration expenses and Canadian development expenses renounced or attributed or to be renounced or attributed as set out in the document;".

(2) Subsection 1 applies in respect of renunciations made after 31 December 1998.

c. I-3, s. 359.13, replaced.

135. (1) Section 359.13 of the said Act is replaced by the following:

Restriction on a renunciation.

- "359.13. A corporation may renounce an amount under section 359.2, 359.2.1 or 359.4 in respect of Canadian exploration expenses or Canadian development expenses incurred by it only to the extent that, but for the renunciation, it would be entitled to a deduction in respect of the expenses in computing its income."
- (2) Subsection 1 applies in respect of renunciations made after 31 December 1998.
- c. I-3, s. 359.14, repealed.
- c. I-3, s. 359.15, replaced.
- Excess renounced amounts.
- **136.** Section 359.14 of the said Act is repealed.
- **137.** (1) Section 359.15 of the said Act is replaced by the following:
- "**359.15.** Where the amount that a corporation purports to renounce to a person under section 359.2, 359.2.1 or 359.4 exceeds the amount that it can renounce to the person under that section, the following rules apply:
- (a) the corporation shall file a statement with the Minister in prescribed form where
- i. the Minister sends a notice in writing to the corporation demanding the statement, or
- ii. the excess arose as a consequence of a renunciation purported to be made in a calendar year under section 359.2 or 359.2.1, as the case may be, because of the application of section 359.8 and, at the end of the year, the corporation knew or ought to have known of all or part of the excess;
- (b) where subparagraph i of subparagraph a applies, the statement shall be filed not later than 30 days after the Minister sends a notice referred to therein;
- (c) where subparagraph ii of subparagraph a applies, the statement shall be filed before 1 March of the calendar year following the year in which the purported renunciation was made; and
- (d) except for the purposes of Part III.14, any amount that is purported to have been so renounced to any person is deemed, after the statement is filed with the Minister, to have always been reduced by the portion of the excess identified in the statement in respect of that purported renunciation.

Reductions in renunciations.

Where a corporation fails in the statement referred to in the first paragraph to apply the excess fully to reduce one or more purported renunciations, the Minister may at any time reduce the total amount purported to be renounced by the corporation to one or more persons by the amount of the unapplied excess.

Presumption.

In the case referred to in the second paragraph, except for the purposes of Part III.14, the amount purported to have been renounced by the corporation to a person is deemed, after the time referred to therein, to have always been

reduced by the portion of the unapplied excess allocated by the Minister in respect of that person."

(2) Subsection 1 applies in respect of purported renunciations made after 31 December 1996. However, where subsection 1 applies in respect of purported renunciations made before 1 January 1999, the portion of the first paragraph of section 359.15 of the said Act before subparagraph *a*, enacted thereby, shall be read as follows:

Excess renounced amounts.

"359.15. Where an amount that a corporation purports to renounce to a person under section 359.2, 359.2.1, 359.4 or 359.6 exceeds the amount that it can renounce to the person under that section, the following rules apply:".

c. I-3, s. 359.16, replaced.

138. (1) Section 359.16 of the said Act is replaced by the following:

Partnerships.

- "359.16. For the purposes of paragraph c.0.1 of section 359, the first and second paragraphs of section 359.1 and sections 359.2 to 359.15, 359.18, 359.19 and 419.0.1, a partnership is deemed to be a person and its taxation year is deemed to be its fiscal period."
 - (2) Subsection 1 applies to fiscal periods that end after 31 December 1995.

c. I-3, s. 359.17, replaced.

139. (1) Section 359.17 of the said Act is replaced by the following:

Non-arm's length partnerships.

- "359.17. For the purposes of paragraph c of section 359.8, where an expense would, but for paragraph b of section 359.3, be incurred in a calendar year by a corporation and the expense is deemed by section 359.3 to be incurred by a partnership, the partnership and the corporation are deemed not to deal with each other at arm's length at any time during that period only where a share of the expense of the partnership is included because of paragraph d of section 395 in the Canadian exploration expense of the corporation or a member of the partnership with whom the corporation does not deal at arm's length at any time during that period."
- (2) Subsection 1 applies in respect of expenses incurred after 31 December 1996, other than expenses incurred before 1 March 1997 in respect of an agreement entered into in the calendar year 1995.

c. I-3, s. 359.18, replaced.

140. (1) Section 359.18 of the said Act is replaced by the following:

Members of partnerships.

"359.18. For the purposes of section 181, paragraphs c to e of section 330, sections 333.1 to 333.3, 362 to 394. 600.1 and 600.2, Divisions I, I.1, III to IV.2 and V, subparagraph iv of subparagraph a.2 of the first paragraph of section 726.6 and subparagraph b of the second paragraph of section 1129.60, where a person's share of an outlay or expense made or incurred by a partnership in a fiscal period of the partnership is included in respect of the person under section 372, to the extent that it refers to paragraph d of section 364, under paragraph d of section 395 or 408, or under paragraph b of section 418.2, the portion of the outlay or expense so included is deemed,

except for the purpose of applying sections 372, 395 to 397, 408 to 410 and 418.2 to 418.4 in respect of the person, to have been made or incurred by the person at the end of that fiscal period."

- (2) Subsection 1 applies to fiscal periods that end after 31 December 1996.
- c. I-3, s. 359.19, replaced.

Renunciation by a corporate partner.

141. (1) Section 359.19 of the said Act is replaced by the following:

"359.19. A corporation is not entitled to renounce under section 359.2, 359.2.1 or 359.4 to a person a specified amount where the corporation would not be entitled to so renounce the specified amount if the words "end of that fiscal period" in section 359.18 were read as "time the outlay or expense is made or incurred by the partnership" and the words "on the effective date of the renunciation" in paragraph a of each of sections 359.3 and 359.5 were read as "at the earliest time that any part of such expense is incurred by the corporation".

Specified amount.

For the purposes of the first paragraph, a specified amount in respect of a corporation is an amount that represents all or part of

- (a) the corporation's share of the outlay or expense made or incurred by a partnership of which the corporation is a member or former member; or
- (b) an amount renounced to the corporation under section 359.2, 359.2.1 or 359.4."
- (2) Subsection 1 applies in respect of renunciations made after 31 December 1998.

c. I-3, s. 363, am.

- **142.** (1) Section 363 of the said Act is amended by adding, after subparagraph g of the first paragraph, the following subparagraphs:
 - "(h) the generation of energy using prescribed property; and
- "(i) the development of projects for which it is reasonable to expect that at least 50% of the capital cost of the depreciable property to be used in each project would be the capital cost of prescribed property."
 - (2) Subsection 1 has effect from 6 December 1996.

c. I-3, s. 372.1, added.

143. (1) The said Act is amended by inserting, after section 372, the following section:

Exclusions.

- **"372.1.** A taxpayer's foreign exploration and development expenses do not however include
- (a) any amount included at any time in the capital cost to the taxpayer of any depreciable property of a prescribed class;

- (b) an expenditure incurred at any time after the commencement of production from a foreign resource property of the taxpayer in order to evaluate the feasibility of a method of recovery of petroleum, natural gas or related hydrocarbons from the portion of a natural reservoir to which the foreign resource property relates;
- (c) an expenditure, other than a drilling expense, incurred at any time after the commencement of production from a foreign resource property of the taxpayer in order to assist in the recovery of petroleum, natural gas or related hydrocarbons from the portion of a natural reservoir to which the foreign resource property relates; or
- (d) an expenditure incurred at any time relating to the injection of any substance to assist in the recovery of petroleum, natural gas or related hydrocarbons from a natural reservoir."
 - (2) Subsection 1 applies to taxation years that end after 5 December 1996.

c. I-3, ss. 381 and 383, repealed.

- **144.** (1) Sections 381 and 383 of the said Act are repealed.
 - (2) Subsection 1 applies in respect of renunciations made
- (1) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation before 6 March 1996;
- (2) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation after 5 March 1996 under an agreement in writing entered into before 6 March 1996 by the joint exploration corporation or by another corporation where the other corporation controlled the joint exploration corporation, or had undertaken to incorporate it, at the time the agreement was entered into;
 - (3) after 5 March 1996, in any other case.

c. I-3, s. 395, am.

- **145.** (1) Section 395 of the said Act is amended
 - (1) by inserting, after paragraph c.1, the following subparagraph:
- "(c.2) any Canadian renewable and conservation expense incurred by the taxpayer;";
 - (2) by replacing paragraph d by the following:
- "(d) subject to section 418.37, the taxpayer's share of the expenses described in paragraphs a to b.1 and c to c.2 incurred by a partnership in a fiscal period thereof, if at the end of the period the taxpayer is a member thereof; or".
 - (2) Subsection 1 has effect from 6 December 1996.

c. I-3, s. 396, replaced.

146. (1) Section 396 of the said Act is replaced by the following:

Exclusions.

- **"396.** A taxpayer's Canadian exploration expenses do not however include
- (a) any consideration given by the taxpayer for any share, or for any interest therein or right thereto, except as provided by paragraph ϵ of section 395;
- (b) any expense described in paragraph e of section 395 and incurred by any other taxpayer to the extent that the expense is a Canadian exploration expense of that other taxpayer by virtue of that paragraph, a Canadian development expense of that other taxpayer by virtue of paragraph e of section 408 or a Canadian oil and gas property expense of that other taxpayer by virtue of paragraph e of section 418.2;
- (c) any amount, other than a Canadian renewable and conservation expense, included at any time in the capital cost to the taxpayer of any depreciable property of a prescribed class;
- (d) an expenditure incurred at any time after the commencement of production from a Canadian resource property of the taxpayer in order to evaluate the feasibility of a method of recovery of, or to assist in the recovery of, petroleum, natural gas or related hydrocarbons from the portion of a natural reservoir to which the Canadian resource property relates;
- (e) an expenditure incurred at any time relating to the injection of any substance to assist in the recovery of petroleum, natural gas or related hydrocarbons from a natural reservoir; or
- (f) the taxpayer's share of any consideration, expense, cost or expenditure referred to in any of paragraphs a to e given or incurred, as the case may be. by a partnership."
 - (2) Subsection 1 applies to taxation years that end after 5 December 1996.

c. I-3, s. 399.2, repealed.

- **147.** (1) Section 399.2 of the said Act is repealed.
 - (2) Subsection 1 has effect from 7 March 1996.
- c. I-3, s. 399.3, am. **148.** Section 399.3 of the said Act is amended by replacing, in subparagraph a of the third paragraph, "section 359.5 or sections 417 and 418" by "section 359.5 or sections 417 and 418, as they read in respect of
 - those expenses,".
- c. I-3, s. 399.6, am. **149.** Section 399.6 of the said Act is amended by replacing, in paragraph c, "359.2.1, 359.4 or 417" by "359.2.1 or 359.4 or section 417, as it read in respect of the renunciation,".

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c. I-3, s. 399.7, replaced.

150. (1) Section 399.7 of the said Act is replaced by the following:

Definitions:

"399.7. In this chapter,

"Canadian renewable and conservation expense" "Canadian renewable and conservation expense" has the meaning assigned by the regulations;

"specified purpose"

"specified purpose" means

- (a) the operation of an oil or gas well for the sole purpose of testing the well or the well head and related equipment, in accordance with generally accepted engineering practices;
- (b) the burning of natural gas and related hydrocarbons to protect the environment; and
 - (c) any prescribed purpose.

Technical Guide.

For the purpose of determining whether an outlay or expense meets the prescribed criteria in respect of Canadian renewable and conservation expenses, the Technical Guide to Canadian Renewable and Conservation Expenses, as amended from time to time and published by the Department of Natural Resources of Canada, shall apply conclusively with respect to engineering and scientific matters."

- (2) Subsection 1 has effect from 6 December 1996.
- c. I-3, s. 400, am.
- **151.** (1) Section 400 of the said Act is amended by replacing the portion before paragraph a by the following:

Deductions by a development corporation.

- "400. A development corporation, other than a corporation that would not be a development corporation if the first paragraph of section 363 were read without reference to subparagraphs h and i thereof, may, in computing its income for a taxation year, deduct any amount not exceeding the lesser of".
 - (2) Subsection 1 applies to taxation years that end after 5 December 1996.
- c. I-3, ss. 406 and 407, repealed.
- **152.** (1) Sections 406 and 407 of the said Act are repealed.
 - (2) Subsection 1 applies in respect of renunciations made
- (1) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation before 6 March 1996;
- (2) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation after 5 March 1996 under an agreement in writing entered into before 6 March 1996 by the joint exploration corporation or by another corporation where the other corporation controlled the joint exploration corporation, or had undertaken to incorporate it, at the time the agreement was entered into;

(3) after 5 March 1996, in any other case.

c. I-3, s. 409, replaced.

153. (1) Section 409 of the said Act is replaced by the following:

Exclusions.

- **"409.** A taxpayer's Canadian development expenses do not however include
- (a) any consideration given by the taxpayer for any share, or for any interest therein or right thereto, except as provided by paragraph e of section 408;
- (b) any expense described in paragraph e of section 408 and incurred by another taxpayer to the extent that the expense is a Canadian development expense of that other taxpayer by virtue of that paragraph, a Canadian exploration expense of that other taxpayer by virtue of paragraph e of section 395 or a Canadian oil and gas property expense of that other taxpayer by virtue of paragraph e of section 418.2;
- (c) any amount included at any time in the capital cost to the taxpayer of any depreciable property of a prescribed class; or
- (d) the taxpayer's share of any consideration, expense, cost or expenditure referred to in any of paragraphs a to c given or incurred, as the case may be, by a partnership."
 - (2) Subsection 1 applies to taxation years that end after 5 December 1996.

c. I-3, s. 414, am.

- **154.** Section 414 of the said Act is amended, in subparagraph b of the second paragraph,
 - (1) by replacing the portion before subparagraph i by the following:
- "(b) the amount by which the total of the aggregate of all amounts deducted in computing the taxpayer's income for the year under section 357 in respect of a Canadian resource property or under section 358 and the aggregate of all amounts deducted for the year under section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4), to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules (Revised Statutes of Canada, 1985, chapter 2, 5th Supplement), sections 418.16 to 418.19 and section 418.21, that can reasonably be attributed to the amounts referred to in subparagraphs i to iii for the year, exceeds the total, before any deduction under section 88.4 of the Act respecting the application of the Taxation Act or any of sections 359 to 419.6, of";
 - (2) by replacing subparagraph iii by the following:

"iii. the aggregate of all amounts included in computing the taxpayer's income for the year under paragraph e of section 330 that can reasonably be attributed to the disposition by the corporation, in the year or in a preceding taxation year, of any interest or right in a Canadian resource property, to the

extent that the proceeds of disposition have not been included in computing an amount for a preceding taxation year under this subparagraph, subparagraph i of subparagraph a of the third paragraph of sections 418.16 and 418.18, subparagraph iii of subparagraph c of the first paragraph of section 418.20, section 418.28, or section 88.4 of the Act respecting the application of the Taxation Act, to the extent that that section refers to clause A of subparagraph i of paragraph d of subsection 25 of section 29 of the Income Tax Application Rules."

c. I-3, ss. 417 and 418, repealed.

- **155.** (1) Sections 417 and 418 of the said Act are repealed.
 - (2) Subsection 1 applies in respect of renunciations made
- (1) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation before 6 March 1996;
- (2) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation after 5 March 1996 under an agreement in writing entered into before 6 March 1996 by the joint exploration corporation or by another corporation where the other corporation controlled the joint exploration corporation, or had undertaken to incorporate it, at the time the agreement was entered into;
 - (3) after 5 March 1996, in any other case.

c. I-3, s. 418.2, am.

- **156.** (1) Section 418.2 of the said Act is amended by replacing, in the portion before paragraph a, "For the purposes of sections 362 to 418.14," by "In sections 362 to 394, Divisions III and IV and this division,".
 - (2) Subsection 1 has effect from 6 March 1996.

c. I-3, ss. 418.13 and 418.14, repealed.

- **157.** (1) Sections 418.13 and 418.14 of the said Act are repealed.
 - (2) Subsection 1 applies in respect of renunciations made
- (1) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation before 6 March 1996;
- (2) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation after 5 March 1996 under an agreement in writing entered into before 6 March 1996 by the joint exploration corporation or by another corporation where the other corporation controlled the joint exploration corporation, or had undertaken to incorporate it, at the time the agreement was entered into;
 - (3) after 5 March 1996, in any other case.
- c. I-3, s. 418.15, am. **158.** Section 418.15 of the said Act is amended in the first paragraph,

- (1) by replacing subparagraphs i to iii of subparagraph b by the following:
- "i. that acquired the property in circumstances in which any of sections 418.16 to 418.21 or section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4), to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules (Revised Statutes of Canada, 1985, chapter 2, 5th Supplement), applies, or would apply if the corporation had continued to own the property, to the corporation in respect of the property,
- "ii. that disposed of the property to another corporation that acquired it in circumstances in which any of sections 418.16 to 418.21 or section 88.4 of the Act respecting the application of the Taxation Act, to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules, applies, or would apply if the other corporation had continued to own the property, to the other corporation in respect of the property, and
- "iii. that would, but for section 418.33, 418.34 or 418.36, as the case may be, be entitled in computing its income for a taxation year ending after it disposed of the property to a deduction under any of sections 418.16 to 418.21 or section 88.4 of the Act respecting the application of the Taxation Act, to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules, in respect of expenses incurred by an original owner of the property;";
 - (2) by replacing subparagraphs i and ii of subparagraph c by the following:
- "i. who owned the property and disposed of it to a corporation that acquired it in circumstances in which any of sections 418.16 to 418.21 or section 88.4 of the Act respecting the application of the Taxation Act, to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules, applies, or would apply if the corporation had continued to own the property, to the corporation in respect of the property, and
- "ii. who would, but for section 418.31, 418.32 or 418.36, as the case may be, be entitled in respect of expenses described in section 88.5 of the Act respecting the application of the Taxation Act, to the extent that section 88.4 of that Act refers to expenses described in subparagraph i or ii of paragraph c of subsection 25 of section 29 of the Income Tax Application Rules, Canadian exploration and development expenses, foreign exploration and development expenses, Canadian development expenses or Canadian oil and gas property expenses incurred by the person before the person disposed of the property to a deduction, in computing the person's income for a taxation year ending after the person disposed of the property, under that section 88.4, to the extent that it refers to section 29 of the Income Tax Application Rules, or under section 367, 368, 371, 400, 401, 413, 414 or 418.7."

c. I-3, s. 418.22, am.

- **159.** (1) Section 418.22 of the said Act is amended
 - (1) by replacing the portion before paragraph a by the following:

Where certain provisions do not apply.

- "418.22. Section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4), to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules (Revised Statutes of Canada, 1985, chapter 2, 5th Supplement), and sections 418.16 to 418.19 and 418.21 do not apply";
- (2) by replacing, in paragraph b, "86" and "sections 359 to 359.17, 362 to 418.14 or 419 to 419.4 or section 419.6 if those sections" by "88.4" and "Divisions I, I.1 or III to IV.1, sections 362 to 394, 419 to 419.4 or section 419.6 if those sections and divisions", respectively.
- (2) Paragraph 2 of subsection 1, except where it replaces "86" in paragraph b of section 418.22 of the said Act, has effect from 6 March 1996.

c, I-3, s, 418.23, am.

- **160.** Section 418.23 of the said Act is amended
 - (1) by replacing the portion before paragraph a by the following:

Where certain provisions do not apply.

- "418.23. Section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4), to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules (Revised Statutes of Canada, 1985, chapter 2, 5th Supplement), and sections 418.16, 418.18, 418.19 and 418.21 apply only to a corporation that has acquired a particular Canadian resource property, in this section referred to as "particular property",";
 - (2) by replacing paragraph d by the following:
- "(d) where it acquired the particular property after 16 November 1978 and in a taxation year ending before 18 February 1987 by any means other than by way of an amalgamation or winding-up and it and the person from whom it acquired the particular property have filed with the Minister a joint election under and in accordance with sections 376 to 379, 402 to 405, 415 to 415.3 and 418.8 to 418.11 and section 88.4 of the Act respecting the application of the Taxation Act, to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules as all those sections read in their application to that year; and".

c. I-3, s. 418.26, am.

- **161.** (1) Section 418.26 of the said Act is amended
 - (1) by replacing the portion before paragraph a by the following:

Change of control.

"418.26. Where, at any time after 12 November 1981, control of a corporation has been acquired by a person or group of persons, or a corporation ceases to be exempt from tax under this Part on its taxable income, for the purposes of the provisions of the Act respecting the application of the Taxation

Act (chapter I-4) and of this Part, other than sections 359.2, 359.2.1, 359.2.2, 359.4 and 359.13, relating to deductions in respect of drilling and exploration expenses, prospecting, exploration and development expenses, Canadian exploration and development expenses, foreign exploration and development expenses, Canadian exploration expenses, Canadian development expenses or Canadian oil and gas property expenses, in this section referred to as "resource expenses", incurred by the corporation before that time, the following rules apply:";

- (2) by replacing subparagraphs i and ii of paragraph e by the following:
- "i. the transferor may designate in favour of the transferee, in respect of a taxation year of the transferor ending after that time, if throughout that year the transferee was such a particular corporation or subsidiary wholly-owned corporation of the transferor, an amount not exceeding the amount referred to in section 418.28, for the purpose of making a deduction under section 88.4 of the Act respecting the application of the Taxation Act, to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules (Revised Statutes of Canada, 1985, chapter 2, 5th Supplement), or this division in respect of resource expenses incurred by the transferee before that time while the transferee was such a particular corporation or subsidiary wholly-owned corporation of the transferor, to the extent that the amount so designated is not designated in favour of any other taxpayer under this paragraph and only if both corporations agree to have this paragraph apply to them in respect of that year and notify the Minister in writing of the agreement in the fiscal return under this Part of the transferor for that year; and
- "ii. the amount so designated is deemed, for the purpose of computing an amount under the third paragraph of sections 418.16, 418.18 and 418.19, subparagraph c of the first paragraph of section 418.20, as that subparagraph would read but for the words "to the higher of either 30% of the excess amount referred to in the second paragraph of the said section, or" and if the words "or the amount by which" read "to the amount by which", the third paragraph of section 418.21 and section 88.4 of the Act respecting the application of the Taxation Act, to the extent that that section refers to paragraph d of subsection 25 of section 29 of the Income Tax Application Rules, to be income from the sources described in paragraph d or d0, as the case may be, of section 418.28 of the transferee for its taxation year in which that taxation year of the transferor ends, and not to be income from those sources for that year;";
- (3) by replacing the portion of paragraph h before subparagraph i by the following:
- "(h) where that time is after 15 January 1987 and at that time the corporation was a member of a partnership that owned a Canadian resource property or a foreign resource property at that time, for the purposes of paragraph a, the corporation is deemed to have owned immediately before that time that portion of the property owned by the partnership at that time that is equal to its percentage share of the aggregate of amounts that would be paid to all

members of the partnership if it were wound up at that time, and, for the purposes of subparagraph iii of subparagraph a of the third paragraph of section 418.16, subparagraph 2 of subparagraph i of subparagraph a of the third paragraph of section 418.17, subparagraph iii of subparagraph a of the third paragraph of section 418.18, subparagraph 2 of subparagraph i of subparagraph a of the third paragraph of section 418.19, subparagraph i of subparagraph a of the first paragraph of section 418.20 and subparagraph 2 of subparagraph i of subparagraph a of the third paragraph of section 418.21 and of section 88.4 of the Act respecting the application of the Taxation Act, to the extent that that section refers to clause B of subparagraph i of paragraph a of subsection 25 of section 29 of the Income Tax Application Rules, for a taxation year ending after that time, the lesser of the following amounts is deemed to be the income of the corporation for the year that can reasonably be attributed to production from the property:"

- (2) Paragraph 1 of subsection 1, where it strikes out, in the portion of section 418.26 of the said Act before paragraph a, the reference to section 359.6 thereof, applies to taxation years that begin after 31 December 1998.
- **162.** Section 418.30 of the said Act is replaced by the following:

"418.30. Where, at any time, control of a taxpayer that is a corporation has been acquired by a person or group of persons, or a taxpayer has disposed of all or substantially all of the taxpayer's Canadian resource properties or foreign resource properties, and, before that time, the taxpayer or a partnership of which the taxpayer was a member acquired a property that is a Canadian resource property, a foreign resource property or an interest in a partnership and it may reasonably be considered that one of the main purposes of the acquisition was to avoid any limitation provided in any of sections 418.16 to 418.21 or section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4), to the extent that section refers to subsection 25 of section 29 of the Income Tax Application Rules (Revised Statutes of Canada, 1985, chapter 2, 5th Supplement), on the deduction in respect of any expenses incurred by the taxpayer or a corporation referred to as a "transferee" in paragraph e or f of section 418.26, the taxpayer or the partnership, as the case may be, is, for the purpose of applying sections 418.16 to 418.21 and section 88.4 of that Act, to the extent that that section refers to subsection 25 of section 29 of those rules to or in respect of the taxpayer, deemed not to have acquired the property."

c. I-3, s. 418.30, replaced.

Change of control.

c. I-3, s. 418.31, am.

163. Section 418.31 of the said Act is amended

(1) by replacing the portion before paragraph a by the following:

Disposition of Canadian resource property by original owner. "418.31. Where in a taxation year an original owner of Canadian resource properties disposes of all or substantially all of the original owner's Canadian resource properties to a particular corporation in circumstances in which section 418.16, 418.18, 418.19 or 418.21 or section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4), to the extent that

that section refers to subsection 25 of section 29 of the Income Tax Application Rules (Revised Statutes of Canada, 1985, chapter 2, 5th Supplement), applies, the following rules apply:";

- (2) by replacing paragraph e by the following:
- "(e) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by the original owner before 1 January 1972 on or in respect of exploring or drilling for petroleum or natural gas in Canada and the prospecting, exploration and development expenses incurred by the original owner before 1 January 1972 in searching for minerals in Canada are, for the purposes of section 88.4 of the Act respecting the application of the Taxation Act, deemed after the disposition not to have been incurred by the original owner except for the purpose of making a deduction under section 88.4 of that Act for the year and of determining the amount that may be deducted under that section 88.4, to the extent that that section refers to subsection 25 of section 29 of the Income Tax Application Rules, by the particular corporation or any other corporation that subsequently acquires any of the properties."

c. I-3, s. 418.36, am.

- **164.** (1) Section 418.36 of the said Act is amended
- (1) by replacing "section 86 of the Act respecting the application of the Taxation Act (1972, chapter 24), to the extent that section 86.4 of the Regulation respecting the application of the Taxation Act (1972) (R.R.Q., 1981, chapter I-4, r.2)" by "section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4), to the extent that that section";
- (2) by replacing "sections 359 to 359.17, 362 to 418.14 or 419 to 419.4 or section 419.6" by "Divisions I, I.1 or III to IV.1 or sections 362 to 394, 419 to 419.4 or 419.6".
 - (2) Paragraph 2 of subsection 1 has effect from 6 March 1996.

c. I-3, s. 419.1, replaced.

Application of ss. 419.2 to 419.4.

165. Section 419.1 of the said Act is replaced by the following:

"419.1. Sections 419.2 to 419.4 apply where a taxpayer has made a payment or a loan mentioned in subsection 3 of section 383, as it read in respect of that payment or loan, after 19 April 1983, to a joint exploration corporation in respect of which the corporation has at any time renounced, in favour of the taxpayer, under section 406, 417 or 418.13, as they read in respect of that renunciation, any Canadian exploration expenses, Canadian development expenses or Canadian oil and gas property expenses, in sections 419.2 to 419.4 referred to as "resource expenses"."

c. I-3, s. 450.10, English text, am. **166.** Section 450.10 of the said Act is amended, in the English text, by replacing subparagraph i of paragraph d of section 99 of the said Act, enacted by paragraph b, by the following:

""i. where the proportion of the use made of the property to gain income has increased at a particular time, the taxpayer is deemed to have acquired at that time depreciable property of that class at a capital cost equal to the proportion of the fair market value of the property at that time that the amount of the increase in the use regularly made by the taxpayer of the property to gain income is of the whole of the use regularly made of the property;" and".

c. I-3, s. 484.3, English text, am.

167. Section 484.3 of the said Act is amended, in the English text, by replacing the portion before paragraph a by the following:

Subsequent payment by debtor.

"484.3. An amount paid at any time by a person as, on account or in lieu of payment of, or in satisfaction of, a specified amount of a debt that can reasonably be considered to have been included in the amount determined under subparagraph a, c or d of the second paragraph of section 484.2 in respect of a property surrendered before that time by the person is deemed to be a repayment of assistance, at that time in respect of the property, to which".

c. I-3, s. 485.8, am.

168. (1) Section 485.8 of the said Act is amended by replacing subparagraph ii of paragraph e by the following:

"ii. the amount so applied does not exceed such portion of the aggregate of the debtor's foreign exploration and development expenses as were incurred by the debtor before that time and would be deductible under section 371 in computing the debtor's income for that year if the aggregate determined in respect of the debtor under paragraph b of section 374 were sufficient and if that year ended at that time."

(2) Subsection 1 applies to taxation years that end after 5 December 1996.

c. I-3, s. 518, l, am,

169. (1) Section 518.1 of the said Act is amended by replacing paragraph b by the following:

- "(b) a capital property that is immovable property, or an interest in or an option in respect of immovable property, owned by an insurer not resident in Canada where that capital property and the property received as consideration for that property are designated insurance property for that year;".
- (2) Subsection 1 applies in respect of dispositions that occur in the taxation year 1997 or in any subsequent taxation years of an insurer.

c. I-3, s. 544, am.

170. (1) Section 544 of the said Act is amended by replacing subsection 4 by the following:

New corporation continuation of predecessor.

"(4) Where there has been an amalgamation of a corporation and one or more of its subsidiary wholly-owned corporations or two or more corporations each of which is a subsidiary wholly-owned corporation of the same person, the new corporation is, for the purposes of Chapter VII.1 of the Act respecting the application of the Taxation Act (chapter I-4) and sections 332.1, 332.2, 359.1 to 359.17, 362 to 418.36, 419.1 to 419.4 and 419.6, deemed to be the

same corporation as, and a continuation of, each predecessor corporation. However, this subsection shall in no respect affect the determination of any predecessor corporation's fiscal period, taxable income or tax payable."

- (2) Subsection 1 applies from 12 June 1998. However, subsection 4 of section 544 of the said Act, enacted by subsection 1, shall be read with ", sections 95 and 96 of the Act respecting the application of the Taxation Act (1972, chapter 24), as they read before being repealed," added after "(chapter I-4)", where subsection 1 applies in respect of renunciations made
- (1) before 1 January 2007, in respect of an amount paid or loaned to a joint exploration corporation before 6 March 1996;
- (2) before I January 2007, in respect of an amount paid or loaned to a joint exploration corporation after 5 March 1996 under an agreement in writing entered into before 6 March 1996 by the joint exploration corporation or by another corporation where the other corporation controlled the joint exploration corporation, or had undertaken to incorporate it, at the time the agreement was entered into.

c. I-3, s. 550.7, am.

171. (1) Section 550.7 of the said Act is amended by replacing the portion before subparagraph a of the first paragraph by the following:

Flow-through shares.

- ****550.7.** Where there has been an amalgamation of two or more corporations each of which is a development corporation, within the meaning of section 363, or a corporation that at no time carried on business, and a predecessor corporation entered into an agreement with a person at a particular time under which the predecessor corporation issued or agreed to issue, for consideration given by the person, a share that was a flow-through share or that would have been a flow-through share if it had been issued, the following rules apply for the purposes of section 359.8 and Part III.14 and for the purpose of renouncing an amount under section 359.2, 359.2.1 or 359.4 in respect of Canadian exploration expenses or Canadian development expenses that would, but for the renunciation, be incurred by the new corporation after the amalgamation:"
- (2) Subsection 1 applies in respect of amalgamations that occur after 31 December 1995. However, where the portion of the first paragraph of section 550.7 of the said Act before subparagraph *a*, enacted by subsection 1, applies in respect of amalgamations that occur before 1 January 1999, it shall be read as follows:

Flow-through shares.

"550.7. Where there has been an amalgamation of two or more corporations each of which is a development corporation, within the meaning of section 363, or a corporation that at no time carried on business, and a predecessor corporation entered into an agreement with a person at a particular time under which the predecessor corporation issued or agreed to issue, for consideration given by the person, a share that was a flow-through share or

that would have been a flow-through share if it had been issued, the following rules apply for the purposes of section 359.8 and Part III.14 and for the purpose of renouncing an amount under section 359.2, 359.2.1, 359.4 or 359.6 in respect of Canadian exploration expenses, Canadian development expenses or Canadian oil and gas property expenses that would, but for the renunciation, be incurred by the new corporation after the amalgamation:".

c. I-3, s. 564.0.1, English text, am.

- 172. (1) Section 564.0.1 of the said Act is amended, in the English text of the portion before paragraph a, by replacing the words "gross investment income" by the words "gross investment revenue".
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 565.1, replaced.

Parent continuation of subsidiary.

173. Section 565.1 of the said Act is replaced by the following:

"565.1. For the purposes of Chapter VII.1 of the Act respecting the application of the Taxation Act (chapter I-4) and sections 332.1, 332.2, 359.1 to 359.17, 362 to 418.36, 419.1 to 419.4 and 419.6, where the rules in sections 556 to 564.1 and 565 apply to the winding-up of a subsidiary, its parent is deemed to be the same corporation as, and a continuation of, the subsidiary."

c. I-3, s. 570, am.

174. Section 570 of the said Act is amended by replacing paragraph n by the following:

"private corporation"

"(n) "private corporation" at any particular time means a corporation that is resident in Canada at that time, is not a public corporation and is not controlled by one or more public corporations, other than prescribed venture capital corporations, or prescribed State bodies or federal Crown bodies or by any combination thereof;".

c. I-3, s. 600, am.

- **175.** (1) Section 600 of the said Act is amended by replacing paragraph d by the following:
- "(d) in computing each income or loss of the partnership for a taxation year, no account shall be taken of paragraph z.4 of section 87, sections 145 and 217.2 to 217.9, paragraphs d and e of section 330 and section 418.12, and no deduction is permitted under section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4), section 217.13, the first paragraph of section 360 or sections 362 to 418.12;".
- (2) Subsection 1, where it adds, in paragraph d of section 600 of the said Act, a reference to paragraph z.4 of section 87 thereof, applies to fiscal periods that begin after 31 December 1996, and, where it replaces, in that paragraph d, the reference to section 418.14 of the said Act by a reference to section 418.12 thereof, applies from 6 March 1996.

c. I-3, s. 646, English text, am.

176. Section 646 of the said Act is amended, in the English text, by replacing the first paragraph by the following:

Reference to a trust or succession.

"**646.** In this Part, a trust, wherever it is created, or a succession, in this Title referred to as a "trust", also includes the trustee, liquidator, administrator, heir or other legal representative having ownership or control of the property of the trust or succession."

c. I-3, s. 694.0.1, replaced.

177. (1) Section 694.0.1 of the said Act, enacted by section 104 of chapter 85 of the statutes of 1997, is replaced by the following:

Addition in relation to arrears of support.

"694.0.1. An individual shall, in computing the taxable income of the individual for a taxation year, include the portion relating to one or more preceding taxation years of the aggregate of all amounts deducted by the individual in computing the individual's income for the year under section 336.0.3 or 336.0.4, where the total of that portion is at least \$300."

- (2) Subsection 1 applies from the taxation year 1997.
- c. I-3, s. 725.1.2, am.
- **178.** (1) Section 725.1.2 of the said Act, enacted by section 109 of chapter 85 of the statutes of 1997, is amended by replacing subparagraph c of the second paragraph by the following:
- "(c) an amount that is a support amount as defined in the first paragraph of section 312.3 or an amount referred to in section 312.5:".
 - (2) Subsection 1 applies from the taxation year 1997.
- c. I-3, s. 726.4.10, am.
- **179.** (1) Section 726.4.10 of the said Act, amended by section 330 of chapter 85 of the statutes of 1997, is again amended by replacing, in subparagraph 1 of subparagraph i of paragraph a, "expenses described in paragraphs a to b.1, c and c.1" by "expenses described in paragraphs a to b.1 and c to c.2".
 - (2) Subsection 1 has effect from 6 December 1996.
- c. I-3, s. 726.4.17.2, am.
- **180.** (1) Section 726.4.17.2 of the said Act, amended by section 330 of chapter 85 of the statutes of 1997, is again amended by replacing, in subparagraph i of paragraph a, "expenses described in paragraphs a to b.1, c and c.1" by "expenses described in paragraphs a to b.1 and c to c.2".
 - (2) Subsection 1 has effect from 6 December 1996.
- c. I-3, s. 726.4.17.11, am.
- **181.** (1) Section 726.4.17.11 of the said Act is amended by replacing, in subparagraphs i and ii of subparagraph b of the second paragraph, ", 359.4 or 359.6" by "or 359.4".
- (2) Subsection 1 applies in respect of renunciations made after 31 December 1998.
- c. I-3, s. 726.20.1, am.
- **182.** (1) Section 726.20.1 of the said Act, amended by section 110 of chapter 85 of the statutes of 1997, is again amended by replacing subparagraph ii of paragraph b of the definition of "resource property" by the following:

"ii. the particular partnership incurs Canadian exploration expenses or Canadian development expenses after 14 May 1992; or".

(2) Subsection 1 applies in respect of expenses incurred by a partnership after 5 March 1996, other than expenses incurred before 1 January 1999 in respect of consideration obtained by the partnership for an interest in the partnership before 6 March 1996 or under the terms of an agreement in writing entered into before 6 March 1996 or under the terms of a final prospectus or an exemption from filing a prospectus filed before 6 March 1996 with a public authority in Canada in accordance with securities legislation of a province.

c. I-3, s. 737.26, am.

183. (1) Section 737.26 of the said Act is amended by adding the following paragraph:

Excluded income.

"For the purposes of the first paragraph and notwithstanding the definition of "basic income" in section 737.24, no amount may be included in computing an individual's basic income or regarded as an out-of-Canada living allowance for a taxation year in respect of the individual's employment by an employer where

- (a) the employer carries on a business of providing services and does not employ in the business throughout the year more than five full-time employees;
- (b) the individual does not deal at arm's length with the employer, or is a specified shareholder of the employer, or, where the employer is a partnership, does not deal at arm's length with a member of the partnership, or is a specified shareholder of a member of the partnership; and
- (c) but for the existence of the employer, the individual would reasonably be regarded as an employee of a person or partnership that is not a specified employer."
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 751, repealed.

184. (1) Section 751 of the said Act is repealed.

(2) Subsection 1 applies from the taxation year 1995.

c. I-3, s. 752.0.6, replaced.

185. (1) Section 752.0.6 of the said Act is replaced by the following:

Support.

"**752.0.6.** No amount may be deducted by an individual under section 752.0.1 for a taxation year in respect of a person where the individual is, for any period in the year, required to pay a support amount, as defined in the first paragraph of section 336.0.2, to a recipient referred to in that definition in respect of the person."

(2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 752.0.18.12, am.

186. Section 752.0.18.12 of the said Act, enacted by section 136 of chapter 85 of the statutes of 1997, is amended by replacing, in paragraph b, the words "of Her Majesty" by the words "of the State or of Her Majesty".

c. I-3, s. 776.89, am.

187. (1) Section 776.89 of the said Act, enacted by section 188 of chapter 85 of the statutes of 1997, is amended

- (1) in paragraph d, by striking out "of subsection 1" and by replacing, in the French text, the word "sous-paragraphe" by the word "paragraphe";
 - (2) by inserting, after paragraph d, the following paragraph:
- "(d.1) section 336.0.3, the amount is deemed, notwithstanding those provisions, to be so deductible for the purposes of subparagraph c of the second paragraph of that section;".
 - (2) Paragraph 2 of subsection 1 applies from the taxation year 1998.

c. I-3, s. 805, am.

188. Section 805 of the said Act is amended by replacing, in subparagraph a of the first paragraph, the words "an agent" and "Her Majesty in right of a province or by" by the words "a mandatary" and "the State, Her Majesty in right of a province or", respectively.

c. I-3, s. 817, am.

189. Section 817 of the said Act is amended by replacing, in the portion of the first paragraph before subparagraph a, the word "Title" by the word "Part,".

c. I-3, s. 818, replaced.

190. (1) Section 818 of the said Act is replaced by the following:

Designated insurance property.

****818.** In this Title, "designated insurance property" for a taxation year of an insurer, other than an insurer resident in Canada that at no time in the year carried on a life insurance business, that, at any time in the year, carried on an insurance business in Canada and elsewhere means property determined in accordance with the prescribed rules.

Taxation year preceding 1997.

However, in its application to any taxation year, "designated insurance property" for the taxation year 1996 or a preceding taxation year means property that was, under this section as it read in its application to that year, used or held by an insurer in the year in the course of carrying on an insurance business in Canada."

(2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 824, replaced.

191. (1) Section 824 of the said Act is replaced by the following:

Insurer's income or loss.

****824.** Notwithstanding any other provision of this Part, where a life insurer resident in Canada carries on an insurance business in Canada and elsewhere in a taxation year, the following rules apply:

- (a) its income or loss for the year from carrying on an insurance business is the amount of its income or loss for the year, computed in accordance with this Part, from the business in Canada;
- (b) no amount shall be included in computing its income for the year in respect of its taxable capital gains and allowable capital losses from dispositions of property, other than property disposed of in a taxation year in which it was designated insurance property, of the insurer used or held by it in the course of carrying on an insurance business."
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 825, am.

- 192. (1) Section 825 of the said Act is amended
- (1) by replacing subparagraphs a and b of the first paragraph by the following:
- "(a) its gross investment revenue for the year from its designated insurance property for the year; and
 - "(b) the amount prescribed in respect of the insurer for the year.";
- (2) by replacing, in the English text of the portion of the second paragraph before subparagraph a and of subparagraph d of that paragraph, the words "gross investment income" by the words "gross investment revenue";
- (3) in subparagraph e of the second paragraph, by striking out "of subsection 1" and by replacing, in the French text, the word "sous-paragraphe" by the word "paragraphe".
 - (2) Paragraphs 1 and 2 of subsection 1 apply from the taxation year 1997.

193. (1) Section 825.0.1 of the said Act is replaced by the following:

- ****825.0.1.** Notwithstanding sections 851.22.4 to 851.22.22, where in a taxation year an insurer carries on an insurance business in Canada and elsewhere, the following rules apply in computing its income for the year from carrying on its insurance business in Canada:
- (a) sections 851.22.4, 851.22.5 and 851.22.14 to 851.22.22 apply only in respect of property that is designated insurance property for the year in respect of the business; and
- (b) sections 851.22.6 to 851.22.13 apply only in respect of the disposition of property that, for the taxation year in which the insurer disposed of it, was designated insurance property in respect of the business."
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 825.0.1, replaced.

Application of financial institution rules.

c. I-3, s. 828, repealed.

- **194.** (1) Section 828 of the said Act is repealed.
 - (2) Subsection I applies from the taxation year 1997.

c. I-3, ss. 832.1 and 832.1.1, replaced.

195. (1) Sections 832.1 and 832.1.1 of the said Act are replaced by the following:

Deemed disposition.

****832.1.** Subject to section 832.1.1, where a property of a life insurer resident in Canada that carries on an insurance business in Canada and elsewhere or of an insurer not resident in Canada is described in the second paragraph for a taxation year, the insurer is deemed to have disposed of the property at the beginning of the year for proceeds of disposition equal to its fair market value at that time and to have immediately thereafter reacquired the property at a cost equal to that fair market value.

Interpretation.

A property to which the first paragraph refers for a taxation year is

- (a) designated insurance property for the year that was owned by the insurer at the end of the preceding taxation year and was not designated insurance property of the insurer for that preceding year; or
- (b) property that is not designated insurance property for the year, was owned by the insurer at the end of the preceding taxation year and was designated insurance property of the insurer for that preceding year.

Exclusion from deemed disposition.

However, the first and second paragraphs shall be disregarded in applying subparagraph i of paragraph e of section 93, subparagraph iv of that paragraph where it refers to the capital cost of a property and sections 140. 140.1 and 818.

Exclusion from deemed disposition.

- ****832.1.1.** Section 832.1 does not apply to deem a disposition in a taxation year of a property of an insurer where the insurer is deemed by section 851.22.15 to have disposed of the property in the preceding taxation year."
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 832.3, am.

- **196.** (1) Section 832.3 of the said Act, amended by section 196 of chapter 85 of the statutes of 1997, is again amended, in the second paragraph,
 - (1) by replacing subparagraph e by the following:
- "(e) for the purpose of determining the amount of gross investment revenue required by the first paragraph of section 825 to be included in computing the transferor's income for the taxation year referred to in subparagraph d and its gains and losses from its designated insurance property for its subsequent taxation years, the transferor is deemed to have transferred the business referred to in subparagraph a of the first paragraph, the property referred to in subparagraph b of that paragraph and the obligations referred to in

subparagraph c of that paragraph to the transferee on the last day of the taxation year referred to in subparagraph d;";

- (2) by inserting, after subparagraph f, the following subparagraph:
- "(f.1) for the purpose of determining the income of the transferor and the transferee for their taxation years following their taxation years referred to in subparagraph d, the amounts included under paragraph e.1 of section 87 and paragraph a.1 of section 844 in computing the transferor's income for its taxation year referred to in subparagraph d in respect of the insurance policies of the business referred to in subparagraph a of the first paragraph are deemed to have been included in computing the income of the transferee, and not of the transferor, for their taxation years referred to in subparagraph d;".
- (2) Paragraph 1 of subsection 1 applies in respect of the transfer by an insurer of an insurance business in its taxation year 1997 or in any of its subsequent taxation years.
 - (3) Paragraph 2 of subsection 1 applies from the taxation year 1996.

c, I-3, s, 832,6, am.

- **197.** (1) Section 832.6 of the said Act is amended
 - (1) by replacing paragraph b by the following:
- "(b) for the purposes of paragraphs d and e of section 87, sections 818 and 825 and paragraph a of section 844, the insurer is deemed to have carried on the insurance business in Canada in the preceding taxation year referred to in paragraph a and to have claimed the maximum amounts to which it would have been entitled under sections 140, 140.1 and 140.2, the second paragraph of section 152 and paragraphs a, a.1 and d of section 840 for that year;";
 - (2) by inserting, after paragraph b, the following paragraph:
- "(b.1) for the purposes of section 157.6.1 and paragraph a.2 of section 840, the insurer is deemed to have carried on the insurance business in Canada in the preceding taxation year referred to in paragraph a and to have included, in computing its income for that preceding taxation year, the amounts that would have been prescribed in respect of the insurer for the purposes of paragraph e.1 of section 87 and paragraph a.1 of section 844 for that year in respect of the insurance policies of that business;".
 - (2) Paragraph 1 of subsection 1 applies from the taxation year 1997.
 - (3) Paragraph 2 of subsection 1 applies from the taxation year 1996.

c. I-3, s. 832.7, am.

- 198. (1) Section 832.7 of the said Act is amended
- (1) by replacing, in the French text of the portion before paragraph a, subparagraph ii of paragraph a and the portion of paragraph b before subparagraph i, the word "branche" by the word "secteur", wherever it appears;

- (2) by replacing the portion of paragraph a before subparagraph i by the following:
- "(a) for the purpose of determining the amount of the gross investment revenue required to be included in computing the income of the vendor and the purchaser under the first paragraph of section 825 and the amount of the gains and losses of the vendor and the purchaser from designated insurance property for the year,".
- (2) Subsection 1 applies in respect of the disposition by an insurer of an insurance business or a line of business of an insurance business in its taxation year 1997 or in any of its subsequent taxation years.

c. I-3, s. 832.9, am.

- **199.** (1) Section 832.9 of the said Act, amended by section 197 of chapter 85 of the statutes of 1997, is again amended by replacing paragraph b by the following:
- "(b) the transferor has, at that time or within 60 days thereafter, in the year transferred all or substantially all of the property used or held by it in the year in the course of carrying on the insurance business in Canada referred to in paragraph a to a corporation resident in Canada, in this section referred to as the "transferee", that is a subsidiary wholly-owned corporation of the transferor which, immediately after that time, began to carry on that insurance business in Canada and the consideration for the transfer includes shares of the capital stock of the transferee;".
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 835, am.

- **200.** (1) Section 835 of the said Act is amended
 - (1) by striking out paragraph a;
 - (2) by adding, after paragraph k, the following paragraph:

"surplus funds derived from operations"

- "(l) "surplus funds derived from operations" of an insurer at the end of a particular taxation year means the amount by which
 - i. the aggregate of
- (1) the total of the insurer's income for each taxation year in the period beginning on the first day of its taxation year 1969 and ending at the end of the particular taxation year from all insurance businesses carried on by it,
- (2) the total of all amounts deemed by section 736.1 to have been deductible in computing its taxable income for a taxation year ending before 1 January 1977, and
- (3) the total of all profits or gains made by the insurer in the period referred to in subparagraph 1 in respect of property not included in a segregated fund that was disposed of by the insurer and used by it in, or held by it in the course

of, carrying on an insurance business in Canada, except to the extent that those profits or gains have been or are included in computing the insurer's income or loss for any taxation year in the period from carrying on an insurance business; exceeds

ii. the aggregate of

- (1) the total of all the insurer's losses for each taxation year in the period referred to in subparagraph 1 of subparagraph i from all insurance businesses carried on by it,
- (2) the total of all losses sustained by the insurer in the period referred to in subparagraph 1 of subparagraph i in respect of property not included in a segregated fund that was disposed of by the insurer and used by it in, or held by it in the course of, carrying on an insurance business in Canada, except to the extent that those losses have been or are included in computing the insurer's income or loss for any taxation year in the period from carrying on an insurance business.
- (3) the total of all taxes payable under this Part by the insurer for each taxation year in the period referred to in subparagraph 1 of subparagraph i, except such portion thereof as would not have been payable by it if section 846, as it read before its repeal in its application to each of those years, had not been enacted,
- (4) the total of all amounts determined in respect of the insurer for each taxation year in the period referred to in subparagraph 1 of subparagraph i, under paragraph a of the description of F in the definition of "surplus funds derived from operations" in subsection 12 of section 138 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), other than the amount so determined under paragraph 3 or that would be so determined but for the exception thereunder,
- (5) the total of all income taxes payable under Parts I.3 and VI of the Income Tax Act by the insurer for each taxation year in the period referred to in subparagraph 1 of subparagraph i,
- (6) the total of all taxes payable under Part VI.1 by the insurer for each taxation year in the period referred to in subparagraph 1 of subparagraph i,
- (7) the total of all gifts made in the period referred to in subparagraph 1 of subparagraph i by the insurer to a person or entity described in paragraphs a and c to l of section 710, and
- (8) the amount by which the amount determined in respect of the insurer for the particular taxation year under subparagraph i of paragraph a of section 841 exceeds the amount so determined under subparagraph ii of that paragraph a."

- (2) Paragraph 1 of subsection 1 applies from the taxation year 1997.
- (3) Paragraph 2 of subsection 1 applies from the taxation year 1996.

c. I-3, s. 836, replaced.

201. (1) Section 836 of the said Act is replaced by the following:

Identical properties.

- ****836.** For the purposes of section 259, any property of a life insurer that would, but for this section, be identical to any other property of the insurer is deemed to be not identical to the other property unless both properties are designated insurance property of the insurer in respect of a life insurance business carried on in Canada or designated insurance property of the insurer in respect of an insurance business in Canada other than a life insurance business."
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 840, am.

- **202.** (1) Section 840 of the said Act is amended
- (1) by replacing, in the portion before paragraph a, the words "which a life insurer may deduct for the year include the following reserves" by the words "that a life insurer may deduct for the year include";
 - (2) by replacing paragraphs a and a.1 by the following:
- "(a) any amount that the insurer claims as a policy reserve for the year in respect of its life insurance policies, not exceeding the aggregate of amounts that the insurer is allowed by regulation to deduct in respect of the policies;
- "(a.1) any amount that the insurer claims as a reserve for the year in respect of claims that were received by the insurer before the end of the year under its life insurance policies and that are unpaid at the end of the year, not exceeding the aggregate of amounts that the insurer is allowed by regulation to deduct in respect of the policies;";
 - (3) by inserting, after paragraph a.1, the following paragraph:
- "(a.2) the amount included under paragraph a.1 of section 844 in computing the insurer's income for the preceding taxation year;";
- (4) by replacing the portion of paragraph d before subparagraph i by the following:
- "(d) an amount as a reserve for policy dividends that will become payable by the insurer in the following taxation year equal to the least of".
 - (2) Subsection 1 applies from the taxation year 1996.
- **203.** (1) Section 842.1 of the said Act is replaced by the following:

c. I-3, s. 842.1, replaced.

Deductions in respect of interest.

- ***842.1.** For the purposes of paragraph b of section 842, an insurer may claim a deduction under section 160 or 163 in computing its income for a taxation year from carrying on its insurance business in Canada, in respect of
- (a) interest on borrowed money used to acquire designated insurance property for the year in respect of the business;
- (b) interest on amounts payable for designated insurance property for the year in respect of the business;
- (c) interest on deposits received or other amounts held by the insurer that arose in connection with life insurance policies in Canada or with policies insuring Canadian risks; and
 - (d) other interest that does not exceed the amount prescribed."
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 844, am.

- **204.** (1) Section 844 of the said Act is amended
- (1) by replacing, in the English text, the portion before paragraph a by the following:

Amounts to be included in computing income.

- ****844.** An insurer shall, in computing its income for a taxation year from carrying on its life insurance business in Canada, include";
 - (2) by inserting, after paragraph a, the following paragraph:
- "(a.1) the amount prescribed in respect of the insurer for the year in respect of its life insurance policies;".
 - (2) Paragraph 2 of subsection 1 applies from the taxation year 1996.

c. I-3, s. 844.0.1, added.

205. (1) The said Act is amended by inserting, after section 844, the following section:

Life insurance policy.

- ****844.0.1.** For the purposes of sections 840, 841 and 844, a life insurance policy includes a benefit under a group life insurance policy or a group annuity contract."
 - (2) Subsection 1 applies from the taxation year 1996.

c. I-3, s. 844.3, am.

206. (1) Section 844.3 of the said Act is amended by replacing the portion before subparagraph a of the first paragraph by the following:

Amounts to be included.

"844.3. Where, for a period of time in a taxation year, a life insurer owned land described in any of subparagraphs a, c and d of the second paragraph or an interest therein or had an interest in a building described in subparagraph b of that paragraph, the life insurer shall, where the land,

building or interest was designated insurance property of the insurer for the year, or property used or held by it in the year in the course of carrying on an insurance business in Canada, include in computing its income for the year the aggregate of all amounts each of which is the amount prescribed in respect of the cost or capital cost to it, as the case may be, of the land, building or interest for the period, and the amount prescribed shall, at the end of the period, be included in computing".

(2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 844.4, am.

207. (1) Section 844.4 of the said Act is amended by replacing the portion before paragraph b by the following:

Application of s. 844.3.

- ****844.4.** Where a life insurer has transferred or lent property, directly or indirectly in any manner whatever, to a person or partnership, in this section referred to as the "transferee", that is affiliated with the insurer or a person or partnership that does not deal at arm's length with the insurer and that property, property substituted for that property or property the acquisition of which was assisted by the transfer or loan of that property was property described in any of subparagraphs a to d of the second paragraph of section 844.3 of the transferee for a period of time in a taxation year of the insurer, the following rules apply:
- (a) section 844.3 shall apply to the insurer to include an amount in computing its income for the year on the assumption that the property was owned by the insurer for the period, was property described in any of subparagraphs a to d of the second paragraph of section 844.3 of the insurer and was used or held by it in the year in the course of carrying on an insurance business in Canada;".
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, ss. 846 – 850, repealed.

- **208.** (1) Sections 846 to 850 of the said Act are repealed.
 - (2) Subsection 1 applies from the taxation year 1996.

c. I-3, s. 885, replaced.

209. (1) Section 885 of the said Act is replaced by the following:

Amounts included in computing the income of a beneficiary.

****885.** A beneficiary under a deferred profit sharing plan shall, in computing the income of the beneficiary for a taxation year, include the amount by which the aggregate of all amounts received by the beneficiary in the year from a trustee under the plan, other than as a result of acquiring an annuity described in subparagraph iv of paragraph k of subsection 2 of section 147 of the French text of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) under which the beneficiary is the annuitant, exceeds the aggregate of all amounts each of which is an amount determined for the year under section 883, 884 or 886 in relation to the plan and in respect of the beneficiary."

(2) Subsection 1 applies from the taxation year 1992. However, where section 885 of the said Act, enacted by subsection 1, applies to a taxation year that is before the taxation year 1997, it shall be read with "subparagraph iv of paragraph k" replaced by "subparagraph vi of paragraph k".

c. I-3, s. 888.3, added.

210. (1) The said Act is amended by inserting, after section 888.2, the following section:

Commencement of annuity after age 69.

- ****888.3.** Where an amount is paid before 1 January 1997 pursuant to or under a deferred profit sharing plan to acquire for a beneficiary under the plan an annuity described in subparagraph iv of paragraph k of subsection 2 of section 147 of the French text of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) and, for the purposes of that Act, subsection 10.6 of that section 147 applies in respect of the beneficiary owing to the fact that payment of the annuity has not begun by the end of the particular year, the following rules apply:
- (a) the beneficiary is deemed to have disposed of the annuity immediately after the particular year and to have received as proceeds of the disposition an amount equal to the fair market value of the annuity at the end of the particular year;
- (b) the beneficiary is deemed to have acquired immediately after the particular year an interest in the annuity as a separate and newly issued annuity contract at a cost equal to the amount referred to in paragraph a; and
- (c) the contract referred to in paragraph b is deemed not to have been issued and acquired pursuant to or under a deferred profit sharing plan."
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 895, am.

- **211.** (1) Section 895 of the said Act is amended, in paragraph j, by replacing "\$1,500" by "\$2,000".
- (2) Subsection 1 applies from the taxation year 1996. However, paragraph *j* of section 895 of the said Act, as amended by subsection 1, does not apply in respect of plans entered into before 21 February 1990.

c. I-3, s. 914, am.

- 212. (1) Section 914 of the said Act is amended
 - (1) by replacing the portion before paragraph a by the following:

New plan deemed not to be an RRSP.

"914. Where a registered retirement savings plan is revised, amended or, for the purposes of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), deemed to have been amended under subsection 13.2 of section 146 of that Act, or where another plan is substituted therefor and the resultant plan is deemed, under subsection 12 of that section 146, not to be a registered retirement savings plan for the purposes of that Act, the following rules apply:";

- (2) by replacing, in the French text of paragraph *a*, the words "aux fins" by the words "pour l'application".
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 965.0.4, repealed.

c. I-3, s. 965.0.18, added.

- **213.** Section 965.0.4 of the said Act is repealed.
- **214.** (1) The said Act is amended by inserting, after section 965.0.17, the following section:

Annuity contract commencing after age 69.

- "965.0.18. For the purposes of this Part, where, under circumstances referred to in paragraph a of section 2.3, an individual acquired before 1 January 1997 an interest in an annuity contract in full or partial satisfaction of the individual's entitlement to benefits under a registered pension plan, and, for the purposes of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), subsection 15 of section 147.3 of that Act applies in respect of the individual owing to the fact that payment of the annuity has not begun by the end of a particular year, the following rules apply:
- (a) the interest in the annuity contract is deemed not to exist after the particular year;
- (b) the individual is deemed to have received immediately after the particular year the payment of a single amount under the registered pension plan equal to the fair market value of the interest in the annuity contract at the end of the particular year;
- (c) the individual is deemed to have acquired immediately after the particular year an interest in the annuity contract as a separate annuity contract issued immediately after the particular year at a cost equal to the amount referred to in paragraph b; and
- (d) the separate contract is deemed not to have been issued and acquired pursuant to or under a registered pension plan."
 - (2) Subsection 1 applies from the taxation year 1997.

c. I-3, s. 976, am.

215. Section 976 of the said Act is amended by replacing, in paragraph d, "paragraph i of subsection 1" by "paragraph i".

c. I-3, s. 985.1.1, am.

216. Section 985.1.1 of the said Act is amended by replacing the second paragraph by the following:

Meaning of certain words.

"For the purposes of subparagraph a of the first paragraph, "person" and "members of a group" do not include the State, Her Majesty in right of Canada or a province, a municipality, a club, society or association that is exempt from tax under section 996, or another registered charity that is not a private foundation."

c. I-3, s. 998, am.

- **217.** (1) Section 998 of the said Act is amended by replacing paragraph k by the following:
- "(k) an insurer that, throughout the period referred to in section 980, is not engaged in any business other than insurance if, in the opinion of the Minister, on the advice of the Superintendent of Financial Institutions for Canada or, where the insurer is incorporated under the laws of a province, of the superintendent of insurance of that province or the Inspector General of Financial Institutions, at least 20% of the total of the gross premium income earned in the period by the insurer and, where the insurer is not a prescribed insurer, by all other persons described in section 999.0.3 is in respect of insurance of property used in farming or fishing or residences of farmers or fishermen:".
 - (2) Subsection 1 applies from the taxation year 1996.
- c. I-3, s. 999.0.1, replaced.

Limitation on the exemption granted to certain insurers.

218. (1) Section 999.0.1 of the said Act is replaced by the following:

"999.0.1. Subject to section 999.0.2, section 980 applies in respect of an insurer described in paragraph k of section 998 only to the part of its taxable income for a taxation year determined by the formula

 $(A \times B \times C) / D$.

Interpretation.

In the formula provided for in the first paragraph,

- (a) A is the taxable income of the insurer for the year;
- (*b*) B is
- i. 1/2, where less than 25% of the total of the gross premium income earned for the year by the insurer and, where the insurer is not a prescribed insurer for the purposes of paragraph k of section 998, by all other persons described in section 999.0.3 is in respect of insurance referred to in that paragraph k, or
 - ii. 1 in any other case;
- (c) C is the part of the gross premium income earned by the insurer for the year that, in the opinion of the Minister, on the advice of the Superintendent of Financial Institutions for Canada or, where the insurer is incorporated under the laws of a province, of the superintendent of insurance of that province or the Inspector General of Financial Institutions, is in respect of insurance referred to in paragraph k of section 998; and
 - (d) D is the gross premium income earned by the insurer for the year."
 - (2) Subsection 1 applies from the taxation year 1996.
- **219.** (1) Section 999.0.3 of the said Act is replaced by the following:

c. I-3, s. 999.0.3, replaced.

Persons referred to.

"999.0.3. The persons referred to in paragraph k of section 998 or in section 999.0.1 or 999.0.2 are insurance corporations that are specified shareholders of the insurer described in that paragraph k or that section 999.0.1 or 999.0.2, as the case may be, or are related to the insurer, or, where the insurer is a mutual corporation, that are part of a group that controls, directly or indirectly in any manner whatever, or are so controlled by, the insurer."

(2) Subsection 1 applies from the taxation year 1996.

c. I-3, s. 1004, am.

220. Section 1004 of the said Act is amended by striking out the second paragraph.

c. I-3, s. 1026.0.2, am.

221. (1) Section 1026.0.2 of the said Act, amended by section 243 of chapter 85 of the statutes of 1997, is again amended by replacing paragraph a of the definition of "net tax owing" by the following:

- "(a) the tax payable by the individual for the year under this Part, determined without reference to the specified tax consequences for the year; exceeds".
- (2) Subsection 1 applies in respect of payments to be made after 31 December 1995. However, where paragraph a of the definition of "net tax owing" in section 1026.0.2 of the said Act, enacted by subsection 1, applies in respect of payments to be made before 1 January 1998, it shall be read as follows:
- "(a) the total of the taxes payable by the individual for the year under this Part and Part I.1, determined without reference to the specified tax consequences for the year; exceeds".

c. I-3, s. 1027, am.

222. (1) Section 1027 of the said Act is amended by replacing the second paragraph by the following:

Exception.

"However, subparagraph a of the first paragraph does not apply to a corporation whose total taxes payable for the year under this Act, other than tax payable under Part IV.1, determined without reference to the specified tax consequences for the year, or whose first basic provisional accounts within the meaning of the regulations under subparagraph i of subparagraph a of the first paragraph, for the year, other than the first basic provisional account related to tax payable under Part IV.1, do not exceed \$1,000."

(2) Subsection 1 applies in respect of payments to be made after 31 December 1995.

c. I-3, s. 1028, replaced.

223. (1) Section 1028 of the said Act, amended by section 244 of chapter 85 of the statutes of 1997, is replaced by the following:

Corporations making allocations in proportion to patronage.

"1028. Where a corporation has held out the prospect that it will make allocations in proportion to patronage to its customers of a taxation year as

described in sections 786 to 796 and for the year or the preceding taxation year its taxable income, determined without reference to the specified tax consequences for the year or the preceding taxation year, as the case may be, is not more than \$10,000, the corporation may, at the end of the period referred to in subparagraph b of the first paragraph of section 1027 and instead of making the payments required by that section, pay to the Minister the total of its tax as estimated for the year under section 1004."

- (2) Subsection 1 applies in respect of payments to be made after 31 December 1995. However,
- (1) where section 1028 of the said Act, enacted by subsection 1, applies in respect of payments to be made in any taxation year that ends before 1 July 1997, it shall be read as follows:

Corporations making allocations in proportion to patronage.

- "1028. Where a corporation has held out the prospect that it will make allocations in proportion to patronage to its customers of a taxation year as described in sections 786 to 796, or is a savings and credit union, and for the year or the preceding taxation year its taxable income, determined without reference to the specified tax consequences for the year or the preceding taxation year, as the case may be, is not more than \$10,000, the corporation may, at the end of the period referred to in subparagraph b of the first paragraph of section 1027 and instead of making the payments required by that section, pay to the Minister the total of its tax as estimated for the year under section 1004.";
- (2) where section 1028 of the said Act, enacted by subsection 1, applies in respect of payments to be made in any taxation year that begins before 1 July 1997 and ends after 30 June 1997, it shall be read with the following paragraph added thereto:

Special case.

"Where a corporation is, for a taxation year, a savings and credit union whose taxable income for the year or the preceding taxation year, determined without reference to the specified tax consequences for the year or the preceding taxation year, as the case may be, is not more than \$10,000, the corporation is not required to make the payments required in subparagraph a of the first paragraph of section 1027 for the period of the year that is before 1 July 1997."

c. I-3, s. 1029.8.5.1, am.

- **224.** Section 1029.8.5.1 of the said Act is amended by replacing subparagraphs i to iii of paragraph g by the following:
 - "i. the State or Her Majesty in right of Canada or a province,
- "ii. a mandatary of the State or of Her Majesty in right of Canada or a province,

"iii. a corporation, commission or association that is controlled, directly or indirectly in any manner whatever, by the State or Her Majesty in right of Canada or a province or by a mandatary of the State or of Her Majesty in right of Canada or a province, or".

c. I-3, s. 1029.8.15.1, am.

225. Section 1029.8.15.1 of the said Act is amended by replacing subparagraphs i to iii of paragraph g by the following:

"i. the State or Her Majesty in right of Canada or a province,

"ii. a mandatary of the State or of Her Majesty in right of Canada or a province,

"iii. a corporation, commission or association that is controlled, directly or indirectly in any manner whatever, by the State or Her Majesty in right of Canada or a province or by a mandatary of the State or of Her Majesty in right of Canada or a province, or".

c. I-3, s. 1029.8.22, English text, am. **226.** Section 1029.8.22 of the said Act, amended by section 111 of chapter 63 of the statutes of 1997, is again amended, in the English text of the first paragraph, by replacing the portion of the definition of "qualified corporation" before paragraph a by the following:

"qualified corporation"

""qualified corporation", for a taxation year, means a corporation that carries on business in Québec and has an establishment in Québec in the year and all or substantially all of whose gross revenue for the year is derived from the carrying on of a qualified business, but does not include".

c. I-3, s. 1029.8.33.2, English text, am. **227.** Section 1029.8.33.2 of the said Act, amended by section 117 of chapter 63 of the statutes of 1997 and by section 251 of chapter 85 of the statutes of 1997, is again amended, in the English text of the first paragraph,

(1) by replacing the definition of "eligible taxpayer" by the following:

"eligible taxpayer"

""eligible taxpayer", for a taxation year, means a taxpayer who carries on business in Québec and has an establishment in Québec in the year and who is an individual, other than a tax-exempt individual, or a qualified corporation;";

(2) by replacing the definition of "qualified partnership" by the following:

"qualified partnership"

""qualified partnership", for a fiscal period, means a partnership that carries on business in Québec and has an establishment in Québec in the fiscal period and that, if it were a corporation, would be a qualified corporation for that fiscal period;".

c. I-3, s. 1029.8.33.15, English text, am. **228.** Section 1029.8.33.15 of the said Act, enacted by section 253 of chapter 85 of the statutes of 1997, is amended, in the English text, by replacing the words "rounded off to the nearest thousandth or, if it is equidistant between two thousandths, to the higher thousandth" by "rounded to the

nearest one-thousandth or, if it is equidistant from two one-thousandths, to the higher thereof".

c. I-3, s. 1029.8.36.0.10, am.

- **229.** (1) Section 1029.8.36.0.10 of the said Act, enacted by section 257 of chapter 85 of the statutes of 1997, is amended by replacing paragraph a by the following:
- "(a) the corporation is deemed to have paid qualified wages to an eligible employee in the taxation year equal to the lesser of
- i. the aggregate of all amounts each of which is an amount paid by the corporation in the year as repayment of government assistance or non-government assistance, as the case may be, and
- ii. the amount by which the amount that would be the particular qualified wages paid in the particular year if the amount of government assistance or non-government assistance, as the case may be, were reduced by any amount paid in respect thereof, as repayment, in the taxation year or in a previous taxation year by the corporation, exceeds the aggregate of
- (1) the particular qualified wages for the particular taxation year, determined without reference to this section, and
- (2) any amount determined under this section, in respect of the particular qualified wages, for a previous taxation year; and".
 - (2) Subsection 1 applies in respect of wages incurred after 25 March 1997.

c. I-3, s. 1029.8.36.4, English text, am. **230.** Section 1029.8.36.4 of the said Act is amended, in the English text of the first paragraph, by replacing the portion of the definition of "qualified corporation" before paragraph a by the following:

"qualified corporation"

""qualified corporation", for a taxation year, means a corporation that carries on business in Québec and has an establishment in Québec in the year and all or substantially all of whose gross revenue for the year is derived from the carrying on of a qualified business, but does not include".

c. I-3, s. 1029.8.36.23, am.

- **231.** (1) Section 1029.8.36.23 of the said Act, amended by section 258 of chapter 85 of the statutes of 1997, is again amended
 - (1) by replacing the portion before paragraph b by the following:

Repayment of assistance by a qualified corporation.

"1029.8.36.23. Where, in any taxation year, a qualified corporation repays an amount of government assistance or non-government assistance, pursuant to a legal obligation to do so, that reduced the amount of an expenditure incurred as wages for the purpose of computing particular qualified wages in respect of which the corporation is deemed to have paid an amount to the Minister under section 1029.8.36.7 for a particular taxation year, the following rules apply:

- (a) the corporation is deemed to have incurred in the taxation year qualified wages, in respect of a particular designer, equal to the lesser of
- i. the aggregate of all amounts each of which is an amount paid by the corporation in the year as repayment of the government assistance or non-government assistance, as the case may be, and
- ii. the amount by which the amount that would be the particular qualified wages incurred in the particular taxation year if the amount of government assistance or non-government assistance, as the case may be, were reduced by any amount paid in respect thereof, as repayment, in the taxation year or in a previous taxation year by the corporation, exceeds the aggregate of
- (1) the particular qualified wages for the particular taxation year, determined without reference to this section, and
- (2) any amount determined under this section, in respect of the particular qualified wages, for a previous taxation year; and";
- (2) by replacing, in subparagraph i of paragraph b, the words "particular year" by the words "taxation year";
- (3) by adding, after subparagraph ii of paragraph b, the following subparagraph:
- "iii. the percentage determined under section 1029.8.36.9 in respect of qualified wages that the corporation is deemed to have incurred in the taxation year in connection with that repayment is deemed to be the percentage determined in relation to the particular qualified wages in respect of which the corporation is deemed to have paid an amount to the Minister under section 1029.8.36.7 for the particular taxation year."
 - (2) Subsection 1 has effect from 1 January 1994.

c. I-3, s. 1029.8.36.69, am.

- **232.** (1) Section 1029.8.36.69 of the said Act, enacted by section 261 of chapter 85 of the statutes of 1997, is amended by replacing subparagraphs a to d of the first paragraph by the following:
- "(a) for the purpose of determining the amount that the person or a member of the partnership is deemed to have paid to the Minister under this division in respect of the particular calendar year, the eligible employees of the person or of the partnership that may reasonably be considered to have been assigned, immediately before that time, to that portion of such activities the pursuit of which was diminished or ceased at that time, are deemed to be eligible employees of the person or partnership, as the case may be, throughout the period commencing at that time and ending at the end of the particular calendar year;
- "(b) for the purpose of determining the amount that the person or a member of the partnership is deemed to have paid to the Minister under this division in

respect of the calendar year following the particular calendar year, the maximum number of eligible employees of the person or of the partnership at any time in the particular calendar year, determined with reference to subparagraph a in respect of the particular calendar year, shall be reduced by the number of eligible employees that may reasonably be considered to have been assigned, immediately before that time, to that portion of such activities the pursuit of which was diminished or ceased at that time;

- "(c) for the purpose of determining the amount that the eligible employer is deemed to have paid to the Minister under this division in respect of the particular calendar year, the eligible employees of the person or of the partnership that may reasonably be considered to have been assigned, immediately before that time, to that portion of such activities the pursuit of which was diminished or ceased at that time, are deemed to be eligible employees of the eligible employer throughout the calendar year preceding the particular calendar year; and
- "(d) for the purpose of determining the amount that the eligible employer is deemed to have paid to the Minister under this division in respect of the particular calendar year and of the subsequent calendar year, the following rules apply:
- i. the eligible employees of the person or of the partnership that may reasonably be considered to have been assigned, immediately before that time, to that portion of such activities the pursuit of which was diminished or ceased at that time, are deemed to be eligible employees of the eligible employer throughout the particular calendar year, and
- ii. the employees of the eligible employer that may reasonably be considered to have been assigned, after that time, to the pursuit of similar activities because the eligible employer begins, after that time, to pursue similar activities, or increases, after that time, the scope of similar activities in the course of carrying on a business, provided, however, that the number of those employees does not exceed the number of eligible employees of the person or of the partnership that may reasonably be considered to have been assigned, immediately before that time, to that portion of such activities the pursuit of which was diminished or ceased at that time, are deemed not to be eligible employees of the eligible employer at any time in the particular calendar year."
 - (2) Subsection 1 has effect from 1 January 1997.

c. I-3, s. 1029.8.67, am.

- **233.** (1) Section 1029.8.67 of the said Act, amended by section 119 of chapter 31 of the statutes of 1997 and by section 265 of chapter 85 of the statutes of 1997, is again amended
- (1) in the English text, by replacing paragraph d of the definition of "earned income" by the following:

- "(d) all amounts received by the individual during the year as, on account or in lieu of payment of, or in satisfaction of, a disability pension under the Act respecting the Québec Pension Plan (chapter R-9) or a similar plan within the meaning of paragraph u of section 1 of that Act;";
 - (2) by replacing, in the definition of "eligible child", "14" by "16";
- (3) by adding, after subparagraph iv of paragraph a of the definition of "child care expense", the following subparagraph:
- "v. to attend a qualified educational institution, where the individual or supporting person is enrolled in an educational program of not less than 3 consecutive weeks duration that provides that each student in the program spend not less than 10 hours per week on courses or work in the program, and";
- (4) by inserting the following definition in the appropriate alphabetical order:

"qualified educational institution"

- ""qualified educational institution" means an educational institution referred to in paragraph a of section 752.0.18.10 or a secondary school;".
- (2) Paragraphs 2, 3 and 4 of subsection 1 apply from the taxation year 1996. However, where the definition of "qualified educational institution", enacted by subsection 1, applies to the taxation year 1996, it shall be read as follows:

"qualified educational institution"

""qualified educational institution" means an educational institution referred to in section 337 or a secondary school;".

c. I-3, s. 1029.8.70, am.

- **234.** (1) Section 1029.8.70 of the said Act is amended by replacing subparagraph i of subparagraph b of the second paragraph by the following:
- "i. a student in attendance at a qualified educational institution and enrolled in a program of the institution of not less than 3 consecutive weeks duration that provides that each student in the program spend not less than 10 hours per week on courses or work in the program,".
 - (2) Subsection 1 applies from the taxation 1996.

c. I-3, s. 1029.8.71, am.

- **235.** (1) Section 1029.8.71 of the said Act is amended
 - (1) by replacing paragraph b by the following:
- "(b) the aggregate of the earned income of the individual for the year and, if the following conditions are met, the amount determined in respect of the individual under the second paragraph:
- i. the individual is, at any time in the year, a student in attendance at a qualified educational institution and enrolled in a program of the institution of

not less than 3 consecutive weeks duration that provides that each student in the program spend not less than 10 hours per week on courses or work in the program, and

- ii. there is no supporting person of an eligible child of the individual for the year or, if there is such a person, the earned income of the individual for the year exceeds the earned income for the year of the supporting person of the child.";
 - (2) by adding the following paragraph:

Amount deductible.

- "The amount to which subparagraph b of the first paragraph refers in respect of an individual for a taxation year is equal to the least of
- (a) the amount by which the aggregate of all amounts each of which is an amount paid as or on account of child care expenses incurred for services rendered in the year in respect of an eligible child of the individual exceeds the amount that would, but for this section, be taken into account in computing the amount that the individual is deemed to have paid to the Minister for the year under section 1029.8.79;
 - (b) the greater of
- i. the individual's income for the year computed with reference to the rules in Title II of Book V.2.1, and
- ii. the income for the year, computed with reference to the rules in Title II of Book V.2.1, of the supporting person of an eligible child of the individual for the year;
- (c) the product obtained when the total of the product obtained when \$150 is multiplied by the number of eligible children of the individual for the year each of whom is under 7 years of age on 31 December of that year or would have been had the child then been living, or a person described in section 1029.8.76, and in respect of whom child care expenses referred to in the first paragraph were incurred, and the product obtained when \$90 is multiplied by the number of all other eligible children of the individual for the year in respect of whom child care expenses referred to in the first paragraph were incurred, is multiplied by the number of weeks in the year during which the child care expenses were incurred and throughout which,
- i. where there is a supporting person of an eligible child of the individual for the year, both the supporting person and the individual are students described in subparagraph i of subparagraph b of the first paragraph, and
- ii. in any other case, the individual is a student described in subparagraph i of subparagraph b of the first paragraph;
- (d) the amount by which the total calculated under subparagraph i of subparagraph a of the first paragraph in respect of eligible children of the

taxpayer for the year exceeds the amount that would, but for this section, be taken into account in computing the amount that the individual is deemed to have paid to the Minister for the year under section 1029.8.79; and

- (e) where there is a supporting person of an eligible child of the taxpayer for the year, the amount by which the amount calculated under subparagraph b of the second paragraph of section 1029.8.70 for the year in respect of the individual exceeds the individual's earned income for the year."
- (2) Subsection 1 applies from the taxation year 1996. However, where subparagraph b of the second paragraph of section 1029.8.71 of the said Act, enacted by subsection 1, applies to the taxation years 1996 and 1997, it shall be read as follows:
 - "(b) the greater of
- i. the individual's income for the year computed without reference to paragraphs d.1 and j of subsection 1 of section 336, and
- ii. the income for the year, computed without reference to paragraphs d.1 and j of subsection 1 of section 336, of the supporting person of an eligible child of the individual for the year;".

c. I-3, s. 1029.8.76, replaced.

236. (1) Section 1029.8.76 of the said Act, replaced by section 266 of chapter 85 of the statutes of 1997, is again replaced by the following:

Child with a severe and prolonged mental or physical impairment.

- "1029.8.76. The person to whom section 1029.8.68, subparagraphs a and b of the second paragraph of section 1029.8.70, subparagraph i of subparagraph a of the first paragraph of section 1029.8.71 and subparagraph c of the second paragraph of section 1029.8.71 refer for a taxation year is an eligible child in respect of whom paragraphs a to d of section 752.0.14 apply for that year."
- (2) Subsection 1 applies from the taxation year 1996. However, where section 1029.8.76 of the said Act, enacted by subsection 1, applies to the taxation years 1996 and 1997, it shall be read as follows:

Child with a severe and prolonged mental or physical impairment. "1029.8.76. The person to whom section 1029.8.68, subparagraphs a and b of the second paragraph of section 1029.8.70, subparagraph i of subparagraph a of the first paragraph of section 1029.8.71 and subparagraph c of the second paragraph of section 1029.8.71 refer for a taxation year is an eligible child who is a person in respect of whom an amount is deductible because of sections 752.0.14 to 752.0.16 in computing an individual's tax payable under this Part for that year."

c. I-3, s. 1037.1, repealed.

237. Section 1037.1 of the said Act is repealed.

c. I-3, s. 1038, am.

238. (1) Section 1038 of the said Act is amended

- (1) by replacing subparagraph a of the second paragraph by the following:
- "(a) the amount by which the tax payable by the individual for the year, determined without reference to the specified tax consequences for the year, exceeds the aggregate of all amounts deducted or withheld under section 1015 in respect of the individual's income for the year and all amounts the individual is deemed, under Chapter III.1 of Title III, except Divisions II to II.4.1, II.5.1, II.5.2 and II.6.6 of that chapter, to have paid to the Minister as partial payment of the individual's tax payable for the year;";
 - (2) by replacing subparagraph a of the third paragraph by the following:
- "(a) the amount by which the tax payable by the individual for the particular year, determined without reference to the specified tax consequences for the particular year, or the individual's basic provisional account, established in accordance with the regulations under section 1026, for the preceding taxation year, exceeds the aggregate of all amounts deducted or withheld under section 1015 in respect of the individual's income for the particular year and all amounts the individual is deemed, under Chapter III.1 of Title III, except Divisions II to II.4.1, II.5.1, II.5.2 and II.6.6 of that chapter, to have paid to the Minister as partial payment of the individual's tax payable for the particular year;";
 - (3) by replacing subparagraph a of the fourth paragraph by the following:
- "(a) the tax payable by the corporation for the year, determined without reference to the specified tax consequences for the year, or the corporation's first basic provisional account, within the meaning of the regulations under subparagraph i of the said subparagraph, for the year; or".
- (2) Subsection 1 applies from the taxation year 1996. However, where subparagraph a of the second and third paragraphs of section 1038 of the said Act, enacted by paragraphs 1 and 2 of subsection 1, applies in respect of payments to be made before 26 March 1997, it shall be read with "Divisions II to II.4.1, II.5.1, II.5.2 and II.6.6" replaced by "Divisions II to II.4 and II.5.1".

c. I-3, s. 1044.0.2, added.

239. (1) The said Act is amended by inserting, after section 1044.0.1, the following section:

Flow-through share renunciations.

- "1044.0.2. Where the tax payable under this Part by a taxpayer for a taxation year is more than it otherwise would be because of a consequence for the year, described in paragraph b of the definition of "specified tax consequence" in section 1, in respect of an amount purported to be renounced in a calendar year by a corporation, for the purposes of the provisions of this Part, other than this section, relating to a determination of interest payable under this Part, an amount equal to the additional tax payable is deemed
- (a) to have been paid on the taxpayer's balance-due day for the taxation year as partial payment of the taxpayer's tax payable under this Part for the year; and

- (b) to be an excess amount referred to in section 32 of the Act respecting the Ministère du Revenu (chapter M-31) that has been refunded on 30 April of the following calendar year to the taxpayer as partial payment of the taxpayer's tax payable under this Part for the taxation year."
 - (2) Subsection 1 applies from the taxation year 1996.

c. I-3, s. 1049.0.1, replaced.

False statement or omission.

240. (1) Section 1049.0.1 of the said Act is replaced by the following:

"1049.0.1. Every person who, knowingly or under circumstances amounting to gross negligence, makes, or acquiesces or participates in the making of, a false statement or omission in any renunciation that was to have been effective at a particular time and that is purported to have been made under section 359.2, 359.2.1, 359.4, 381, 406, 417 or 418.13, otherwise than because of the application of section 359.8, is liable to a penalty of 25% of the amount by which the amount set out in the renunciation in respect of Canadian exploration and development expenses, Canadian exploration expenses, Canadian development expenses or Canadian exploration and development expenses, Canadian development expenses or Canadian oil and gas property expenses or Canadian oil and gas property expenses, as the case may be, that the corporation was entitled under the applicable section to renounce as of that particular time.

Application.

In the first paragraph, a reference to section 381, 406, 417 or 418.13 is a reference to that section as it read in respect of the renunciation."

(2) Subsection 1, where it enacts the first paragraph of section 1049.0.1 of the said Act, applies in respect of acts or omissions that occur after 25 April 1997. However, the first paragraph of that section 1049.0.1, where it applies in respect of acts or omissions in connection with purported renunciations made before 1 January 1999, shall be read with "359.4," replaced by "359.4, 359.6,".

c. I-3, s. 1049.0.1.0.1, added.

241. (1) The said Act is amended by inserting, after section 1049.0.1, the following section:

False statement or omission with respect to look-back rule.

"1049.0.1.0.1. Every person who, knowingly or under circumstances amounting to gross negligence, makes, or acquiesces or participates in the making of, a false statement or omission in a statement required to be filed under section 359.15 in respect of a renunciation purported to have been made because of the application of section 359.8 or who fails to file the statement on or before the day that is 24 months after the day on or before which it was required to be filed is liable, in addition to the penalty under section 59 of the Act respecting the Ministère du Revenu (chapter M-31), to a penalty equal to 25% of the amount by which the portion of the excess referred to in section 359.15 that was known or that ought to have been known by the person, exceeds

- (a) where this section applies otherwise than because of the person's failure to file the statement on or before the day that is 24 months after the day on or before which it was required to be filed, the portion of the excess referred to in section 359.15 that is identified in the statement; and
 - (b) in any other case, zero."
 - (2) Subsection 1 has effect from 25 April 1997.
- c. I-3, s. 1086, am.
- **242.** Section 1086 of the said Act is amended by replacing subparagraph c of the first paragraph by the following:
- "(c) provide for the retention by way of deduction or set-off of the amount of a taxpayer's income tax or other indebtedness under a fiscal law out of any amount that may be payable by the State in respect of salary or wages;".
- c. I-3, s. 1094, am.
- **243.** (1) Section 1094 of the said Act is amended by replacing paragraph b.1 by the following:
- "(b.1) any capital property used or held in Québec by an insurer in the year that is its designated insurance property, within the meaning of section 818, for the year;".
 - (2) Subsection 1 applies from the taxation year 1997.
- c. I-3, s. 1129.8, am.
- **244.** Section 1129.8 of the said Act is amended by replacing the portion before subparagraph a of the first paragraph by the following:

Rate of return.

- "1129.8. The rate to which subparagraph d of the second paragraph of section 1129.7 refers in respect of a non-guaranteed convertible security issue to which a qualifying non-guaranteed convertible security relates is equal to the long-term average weighted bond yield for the provinces as indicated in the Weekly Financial Statistics of the Bank of Canada for the third week preceding that during which".
- c. I-3, s. 1129.12.4, am.
- **245.** Section 1129.12.4 of the said Act, enacted by section 303 of chapter 85 of the statutes of 1997, is amended by replacing the first paragraph by the following:

Rate of return.

- "1129.12.4. The rate to which subparagraph d of the second paragraph of section 1129.12.3 refers in respect of a public share issue as part of which a preferred share meeting the requirements set forth in paragraph b of section 965.9.1.0.5 was issued is equal to the long-term average weighted bond yield for the provinces as indicated in the Weekly Financial Statistics of the Bank of Canada for the third week preceding that during which a favourable advance ruling was granted by the Ministère du Revenu in respect of the issue."
- c. I-3, ss. 1129.59 1129.62, added.
- **246.** (1) The said Act is amended by inserting, after section 1129.58, the following:

"PART III.14

"SPECIAL TAX RELATING TO FLOW-THROUGH SHARES

Definitions:

"1129.59. In this Part.

"flow-through share"

"flow-through share" has the meaning assigned by section 359.1;

"Minister"

"Minister" means the Minister of Revenue.

Tax imposed.

"1129.60. Every corporation that purported to renounce an amount in a calendar year under section 359.2 or 359.2.1 because of the application of section 359.8 shall pay a tax in respect of each month, other than January, in the year equal to the amount determined in its respect by the formula

$$[(A - B)/2] \times (C/12 + D/5).$$

Interpretation.

In the formula provided for in the first paragraph,

- (a) A is the aggregate of all amounts each of which is an amount that the corporation purported to renounce in the calendar year under section 359.2 or 359.2.1 because of the application of section 359.8 in respect of expenses incurred or to be incurred in connection with production or potential production in Québec;
- (b) B is the aggregate of all expenses described in paragraph a of section 359.8 that are incurred by the end of the month by the corporation and in respect of the renunciation in respect of which an amount is included in the aggregate referred to in subparagraph a of this paragraph;
- (c) C is the rate of interest prescribed for the purposes of subsection 3 of section 164 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) for the month; and
 - (d) D is one where the month is December, and zero in any other case.

Payment of tax.

- "1129.61. Where a corporation is required to pay tax under this Part in respect of one month in a calendar year, it shall, before 1 March of the following calendar year,
- (a) file with the Minister, without notice or demand therefor, a return for the year under this Part in prescribed form;
- (b) estimate, in the return, the amount of tax payable under this Part by it in respect of each month in the year; and
- (c) pay to the Minister the amount of tax payable under this Part by it in respect of each month in the year.

Provisions applicable.

- "1129.62. Except where inconsistent with this Part, sections 1001, 1002 and 1037 and Titles II, V and VI of Book IX of Part I apply to this Part, with the necessary modifications."
- (2) Subsection 1 applies from the calendar year 1997. However, where section 1129.62 of the said Act, enacted by subsection 1, applies to the calendar year 1997, it shall be read as follows:

Provisions applicable.

"1129.62. Except where inconsistent with this Part, sections 1001, 1002 and 1037 and Titles II, V, VI and VII of Book IX of Part I and Book X of Part I apply to this Part, with the necessary modifications."

c. I-3, s. 1159.1, am.

247. Section 1159.1 of the said Act is amended, in paragraph b of the definition of "financial institution", by replacing the words "body or corporation of Her Majesty in right of Québec" by the words "State body or corporation".

c. I-3, s. 1173.2, English text, am.

- **248.** Section 1173.2 of the said Act is amended, in the English text, by replacing paragraph a by the following:
- "(a) to the portion of a taxable premium, other than a taxable premium that is a fund of an uninsured employee benefit plan, that corresponds to the payment, by an insurance corporation, of an amount, paid by reason of the loss of all or part of the income from an office or employment and that is income from an office or employment for which a contribution established under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Act respecting the Régie de l'assurance-maladie du Québec (chapter R-5) or the Act respecting the Québec Pension Plan (chapter R-9) is paid; or".

c. I-3, s. 1175.1, am.

- **249.** (1) Section 1175.1 of the said Act is amended
- (1) by inserting the following definition in the appropriate alphabetical order:

"life insurance business"

- ""life insurance business" has the meaning assigned by section 1;";
- (2) by inserting the following definition in the appropriate alphabetical order:

"province"

- ""province" has the meaning assigned by section 1;";
- (3) by replacing the definition of "Superintendent of Financial Institutions" by the following:

"Superintendent of Financial Institutions"

- ""Superintendent of Financial Institutions", in respect of a life insurer, means
- (a) the Superintendent of Financial Institutions for Canada, where the life insurer is required to report to that person; and

- (b) where the life insurer is incorporated under the laws of a province, the superintendent of insurance or other similar agent or authority of that province, or the Inspector General of Financial Institutions, according to the person to whom the life insurer is required to report;".
- (2) Paragraph 1 of subsection 1 applies in respect of taxation years of a life insurer that end after 9 May 1996.
 - (3) Paragraphs 2 and 3 of subsection 1 apply from the taxation year 1997.

c. I-3, s. 1175.9, am.

- **250.** (1) Section 1175.9 of the said Act is amended by replacing paragraph a by the following:
- "(a) the greater of its surplus funds derived from operations, within the meaning of paragraph l of section 835, computed as if no tax were payable by it under this Part nor under Part I.3 or VI of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) for the year, and its attributed surplus, within the meaning assigned by the regulations made under section 818, for the year;".
- (2) Subsection 1 applies in respect of taxation years of a life insurer that end after 9 May 1996. However, where paragraph a of section 1175.9 of the said Act, enacted by subsection 1, applies to any such taxation year that ends before 1 January 1997, it shall be read with the words "its attributed surplus, within the meaning assigned by the regulations made under section 818, for the year" replaced by the words "its attributed surplus for the year, within the meaning assigned by the regulations made under section 818".

c. I-3, terminologyrelated and consequential amendments.

- **251.** (1) The said Act, amended by chapters 63, 85 and 86 of the statutes of 1997, is again amended
- (1) by replacing the word "estate" by the word "succession" wherever it appears in the English text of the following provisions:

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section 7.4.1;
section 317.2;
section 430;
section 431;
section 448;
subparagraph iii of subparagraph r of the first paragraph of section 485.3;
paragraph b of section 609;
section 930;
section 1002;
paragraphs a and b of section 1054;
section 1055;
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— the portion of section 1055.1 before paragraph a;

— paragraph b of section 2.1.3;

— paragraph b of section 1055.1;

- (2) by replacing the words "member of the Senate or of the House of Commons" by the words "member of the Senate or House of Commons" in the English text of the following provisions:
 - subparagraph i of paragraph a of section 39;
 - paragraph a of section 39.1;
- (3) by replacing the words "Her Majesty in right of Canada or of a province" or "Her Majesty in right of Canada or a province", as the case may be, by the words "the State or to Her Majesty in right of Canada or a province" in the following provisions:
 - paragraph b of section 230.1;
 - paragraph a of section 710;
 - the definition of "total Crown gifts" in section 752.0.10.1;
- (4) by replacing the words "Her Majesty in right of Canada or of a province" or "Her Majesty in right of Canada or a province", as the case may be, by the words "the State or Her Majesty in right of Canada or a province" wherever they appear in the following provisions:
 - paragraph a of section 230.3;
 - paragraph i of section 710;
- paragraph h of the definition of "total charitable gifts" in section 752.0.10.1;
 - the first paragraph of section 985;
 - paragraph f of section 1104;
 - the first paragraph of section 1175.18;
- (5) by striking out "of subsection 1" wherever that reference appears in the following provisions:
 - paragraph h of section 311;
 - -- section 313.1:
 - section 324:
 - subparagraph c of the second paragraph of section 346.1;
 - section 694.0.2;
 - subparagraph v of subparagraph e of the first paragraph of section 726.6;
 - subparagraph vi of paragraph a of section 752.0.8;
 - section 776.70;
 - paragraph c of section 976.1;
 - the first paragraph of section 1007;
 - section 1029.6;
- the portion of the first paragraph of section 1029.8.50 before subparagraph a;

- (6) by replacing the word "sous-paragraphe" by the word "paragraphe" wherever it appears in the French text of the following provisions:
 - paragraph h of section 311;
 - section 313.1:
 - section 324;
 - subparagraph c of the second paragraph of section 346.1;
 - subparagraph v of subparagraph e of the first paragraph of section 726.6;
 - subparagraph vi of paragraph a of section 752.0.8;
 - section 776.70;
 - paragraph c of section 976.1;
 - the first paragraph of section 1007;
 - section 1029.6:
- the portion of the first paragraph of section 1029.8.50 before subparagraph a;
- (7) by replacing "section 86 of the Act respecting the application of the Taxation Act (1972, chapter 24), to the extent that section 86.4 of the Regulation respecting the application of the Taxation Act (1972) (R.R.Q., 1981, chapter I-4, r.2)" or "section 86 of the Act respecting the application of the Taxation Act (1972, chapter 24) to the extent that section 86.4 of the Regulation respecting the application of the Taxation Act (R.R.Q., 1981, chapter I-4, r.2)", as the case may be, by "section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4), to the extent that that section" in the following provisions:
 - paragraph d of section 332.3;
 - the portion of section 418.33 before paragraph a;
 - section 418.35:
 - section 419.7;
 - the portion of section 776.57 before paragraph a;
- (8) by replacing "section 86 of the Act respecting the application of the Taxation Act (1972, chapter 24)" by "section 88.4 of the Act respecting the application of the Taxation Act (chapter I-4)" in the following provisions:
 - subparagraph iii of paragraph a of section 344;
- the portion of subparagraph a of the third paragraph of section 418.16 before subparagraph i;
- subparagraph 1 of subparagraph ii of subparagraph a of the third paragraph of section 418.17;
- the portion of subparagraph a of the third paragraph of section 418.18 before subparagraph i;
- the portion of subparagraph i of subparagraph a of the third paragraph of section 418.19 before subparagraph 1;
- the portion of subparagraph c of the first paragraph of section 418.20 before subparagraph i;

- the portion of subparagraph i of subparagraph a of the third paragraph of section 418.21 before subparagraph 1;
 - the portion of section 418.28 before paragraph a;
 - (9) by replacing "418.14" by "418.12" in the following provisions:
 - subparagraph iii of paragraph a of section 344;
 - the portion of section 776.57 before paragraph a;
- (10) by replacing "section 86 of the Act respecting the application of the Taxation Act, to the extent that section 86.4 of the Regulation respecting the application of the Taxation Act (1972) (R.R.Q., 1981, chapter I-4, r.2)", "section 86 of the Act respecting the application of the Taxation Act to the extent that section 86.4 of the Regulation respecting the application of the Taxation Act (1972) (R.R.Q., 1981, chapter I-4, r.2)", "section 86 of the Act respecting the application of the Taxation Act (1972, chapter 24), to the extent that section 86.4 of the Regulation respecting the application of the Taxation Act (1972)", "section 86 of the Act respecting the application of the Taxation Act (1972, chapter 24) to the extent that section 86.4 of the Regulation respecting the application of the Taxation Act (1972)", "section 86 of the Act respecting the application of the Taxation Act, to the extent that section 86.4 of the Regulation respecting the application of the Taxation Act (1972)" or "section 86 of the Act respecting the application of the Taxation Act to the extent that section 86.4 of the Regulation respecting the application of the Taxation Act (1972)", as the case may be, by "section 88.4 of the Act respecting the application of the Taxation Act, to the extent that that section" in the following provisions:
 - subparagraph i of subparagraph a of the third paragraph of section 418.16;
 - subparagraph i of subparagraph b of the third paragraph of section 418.16;
 - the fourth paragraph of section 418.17;
 - subparagraph i of subparagraph a of the third paragraph of section 418.18;
 - subparagraph i of subparagraph b of the third paragraph of section 418.18;
 - subparagraph i of subparagraph b of the third paragraph of section 418.19;
 - subparagraph iii of subparagraph c of the first paragraph of section 418.20;
 - subparagraph b of the second paragraph of section 418.20;
 - subparagraph i of subparagraph b of the third paragraph of section 418.21;
- (11) by replacing "418.13" by "418.13, as it read in respect of the renunciation," in the following provisions:
- subparagraph 2 of subparagraph ii of paragraph f of the second paragraph of section 484.2;
 - paragraph e of the definition of "forgiven amount" in section 485;
- (12) by replacing the word "sous-paragraphes" by the word "paragraphes" in the French text of the following provisions:
 - section 694.0.2;
 - section 776.70;

- (13) by replacing "118" and "(1972, chapter 24)" by "89.2" and "(chapter I-4)", respectively, in the following provisions:
 - section 776.62;
 - section 776.88;
- (14) by replacing the words "an estate" by the words "a succession" in the English text of the following provisions:
 - paragraph d of subsection 2 of section 1000;
 - subparagraph iv of paragraph b of section 1122;
 - subparagraph b of the second paragraph of section 1159.8.
 - (2) Paragraph 9 of subsection 1 has effect from 6 March 1996.

ACT RESPECTING THE APPLICATION OF THE TAXATION ACT

c. I-4, s. 5.0.1, added.

252. The Act respecting the application of the Taxation Act (R.S.Q., chapter I-4) is amended by inserting, after section 5, the following section:

Section 1011 of the Taxation Act not applicable.

"5.0.1. Section 1011 of the Taxation Act (chapter I-3) does not apply where the taxpayer referred to therein has filed with the Minister a waiver referred to in section 1010 of that Act before 8 July 1972."

c. I-4, s. 5.3, added.

253. The said Act is amended by inserting, after section 5.2, the following:

"CHAPTER II.1

"INCOME INSURANCE BENEFITS

Amounts received under a plan established before 19 June 1971. **"5.3.** Section 43 of the Taxation Act (chapter I-3) does not apply to amounts received by a taxpayer that were payable to the taxpayer in accordance with a plan referred to in that section and established before 19 June 1971, if the loss of income mentioned therein results from an event occurring before 1 January 1974.

Effect of certain changes made in a plan established before 19 June 1971.

For the purposes of the first paragraph, a plan that was established before 19 June 1971 does not cease to be a plan established before that date solely because of changes made therein on or after that date for the purpose of ensuring that the plan qualifies as one entitling the employer of persons covered under the plan to a reduction of unemployment insurance premiums, as provided for in subsection 2 of section 50 of the Unemployment Insurance Act (Revised Statutes of Canada, 1985, chapter U-1), as it read before its repeal."

c. I-4, s. 14.1, added.

254. The said Act is amended by inserting, after section 14, the following section:

Interpretation.

"14.1. For the purposes of the Taxation Act (chapter I-3) and this Act, the total depreciation, undepreciated capital cost and capital cost of property of a prescribed class, on the first day of the taxation year 1972 of a corporation that is organized, administered and operated on a cooperative basis under paragraph 3 of section 40 of the former Corporation Tax Act, are deemed to be equal to what they would have been to date in respect of the property, had the corporation always been subject to the former Corporation Tax Act."

c. I-4, s. 81, replaced.

255. (1) Section 81 of the said Act is replaced by the following:

Application of s. 255 of the Taxation Act.

"81. For the purpose of computing, at any particular time after 1971, the adjusted cost base to a taxpayer of an interest in a partnership of which the taxpayer was a member on 31 December 1971 and thereafter without interruption until that particular time, subparagraph i of paragraph i of section 255 of the Taxation Act (chapter I-3) shall be read with "mines," replaced by "mines, and the provisions of the Act respecting the application of the Taxation Act (chapter I-4) in respect of sections 105 to 110.1,".

Application of s. 257 of the Taxation Act.

In addition, for that purpose, subparagraph i of paragraph l of section 257 of the Taxation Act shall be read with the figure "741" replaced by "741, and the provisions of the Act respecting the application of the Taxation Act (chapter I-4) that regard sections 105 to 110.1,"."

(2) Subsection 1 has effect from 26 February 1986.

c. I-4, ss. 88.3 – 88.10, added.

256. The said Act is amended by inserting, after section 88.2, the following:

"CHAPTER VII.1

"EXPLORATION AND DEVELOPMENT EXPENSES

Activities to which this chapter applies.

- ****88.3.** This chapter applies to persons who carry on one of the following activities:
- (a) production, refining or marketing of petroleum, petroleum products or natural gas, or exploring or drilling for petroleum or natural gas;
 - (b) mining or exploring operations;
 - (c) processing mineral ores for the purpose of recovering metals therefrom;
- (d) a combination of processing mineral ores for the purpose of recovering metals therefrom, and processing metals recovered from the ores so processed;
 - (e) refining metals; or
 - (f) operating a pipeline for the transmission of oil or natural gas.

Deduction.

"88.4. Any person who carries on or has carried on any of the activities referred to in section 88.3 may, in computing the person's income for a taxation year, deduct in respect of the exploration or development expenses referred to in section 88.5 incurred in Canada before 1 January 1972 by the person and in respect of which the person is entitled to a deduction for that taxation year under section 29 of the Income Tax Application Rules (Revised Statutes of Canada, 1985, chapter 2, 5th Supplement) and subsection 4 of section 34 of those Rules, an amount equal to the amount that is deductible, in respect of those expenses, in computing the person's income for the taxation year under that section 29 and that subsection 4.

Presumption.

Expenses referred to in the first paragraph that are deemed, under subsections 14 and 21 of section 29 of the Income Tax Application Rules, to be expenses incurred by a person at a particular time after 31 December 1971 for the purposes of sections 66, 66.1 and 66.2 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), are deemed to be such expenses incurred by that person at that time for the purposes of sections 362 to 418.1 of the Taxation Act (chapter I-3).

Expenses referred to in s. 88.4.

****88.5.** Expenses referred to in section 88.4 are

- (a) drilling and exploration expenses, including all general geological and geophysical expenses, incurred on or in respect of exploring or drilling for petroleum or natural gas in Canada;
- (b) prospecting, exploration and development expenses incurred in searching for minerals in Canada.

Receipts for exploration or drilling rights included in income.

"88.6. Any amount received by a corporation whose principal business consists of any of the activities referred to in section 88.3 as consideration for the disposition, after 10 April 1962 and before 23 October 1968, of a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, shall be included in computing the income of the corporation for the fiscal period in which the amount was received, unless the corporation acquired the right, licence or privilege by legacy or inheritance, or before 11 April 1962 where, in the last case, the corporation disposed of the right, licence or privilege before 9 November 1962.

Receipts for exploration or drilling rights included in income.

The first paragraph also applies to an amount received by a corporation other than the corporation referred to in that paragraph if, at the time of acquisition of the right, licence or privilege, the corporation was a corporation referred to in that paragraph, or by an association, partnership or syndicate formed to explore or drill for petroleum or natural gas.

Receipts for exploration or drilling rights included in income.

****88.7.** Where a right, licence or privilege referred to in the first paragraph of section 88.6 and acquired by an individual or a corporation after 10 April 1962 and before 1 January 1972 was disposed of before 23 October 1968, any amount received by the individual or the corporation as consideration for the

disposition shall be included in computing the income of the individual or corporation for the taxation year in which the amount was received, unless the individual or the corporation acquired such right, licence or privilege by legacy or inheritance.

Applicability.

The first paragraph does not apply to a corporation that, at the time of the acquisition referred to therein, is a corporation whose principal business consists of any of the activities referred to in section 88.3, or in computing the income for a taxation year of a taxpayer whose business includes trading or dealing in rights, licences or privileges to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal.

Restriction.

****88.8.** Sections 88.6 and 88.7 do not apply to any disposition by a corporation, partnership, association, syndicate or individual, in this section referred to as "the vendor", of any right, licence or privilege unless the right, licence or privilege was acquired by the vendor under an agreement, contract or arrangement under which there was not acquired any other right to, over or in respect of the land in respect of which such right, licence or privilege was so acquired, except the right to explore for, drill for or take materials and substances, whether liquid or solid and whether hydrocarbons or not, produced in association with the petroleum, natural gas or other related hydrocarbons, except coal, or found in any water contained in an oil or gas reservoir, or to enter on, use and occupy as much of the land as is necessary for the purpose of exploiting the right, licence or privilege.

Proceeds of disposition of an interest in land deemed to be proceeds of disposition of certain rights, licences or privileges.

- ****88.9.** For the purposes of sections 88.6 and 88.7, the following rules apply
- (a) where an association, partnership or syndicate described in the second paragraph of section 88.6, a corporation or an individual disposes of any interest in land that includes a right, licence or privilege described in the first paragraph of section 88.6 that was acquired under an agreement, contract or arrangement described in section 88.8, the proceeds of disposition of the interest are deemed to be proceeds of disposition of the right, licence or privilege; and
- (b) where an association, partnership or syndicate described in the second paragraph of section 88.6, a corporation or an individual acquires a right, licence or privilege described in the first paragraph of section 88.6 under an agreement, contract or arrangement described in section 88.8 and subsequently disposes of any interest in the right, licence or privilege or in the production of a well situated on the land to which the right, licence or privilege relates, the proceeds of disposition of the interest are deemed to be the proceeds of disposition of the right, licence or privilege.

Expenses incurred for specified considerations not deductible.

****88.10.** For the purposes of this chapter, expenses incurred by a corporation, association, partnership or syndicate pursuant to an agreement under which those expenses are incurred in consideration for shares of the capital stock of a corporation that owned or controlled the mining rights, an

option to purchase shares of the capital stock of a corporation that owned or controlled the mining rights, or a right to purchase shares in the capital stock of a corporation that was to be formed for the purpose of acquiring or controlling the mining rights are deemed not to be and never to have been expenses incurred on or in respect of exploring or drilling for petroleum or natural gas in Canada or in searching for minerals in Canada."

c. I-4, s. 88.11, added.

257. The said Act is amended by inserting, before section 89, the following section:

Application of s. 420 of the Taxation Act.

"88.11. In its application to an outlay or expenditure made or incurred before 1 January 1972, section 420 of the Taxation Act (chapter I-3) shall be read with the words "An amount the deduction of which is authorized by this Part in respect of" replaced by the words "For the purposes of this Part,"."

c. I-4, ss. 89.1 - 89.2, added.

258. The said Act is amended by inserting, after section 89, the following:

Refund of premiums.

"89.1. An individual who receives, after 31 December 1971, a refund of premiums, within the meaning of the first paragraph of section 908 of the Taxation Act (chapter I-3), under a registered retirement savings plan the annuitant of which died before 1 January 1972, shall not include the refund, under section 929 of that Act, in computing the individual's income for the taxation year in which the individual received it where the individual so elects in prescribed form and within the prescribed time and pays to the Minister to that effect tax under Part I of that Act equal to 9% of that amount.

"CHAPTER VIII.1

"ELECTION OF THE TAXPAYER

Payment made as consideration for an income-averaging annuity.

"89.2. A taxpayer who, in a taxation year ending after 31 December 1973, receives a payment described in subparagraph i or iv of paragraph a of section 345 of the Taxation Act (chapter I-3) in respect of which the taxpayer would be entitled to invoke section 44 of the former Tax Act respecting individuals if that Act and the provisions to which that section refers were still in force, may elect to compute the taxpayer's tax payable for the taxation year concerned by applying, with the necessary modifications, the method provided for in that section 44, but only up to the amount of the part of the payment that corresponds to the amount the taxpayer would have received under the retirement plan or deferred profit sharing plan if the taxpayer had withdrawn from the plan on 1 January 1972 and if there had been no change in the terms and conditions of the plan after 18 June 1971 and before 2 January 1972.

Tax deemed payable under the Taxation Act.

Where any tax is payable under the first paragraph in addition to or in lieu of any amount of tax payable under Part I of the Taxation Act for a taxation year, the tax payable under that paragraph is deemed to be payable under Part I of the Taxation Act for the taxation year."

c. I-4, s. 93.1, added.

259. The said Act is amended by inserting, after section 93, the following section:

Capital dividend account.

"93.1. A specified personal corporation's capital dividend account at any time after its taxation year 1972, means an amount equal to the amount computed as such in respect of the corporation at that time under subsection 9 of section 57 of the Income Tax Application Rules (Revised Statutes of Canada, 1985, chapter 2, 5th Supplement).

Meaning of "specified personal corporation".

For the purposes of the first paragraph, a corporation is a specified personal corporation if its taxation year 1972 was in part before and in part after 1 January 1972 and if during the whole of the period beginning on the earlier of 18 June 1971 and the beginning of its taxation year 1972 and ending at the end of its taxation year 1972, it retained the status of a personal corporation within the meaning assigned to "personal corporation" by section 97 of the former Tax Act respecting individuals."

c. I-4, s. 104, replaced.

260. Section 104 of the said Act is replaced by the following:

Regulations.

"**104.** The Government may, by regulation, generally prescribe any measure that is necessary or expedient for the purposes of this Act.

Effect.

The regulations made under this section and those made under other provisions of this Act may, if they so provide, apply to a period prior to their publication, but not prior to the taxation year 1972."

LICENSES ACT

c. L-3, s. 3.1, am.

261. Section 3.1 of the Licenses Act (R.S.Q., chapter L-3) is amended by replacing the words "Government departments and agencies and mandataries of the Crown" by the words "on Government departments and bodies and on mandataries of the State."

ACT RESPECTING THE MINISTÈRE DU REVENU

c. M-31, s. 4.1, replaced.

262. Section 4.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is replaced by the following:

Replacement.

"4.1. If the Deputy Minister is absent or unable to act, the Minister may designate an Associate Deputy Minister of the Ministère du Revenu to act in the stead of the Deputy Minister."

c. M-31, s. 5, am.

263. Section 5 of the said Act is amended

- (1) in the first paragraph, by inserting, after the word "Ministère" the words "du Revenu";
 - (2) by replacing the second paragraph by the following:

Objection by the Deputy Minister.

"However, notwithstanding any inconsistent provision of any Act, regulation, by-law or any collective agreement within the meaning of the Labour Code (chapter C-27) or an arbitration award in lieu thereof, the Deputy Minister may object to the filling of a position in the Ministère du Revenu by a person who, within the preceding five years, has been convicted of an offence under a fiscal law of Canada, the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), the Narcotic Control Act (Revised Statutes of Canada, 1985, chapter N-1) or the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27), to the extent that the offence is incompatible with the position to be filled, unless the person has been pardoned.";

(3) in the English text, by replacing the fourth paragraph by the following:

Appeal.

"Except where the position to be filled is of a casual nature, the person concerned who is dissatisfied with the decision of the Deputy Minister may appeal therefrom to the Commission de la fonction publique by an application in writing, which must be received by the Commission within 30 days of the sending of the decision. The Commission shall hear the appeal and decide it unless a collective agreement or an arbitration award in lieu thereof has given jurisdiction over such matter to another person in accordance with section 70 of the Public Service Act."

c. M-31, s. 9.0.4, French text, am. **264.** Section 9.0.4 of the said Act is amended, in the French text, by replacing the word "société" by the words "société de personnes".

c. M-31, s. 12, am.

265. Section 12 of the said Act is amended by replacing the word "Government" by the word "State".

c. M-31, s. 15.2, replaced.

266. Section 15.2 of the said Act is replaced by the following:

Person other than a banking or financial institution.

"15.2. The Minister may, by notice served or sent by registered mail, require that a person other than a banking or financial institution who, within the year following the service or sending of the notice, is to lend or advance an amount to a person owing an amount exigible under a fiscal law or is to pay an amount for or in the name of this person, pay to the Minister, on behalf of such person, all or part of this amount.

Application.

The first paragraph applies only if the person owing an amount exigible under a fiscal law is or will be, within the time limit mentioned in the first paragraph, remunerated by a person other than a banking or financial institution or, where the latter person is a corporation, only if the person is not dealing at arm's length within the meaning of the Taxation Act (chapter I-3) with that person."

c. M-31, s. 17.5, am.

267. Section 17.5 of the said Act is amended

(1) in the second paragraph, by inserting, after "subparagraphs b, b.1 and d to h", the words "of the first paragraph";

(2) in the third paragraph, by inserting, after "subparagraphs b, b.1 and c", the words "of the first paragraph".

c. M-31, s. 17.5.1, replaced.

268. Section 17.5.1 of the said Act is replaced by the following:

Non-arm's length.

"17.5.1. The Minister may also suspend or revoke the registration certificate of or refuse to issue a registration certificate to any person who, at the time the person files an application for registration, is not dealing at arm's length, within the meaning of the Taxation Act (chapter I-3), with another person who carries on a similar commercial activity where the other person's registration certificate has been revoked or where the other person is under an injunction ordering the cessation of the activity, unless proof is given to the Minister that the person's commercial activity does not constitute a continuation of the other person's commercial activity."

c. M-31, s. 17.9, am.

269. Section 17.9 of the said Act is amended

- (1) in the second paragraph, by inserting, after "subparagraphs b and c", the words "of the first paragraph";
- (2) in the third paragraph, by replacing the words "registered or certified mail" by the words "registered mail".

c. M-31, s. 25.1, English text, am. **270.** Section 25.1 of the said Act is amended, in the English text,

- (1) by adding, at the end of the portion before paragraph a, the word "if";
- (2) by striking out, in the first line of paragraph a, the word "if".

c. M-31, s. 30.3, am.

271. Section 30.3 of the said Act is amended

- (1) by replacing subparagraph a of the first paragraph by the following:
- "(a) any refund applied for by the person following the filing of a return or an application, for a reporting period or for a taxation year ending on or before the date of bankruptcy or the date of filing of the proposal or notice of intention to file such a proposal, as the case may be, is equal to zero; and";
- (2) by replacing, in the French text, subparagraph b of the first paragraph by the following:
- "b) aucun remboursement ni aucun montant auquel la personne aurait eu droit si elle l'avait demandé pour une période ou une année d'imposition se terminant au plus tard à la date de la faillite ou à la date du dépôt de la proposition concordataire ou de l'avis d'intention de déposer une telle proposition, selon le cas, ne peut être demandé dans une déclaration produite pour une période ou une année d'imposition se terminant après cette date.";
 - (3) by replacing, in the French text, the second paragraph by the following:

Application.

"Le premier alinéa ne s'applique pas si, le jour où le remboursement ou le montant est demandé, les déclarations et les rapports qui doivent être produits en vertu d'une loi fiscale pour les périodes ou pour les années d'imposition de la personne se terminant au plus tard à la date de la faillite ou à la date du dépôt de la proposition concordataire ou de l'avis d'intention de déposer une telle proposition, selon le cas, ou relativement à des acquisitions d'immeubles effectuées au cours de ces périodes, ont été produits et si un montant égal aux montants dus avant cette date par la personne pour ces périodes ou pour ces années d'imposition a été payé."

c. M-31, s. 31, am.

272. Section 31 of the said Act, amended by section 347 of chapter 85 of the statutes of 1997, is again amended by replacing, in the second paragraph, the words "to the Government" by the words "to the State".

c. M-31, s. 41, am.

273. Section 41 of the said Act is amended

- (1) in the first paragraph, by inserting, after the word "Ministère", the words "du Revenu";
- (2) in the third paragraph, by replacing the words "preceding paragraph" by the words "second paragraph".

c. M-31, s. 42, French text, am.

274. Section 42 of the said Act is amended, in the French text, by inserting, before the words "photostat de ce livre", the word "tout".

c. M-31, s. 62, English text, am.

275. Section 62 of the said Act is amended, in the English text of subparagraph f of the first paragraph, by striking out "wilfully,".

c. M-31, s. 69, am.

276. Section 69 of the said Act is amended by replacing the fourth paragraph by the following:

Exception.

"The third paragraph does not apply to proceedings between the interested party and the Deputy Minister, to an application for an injunction under section 68.1, to an appeal to the Commission de la fonction publique under the Public Service Act (chapter F-3.1.1) or to a complaint or grievance arising out of a disciplinary or administrative measure and filed by a public servant with the labour commissioner general, the Labour Court or a grievance arbitrator, but the Minister, the Deputy Minister and the Associate Deputy Ministers of the Ministère du Revenu are not compellable; they must, however, on the written application of a party served at least 30 days before the date of hearing and specifying the facts requiring testimony, designate a public servant having knowledge of the facts to testify."

c. M-31, s. 69.0.4, am.

277. Section 69.0.4 of the said Act, enacted by section 4 of chapter 86 of the statutes of 1997, is amended by replacing the first paragraph by the following:

Copies.

"**69.0.4.** Where a member of the Sûreté du Québec or, where applicable, of a municipal police force is authorized to examine any information or

document pursuant to section 69.0.2, the latter or a public servant of the Ministère du Revenu may make a copy thereof."

c. M-31, s. 69.1, am.

- **278.** (1) Section 69.1 of the said Act, amended by section 119 of chapter 63 of the statutes of 1997 and by section 355 of chapter 85 of the statutes of 1997, is again amended by striking out subparagraph b of the second paragraph.
 - (2) Subsection 1 has effect from 8 December 1994.

c. M-31, s. 71, am.

279. Section 71 of the said Act is amended by replacing, in the first paragraph, the word "Government" by the word "State".

c. M-31, s. 71.0.3, French text, am.

- **280.** Section 71.0.3 of the said Act is amended, in the French text of the second paragraph,
 - (1) by striking out, at the end of subparagraph d, ", le cas échéant,";
 - (2) by replacing subparagraph e by the following:
 - "e) des mesures de sécurité, le cas échéant."

c. M-31, s. 71.0.11, replaced.

281. Section 71.0.11 of the said Act is replaced by the following:

Overall strategy.

"71.0.11. The overall strategy of the Ministère du Revenu concerning the obtention, under section 71, of information files for purposes of comparison, pairing or cross-matching shall be included in the Additional Information and Estimates submitted annually to the National Assembly in accordance with section 38 of the Financial Administration Act (chapter A-6)."

c. M-31, s. 71.3, replaced.

282. Section 71.3 of the said Act is replaced by the following:

Period of confidentiality.

"71.3. Any document containing information referred to in section 69 that is transferred to the Keeper of the Archives nationales du Québec pursuant to the Archives Act (chapter A-21.1) shall remain confidential for a period of 75 years from the date of the document."

c. M-31, s. 80, am.

283. Section 80 of the said Act is amended, in subsection 2, by striking out the words "by certified mail or".

c. M-31, s. 81, English text, am.

284. Section 81 of the said Act is amended, in the English text of the portion before paragraph a, by inserting, after "return,", "application,".

c. M-31, s. 83, replaced.

285. Section 83 of the said Act is replaced by the following:

Proof of no opposition or appeal.

****83.** An affidavit of a public servant of the Ministère du Revenu attesting that the public servant is entrusted with the appropriate registers, that the public servant is familiar with the operation of the Ministère du Revenu and that an examination of the registers shows that a notice of assessment for a

particular taxation year or other period or a notice of determination was mailed or otherwise communicated to a taxpayer or other person subject to a fiscal law, on a designated day, in accordance with a fiscal law, and that after making a careful examination of the registers and having made a search therein, the public servant was unable to ascertain that a notice of objection or appeal respecting the assessment or determination or a request referred to in section 1079.14 of the Taxation Act (chapter I-3), as the case may be, was received within the time allowed therefor, shall be proof, in the absence of proof to the contrary, of the statements contained therein."

c. M-31, s. 87, am.

- **286.** Section 87 of the said Act, amended by section 356 of chapter 85 of the statutes of 1997, is again amended
 - (1) by replacing the first paragraph by the following:

Date of mailing.

- ****87.** The date of mailing of any notice of assessment, notice attesting that no duty is payable or decision of the Minister under section 93.1.6 is presumed to be the date of that notice or decision.";
 - (2) by replacing, in the English text, the second paragraph by the following:

Non-receipt.

"Where a person to whom a notice of assessment was directed has not received the notice, the person may apply to a judge of the Court of Québec in order that this failure be remedied, and, if the judge is satisfied, by evidence that the judge considers to be conclusive, that the notice of assessment was not received by the person to whom it was directed and that the person has thus suffered prejudice which is otherwise irreparable, the judge shall order the Minister to serve a certified copy of the notice upon that person."

c. M-31, s. 91.1, am.

287. Section 91.1 of the said Act is amended by replacing the second paragraph by the following:

Reproduction of data.

"An affidavit of a public servant of the Ministère du Revenu, attesting that the public servant is entrusted with the registers concerned and that the document is an accurate reproduction of all the data of any document or information filed with the Minister, shall be annexed to that document."

c. M-31, s. 93, replaced.

288. Section 93 of the said Act, amended by section 357 of chapter 85 of the statutes of 1997, is replaced by the following:

Recourse against the Government.

"93. Every person having a recourse against the Government arising out of the application of a fiscal law shall direct it against the Deputy Minister.

Service.

In addition, any proceedings to which the Deputy Minister is a party, with the exception of a motion provided for by section 93.1.10, shall be served upon the Deputy Minister at the Deputy Minister's Montréal or Québec office or upon any person in charge of that office."

c. M-31, s. 93.17, English text, replaced. **289.** Section 93.17 of the said Act is replaced, in the English text, by the following:

In camera proceedings.

"93.17. A summary appeal may be heard *in camera* if it is established to the satisfaction of the Court that the circumstances of the case justify *in camera* proceedings."

c. M-31, s. 93.19, repealed.

290. Section 93.19 of the said Act is repealed.

c. M-31, s. 93.29, English text, am. **291.** Section 93.29 of the said Act is amended by replacing, in the English text, the first paragraph by the following:

Powers of the tribunal.

"93.29. The tribunal may deny the summary appeal or quash, vary or refer to the Minister for re-examination, an assessment, decision, determination or allocation of payment."

c. M-31, s. 94, am.

292. Section 94 of the said Act is amended by replacing, in the first paragraph, the words "the Crown" and "the Legislature" by the words "the State" and "the Parliament", respectively.

c. M-31, s. 94.0.1, French text, am. **293.** Section 94.0.1 of the said Act is amended by replacing, in the French text, the second paragraph by the following:

Modalité de la remise.

"Cette remise peut être faite par décret général ou particulier; elle peut être entière ou partielle, conditionnelle ou sans condition; si elle est conditionnelle et que la condition n'est pas remplie, le décret qui s'applique à ce cas est sans effet et les procédures peuvent être prises ou continuées comme s'il n'avait pas été pris."

c. M-31, s. 94.5, am.

294. Section 94.5 of the said Act is amended

(1) by replacing, in the English text, the first paragraph by the following:

Refund advance.

"94.5. Where an individual who meets the prescribed conditions considers, in the fiscal return filed in accordance with section 1000 of the Taxation Act (chapter I-3) for a taxation year, that the individual is entitled to a refund for that year, as determined under the second paragraph, not exceeding the prescribed amount for that year, the Minister may, prior to determining the tax payable by the individual for that year and the exigible interest and penalties, if any, make an advance to that individual equal to the amount of the refund so estimated, provided that the individual applies therefor at the time of the filing of the individual's fiscal return.";

(2) by replacing the second paragraph by the following:

Computation.

"The refund referred to in the first paragraph is, for a year, equal to the aggregate of all amounts to which the individual considers to be so entitled for that year under section 220.3 of the Act respecting municipal taxation (chapter F-2.1), Part I of the Taxation Act, section 78 of the Act respecting the Québec

Pension Plan (chapter R-9), the Act respecting real estate tax refund (chapter R-20.1) and section 358 of the Act respecting the Québec sales tax (chapter T-0.1)."

c. M-31, s. 95.1, replaced.

295. Section 95.1 of the said Act is replaced by the following:

Assessment not dependent on return or information.

"**95.1.** The Minister is not bound by any fiscal return, report, application for a refund, or information furnished by or in the name of any person, and the Minister may, notwithstanding the return, report, application or information or in the absence thereof, make an assessment or determine a refund."

c. M-31, s. 97.6, English text, am. **296.** Section 97.6 of the said Act is amended, in the English text of the second paragraph, by inserting, before the word "subject", the words "on a short-term basis and".

c. M-31, s. 97.9, English text, am. **297.** Section 97.9 of the said Act is amended, in the English text, by replacing the words "adapted as required" by the words "with the necessary modifications".

c. M-31, s. 97.11, replaced.

298. Section 97.11 of the said Act is replaced by the following:

Execution of a judgment.

"97.11. Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the Collection Fund the sums required for the execution of a judgment against the State that has become *res judicata*."

c. M-31, terminology-related amendments.

- **299.** The said Act, amended by chapters 63, 85 and 86 of the statutes of 1997, is again amended
- (1) by inserting, after the word "ministère", the words "du Revenu" in the French text of the following provisions:
 - the heading of Chapter II;
 - the second paragraph of section 3;
 - the first and second paragraphs of section 6;
 - the first and fourth paragraphs of section 7;
 - -- section 8:
 - section 82;
- (2) by inserting, after the first mention of the word "Ministère", the words "du Revenu" in the following provisions:
 - section 4;
 - the second paragraph of section 84;
- (3) by replacing the words "the Crown" or, as the case may be, "Her Majesty in right of Québec" by the words "the State" in the following provisions:

- the fourth paragraph of section 10; — the third paragraph of section 14; — section 15.3.1: — the first and second paragraphs of section 20: — the first paragraph of section 28; — the first and second paragraphs of section 33;
- (4) by replacing the words "registered or certified mail" by the words "registered mail" in the following provisions:
 - the first paragraph of section 15; — the first paragraph of section 15.1; — section 15.3: — section 15.3.1; — section 15.7; — the first paragraph of section 17; --- section 17.7; — the first paragraph of section 17.8;

 - section 21: — section 25.3:
 - the second paragraph of section 30.4;
 - -- section 35.5;
 - the portion of section 39 before subparagraph a of the first paragraph;
 - the first paragraph of section 78.2:
 - section 79:
 - the second paragraph of section 93.1.17;
 - the first paragraph of section 93.1.22;
 - section 93.13;
 - (5) by striking out the words "or certified" in the following provisions:
 - the second paragraph of section 93.16.1;
 - the first paragraph of section 93.31;
- (6) by replacing the words "In the case of this section" by the words "In such a case" in the English text of the following provisions:
 - the second paragraph of section 94.2;
 - the second paragraph of section 94.3;
 - the second paragraph of section 94.4.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

c. R-5, s. 34.1.4, am. **300.** (1) Section 34.1.4 of the Act respecting the Régie de l'assurancemaladie du Québec (R.S.Q., chapter R-5), amended by section 375 of chapter 85 of the statutes of 1997, is again amended

- (1) by replacing subparagraph 3 of subparagraph iv of paragraph a by the following:
 - "(3) section 311.1 or 312.4 of the said Act; exceeds";
 - (2) by replacing subparagraph ii of paragraph b by the following:

"ii. any amount deducted in computing the individual's income for the year by reason of paragraphs d, d.1 or f to i of section 336 of the Taxation Act, except to the extent that paragraph d of that section refers to an overpayment of an amount described in section 311.1 of that Act or of a pension paid under the Old Age Security Act, by reason of section 336.0.3 of the Taxation Act. by reason of paragraph b of section 339 of that Act to the extent that that paragraph refers to an amount that is deductible under section 924, 926 or 928 of that Act, by reason of paragraph c of that section 339 to the extent that that paragraph refers to an amount that is deductible under section 952.1 of that Act, by reason of paragraph d, d.1, d.2 or f of that section 339, or by reason of section 961.20 or 961.21 of that Act;"

- (2) Paragraph 1 of subsection 1 applies from the year 1997. However, where subparagraph 3 of subparagraph iv of paragraph a of section 34.1.4 of the said Act, enacted by that paragraph 1, applies to the year 1997, it shall be read as follows:
 - "(3) section 312.4 of that Act; exceeds".
- (3) Paragraph 2 of subsection 1, where it replaces subparagraph ii of paragraph b of section 34.1.4 of the said Act to strike out therein the reference to paragraphs a to b of subsection 1 of section 336 of the Taxation Act (R.S.Q., chapter I-3) and to insert therein a reference to section 336.0.3 of that Act, applies from the year 1997.

ACT RESPECTING THE QUÉBEC PENSION PLAN

- c. R-9, s. 59.1, am.
- **301.** (1) Section 59.1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), enacted by section 392 of chapter 85 of the statutes of 1997, is amended by replacing "regulated establishment" by "regulated establishment, within the meaning of section 42.6 of the Taxation Act (chapter I-3),".
 - (2) Subsection 1 has effect from 1 January 1998.
- c. R-9, s. 64, am.
- **302.** (1) Section 64 of the said Act, amended by section 15 of chapter 73 of the statutes of 1997, is again amended by replacing, in the first paragraph, "Taxation Act (chapter I-3)" by "Act respecting the Ministère du Revenu (chapter M-31)".
 - (2) Subsection 1 has effect from 1 January 1998.

ACT RESPECTING THE QUÉBEC SALES TAX

c. T-0.1, s. 224.5, English text, am. **303.** Section 224.5 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended, in the English text of paragraph 4, by replacing the word "estate" by the word "succession".

c. T-0.1, s. 313, English text, am. **304.** Section 313 of the said Act is amended, in the English text of subparagraph a of subparagraph 1 of the second paragraph, by replacing the word "Crown" by the word "State".

FUEL TAX ACT

c. T-1, s. 1.1, am.

305. Section 1.1 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by replacing the words "Government departments and agencies and mandataries of the Crown" by the words "on Government departments and bodies and on mandataries of the State".

c. T-1, s. 51.3, am.

306. Section 51.3 of the said Act is amended, in the first and second paragraphs, by replacing the word "Crown" by the word "State".

ACT RESPECTING THE APPLICATION OF THE TAXATION ACT

1972, c. 24, ss. 1*a*, 6 – 8, 11 – 13, 18, 29, 85 – 91, 95 – 99, 103*a*, 117, 118, 126 – 128, 130, 135, 140*a*, 141 and 154*a*, repealed.

- **307.** (1) Section 1a, enacted by section 142 of chapter 3 of the statutes of 1997, and sections 6 to 8, 11 to 13, 18, 29, 85 to 91, 95 to 99, 103a, 117, 118, 126 to 128, 130, 135, 140a, 141 and 154a of the Act respecting the application of the Taxation Act (1972, chapter 24) are repealed.
- (2) Subsection 1, where it repeals sections 95 and 96 of the said Act, applies in respect of renunciations made
- (1) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation before 6 March 1996;
- (2) after 31 December 2006, in respect of an amount paid or loaned to a joint exploration corporation after 5 March 1996 under an agreement in writing entered into before 6 March 1996 by the joint exploration corporation or by another corporation where the other corporation controlled the joint exploration corporation, or had undertaken to incorporate it, at the time the agreement was entered into;
 - (3) after 5 March 1996, in any other case.

ACT TO AMEND THE TAXATION ACT, THE ACT RESPECTING THE QUÉBEC SALES TAX AND OTHER LEGISLATIVE PROVISIONS

1995, c. 1, s. 28, am.

308. (1) Section 28 of the Act to amend the Taxation Act, the Act respecting the Québec sales tax and other legislative provisions (1995, chapter 1) is amended by replacing subsection 2 by the following:

- "(2) Subsection 1 applies to a taxation year of a taxpayer ending after 2 December 1992, but does not apply to a taxation year of a taxpayer beginning before 6 March 1996 in respect of rental expenses incurred pursuant to a written lease agreement that was renewed, extended or entered into before 18 June 1987 by the taxpayer or a person with whom the taxpayer did not deal at arm's length at the time the lease was renewed, extended or entered into."
 - (2) Subsection 1 has effect from 30 January 1995.

ACT TO AGAIN AMEND THE TAXATION ACT, THE ACT RESPECTING THE QUÉBEC SALES TAX AND OTHER LEGISLATIVE PROVISIONS

1997, c. 85, s. 418, am.

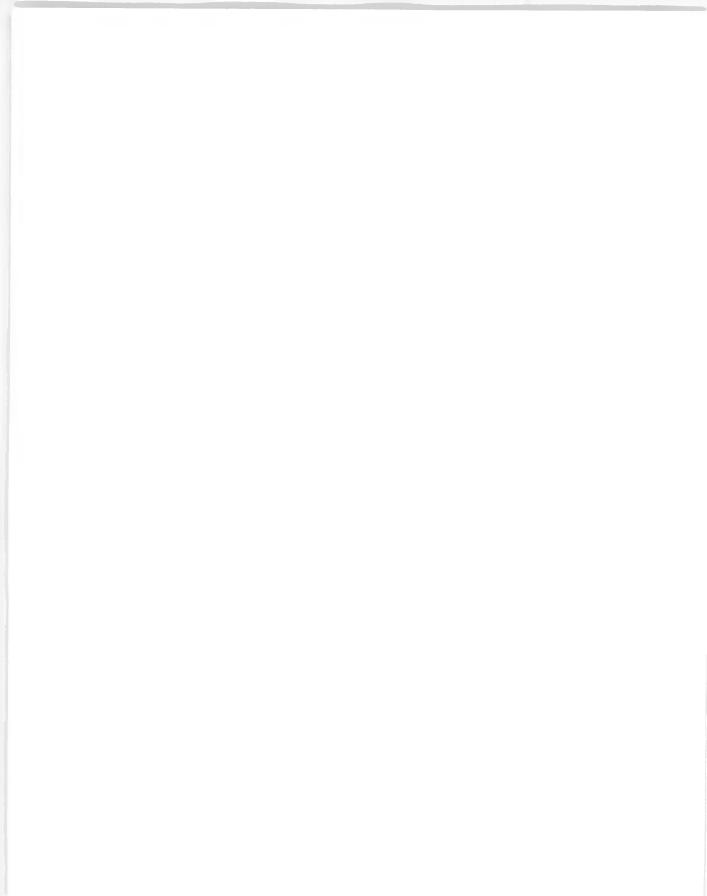
- **309.** (1) Section 418 of the Act to again amend the Taxation Act, the Act respecting the Québec sales tax and other legislative provisions (1997, chapter 85) is amended, in paragraph 8 of subsection 1, by replacing the portion before the portion of paragraph 3 of the definition of "public college" in section 1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), replaced by that paragraph 8, by the following:
- "(8) in paragraph 3 of the definition of "public college", by replacing the portion before subparagraph b by the following:".
 - (2) Subsection 1 has effect from 19 December 1997.

1997, c. 85, s. 430, am.

- **310.** (1) Section 430 of the said Act is amended, in subsection 1,
- (1) by adding, after subparagraph b of subparagraph 2 of the first paragraph of section 22.8 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), enacted by subsection 1, the following subparagraph:
- "(c) where the possession or use of the property is given or made available in Québec to the recipient and the property is neither property referred to in subparagraph a or b nor
- i. property that is a specified motor vehicle within the meaning of subsection 1 of section 123 of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) that is required, at the time the supply is made, to be registered under the laws of another province relating to the registration of motor vehicles, or
- ii. property, other than a specified motor vehicle referred to in subparagraph i, the ordinary location of which, as determined at the time the supply is made, is in another province.";
- (2) by replacing the portion of section 22.15 of the Act respecting the Québec sales tax before paragraph 1, enacted by subsection 1, by the following:

General rule.

- **"22.15.** A supply of a service, other than a service referred to in sections 22.13 and 22.16 to 22.27, is deemed to be made in Québec if".
 - (2) Subsection 1 has effect from 19 December 1997.
- 1997, c. 85, s. 454, am.
- **311.** (1) Section 454 of the said Act is amended by replacing the portion before section 54.1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), enacted thereby, by the following:
- c. T-0.1, ss. 54.1 and 54.2, added.
- "454. (1) The said Act is amended by inserting, after section 54, the following sections:".
 - (2) Subsection 1 has effect from 19 December 1997.
- 1997, c. 85, s. 639, am.
- **312.** (1) Section 639 of the said Act is amended, in paragraph 3 of subsection 1, by replacing the portion before paragraph 7 of section 357 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), enacted by that paragraph 3, by the following:
 - "(3) by replacing paragraphs 6 and 7 by the following:
- "(6) the total of all rebates for which the application is made that are in respect of short-term accommodation not included in a tour package and that are determined in accordance with the formula set out in section 355 does not exceed \$90; and".
 - (2) Subsection 1 has effect from 19 December 1997.
- 1997, c. 85, s. 716, am.
- **313.** (1) Section 716 of the said Act is amended, in paragraph 4 of subsection 1, by replacing, in subparagraphs 7.1 and 7.2 of the first paragraph of section 677 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), enacted by that paragraph 4, "20.30" and "20.31" by "22.30" and "22.31", respectively.
 - (2) Subsection 1 has effect from 19 December 1997.
- Coming into force.
- **314.** This Act comes into force on 12 June 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 17 AN ACT RESPECTING INVESTISSEMENT-QUÉBEC AND GARANTIE-QUÉBEC

Bill 431

Introduced by Mr Roger Bertrand, Minister for Industry and Trade Introduced 12 May 1998
Passage in principle 20 May 1998
Passage 9 June 1998
Assented to 12 June 1998

Coming into force: on the date or dates to be fixed by the Government

- 1998-08-21:

ss. 1-83

O.C. 1053-98

G.O., 1998, Part 2, p. 3709

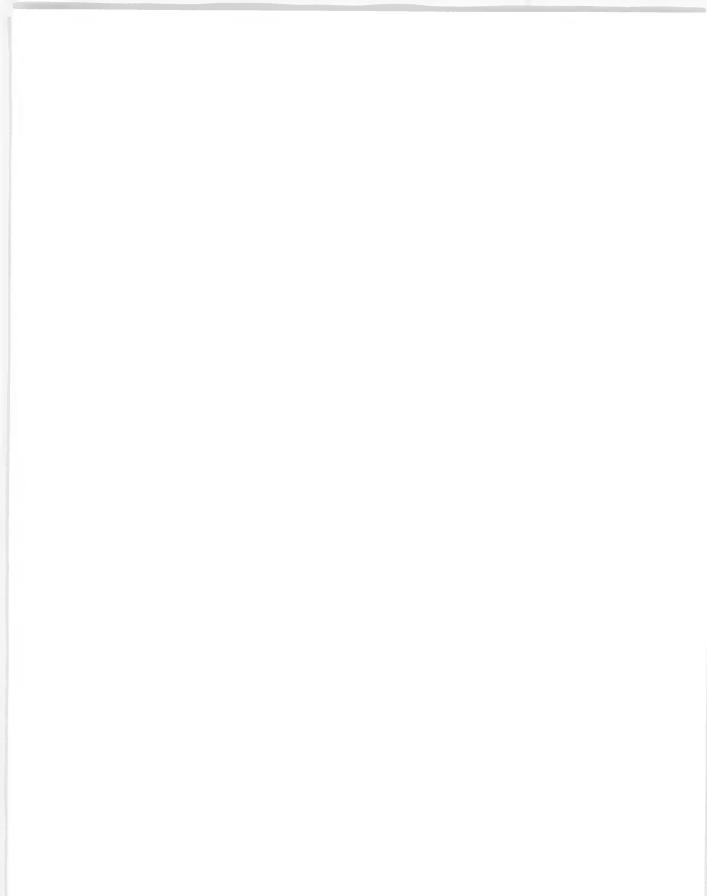
Legislation amended:

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) Act respecting the Civil Service Superannuation Plan (R.S.Q, chapter R-12)

Legislation replaced:

Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01)







Chapter 17

AN ACT RESPECTING INVESTISSEMENT-QUÉBEC AND GARANTIE-QUÉBEC

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

INVESTISSEMENT-QUÉBEC

DIVISION I

ESTABLISHMENT AND ORGANIZATION

Investissement-Québec. **1.** The Société de développement industriel du Québec, constituted as a legal person by chapter 64 of the statutes of 1971, shall become the agency "Investissement-Québec".

Mandatary.

2. The agency is a mandatary of the State. The property of the agency forms part of the domain of the State, but the execution of the obligations of the agency may be levied against its property.

Liability.

The agency binds none but itself when it acts in its own name.

Head office.

3. The head office of the agency shall be located in the territory of the Communauté urbaine de Québec. The agency may, however, move its head office to any other place with the approval of the Government. Notice of the location of the head office shall be published in the *Gazette officielle du Ouébec*.

Meetings.

The agency may hold its meetings at any place in Québec.

Board of directors.

4. The affairs of the agency shall be administered by a board of directors composed of eleven members, including a chief executive officer, appointed by the Government.

Terms of office.

The chief executive officer shall be appointed for a term of not more than five years, and the remaining members of the board of directors shall be appointed for a term of not more than three years.

Chair and vice-chair.

5. The Government shall designate the chair and vice-chair of the board of directors from among the members of the board.

1998

Concurrent positions.

The positions of chief executive officer and chair of the board of directors may be held concurrently.

Chief executive officer.

6. The chief executive officer is responsible for the administration and direction of the agency within the scope of its regulations and policies. The office of chief executive officer is a full-time position.

Chair.

The chair of the board of directors shall call and preside the meetings of the board and see to the proper operation of the board. The chair shall exercise any other functions assigned to the chair by the board.

Vice-chair.

The vice-chair shall exercise the functions of the chair when the latter is absent or unable to act.

Expiry of terms.

7. On the expiry of their term, the members of the board of directors shall remain in office until replaced or reappointed.

Vacancy.

8. Every vacant position on the board of directors, other than that of the chief executive officer, shall be filled for the unexpired portion of the term of the member to be replaced.

Absence.

Absence from the number of board meetings determined in the internal bylaws of the agency, in the cases and circumstances specified, constitutes a vacancy.

Remuneration.

9. The Government shall determine the remuneration, employment benefits and other conditions of employment of the chief executive officer.

Remuneration.

The other board members shall receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

Ouorum.

10. The quorum at meetings of the board is the majority of its members, including the chief executive officer or the chair.

Decisions.

Decisions of the board are made by a majority vote of the members present. In the case of a tie-vote, the chair of the meeting has a casting vote.

Waiver of notice.

11. The members of the board of directors may waive notice of a meeting. The attendance of a member at a meeting of the board constitutes a waiver of notice, unless the member is present to contest the legality of the calling of the meeting.

Participation by telephone.

12. The board members may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone.

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Resolution.

13. A written resolution, signed by all the members entitled to vote, has the same value as if adopted during a meeting of the board of directors.

Minutes.

A copy of all such resolutions shall be kept with the minutes of the proceedings or other equivalent record book.

Authenticity of documents.

14. The minutes of a meeting of the board of directors, approved by the board and certified by the chair of the board, the secretary or any other person so authorized by the agency, are authentic, as are documents and copies emanating from the agency or forming part of its records if signed or certified by any such person.

Signature.

15. No document binds the agency or may be attributed to it unless it is signed by the chief executive officer, the chair or vice-chair of the board of directors or the secretary or, to the extent determined in the internal by-laws of the agency, by another member of the agency's personnel.

Delegation of signing authority.

The rules governing the delegation of signing authority may provide for subdelegation and the mechanics thereof.

Certified print-out.

16. An intelligible print-out of a decision or of any other data stored by the agency in computerized or other electronic form is a document of the agency and constitutes proof of its contents if certified by a person referred to in section 15.

Facsimile.

17. The agency may allow, subject to the conditions and on the documents it determines in its internal by-laws, that a signature be affixed by means of an automatic device, that a signature be electronic, or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile shall have the same force as the signature itself only if the document is countersigned by a person referred to in section 15.

Internal by-laws.

18. The agency may, in its internal by-laws, fix any other operating procedure of the board of directors, establish an executive committee or any other committee, and delegate the exercise of its powers to such a committee.

Internal by-laws.

The by-laws may provide for the powers of the board of directors to be delegated to a member of the personnel of the agency.

Conflict of interest.

19. No member of the board of directors exercising functions on a fultime basis with the agency may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing the member's personal interest to conflict with that of the agency. However, forfeiture of office is not incurred where the interest devolves by succession or gift, provided it is renounced or disposed of with dispatch.

Conflict of interest.

Any member of the board of directors, other than a member exercising functions on a full-time basis, who has a direct or indirect interest in an enterprise causing the member's personal interest to conflict with that of the agency must, on pain of forfeiture of office, disclose the interest in writing to the board of directors, abstain from voting on any matter relating to the enterprise, and avoid influencing any decision relating to the enterprise. The member must also withdraw from a meeting during any discussion or vote on such a matter.

Conflict of interest.

Any member of the personnel of the agency who has a direct or indirect interest in an enterprise causing the personnel member's personal interest to conflict with that of the agency must, on pain of dismissal, disclose the interest in writing to the chief executive officer.

Defence.

20. The agency shall assume the defence of any director or member of the personnel of the agency prosecuted by a third person for an act done in the exercise of the director's or member's functions and shall pay the damages, if any, occasioned by that act, unless the director or member has committed a gross fault or a personal fault separable from the exercise of the director's or member's functions.

Penal proceedings.

Notwithstanding the foregoing, in a penal or criminal proceeding, the agency shall assume the payment of the expenses of a director or member of the personnel of the agency only if the director or member had reasonable grounds to believe that the director's or member's conduct was in conformity with the law or if the director or member has been discharged or acquitted.

Expenses.

21. The agency shall assume the expenses of a director of the agency if, having prosecuted the director for an act done in the exercise of the director's functions, it loses its case and the court so decides.

Expenses.

If the agency wins its case only in part, the court may determine the amount of the expenses to be assumed by the agency.

Obligations.

22. The agency shall fulfil the obligations provided for in sections 20 and 21 in respect of any person who acted at its request as a director for a legal person of which the agency is a shareholder or creditor.

Appointment of personnel.

23. The secretary and the other members of the personnel of the agency shall be appointed in accordance with the staffing plan established by regulation of the agency. The regulations shall, in addition, determine the mode of appointment of the members of the personnel, and the pay scales and rates, employment benefits and other conditions of employment of the personnel members.

Approval.

The regulations must be submitted to the Government for approval.

Directives.

24. The Minister may issue directives concerning the policy and general objectives to be pursued by the agency.

Approval.

The directives must be approved by the Government, and come into force on the day of their approval. Once approved, they are binding on the agency and the agency must comply with them.

CHAP. **17**

Tabling.

Every directive shall be laid before the National Assembly within fifteen days of being approved by the Government or, if the Assembly is not sitting, within fifteen days of resumption.

DIVISION II

MISSION AND POWERS

General mission.

25. The mission of the agency is to facilitate the growth of investment in Québec and thus contribute to the economic development of Québec and the creation of employment opportunities.

Investment promotion.

The agency shall centralize and consolidate the actions of the State to seek out, promote and support investment, and shall become the main channel for communications with the enterprises concerned.

Investment stimulation.

The agency shall strive to stimulate domestic investment and to attract investors from outside Québec. It shall promote Québec among investors as a propitious location for investment, offer investors orientation services to guide them in their dealings with the Government, and provide them with financial and technical support.

Growth of enterprises.

The agency shall participate in the growth of enterprises, in particular by facilitating research and development and export activities.

Support to enterprises.

The agency shall also work to retain current investment in Québec by providing support to enterprises established in Québec that show particular dynamism or potential.

Advice.

26. The agency shall advise the Minister on any matter the latter submits to it in connection with business investment, development and financing.

Investment support programs.

27. The Government may develop financial investment assistance programs to be administered by the agency. The Government may also assign the administration of any other investment support program it specifies to the agency.

Assistance.

28. The Government may, where a project is of major economic significance for Québec, mandate the agency to grant and administer the assistance determined by the Government to facilitate the realization of the project. The mandate may authorize the agency to fix the terms and conditions of the assistance.

Powers.

29. The agency shall exercise any other power assigned to it by the Government.

Financial intervention.

30. The financial intervention of the agency may consist in

(1) a suretyship;

- (2) a loan;
- (3) any other form of intervention provided for in its business plan.

Conditions.

31. The agency may make its financial intervention dependent on certain prior conditions, or on compliance with contractual obligations relating to the ability of the enterprise to realize its project or the economic spinoff generated by its project.

Compensation.

The agency may also require compensation for the risk associated with a project.

Failure to comply.

32. If an enterprise fails to comply with the conditions on which assistance is granted or to fulfil its obligations, the agency may either suspend the financial support or terminate it.

Change to amount, terms of assistance.

For the same reasons, the agency may increase or reduce the amount of the assistance, change the terms and conditions of the assistance, or take any other step it considers necessary to preserve its rights or those of its mandator. The agency may not, however, change the amount of the assistance granted under a mandate referred to in section 28, or change the terms and conditions of the assistance in such a way as to increase the costs borne by the Government.

Disposal of property.

33. Where the agency takes possession of property from a defaulting enterprise, it may dispose of the property only by auction or following a call for tenders.

Technical services.

34. The agency may provide technical services to an enterprise, a government department or body or a state-owned enterprise, in particular in the field of financial analysis, credit arrangement and portfolio management.

Investment company.

35. The agency may, on the conditions determined by the Government, invest in an investment company whose object is to finance enterprises, grant loans to that company, and guarantee the payment of the capital of and interest on its loans and the performance of its obligations.

Subsidiaries.

36. The agency may establish any subsidiary that may be useful in the pursuit of its mission. The establishment of subsidiaries for purposes other than to make investments in order to realize specific projects must be approved by the Government, on the conditions and in the manner determined by the Government.

DIVISION III

FINANCIAL PROVISIONS

Authorization.

- **37.** The agency may not, without the authorization of the Government,
- (1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

- (2) make a financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (3) acquire or hold shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (4) transfer shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government:
- (5) acquire or transfer other assets in excess of the limits or in contravention of the terms and conditions determined by the Government;
 - (6) accept a gift or legacy to which a charge or condition is attached.

Applicability.

The amounts, limits and terms and conditions determined under this section may apply to the group formed by the agency and its subsidiaries or to one or more members of that group.

Powers.

- **38.** The Government may, subject to the terms and conditions it determines,
- (1) guarantee the payment of the capital of and interest on any loan contracted by the agency and the performance of its obligations;
- (2) make any commitment in relation to the realization or financing of a project of the agency;
- (3) authorize the Minister of Finance to advance to the agency any amount considered necessary for the pursuit of its mission.

Consolidated revenue fund.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

Tariff of fees.

39. Subject to section 46, the agency may determine a tariff of administrative, commitment and professional fees for the services it provides.

Financing.

40. The agency shall finance its operations out of the revenue it derives from its financial intervention, the fees it charges and the other monies it receives.

Allocation of monies.

41. The monies received by the agency must be allocated to the payment of its obligations. Any surplus shall be retained by the agency, unless the Government decides otherwise.

Costs.

42. The Government shall, to the extent and in accordance with the terms and conditions determined in the agency's business plan, pay the costs borne by the agency for the administration of the programs that form part of the plan,

the programs entrusted to the agency by the Government under section 27, and the performance of the mandates assigned to the agency by the Government under section 28.

Losses.

Any loss incurred by the agency in administering such programs and performing such mandates shall, in accordance with the business plan, be reimbursed by the Government.

DIVISION IV

ACCOUNTS AND REPORTS

Fiscal year.

43. The fiscal year of the agency shall end on 31 March.

Report of operations.

44. The agency shall, not later than 31 July each year, file with the Minister its financial statements and a report of its operations for the preceding fiscal year.

Content.

The financial statements and report must contain all the information required by the Minister.

Tabling.

45. The Minister shall lay the report and financial statements of the agency before the National Assembly within 15 days of receiving them or, if the Assembly is not sitting, within 15 days of resumption.

Business plan.

46. The agency shall formulate, according to the form, content and intervals fixed by the Government, a business plan which must include the operations of its subsidiaries. The plan must be submitted to the Government for approval.

Expiry.

47. The business plan shall, on expiry, continue in force until a new plan is approved.

Audit.

48. The books and accounts of the agency shall be audited by the Auditor General each year and whenever so ordered by the Government.

Report.

The auditor's report must accompany the agency's report of operations and financial statements.

Additional information.

49. The agency shall in addition communicate to the Minister any information required by the Minister concerning its operations and the operations of its subsidiaries.

CHAPTER II

GARANTIE-QUÉBEC

Establishment.

50. A legal person with share capital is hereby established under the name "Garantie-Québec".

CHAP. 17

Function.

51. The function of Garantie-Québec is to facilitate the financing of Québec enterprises, mainly by guaranteeing the financial commitments they contract with financial institutions.

Function.

Garantie-Québec may also grant any other form of financial assistance, in particular in order to promote investment in small and medium-sized businesses or to provide support for their projects in the area of research and development or exports.

Head office.

52. The head office of Garantie-Québec shall be located in the territory of the Communauté urbaine de Québec. Garantie-Québec may, however, move its head office to any other place with the approval of the Government. Notice of the location of the head office shall be published in the *Gazette officielle du Québec*.

Authorized share capital.

53. The authorized share capital of Garantie-Québec shall be \$70,000,000, divided into 700,000 shares with a par value of \$100.

Restriction.

The shares of Garantie-Québec may only be issued to Investissement-Québec.

Prohibition.

54. Investissement-Québec may not transfer the shares of Garantie-Québec without the approval of the Government.

Transfer.

55. The Government may, subject to the terms and conditions determined by the Government, authorize Investissement-Québec to transfer ownership of any property it possesses to Garantie-Québec and to receive any property in return, including Garantie-Québec shares.

Registration.

56. A transfer pursuant to section 55 shall be registered in the land register on presentation of the order in council authorizing the transfer, containing a description of the immovable property transferred and the effective date of the transfer.

Provisions not applicable.

57. The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to a transfer under section 55.

Provisions applicable.

58. The provisions of Part II of the Companies Act (R.S.Q., chapter C-38), except those of sections 159 to 162, 179 and 189 and paragraph 3 of section 196, and the provisions of sections 89.1 to 89.4 of Part I of that Act apply to Garantie-Québec.

Provisions applicable.

59. Sections 19 to 24 and 48 apply to Garantie-Québec and sections 27, 28, 30 to 35, 37 to 39 and 42 apply to all subsidiaries of Investissement-Québec, including Garantie-Québec, with the necessary modifications.

Fiscal year.

60. The fiscal year of Garantie-Québec shall end on 31 March.

CHAPTER III

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

- c. R-10, Sched. I, am.
- **61.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by orders in council 1493-96 dated 4 December 1996, 629-97 dated 13 May 1997, 788-97 dated 18 June 1997, 1105-97 dated 28 August 1997, 1652-97 dated 17 December 1997 and 296-98 and 297-98 dated 18 March 1998, and by sections 35 of chapter 26, 33 of chapter 27, 13 of chapter 36, 631 of chapter 43, 57 of chapter 50, 121 of chapter 63, 52 of chapter 79 and 37 of chapter 83 of the statutes of 1997, is again amended by inserting, in paragraph 1, at the place determined by the alphabetical order of the French text,
 - "Garantie-Québec";
 - "Investissement-Québec".
- c. R-12, Sched. II, am.
- **62.** Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by sections 14 of chapter 36 and 38 of chapter 83 of the statutes of 1997, is again amended by inserting, in paragraph 1, at the place determined by the alphabetical order of the French text,
 - "Garantie-Québec";
 - "Investissement-Québec".
- c. S-11.01, replaced.
- **63.** The Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01) is replaced by this Act.

References.

- **64.** Unless otherwise indicated by context, in any text or document, regardless of its nature or form,
- (1) a reference to the Act respecting the Société de développement industriel du Québec or to any of its provisions is a reference to the Act respecting Investissement-Québec and Garantie-Québec or to the corresponding provision of that Act, if any;
- (2) a reference to the Société de développement industriel du Québec is a reference either to Investissement-Québec or to Garantie-Québec, according to their respective responsibilities as determined by the Government.

Programs and funds.

65. The programs implemented under the Act respecting the Société de développement industriel du Québec and the regulations, and the funds allocated for their realization, shall continue to apply until replaced or revoked by the authority henceforth responsible for such programs and funds.

Provisions applicable.

However, sections 31 and 32 shall apply to any financial assistance already granted under such programs.

Responsibilities, rights and obligations.

66. Garantie-Québec shall replace the Société de développement industriel du Québec with regard to the responsibilities assigned to Garantie-Québec under section 64 and shall acquire its rights and assume its obligations.

Registration of rights.

67. A declaration by Investissement-Québec or Garantie-Québec in an application for registration in the register of personal and movable real rights, stating that it is the holder of the rights which the application concerns and which were formerly registered in favour of the Société de développement industriel du Québec, shall be sufficient to establish its quality as the holder of those rights with the registrar.

Files, documents and records.

68. The files, documents and records of the Société de développement industriel du Québec pertaining to the programs henceforth under the responsibility of Garantie-Québec are transferred to Garantie-Québec.

Proceedings.

69. The proceedings to which the Société de développement industriel du Québec is a party are continued, without continuance of suit, by Garantie-Québec, according to the rights it acquires and the obligations it assumes.

End of terms.

70. The president and general manager of the Société de développement industriel du Québec in office on 20 August 1998 shall remain in office as chief executive officer of Investissement-Québec until the expiry of his term. The terms of the members of the board of directors of the Société de développement industriel du Québec, other than the president and general manager, shall end on 21 August 1998.

Provisional administration.

71. The affairs of Garantie-Québec shall be administered provisionally by a board of directors comprising the chief executive officer of Investissement-Québec and the chair of the board of directors of Investissement-Québec and, on their joint appointment, another member of the board of directors of Investissement-Québec or of its personnel.

Employees.

72. Subject to the provisions concerning the applicable conditions of employment, every person in the employ of the Société de développement industriel du Québec on 21 August 1998 shall become an employee of Investissement-Québec.

Provisions applicable.

73. Section 45 of the Labour Code (R.S.Q., chapter C-27) applies to Investissement-Québec.

Provisions applicable.

The provisions defining the conditions of employment of the members of the personnel of the Société de développement industriel du Québec not governed by a collective agreement continue to apply to the extent that the provisions are applicable, until they are amended according to the law.

Transfer of promotion.

74. Every employee of Investissement-Québec or Garantie-Québec who, when hired by Investissement-Québec or Garantie-Québec, was a public

servant with permanent tenure may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (chapter F-3.1.1).

Provisions applicable.

75. Section 35 of the Public Service Act applies to an employee referred to in section 74 who enters a competition for promotion to a position in the public service.

Assessment of classification.

76. Every employee referred to in section 74 who applies for a transfer or enters a competition for promotion may apply to the chairman of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take account of the classification that the employee had in the public service on the date on which the employee ceased to be a public servant, as well as the years of experience and the formal training acquired in the course of employment with Investissement-Québec or Garantie-Québec.

Classification.

If the employee is transferred subsequent to the application of the first paragraph, the deputy minister of the department or chief executive officer of the body shall assign to the employee a classification in keeping with the assessment provided for in the first paragraph.

Promotion.

Where the employee is promoted pursuant to section 75, the employee's classification must take account of the criteria set out in the first paragraph.

Employee placed on reserve.

77. Where some or all of the operations of Investissement-Québec or Garantie-Québec are discontinued or if there is a shortage of work, an employee referred to in section 74 is entitled to be placed on reserve in the public service with the classification the employee had on the date on which the employee left the public service.

Classification.

In such a case, the chairman of the Conseil du trésor shall, where applicable, establish the employee's classification on the basis of the criteria set out in the first paragraph of section 76.

Assignment.

78. A person who, in accordance with the applicable conditions of employment, refuses to be transferred to Investissement-Québec shall be assigned to Investissement-Québec until the chairman of the Conseil du trésor is able to place the person in accordance with section 100 of the Public Service Act. The same applies to a person who is placed on reserve pursuant to section 77 and who remains in the employ of Investissement-Québec or Garantie-Québec, as the case may be.

Appeal.

79. Subject to any remedy available under a collective agreement, an employee referred to in section 74 who is terminated or dismissed may bring an appeal under section 33 of the Public Service Act.

Payment for shares.

80. Investissement-Québec shall pay to Garantie-Québec an amount equal to its equity as at 31 March 1998, to the nearest one hundred dollars, in return

for which Garantie-Québec shall issue to Investissement-Québec a certificate for an equivalent value in fully paid-up shares.

Appropriations.

81. The appropriations granted for fiscal year 1998-99 to program 2 of the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie for the Société de développement industriel du Québec shall, to the extent determined by the Government, be used for the purposes of this Act.

Consolidated revenue fund.

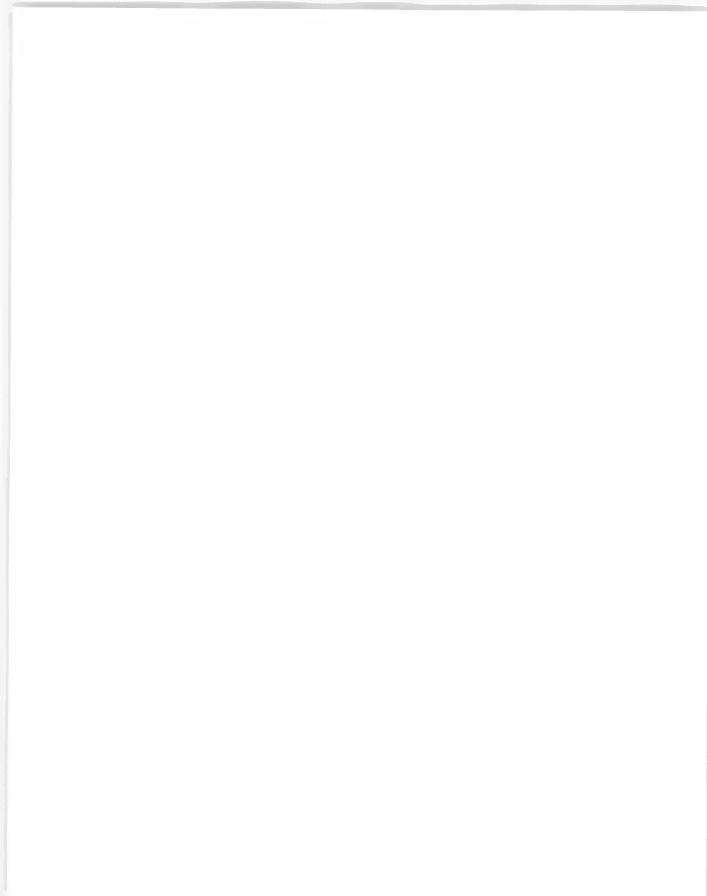
82. The other sums required for the purposes of this Act during the said fiscal year shall be taken out of the consolidated revenue fund, to the extent determined by the Government.

Minister responsible.

83. The minister designated by the Government is responsible for the administration of this Act.

Coming into force.

84. The provisions of this Act come into force on the date or dates to be fixed by the Government.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 18

AN ACT TO AMEND THE PROFESSIONAL CODE WITH RESPECT TO THE TITLE OF PSYCHOTHERAPIST

Bill 433

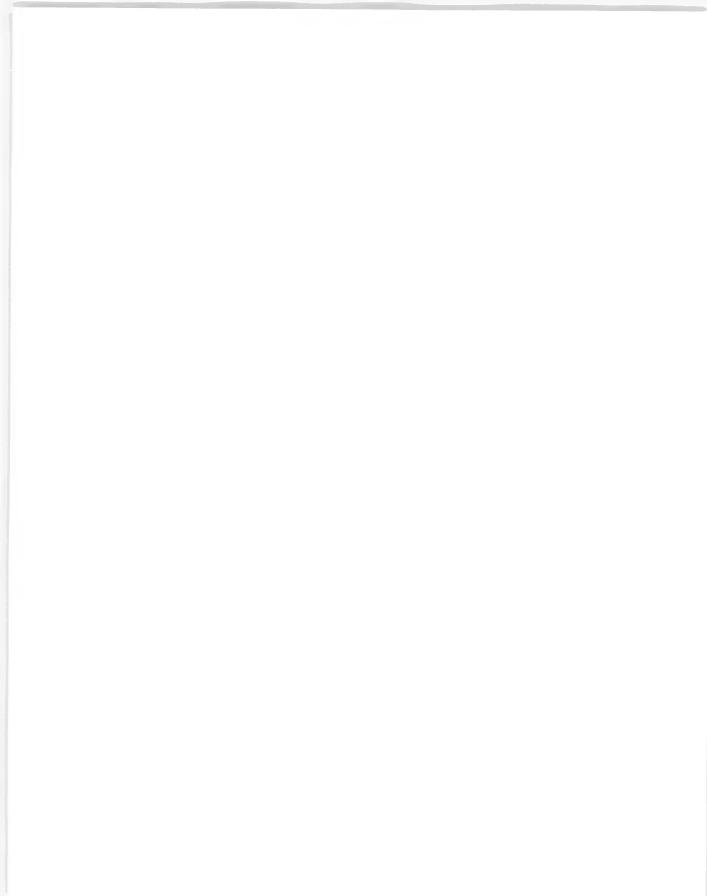
Introduced by Mr Serge Ménard, Minister responsible for the administration of legislation respecting the professions Introduced 12 May 1998
Passage in principle 27 May 1998
Passage 5 June 1998
Assented to 12 June 1998

Coming into force: 12 June 1998, except sections 1, 2 and 187.1 and 187.4 enacted by section 3 which come into force on the date or dates to be fixed by the Government

Legislation amended:

Professional Code (R.S.Q., chapter C-26)







Chapter 18

AN ACT TO AMEND THE PROFESSIONAL CODE WITH RESPECT TO THE TITLE OF PSYCHOTHERAPIST

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-26, s. 182.1, am.

- 1. Section 182.1 of the Professional Code (R.S.Q., chapter C-26) is amended
- (1) by replacing "or" in the second line of subparagraph 1 of the first paragraph by a comma;
- (2) by inserting "or the second paragraph of section 187.4" after "55.1" in the second line of subparagraph 1 of the first paragraph.
- c. C-26, s. 182.2, am.
- **2.** Section 182.2 of the said Code is amended by inserting "or the second paragraph of section 187.4 of this Code" after "Medical Act (chapter M-9)" in the second line of the sixth paragraph.
- c. C-26, Chap. VI.1, ss. 187.1-187.5, added.
- **3.** The said Code is amended by inserting, after section 187, the following:

"CHAPTER VI.1

"PSYCHOTHERAPIST'S PERMIT

Valid permit.

"**187.1.** No person may use the title of psychotherapist or any other title or abbreviation which may lead to the belief that the person is a psychotherapist unless the person is a member of a professional order and holds a valid permit for that purpose issued in accordance with the standards prescribed under this chapter.

Professional orders.

"**187.2.** The Office shall determine, by regulation, which professional orders may issue a psychotherapist's permit.

Standards.

In addition, the Office shall fix, by regulation, standards for the issue of a psychotherapist's permit. For that purpose, the Office may determine standards or classes of standards which may vary according to each professional order determined under the first paragraph.

Standards of equivalence.

"187.3. The Bureau of a professional order referred to in the first paragraph of section 187.2 may, by by-law, fix standards of equivalence of the training prescribed by the standards fixed by the Office under that section.

Psychotherapist's permit.

"187.4. To obtain a psychotherapist's permit, a person shall apply to the Bureau of an order referred to in the first paragraph of section 187.2. The Bureau of the order shall issue a permit to that person if the person fulfils the conditions prescribed by the standards established for that purpose under this chapter.

Appeal.

A permit may be suspended or revoked by the Bureau that issued it. A decision made under this paragraph may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

Transitional measures.

"**187.5.** In the exercise of the regulatory power conferred by section 187.2, the Office is authorized to take transitional measures applicable in the first six years after the coming into force of this section."

Coming into force.

4. This Act comes into force on 12 June 1998, except sections 1, 2 and 187.1 and 187.4 enacted by section 3 which come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 19 AN ACT RESPECTING SOCIÉTÉ INNOVATECH DU GRAND MONTRÉAL

Bill 434

Introduced by Mr Robert Perreault, Minister of State for Greater Montréal Introduced 14 May 1998
Passage in principle 27 May 1998
Passage 9 June 1998
Assented to 12 June 1998

Coming into force: on the date to be fixed by the Government

- 1998-06-30:

ss. 1-45

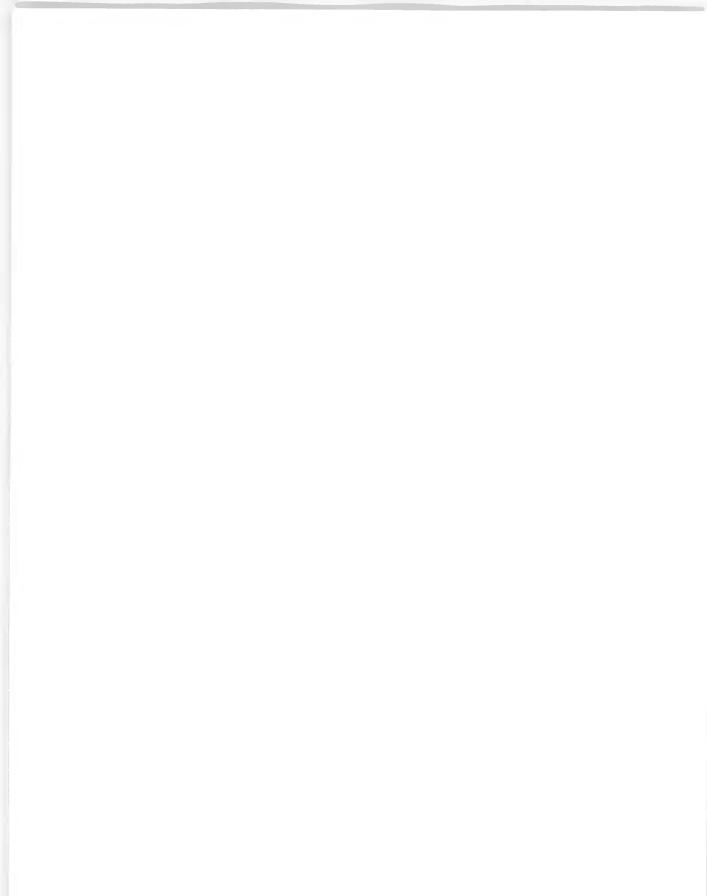
O.C. 879-98

G.O., 1998, Part 2, p. 2634

Legislation replaced:

Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2)







Chapter 19

AN ACT RESPECTING SOCIÉTÉ INNOVATECH DU GRAND MONTRÉAL

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Share capital.

1. Société Innovatech du Grand Montréal, a legal person established under chapter 33 of the statutes of 1992, shall be endowed with share capital.

Head office.

2. The head office of the Société is in the territory described in Schedule A. Notice of any change of location shall be published in the *Gazette officielle du Québec*.

Meetings.

The board of directors of the Société may hold its meetings at any place in the territory described in Schedule A.

Mandatary.

3. The Société is a mandatary of the State.

Property.

The property of the Société forms part of the domain of the State, but the execution of its obligations may be levied against its property.

Liability.

The Société binds only itself when it acts in its own name.

Board of directors.

- 4. The board of directors of the Société is composed of
 - (1) the chief executive officer;
- (2) eight other members appointed by the Government for a term not exceeding three years.

Delegates.

5. Two persons shall be delegated to the board of directors, one by the Minister of Industry, Trade, Science and Technology and the other by the Minister of State for Greater Montréal from among the personnel members of their respective departments.

Delegates.

6. The delegates are not members of the board of directors. However, they are entitled to be called to meetings of the board of directors and to attend and speak at the meetings.

Chair.

7. The Government shall appoint a chair from among the members of the board of directors. The chair shall preside at meetings of the board, oversee its operation and assume all other functions assigned to the chair by the Société.

Chief executive officer.

8. The members of the board of directors shall appoint the chief executive officer of the Société for a term not exceeding five years. The chief executive officer is responsible for the administration and direction of the Société within the scope of its by-laws and policies.

Chief executive officer.

The chief executive officer shall hold office on a full-time basis.

Continuance.

9. On the expiry of their term, the members of the board of directors shall remain in office until they are replaced or reappointed.

Remuneration.

10. The Government shall fix the remuneration, employment benefits and other conditions of employment of the chief executive officer.

Remuneration.

The other members of the board of directors are not remunerated, except in the cases, on the conditions and to the extent which may be determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

Vacancy.

11. Any vacancy occurring in the course of the term of office of a member of the board of directors shall be filled in accordance with the rules of appointment set out in section 4.

Absence.

Absence from the number of meetings of the board of directors determined by an internal by-law of the Société constitutes a vacancy in the cases and circumstances indicated therein.

Signature.

12. No act, document or writing is binding on or may be attributed to the Société unless it is signed by the chair of the board of directors, the chief executive officer or a member of the personnel of the Société and, in the latter case, only to the extent determined by an internal by-law of the Société.

Facsimile.

Such a by-law may, on the conditions fixed therein, allow the signature to be affixed by means of an automatic device to the documents mentioned in the by-law. It may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents mentioned therein. The facsimile has the same value as the signature itself only if the document is countersigned by a person referred to in the first paragraph.

Authenticity of documents.

13. The minutes of the meetings of the board of directors, approved by it and certified by the chair of the board, the secretary or any other person authorized to do so by the Société, are authentic. The documents or copies emanating from the Société or forming part of its records are authentic if they are so certified.

Certified print-out.

An intelligible print-out of a decision or of any other data stored by the Société in computerized or other electronic form is a document of the Société and constitutes proof of its contents if certified by a person referred to in the first paragraph of section 12.

Conflict of interest.

14. No member of the board of directors holding a full-time office with the Société or one of its subsidiaries may, under pain of forfeiture of office, have any direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries. However, such forfeiture is not incurred if the interest devolves to the member by succession or gift, provided it is renounced or disposed of with dispatch.

Conflict of interest.

Every member of the board of directors other than a member holding a fulltime office with the Société or one of its subsidiaries who has a direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries must, on pain of forfeiture of office, disclose such interest and withdraw from the meeting for the duration of the debate and for the making of a decision bearing upon any question relating to the enterprise in which the member has such an interest.

Conflict of interest.

Every personnel member of the Société or one of its subsidiaries who has a direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries must, on pain of forfeiture of office, disclose such interest in writing to the chair of the board of directors of the Société or, as the case may be, of the subsidiary.

Defence.

15. The Société shall take up the defence of its directors prosecuted by a third person for an act done in the exercise of their functions and shall pay damages, if any, resulting from that act, unless they have committed a gross fault or a personal fault separable from the exercise of their functions.

Penal proceedings.

Notwithstanding the foregoing, in a penal or criminal proceeding the Société shall assume the payment of the expenses of its directors only if they had reasonable grounds to believe that their conduct was in conformity with the law, or if they have been discharged or acquitted.

Expenses.

16. The Société shall assume the expenses of its directors if, having prosecuted them for an act done in the exercise of their functions, it loses its case and the court so decides. If the Société wins its case only in part, the court may determine the amount of the expenses the Société shall assume.

Obligations.

17. The Société shall assume the obligations referred to in sections 15 and 16 in respect of any person who acted at its request as director for a legal person of which it is a shareholder or creditor.

Personnel.

18. The secretary and the other members of the personnel of the Société shall be appointed and remunerated according to the standards, scales and staffing plan established by by-law of the Société. The by-law shall be submitted to the Government for approval.

CHAPTER II

MISSION AND POWERS

Mission.

19. The mission of the Société is to promote and support initiatives designed to develop technological innovation capabilities in the territory described in Schedule A so as to improve the competitiveness and economic growth of Québec.

Mission.

- 20. In the pursuit of its mission, the Société may, in particular,
- (1) solicit, receive and evaluate initiatives designed to develop technological innovation capabilities in the territory described in Schedule A;
- (2) associate partners from the private and public sectors with the initiatives and foster concerted action between them;
 - (3) participate financially in the pursuit of such initiatives;
- (4) promote the financial participation of individuals, partnerships and legal persons in the initiatives;
- (5) heighten public awareness, in the territory described in Schedule A, of the importance of the initiatives supported by the Société by keeping the public informed of the achievements made possible through such initiatives;
- (6) advise the Minister on the technological innovation policies and strategies in the territory described in Schedule A and propose means of implementing them.

Directives.

21. The Minister may within the scope of the responsibilities vested in the Minister issue directives on the objectives and orientations of the Société. The directives must be submitted to the Government for approval.

Tabling.

Every directive is binding on the Société and must be tabled in the National Assembly within 15 days of its approval or, if it is not sitting, within 15 days of resumption.

Agreements.

22. The Société may, according to law, make any agreement with a government in Canada or elsewhere, any of its departments or agencies, an international organization or an agency of such an organization.

By-laws.

23. The by-laws of the Société are not subject to ratification by the shareholder.

Provisions applicable.

24. The provisions of Part II of the Companies Act (R.S.Q., chapter C-38), except those of sections 159 to 162, 179, 184, 189 and subsection 3 of section 196 and the provisions of sections 89.1 to 89.4 of Part I of that Act apply to the Société.

CHAPTER III

FINANCIAL PROVISIONS

Authorized capital.

25. The authorized capital of the Société is \$350,000,000, divided into 3,500,000 shares of a par value of \$100 each.

Shares.

26. The shares of the capital of the Société form part of the domain of the State and shall be allotted to the Minister of Finance.

Payment for shares.

27. The Minister of Finance may, with the authorization of the Government, pay to the Société out of the consolidated revenue fund an amount of \$350,000,000 for 3,500,000 fully paid shares of its capital for which a certificate shall be issued to the Minister of Finance.

Instalments.

The payment may be made in one or more instalments; if it is made in several instalments, each of them must be authorized by the Government.

Subscribing of shares.

28. After a reduction of the share capital of the Société and an equivalent repayment of capital to the Minister of Finance are effected under the Act respecting the reduction of the share capital of legal persons established in the public interest and of their subsidiaries (R.S.Q., chapter R-2.2.1), the Minister of Finance may, with the authorization of the Government and on the conditions it determines, subscribe shares of the Société the value of which shall not exceed the amount of the repayment. Such shares shall be paid out of the consolidated revenue fund. Certificates shall be issued when the shares are fully paid.

Transfer.

29. The Government may, subject to the terms and conditions it determines, transfer to the Société the ownership of any property forming part of the domain of the State and may receive in return any property, including shares of the capital of the Société.

Registration.

30. A transfer pursuant to section 29 shall be registered in the land register on presentation of the order in council authorizing the transfer, containing a description of the immovable property transferred and the effective date of the transfer.

Provisions not applicable.

The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to such a transfer.

Powers.

- **31.** The Government may, subject to the terms and conditions it determines,
- (1) guarantee the payment of the capital of or interest on any loan contracted by the Société or any of its subsidiaries and the performance of their obligations;
- (2) make any commitment in respect of the pursuit or financing of an initiative in which the Société or any of its subsidiaries is a participant;

(3) authorize the Minister of Finance to advance to the Société or any of its subsidiaries any amount considered necessary for the pursuit of their objects.

Consolidated revenue fund.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

Authorization.

- **32.** Neither the Société nor any of its subsidiaries may, except with the authorization of the Government,
- (1) acquire or hold shares issued by a legal person or shares in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (2) transfer shares of a legal person or shares in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (3) contract a loan that increases its total outstanding borrowings to an amount greater than the amount determined by the Government;
- (4) grant loans or make any other financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government:
- (5) acquire or transfer other assets in excess of the limits or in contravention of the terms and conditions determined by the Government;
 - (6) accept a gift or bequest to which a charge or condition is attached.

Applicability.

The amounts, limits and terms and conditions determined under this section may apply to the group formed by the Société and its subsidiaries or to one or more members of the group.

Exception.

This section does not apply to transactions between the Société and its subsidiaries or between the subsidiaries.

Approval.

33. The Société must obtain the approval of the Minister of State for Greater Montréal and the Minister of Finance where the amount of its financial participation in an initiative is greater than \$5,000,000, or the approval of the Government where that amount is greater than \$10,000,000.

Subsidiary.

34. For the purposes of this Act, a legal person or a partnership is a subsidiary of the Société if the latter holds more than 50% of the voting rights attached to all the issued and outstanding shares of the legal person or more than 50% of the shares in the partnership, or may elect or appoint a majority of the directors.

Dividends.

35. The dividends payable by the Société shall be fixed by the Government.

CHAPTER IV

ACCOUNTS AND REPORTS

Fiscal year.

36. The fiscal year of the Société ends on 31 March.

Report of operations.

37. The Société shall, not later than 31 July each year, file with the Minister its financial statements and a report of its operations for the preceding fiscal year.

Content.

The financial statements and report of operations must contain all the information required by the Minister.

Tabling.

38. The Minister shall table the report of operations and the financial statements of the Société in the National Assembly within 15 days of receiving them or, if it is not sitting, within 15 days of resumption.

Development plan.

39. The Société shall formulate according to the form, content and intervals fixed by the Government, a development plan that includes the operations of its subsidiaries. The plan must be submitted to the Government for approval.

Audit.

40. Each year, and whenever so ordered by the Government, the books and accounts of the Société shall be audited by the Auditor General or, with the authorization of the Government, by an auditor designated by the Société.

Report.

The auditor's report must be submitted with the report of operations and the financial statements of the Société.

Additional information.

41. The Société shall in addition communicate to the Minister any information required by the Minister concerning its operations.

CHAPTER V

MISCELLANEOUS PROVISIONS

Payment for shares.

42. The Société shall remit to the Minister of Finance, according to the terms and conditions determined by the Minister of Finance, an amount equal to its equity as at 31 March 1998 and to the advances paid by the Government up to 30 June 1998. The Minister shall subscribe and pay for shares of the Société for an amount corresponding to that amount and shall be issued a certificate therefor.

End of terms.

43. The members of the board of directors and the chief executive officer of the Société, in office on 29 June 1998, remain in office until the end of their terms of office.

c. S-17.2, replaced.

44. This Act replaces the Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2).

References.

Every reference to that Act or to any of its provisions is a reference to this Act or to the corresponding provision thereof.

Minister responsible.

45. The Minister of State for Greater Montréal shall be responsible for the administration of this Act.

Coming into force.

46. This Act comes into force on the date to be fixed by the Government.

SCHEDULE A

The aggregate of the territories of the following municipal bodies:

Communauté urbaine de Montréal

Communauté urbaine de l'Outaouais

Municipalité régionale de comté d'Argenteuil

Municipalité régionale de comté de Beauharnois-Salaberry

Municipalité régionale de comté de Champlain

Municipalité régionale de comté de D'Autray

Municipalité régionale de comté de Deux-Montagnes

Municipalité régionale de comté de Joliette

Municipalité régionale de comté de Lajemmerais

Municipalité régionale de comté de La Rivière-du-Nord

Municipalité régionale de comté de L'Assomption

Municipalité régionale de comté de La Vallée-de-la-Gatineau

Municipalité régionale de comté de La Vallée-du-Richelieu

Municipalité régionale de comté du Bas-Richelieu Municipalité régionale de comté du Haut-Richelieu

Municipalité régionale de comté du Haut-Saint-Laurent

Municipalité régionale de comté des Collines-de-l'Outaouais

Municipalité régionale de comté des Jardins-de-Napierville

Municipalité régionale de comté des Laurentides

Municipalité régionale de comté des Maskoutains

Municipalité régionale de comté des Moulins

Municipalité régionale de comté des Pays-d'en-Haut

Municipalité régionale de comté de Matawinie

Municipalité régionale de comté de Montcalm

Municipalité régionale de comté de Papineau

Municipalité régionale de comté de Pontiac

Municipalité régionale de comté de Roussillon

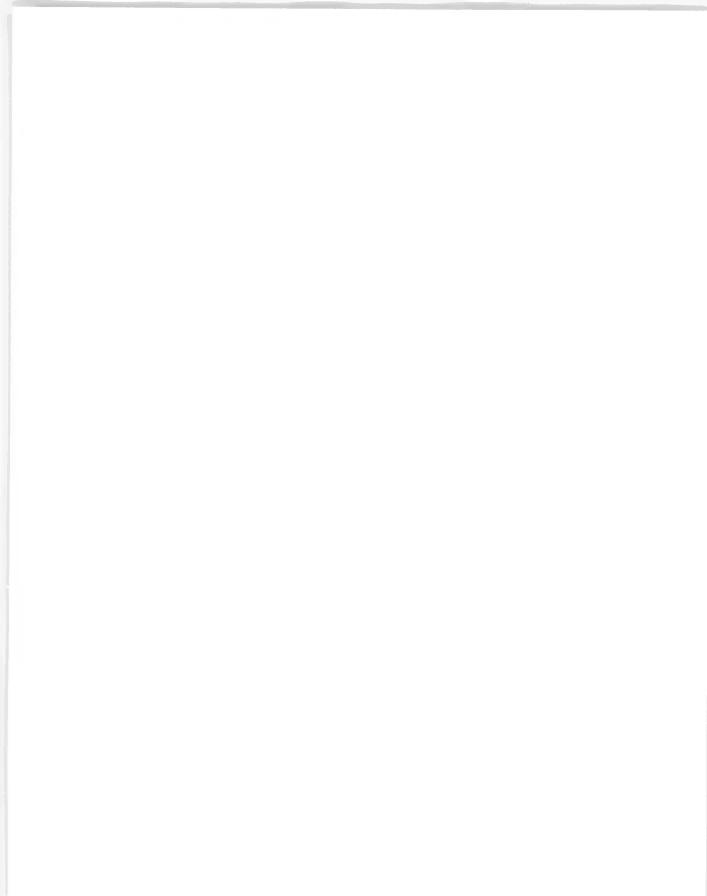
Municipalité régionale de comté de Rouville

Municipalité régionale de comté de Thérèse-De Blainville

Municipalité régionale de comté de Vaudreuil-Soulanges

Ville de Laval

Ville de Mirabel



NATIONAL ASSEMBLY
Thirty-fifth Legislature, second session

1998, chapter 20 AN ACT RESPECTING SOCIÉTÉ INNOVATECH RÉGIONS RESSOURCES

Bill 435

Introduced by Mr Roger Bertrand, Minister for Industry and Trade Introduced 14 May 1998
Passage in principle 27 May 1998
Passage 9 June 1998
Assented to 12 June 1998

Coming into force: on the date to be fixed by the Government

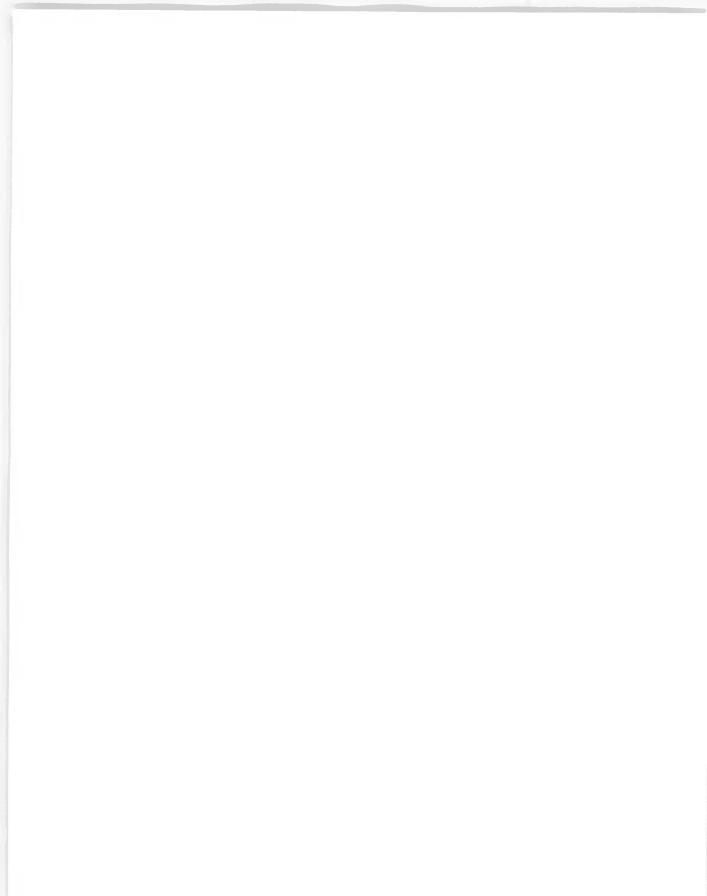
- 1998-06-30:

ss. 1-42 O.C. 868-98

G.O., 1998, Part 2, p. 2633

Legislation amended: None







Chapter 20

AN ACT RESPECTING SOCIÉTÉ INNOVATECH RÉGIONS RESSOURCES

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Establishment.

1. A legal person with share capital is hereby established under the name of "Société Innovatech Régions ressources".

Head office.

2. The head office of the Société is in the city of Québec. Notice of the location of the head office shall be published in the Gazette officielle du Québec.

Meetings.

The board of directors of the Société may hold its meetings in the Québec region or at any place in the territory described in Schedule A.

Mandatary.

3. The Société is a mandatary of the State.

Property.

The property of the Société forms part of the domain of the State, but the execution of its obligations may be levied against its property.

Liability.

The Société binds only itself when it acts in its own name.

Board of directors.

- 4. The board of directors of the Société is composed of
 - (1) the chief executive officer;
- (2) eight other members appointed by the Government for a term not exceeding three years.

Delegate.

5. The Minister shall designate a delegate to the board of directors from among the personnel members of the department.

Delegate.

6. The delegate is not a member of the board of directors. However, the delegate is entitled to be called to meetings of the board of directors and to attend and speak at the meetings.

Chair.

7. The Government shall appoint a chair from among the members of the board of directors. The chair shall preside at meetings of the board, oversee its operation and assume all other functions assigned to the chair by the Société.

Chief executive officer.

8. The members of the board of directors shall appoint the chief executive officer of the Société for a term not exceeding five years. The chief executive officer is responsible for the administration and direction of the Société within the scope of its by-laws and policies.

Chief executive officer.

The chief executive officer shall hold office on a full-time basis.

Continuance.

9. On the expiry of their term, the members of the board of directors shall remain in office until they are replaced or reappointed.

Remuneration.

10. The Government shall fix the remuneration, employment benefits and other conditions of employment of the chief executive officer.

Remuneration.

The other members of the board of directors are not remunerated, except in the cases, on the conditions and to the extent which may be determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

Vacancy.

11. Any vacancy occurring in the course of the term of office of a member of the board of directors shall be filled in accordance with the rules of appointment set out in section 4.

Absence.

Absence from the number of meetings of the board of directors determined by an internal by-law of the Société constitutes a vacancy in the cases and circumstances indicated therein.

Signature.

12. No act, document or writing is binding on or may be attributed to the Société unless it is signed by the chair of the board of directors, the chief executive officer or a member of the personnel of the Société designated by the chief executive officer and, in the latter case, only to the extent determined by an internal by-law of the Société.

Facsimile.

Such a by-law may, on the conditions fixed therein, allow the signature to be affixed by means of an automatic device to the documents mentioned in the by-law. It may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents mentioned therein. The facsimile has the same value as the signature itself only if the document is countersigned by a person referred to in the first paragraph.

Authenticity of documents.

13. The minutes of the meetings of the board of directors, approved by it and certified by the chair of the board, the secretary or by any other person authorized to do so by the Société, are authentic. The documents or copies emanating from the Société or forming part of its records are authentic if they are so certified.

Certified print-out.

An intelligible print-out of a decision or of any other data stored by the Société in computerized or other electronic form is a document of the Société and constitutes proof of its contents if certified by a person referred to in the first paragraph of section 12.

Conflict of interest.

14. No member of the board of directors holding a full-time office with the Société or one of its subsidiaries may, under pain of forfeiture of office, have any direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries. However, such forfeiture is not incurred if the interest devolves to the member by succession or gift, provided it is renounced or disposed of with dispatch.

Conflict of interest.

Every member of the board of directors other than a member holding a fulltime office with the Société or one of its subsidiaries who has a direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries must, on pain of forfeiture of office, disclose such interest and withdraw from the meeting for the duration of the debate and for the making of a decision bearing upon any question relating to the enterprise in which the member has such an interest.

Conflict of interest.

Every personnel member of the Société or one of its subsidiaries who has a direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries must, on pain of forfeiture of office, disclose such interest in writing to the chair of the board of directors of the Société or, as the case may be, of the subsidiary.

Defence.

15. The Société shall take up the defence of its directors prosecuted by a third person for an act done in the exercise of their functions and shall pay damages, if any, resulting from that act, unless they have committed a gross fault or a personal fault separable from the exercise of their functions.

Penal proceedings.

Notwithstanding the foregoing, in a penal or criminal proceeding the Société shall assume the payment of the expenses of its directors only if they had reasonable grounds to believe that their conduct was in conformity with the law, or if they have been discharged or acquitted.

Expenses.

16. The Société shall assume the expenses of its directors if, having prosecuted them for an act done in the exercise of their functions, it loses its case and the court so decides. If the Société wins its case only in part, the court may determine the amount of the expenses the Société shall assume.

Obligations.

17. The Société shall assume the obligations referred to in sections 15 and 16 in respect of any person who acted at its request as director for a legal person of which it is a shareholder or creditor.

Personnel.

18. The secretary and the other members of the personnel of the Société shall be appointed and remunerated according to the standards, scales and staffing plan established by by-law of the Société. The by-law shall be submitted to the Government for approval.

CHAPTER II

MISSION AND POWERS

Mission.

19. The mission of the Société is to promote and support initiatives designed to develop technological innovation capabilities in the territory described in Schedule A so as to improve the competitiveness and economic growth of Québec.

Mission.

- **20.** In the pursuit of its mission, the Société may, in particular,
- (1) solicit, receive and evaluate initiatives designed to develop technological innovation capabilities in the territory described in Schedule A;
- (2) associate partners from the private and public sectors with the initiatives and foster concerted action between them;
 - (3) participate financially in the pursuit of such initiatives;
- (4) promote the financial participation of individuals, partnerships and legal persons in the initiatives;
- (5) heighten public awareness in the territory described in Schedule A, of the importance of the initiatives supported by the Société by keeping the public informed of the achievements made possible through such initiatives;
- (6) advise the Minister on the technological innovation policies and strategies in the territory described in Schedule A and propose means of implementing them.

Directives.

21. The Minister may within the scope of the responsibilities vested in the Minister issue directives on the objectives and orientations of the Société. The directives must be submitted to the Government for approval.

Tabling.

Every directive is binding on the Société and must be tabled in the National Assembly within 15 days of its approval or, if it is not sitting, within 15 days of resumption.

Agreements.

22. The Société may, according to law, make any agreement with a government in Canada or elsewhere, any of its departments or agencies, an international organization or an agency of such an organization.

By-laws.

23. The by-laws of the Société are not subject to ratification by the shareholder.

Provisions applicable.

24. The provisions of Part II of the Companies Act (R.S.Q., chapter C-38), except those of sections 159 to 162, 179, 184, 189 and subsection 3 of section 196 and the provisions of sections 89.1 to 89.4 of Part I of that Act apply to the Société.

CHAPTER III

FINANCIAL PROVISIONS

Authorized capital.

25. The authorized capital of the Société is \$50,000,000 and is divided into 500,000 shares of a par value of \$100 each.

Shares.

26. The shares of the capital of the Société form part of the domain of the State and shall be allotted to the Minister of Finance.

Payment for shares.

27. The Minister of Finance may, with the authorization of the Government, pay to the Société out of the consolidated revenue fund an amount of \$50,000,000 for 500,000 fully paid shares of its share capital for which a certificate shall be issued to the Minister of Finance.

Instalments.

The payment may be made in one or more instalments; if it is made in several instalments, each of them must be authorized by the Government.

Subscribing of shares.

28. After a reduction of the share capital of the Société and an equivalent repayment of capital are effected to the Minister of Finance under the Act respecting the reduction of the share capital of legal persons established in the public interest and of their subsidiaries (R.S.Q., chapter R-2.2.1), the Minister of Finance may, with the authorization of the Government and on the conditions it determines, subscribe shares of the Société the value of which shall not exceed the amount of the repayment. Such shares shall be paid out of the consolidated revenue fund. Certificates shall be issued when the shares are fully paid.

Transfer.

29. The Government may, subject to the terms and conditions it determines, transfer to the Société the ownership of any property forming part of the domain of the State and may receive in return any property, including shares of the capital of the Société.

Registration.

30. A transfer pursuant to section 29 shall be registered in the land register on presentation of the order in council authorizing the transfer, containing a description of the immovable property transferred and the effective date of the transfer.

Provisions not applicable.

The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to such a transfer.

Powers.

- **31.** The Government may, subject to the terms and conditions it determines,
- (1) guarantee the payment of the capital of or interest on any loan contracted by the Société or any of its subsidiaries and the performance of their obligations;
- (2) make any commitment in respect of the pursuit or financing of an initiative in which the Société or any of its subsidiaries is a participant;

(3) authorize the Minister of Finance to advance to the Société or any of its subsidiaries any amount considered necessary for the pursuit of their objects.

Consolidated revenue fund.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

Authorization.

- **32.** Neither the Société nor any of its subsidiaries may, except with the authorization of the Government,
- (1) acquire or hold shares issued by a legal person or shares in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (2) transfer shares of a legal person or shares in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (3) contract a loan that increases its total outstanding borrowings to an amount greater than the amount determined by the Government;
- (4) grant loans or make any other financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government:
- (5) acquire or transfer other assets in excess of the limits or in contravention of the terms and conditions determined by the Government;
 - (6) accept a gift or bequest to which a charge or condition is attached.

Applicability.

The amounts, limits and terms and conditions determined under this section may apply to the group formed by the Société and its subsidiaries or to one or more members of the group.

Exception.

This section does not apply to transactions between the Société and its subsidiaries or between the subsidiaries.

Approval.

33. The Société must obtain the approval of the Minister of Industry, Trade, Science and Technology and the Minister of Finance where the amount of its financial participation in an initiative is greater than \$5,000,000, or the approval of the Government where that amount is greater than \$10,000,000.

Subsidiary.

34. For the purposes of this Act, a legal person or a partnership is a subsidiary of the Société if the latter holds more than 50% of the voting rights attached to all the issued and outstanding shares of the legal person or more than 50% of the shares in the partnership, or may elect or appoint a majority of the directors.

Dividends.

35. The dividends payable by the Société shall be fixed by the Government.

CHAPTER IV

ACCOUNTS AND REPORTS

Fiscal year.

36. The fiscal year of the Société ends on 31 March.

Report of operations.

37. The Société shall, not later than 31 July each year, file with the Minister its financial statements and a report of its operations for the preceding fiscal year.

Content.

The financial statements and report of operations shall contain all the information required by the Minister.

Tabling.

38. The Minister shall table the report of operations and the financial statements of the Société in the National Assembly within 15 days of receiving them or, if it is not sitting, within 15 days of resumption.

Development plan.

39. The Société shall formulate according to the form, content and intervals fixed by the Government, a development plan that includes the operations of its subsidiaries. The plan must be submitted to the Government for approval.

Audit.

40. The books and accounts of the Société shall be audited each year and whenever so ordered by the Government, by the Auditor General or, with the authorization of the Government, by an auditor designated by the Société.

Report.

The auditor's report must be submitted with the report of operations and the financial statements of the Société.

Additional information.

41. The Société shall in addition communicate to the Minister any information required by the Minister concerning its operations.

CHAPTER V

MISCELLANEOUS PROVISIONS

Minister responsible.

42. The Minister of Industry, Trade, Science and Technology shall be responsible for the administration of this Act.

Coming into force.

43. This Act comes into force on the date to be fixed by the Government.

SCHEDULE A

The aggregate of the territories of the following municipal bodies:

Municipalité régionale de comté de Denis-Riverin

Municipalité régionale de comté de La Côte-de-Gaspé

Municipalité régionale de comté de Pabok

Municipalité régionale de comté de Bonaventure

Municipalité régionale de comté d'Avignon

Municipalité régionale de comté des Îles-de-la Madeleine

Municipalité régionale de comté de Matane

Municipalité régionale de comté de La Matapédia

Municipalité régionale de comté de La Mitis

Municipalité régionale de comté de Rimouski-Neigette

Municipalité régionale de comté des Basques

Municipalité régionale de comté de Rivière-du-Loup

Municipalité régionale de comté de Témiscouata

Municipalité régionale de comté de Kamouraska

Municipalité régionale de comté du Domaine-du-Roy

Municipalité régionale de comté de Lac-Saint-Jean-Est

Municipalité régionale de comté de Maria-Chadelaine

Municipalité régionale de comté du Fjord-du-Saguenay

Municipalité régionale de comté du Haut-Saint-Maurice

Municipalité régionale de comté d'Antoine-Labelle

Municipalité régionale de comté d'Abitibi-Ouest

Municipalité régionale de comté d'Abitibi

Municipalité régionale de comté de Vallée-de-l'Or

Municipalité régionale de comté de Témiscamingue

Municipalité régionale de comté de Rouyn-Noranda

Municipalité régionale de comté de Caniapiscau

Municipalité régionale de comté de La Haute-Côte-Nord

Municipalité régionale de comté de Manicouagan

Municipalité régionale de comté de Sept-Rivières

Municipalité régionale de comté de Minganie

Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent

Municipalities constituted under the Act respecting the municipal reorgani-

zation of the territory of the municipality of the North Shore of the Gulf of

St. Lawrence (1988, chapter 55)

Municipalité de Baie-James

Ville de Matagami

Ville de Lebel-sur-Ouévillon

Ville de Chibougamau

Ville de Chapais

Cree villages

Kativik Regional Government

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 21 AN ACT RESPECTING SOCIÉTÉ INNOVATECH QUÉBEC ET CHAUDIÈRE-APPALACHES

Bill 436

Introduced by Mr Roger Bertrand, Minister for Industry and Trade Introduced 14 May 1998 Passage in principle 27 May 1998 Passage 9 June 1998 Assented to 12 June 1998

Coming into force: on the date to be fixed by the Government

- 1998-06-30:

ss. 1-45

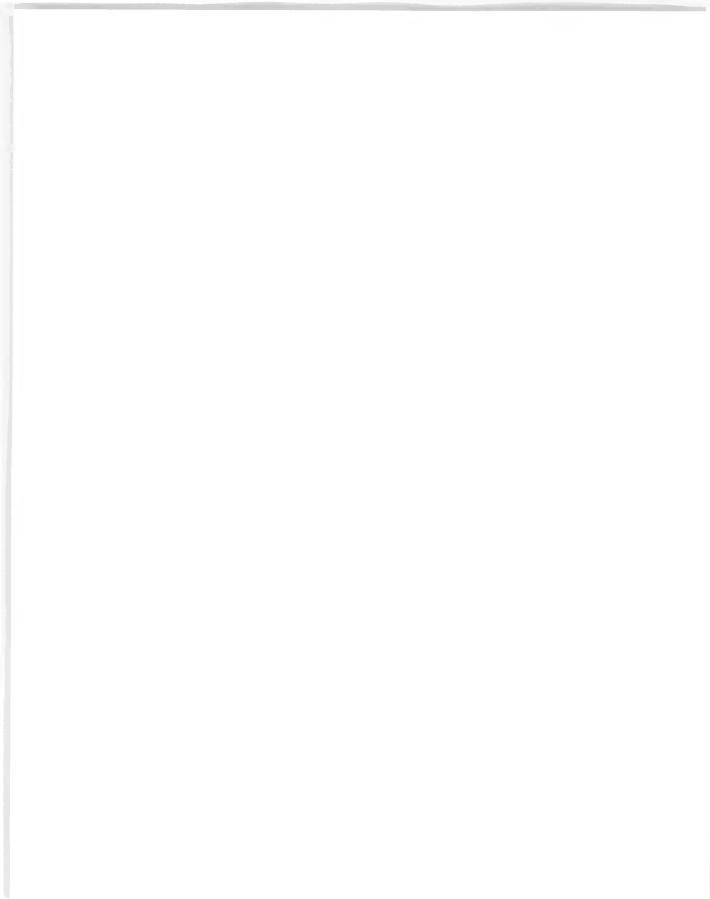
O.C. 870-98

G.O., 1998, Part 2, pp. 2633, 2634

Legislation replaced:

Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.3)







Chapter 21

AN ACT RESPECTING SOCIÉTÉ INNOVATECH QUÉBEC ET CHAUDIÈRE-APPALACHES

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Share capital.

1. Société Innovatech Québec et Chaudière-Appalaches, a legal person established under chapter 80 of the statutes of 1993, shall be endowed with share capital.

Head office.

2. The head office of the Société is in the territory described in Schedule A. Notice of any change of location shall be published in the Gazette officielle du Québec.

Meetings.

The board of directors of the Société may hold its meetings at any place in the territory described in Schedule A.

Mandatary.

3. The Société is a mandatary of the State.

Property.

The property of the Société forms part of the domain of the State, but the execution of its obligations may be levied against its property.

Liability.

The Société binds only itself when it acts in its own name.

Board of directors.

- 4. The board of directors of the Société is composed of
 - (1) the chief executive officer;
- (2) eight other members appointed by the Government for a term not exceeding three years.

Delegate.

5. The Minister shall designate a delegate to the board of directors from among the personnel members of the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie.

Delegate.

6. The delegate is not a member of the board of directors. However, the delegate is entitled to be called to meetings of the board of directors and to attend and speak at the meetings.

Chair.

7. The Government shall appoint a chair from among the members of the board of directors. The chair shall preside at meetings of the board, oversee its operation and assume all other functions assigned to the chair by the Société.

Chief executive officer.

8. The members of the board of directors shall appoint the chief executive officer of the Société for a term not exceeding five years. The chief executive officer is responsible for the administration and direction of the Société within the scope of its by-laws and policies.

Chief executive officer.

The chief executive officer shall hold office on a full-time basis.

Continuance.

9. On the expiry of their term, the members of the board of directors shall remain in office until they are replaced or reappointed.

Remuneration.

10. The Government shall fix the remuneration, employment benefits and other conditions of employment of the chief executive officer.

Remuneration.

The other members of the board of directors are not remunerated, except in the cases, on the conditions and to the extent which may be determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

Vacancy.

11. Any vacancy occurring in the course of the term of office of a member of the board of directors shall be filled in accordance with the rules of appointment set out in section 4.

Absence.

Absence from the number of meetings of the board of directors determined by an internal by-law of the Société constitutes a vacancy in the cases and circumstances indicated therein.

Signature.

12. No act, document or writing is binding on or may be attributed to the Société unless it is signed by the chair of the board of directors, the chief executive officer or a member of the personnel of the Société designated by the chief executive officer and, in the latter case, only to the extent determined by an internal by-law of the Société.

Facsimile.

Such a by-law may, on the conditions fixed therein, allow the signature to be affixed by means of an automatic device to the documents mentioned in the by-law. It may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents mentioned therein. The facsimile has the same value as the signature itself only if the document is countersigned by a person referred to in the first paragraph.

Authenticity of documents.

13. The minutes of the meetings of the board of directors, approved by it and certified by the chair of the board, the secretary or by any other person authorized to do so by the Société, are authentic. The documents or copies emanating from the Société or forming part of its records are authentic if they are so certified.

Certified print-out.

An intelligible print-out of a decision or of any other data stored by the Société in computerized or other electronic form is a document of the Société and constitutes proof of its contents if certified by a person referred to in the first paragraph of section 12.

Conflict of interest.

14. No member of the board of directors holding a full-time office with the Société or one of its subsidiaries may, under pain of forfeiture of office, have any direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries. However, such forfeiture is not incurred if the interest devolves to the member by succession or gift, provided it is renounced or disposed of with dispatch.

Conflict of interest.

Every member of the board of directors other than a member holding a fulltime office with the Société or one of its subsidiaries who has a direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries must, on pain of forfeiture of office, disclose such interest and withdraw from the meeting for the duration of the debate and of the making of a decision bearing upon any question relating to the enterprise in which the member has such an interest.

Conflict of interest.

Every personnel member of the Société or one of its subsidiaries who has a direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries must, on pain of forfeiture of office, disclose such interest in writing to the chair of the board of directors of the Société or, as the case may be, of the subsidiary.

Defence.

15. The Société shall take up the defence of its directors prosecuted by a third person for an act done in the exercise of their functions and shall pay damages, if any, resulting from that act, unless they have committed a fault or a personal fault separable from the exercise of their functions.

Penal proceedings.

Notwithstanding the foregoing, in a penal or criminal proceeding the Société shall assume the payment of the expenses of its directors only if they had reasonable grounds to believe that their conduct was in conformity with the law, or if they have been discharged or acquitted.

Expenses.

16. The Société shall assume the expenses of its directors if, having prosecuted them for an act done in the exercise of their functions, it loses its case and the court so decides. If the Société wins its case only in part, the court may determine the amount of the expenses the Société shall assume.

Obligations.

17. The Société shall assume the obligations referred to in sections 15 and 16 in respect of any person who acted at its request as director for a legal person of which it is a shareholder or creditor.

Personnel.

18. The secretary and the other members of the personnel of the Société shall be appointed and remunerated according to the standards, scales and staffing plan established by by-law of the Société. The by-law shall be submitted to the Government for approval.

CHAPTER II

MISSION AND POWERS

Mission.

19. The mission of the Société is to promote and support initiatives designed to develop technological innovation capabilities in the territory described in Schedule A so as to improve the competitiveness and economic growth of Québec.

Mission.

- 20. In the pursuit of its mission, the Société may, in particular,
- (1) solicit, receive and evaluate initiatives designed to develop technological innovation capabilities in the territory described in Schedule A;
- (2) associate partners from the private and public sectors with the initiatives and foster concerted action between them;
 - (3) participate financially in the pursuit of such initiatives;
- (4) promote the financial participation of individuals, partnerships and legal persons in the initiatives;
- (5) heighten public awareness in the territory described in Schedule A, of the importance of the initiatives supported by the Société by keeping the public informed of the achievements made possible through such initiatives;
- (6) advise the Minister on the technological innovation policies and strategies in the territory described in Schedule A and propose means of implementing them.

Directives.

21. The Minister may within the scope of the responsibilities vested in the Minister issue directives on the objectives and orientations of the Société. The directives must be submitted to the Government for approval.

Tabling.

Every directive is binding on the Société and must be tabled in the National Assembly within 15 days of its approval or, if it is not sitting, within 15 days of resumption.

Agreements.

22. The Société may, according to law, make any agreement with a government in Canada or elsewhere, any of its departments or agencies, an international organization or an agency of such an organization.

By-laws.

23. The by-laws of the Société are not subject to ratification by the shareholder.

Provisions applicable.

24. The provisions of Part II of the Companies Act (R.S.Q., chapter C-38), except those of sections 159 to 162, 179, 184, 189 and subsection 3 of section 196 and the provisions of sections 89.1 to 89.4 of Part I of that Act apply to the Société.

CHAPTER III

FINANCIAL PROVISIONS

Authorized capital.

25. The authorized capital of the Société is \$75,000,000, divided into 750,000 shares of a par value of \$100 each.

Shares.

26. The shares of the capital of the Société form part of the domain of the State and shall be allotted to the Minister of Finance.

Payment for shares.

27. The Minister of Finance may, with the authorization of the Government, pay to the Société out of the consolidated revenue fund an amount of \$75,000,000 for 750,000 fully paid shares of its capital for which a certificate shall be issued to the Minister of Finance.

Instalments.

The payment may be made in one or more instalments; if it is made in several instalments, each of them must be authorized by the Government.

Subscribing of shares.

28. After a reduction of the share capital of the Société and an equivalent repayment of capital to the Minister of Finance are effected under the Act respecting the reduction of the share capital of legal persons established in the public interest and of their subsidiaries (R.S.Q., chapter R-2.2.1), the Minister of Finance may, with the authorization of the Government and on the conditions it determines, subscribe shares of the Société the value of which shall not exceed the amount of the repayment. Such shares shall be paid out of the consolidated revenue fund. Certificates shall be issued when the shares are fully paid.

Transfer.

29. The Government may, subject to the terms and conditions it determines, transfer to the Société the ownership of any property forming part of the domain of the State and may receive in return any property, including shares of the capital of the Société.

Registration.

30. A transfer pursuant to section 29 shall be registered in the land register on presentation of the order in council authorizing the transfer, containing a description of the immovable property transferred and the effective date of the transfer.

Provisions not applicable.

The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to such a transfer.

Powers.

- **31.** The Government may, subject to the terms and conditions it determines,
- (1) guarantee the payment of the capital of or interest on any loan contracted by the Société or any of its subsidiaries and the performance of its obligations;
- (2) make any commitment in respect of the carrying out or financing of an initiative in which the Société or any of its subsidiaries is a participant;

(3) authorize the Minister of Finance to advance to the Société or any of its subsidiaries any amount considered necessary for the pursuit of its objects.

Consolidated revenue fund.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

Authorization.

- **32.** Neither the Société nor any of its subsidiaries may, except with the authorization of the Government.
- (1) acquire or hold shares issued by a legal person or shares in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (2) transfer shares of a legal person or shares in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (3) contract a loan that increases its total outstanding borrowings to an amount greater than the amount determined by the Government;
- (4) grant loans or make any other financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (5) acquire or transfer other assets in excess of the limits or in contravention of the terms and conditions determined by the Government;
 - (6) accept a gift or bequest to which a charge or condition is attached.

Applicability.

The amounts, limits and terms and conditions determined under this section may apply to the group formed by the Société and its subsidiaries or to one or more members of the group.

Exception.

This section does not apply to transactions between the Société and its subsidiaries or between the subsidiaries.

Approval.

33. The Société must obtain the approval of the Minister of Industry, Trade, Science and Technology and the Minister of Finance where the amount of its financial participation in an initiative is greater than \$5,000,000, or the approval of the Government where that amount is greater than \$10,000,000.

Subsidiary.

34. For the purposes of this Act, a legal person or a partnership is a subsidiary of the Société if the latter holds more than 50% of the voting rights attached to all the issued and outstanding shares of the legal person or more than 50% of the shares in the partnership, or may elect or appoint a majority of the directors.

Dividends.

35. The dividends payable by the Société shall be fixed by the Government.

CHAPTER IV

ACCOUNTS AND REPORTS

Fiscal year.

36. The fiscal year of the Société ends on 31 March.

Report of operations.

37. The Société shall, not later than 31 July each year, file with the Minister its financial statements and a report of its operations for the preceding fiscal year.

Content.

The financial statements and report of operations shall contain all the information required by the Minister.

Tabling.

38. The Minister shall table the report of operations and the financial statements of the Société before the National Assembly within 15 days of receiving them or, if it is not sitting, within 15 days of resumption.

Development plan.

39. The Société shall formulate according to the form, content and intervals fixed by the Government, a development plan that includes the operations of its subsidiaries. The plan must be submitted to the Government for approval.

Audit.

40. Each year, and whenever so ordered by the Government, the books and accounts of the Société shall be audited by the Auditor General or, with the authorization of the Government, by an auditor designated by the Société.

Report.

The auditor's report must be submitted with the report of operations and the financial statements of the Société.

Additional information.

41. The Société shall in addition communicate to the Minister any information required by the Minister concerning its operations.

CHAPTER V

MISCELLANEOUS PROVISIONS

Payment for shares.

42. The Société shall remit to the Minister of Finance, according to the terms and conditions determined by the Minister of Finance, an amount equal to its equity as at 31 March 1998 and to the advances paid by the Government up to the date of coming into force of this Act. The Minister shall subscribe and pay for shares of the Société for an amount corresponding to that amount and shall be issued a certificate therefor.

End of terms.

43. The members of the board of directors and the chief executive officer of the Société, in office on 29 June 1998, remain in office until the end of their terms of office.

CHAP. **21**

Société Innovatech Québec et Chaudière-Appalaches

1998

c. S-17.3, replaced.

44. This Act replaces the Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.3).

References.

Every reference to that Act or to any of its provisions is a reference to this Act or to the corresponding provision thereof.

Minister responsible.

45. The Minister of Industry, Trade, Science and Technology shall be responsible for the administration of this Act.

Coming into force.

46. This Act comes into force on the date to be fixed by the Government.

SCHEDULE A

The aggregate of the territories of the following municipal bodies:

Communauté urbaine de Québec

Municipalité régionale de comté de Charlevoix-Est

Municipalité régionale de comté de Charlevoix

Municipalité régionale de comté de La Côte-de-Beaupré

Municipalité régionale de comté de L'Île-d'Orléans

Municipalité régionale de comté de La Jacques-Cartier

Municipalité régionale de comté de Portneuf

Municipalité régionale de comté de L'Islet

Municipalité régionale de comté de Montmagny

Municipalité régionale de comté de Bellechasse

Municipalité régionale de comté des Etchemins

Municipalité régionale de comté de Desjardins

Municipalité régionale de comté des Chutes-de-la-Chaudière

Municipalité régionale de comté de La Nouvelle-Beauce

Municipalité régionale de comté de Robert-Cliche

Municipalité régionale de comté de Beauce-Sartigan

Municipalité régionale de comté de Lotbinière

Municipalité régionale de comté de L'Amiante

Municipalité régionale de comté de Mékinac

Municipalité régionale de comté du Centre-de-la-Mauricie

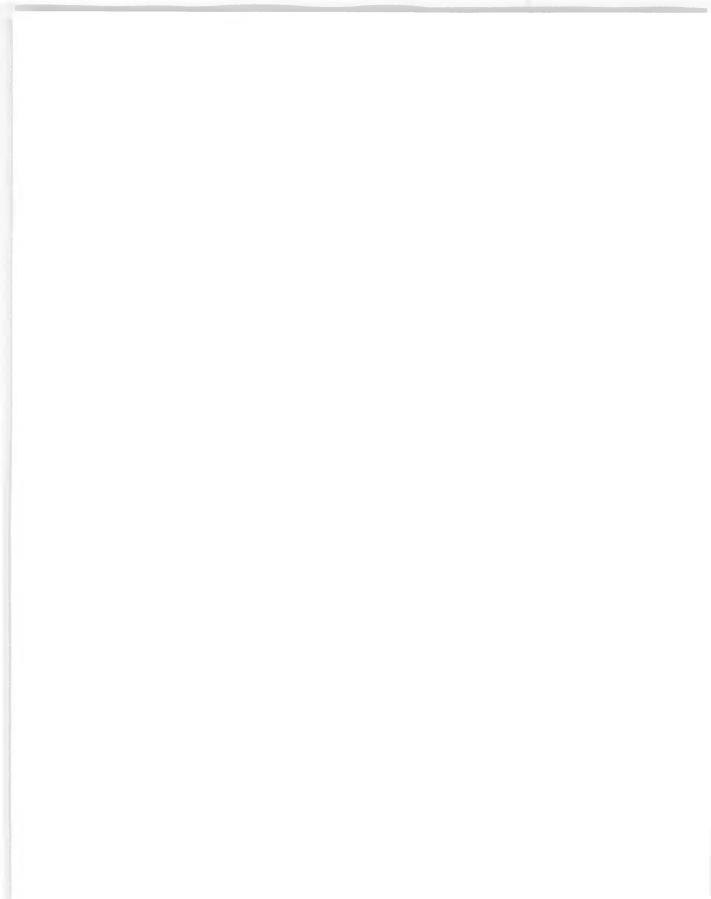
Municipalité régionale de comté de Maskinongé

Municipalité régionale de comté de Francheville

Municipalité régionale de comté de Nicolet-Yamaska

Municipalité régionale de comté de Bécancour

Municipalité régionale de comté de L'Érable



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 22 AN ACT RESPECTING SOCIÉTÉ INNOVATECH DU SUD DU QUÉBEC

Bill 437

Introduced by Mr Roger Bertrand, Minister for Industry and Trade Introduced 14 May 1998 Passage in principle 27 May 1998 Passage 9 June 1998 Assented to 12 June 1998

Coming into force: on the date to be fixed by the Government

- 1998-06-30:

ss. 1-45

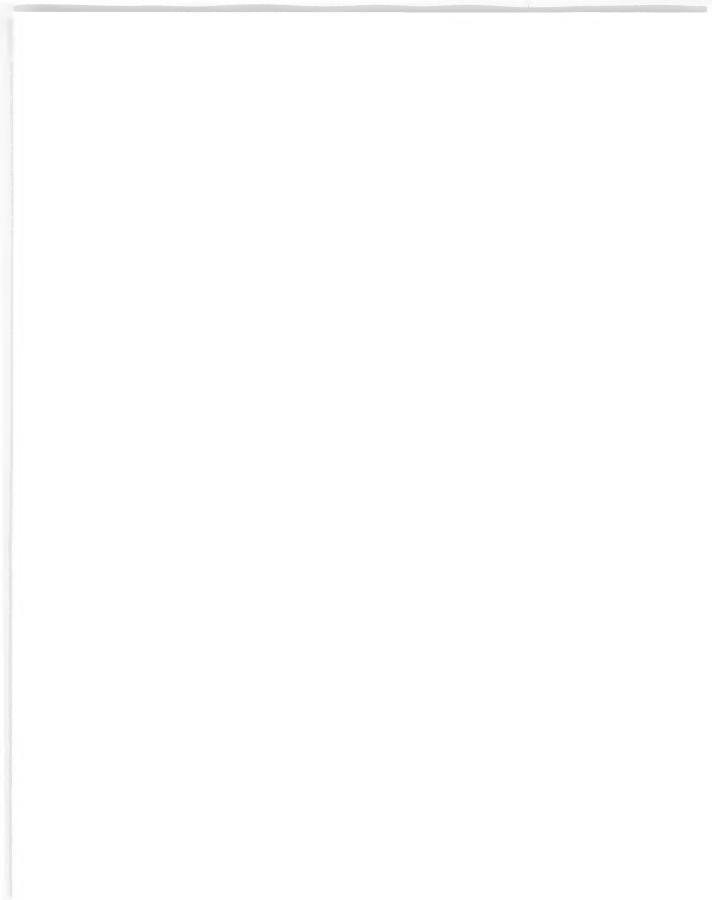
O.C. 869-98

G.O., 1998, Part 2, p. 2633

Legislation replaced:

Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.1)







Chapter 22

AN ACT RESPECTING SOCIÉTÉ INNOVATECH DU SUD DU QUÉBEC

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Share capital.

1. Société Innovatech du sud du Québec, a legal person established under chapter 19 of the statutes of 1995, shall be endowed with share capital.

Head office.

2. The head office of the Société is in the territory described in Schedule A. Notice of any change of location shall be published in the *Gazette officielle du Ouébec*.

Meetings.

The board of directors of the Société may hold its meetings at any place in the territory described in Schedule A.

Mandatary.

3. The Société is a mandatary of the State.

Property.

The property of the Société forms part of the domain of the State, but the execution of its obligations may be levied against its property.

Liability.

The Société binds only itself when it acts in its own name.

Board of directors.

- 4. The board of directors of the Société is composed of
 - (1) the chief executive officer;
- (2) eight other members appointed by the Government for a term not exceeding three years.

Delegate.

5. The Minister shall designate a delegate to the board of directors from among the personnel members of the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie.

Delegate.

6. The delegate is not a member of the board of directors. However, the delegate is entitled to be called to meetings of the board of directors and to attend and speak at the meetings.

Chair.

7. The Government shall appoint a chair from among the members of the board of directors. The chair shall preside at meetings of the board, oversee its operation and assume all other functions assigned to the chair by the Société.

Chief executive officer.

8. The members of the board of directors shall appoint the chief executive officer of the Société for a term not exceeding five years. The chief executive officer is responsible for the administration and direction of the Société within the scope of its by-laws and policies.

Chief executive officer.

The chief executive officer shall hold office on a full-time basis.

Continuance.

9. On the expiry of their term, the members of the board of directors shall remain in office until they are replaced or reappointed.

Remuneration.

10. The Government shall fix the remuneration, employment benefits and other conditions of employment of the chief executive officer.

Remuneration.

The other members of the board of directors are not remunerated, except in the cases, on the conditions and to the extent which may be determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

Vacancy.

11. Any vacancy occurring in the course of the term of office of a member of the board of directors shall be filled in accordance with the rules of appointment set out in section 4.

Absence.

Absence from the number of meetings of the board of directors determined by an internal by-law of the Société constitutes a vacancy in the cases and circumstances indicated therein.

Signature.

12. No act, document or writing is binding on or may be attributed to the Société unless it is signed by the chair of the board of directors, the chief executive officer or a member of the personnel of the Société designated by the chief executive officer and, in the latter case, only to the extent determined by an internal by-law of the Société.

Facsimile.

Such a by-law may, on the conditions fixed therein, allow the signature to be affixed by means of an automatic device to the documents mentioned in the by-law. It may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents mentioned therein. The facsimile has the same value as the signature itself only if the document is countersigned by a person referred to in the first paragraph.

Authenticity of documents.

13. The minutes of the meetings of the board of directors, approved by it and certified by the chair of the board, the secretary or by any other person authorized to do so by the Société, are authentic. The documents or copies emanating from the Société or forming part of its records are authentic if they are so certified.

Certified print-out.

An intelligible print-out of a decision or of any other data stored by the Société in computerized or other electronic form is a document of the Société and constitutes proof of its contents if certified by a person referred to in the first paragraph of section 12.

Conflict of interest.

14. No member of the board of directors holding a full-time office with the Société or one of its subsidiaries may, under pain of forfeiture of office, have any direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries. However, such forfeiture is not incurred if the interest devolves to the member by succession or gift, provided it is renounced or disposed of with dispatch.

Conflict of interest.

Every member of the board of directors other than a member holding a fulltime office with the Société or one of its subsidiaries who has a direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries must, on pain of forfeiture of office, disclose such interest and withdraw from the meeting for the duration of the debate and of the making of a decision bearing upon any question relating to the enterprise in which the member has such an interest.

Conflict of interest.

Every personnel member of the Société or one of its subsidiaries who has a direct or indirect interest in an enterprise putting the member's personal interest in conflict with that of the Société or one of its subsidiaries must, on pain of forfeiture of office, disclose such interest in writing to the chair of the board of directors of the Société or, as the case may be, its subsidiary.

Defence.

15. The Société shall take up the defence of its directors prosecuted by a third person for an act done in the exercise of their functions and shall pay damages, if any, resulting from that act, unless they have committed a gross fault or a personal fault separable from the exercise of their functions.

Penal proceedings.

Notwithstanding the foregoing, in a penal or criminal proceeding the Société shall assume the payment of the expenses of its directors only if they had reasonable grounds to believe that their conduct was in conformity with the law, or if they have been discharged or acquitted.

Expenses.

16. The Société shall assume the expenses of its directors if, having prosecuted them for an act done in the exercise of their functions, it loses its case and the court so decides. If the Société wins its case only in part, the court may determine the amount of the expenses the Société shall assume.

Obligations.

17. The Société shall assume the obligations referred to in sections 15 and 16 in respect of any person who acted at its request as director for a legal person of which it is a shareholder or creditor.

Personnel.

18. The secretary and the other members of the personnel of the Société shall be appointed and remunerated according to the standards, scales and staffing plan established by by-law of the Société. The by-law shall be submitted to the Government for approval.

CHAPTER II

MISSION AND POWERS

Mission.

19. The mission of the Société is to promote and support initiatives likely to increase the capacity for technological innovation in the territory described in Schedule A and thus to improve the competitiveness and economic growth of Québec.

Mission.

- **20.** In the pursuit of its mission, the Société may, in particular,
- (1) solicit, receive and evaluate initiatives designed to develop technological innovation capabilities in the territory described in Schedule A;
- (2) associate partners from the private and public sectors with the initiatives and foster concerted action between them:
 - (3) participate financially in the pursuit of such initiatives;
- (4) promote the financial participation of individuals, partnerships and legal persons in the initiatives;
- (5) heighten public awareness in the territory described in Schedule A of the importance of the initiatives supported by the Société by keeping the public informed of the achievements made possible through such initiatives;
- (6) advise the Minister on the technological innovation policies and strategies in the territory described in Schedule A and propose means of implementing them.

Directives.

21. The Minister may within the scope of the responsibilities vested in the Minister issue directives on the objectives and orientations of the Société. The directives must be submitted to the Government for approval.

Tabling.

Every directive is binding on the Société and must be tabled in the National Assembly within 15 days of its approval or, if it is not sitting, within 15 days of resumption.

Agreements.

22. The Société may, according to law, make any agreement with a government in Canada or elsewhere, any of its departments or agencies, an international organization or an agency of such an organization.

By-laws.

23. The by-laws of the Société are not subject to ratification by the shareholder.

Provisions applicable.

24. The provisions of Part II of the Companies Act (R.S.Q., chapter C-38), except those of sections 159 to 162, 179, 184, 189 and subsection 3 of section 196 and the provisions of sections 89.1 to 89.4 of Part I of that Act apply to the Société.

CHAPTER III

FINANCIAL PROVISIONS

Authorized capital.

25. The authorized capital of the Société is \$50,000,000, divided into 500,000 shares of a par value of \$100 each.

Shares.

26. The shares of the capital of the Société form part of the domain of the State and shall be allotted to the Minister of Finance.

Payment for shares.

27. The Minister of Finance may, with the authorization of the Government, pay to the Société out of the consolidated revenue fund an amount of \$50,000,000 for 500,000 fully paid shares of its capital for which a certificate shall be issued to the Minister of Finance.

Instalments.

The payment may be made in one or more instalments; if it is made in several instalments, each of them must be authorized by the Government.

Subscribing of shares.

28. After a reduction of the share capital of the Société and an equivalent repayment of capital to the Minister of Finance are effected under the Act respecting the reduction of the share capital of legal persons established in the public interest and of their subsidiaries (R.S.Q., chapter R-2.2.1), the Minister of Finance may, with the authorization of the Government and on the conditions it determines, subscribe shares of the Société the value of which shall not exceed the amount of the repayment. Such shares shall be paid out of the consolidated revenue fund. Certificates shall be issued when the shares are fully paid.

Transfer.

29. The Government may, subject to the terms and conditions it determines, transfer to the Société the ownership of any property forming part of the domain of the State and may receive in return any property, including shares of the capital of the Société.

Registration.

30. A transfer pursuant to section 29 shall be registered in the land register on presentation of the order in council authorizing the transfer, containing a description of the immovable property transferred and the effective date of the transfer.

Provisions not applicable.

The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to such a transfer.

Powers.

- **31.** The Government may, subject to the terms and conditions it determines,
- (1) guarantee the payment of the capital of or interest on any loan contracted by the Société or any of its subsidiaries and the performance of its obligations;
- (2) make any commitment in respect of the pursuit or financing of an initiative in which the Société or any of its subsidiaries is a participant;

(3) authorize the Minister of Finance to advance to the Société or any of its subsidiaries any amount considered necessary for the pursuit of their objects.

Consolidated revenue fund.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

Authorization.

- **32.** Neither the Société nor any of its subsidiaries may, except with the authorization of the Government,
- (1) acquire or hold shares issued by a legal person or shares in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (2) transfer shares of a legal person or shares in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government:
- (3) contract a loan that increases its total outstanding borrowings to an amount greater than the amount determined by the Government;
- (4) grant loans or make any other financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (5) acquire or transfer other assets in excess of the limits or in contravention of the terms and conditions determined by the Government;
 - (6) accept a gift or bequest to which a charge or condition is attached.

Applicability.

The amounts, limits and terms and conditions determined under this section may apply to the group formed by the Société and its subsidiaries or to one or more members of the group.

Exception.

This section does not apply to transactions between the Société and its subsidiaries or between the subsidiaries.

Approval.

33. The Société must obtain the approval of the Minister of Industry, Trade, Science and Technology and the Minister of Finance where the amount of its financial participation in an initiative is greater than \$5,000,000, or the approval of the Government where that amount is greater than \$10,000,000.

Subsidiary.

34. For the purposes of this Act, a legal person or a partnership is a subsidiary of the Société if the latter holds more than 50% of the voting rights attached to all the issued and outstanding shares of the legal person or more than 50% of the shares in the partnership, or may elect or appoint a majority of the directors.

Dividends.

35. The dividends payable by the Société shall be fixed by the Government.

CHAPTER IV

ACCOUNTS AND REPORTS

Fiscal year.

36. The fiscal year of the Société ends on 31 March.

Report of operations.

37. The Société shall, not later than 31 July each year, file with the Minister its financial statements and a report of its operations for the preceding fiscal year.

Content.

The financial statements and report of operations shall contain all the information required by the Minister.

Tabling.

38. The Minister shall table the report of operations and the financial statements of the Société in the National Assembly within 15 days of receiving them or, if it is not sitting, within 15 days of resumption.

Development plan.

39. The Société shall formulate according to the form, content and intervals fixed by the Government, a development plan that includes the operations of its subsidiaries. The plan must be submitted to the Government for approval.

Audit.

40. Each year, and whenever so ordered by the Government, the books and accounts of the Société shall be audited by the Auditor General or, with the authorization of the Government, by an auditor designated by the Société.

Report.

The auditor's report must be submitted with the report of operations and the financial statements of the Société.

Additional information.

41. The Société shall in addition communicate to the Minister any information required by the Minister concerning its operations.

CHAPTER V

MISCELLANEOUS PROVISIONS

Payment for shares.

42. The Société shall remit to the Minister of Finance, according to the terms and conditions determined by the Minister of Finance, an amount equal to its equity as at 31 March 1998 and to the advances paid by the Government up to the date of coming into force of this Act. The Minister shall subscribe and pay for shares of the Société for an amount corresponding to that amount and shall be issued a certificate therefor.

End of terms.

43. The members of the board of directors and the chief executive officer of the Société, in office on 29 June 1998, remain in office until the end of their terms of office.

c. S-17.2.1, replaced.

44. This Act replaces the Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.1).

References.

Every reference to that Act or to any of its provisions is a reference to this Act or to the corresponding provision thereof.

Minister responsible.

45. The Minister of Industry, Trade, Science and Technology is responsible for the administration of this Act.

Coming into force.

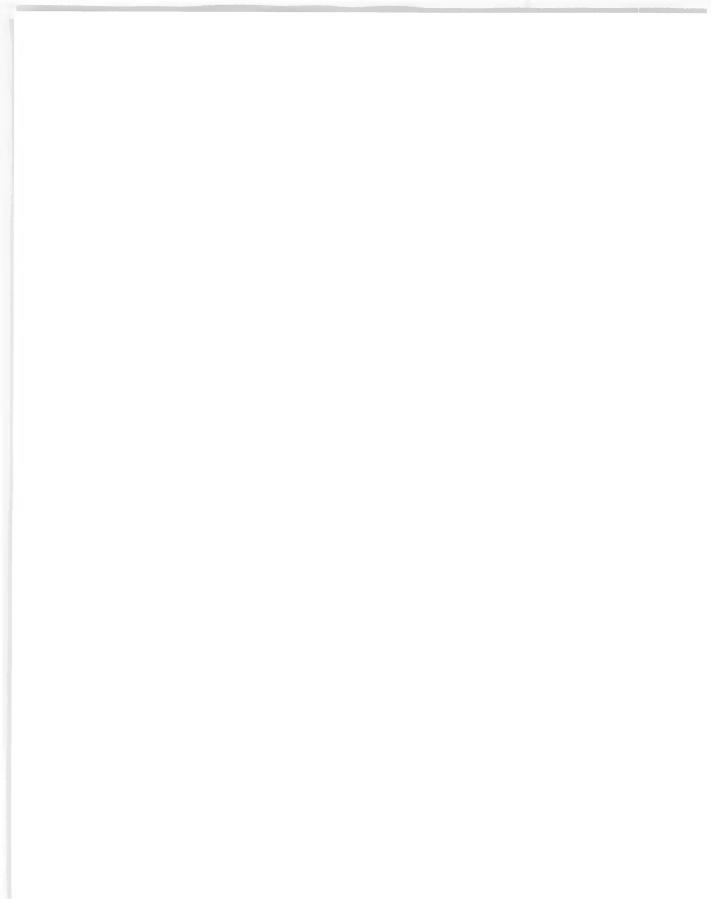
46. This Act comes into force on the date to be fixed by the Government.

SCHEDULE A

The aggregate of the territories of the following municipal bodies:

Municipalité régionale de comté d'Acton
Municipalité régionale de comté de Brome-Missisquoi
Municipalité régionale de comté de La Haute-Yamaska
Municipalité régionale de comté d'Arthabaska
Municipalité régionale de comté de Drummond
Municipalité régionale de comté de Coaticook
Municipalité régionale de comté de Coaticook
Municipalité régionale de comté du Granit
Municipalité régionale de comté du Haut-Saint-François
Municipalité régionale de comté de Memphrémagog
Municipalité régionale de comté de Sherbrooke

Municipalité régionale de comté du Val-Saint-François



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 23 AN ACT TO AMEND THE LABOUR CODE

Bill 446

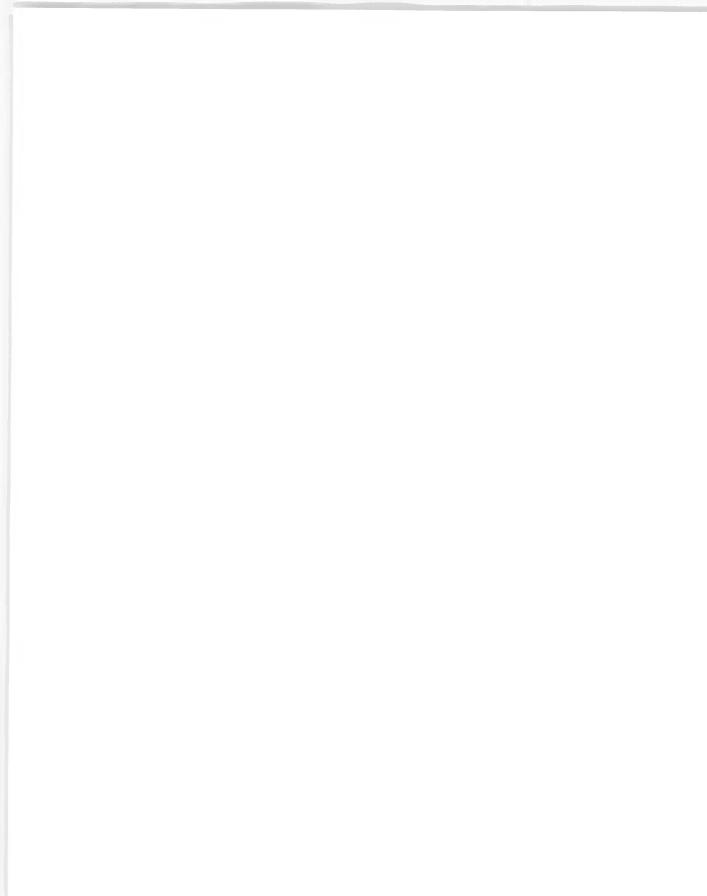
Introduced by Mr Matthias Rioux, Minister of Labour Introduced 14 May 1998
Passage in principle 26 May 1998
Passage 9 June 1998
Assented to 12 June 1998

Coming into force: 12 June 1998

Legislation amended:

Labour Code (R.S.Q., chapter C-27)







Chapter 23

AN ACT TO AMEND THE LABOUR CODE

[Assented to 12 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-27, s. 111.0.8, am.

1. Section 111.0.8 of the Labour Code (R.S.Q., chapter C-27) is amended by adding, at the end, the following:

President or vicepresident. "The president or the vice-president may also act alone on behalf of the council

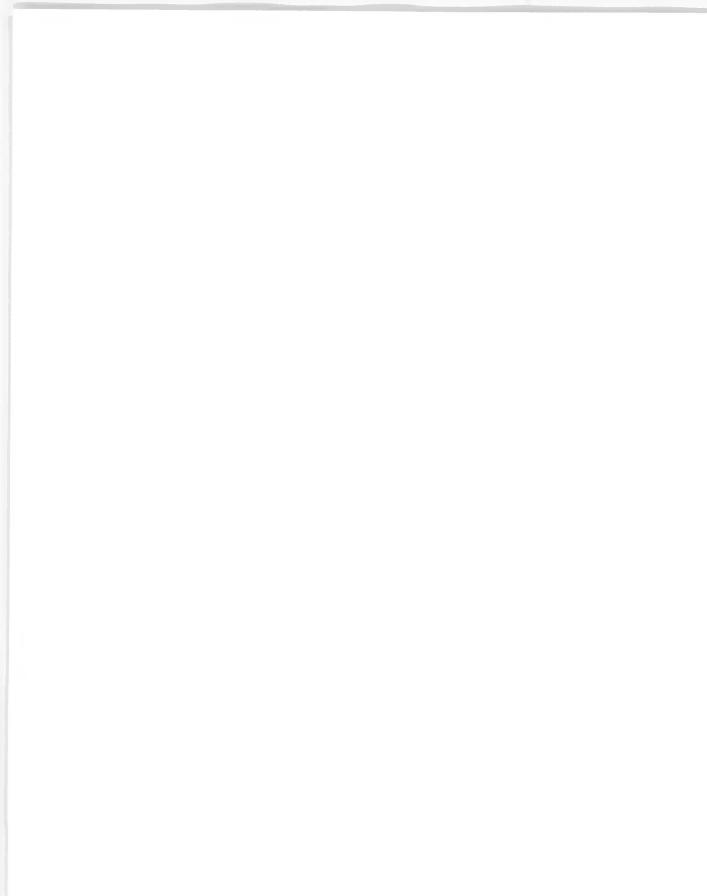
- (1) to designate a person to assist the parties in reaching an agreement under Chapter V.1;
- (2) to determine whether or not the essential services or the services provided for in an agreement or a list referred to in Divisions II and III are sufficient; and
- (3) to exercise the powers of the council under the fourth paragraph of section 111.0.18, the second paragraph of section 111.10.5 and section 111.10.6."

c. C-27, s. 111.0.16, am.

- 2. Section 111.0.16 of the said Code is amended
- (1) by inserting, at the end of paragraph 5, the following: "and a gas storage enterprise";
 - (2) by inserting, after paragraph 5.1, the following:
- "(5.2) an organization for the protection of the forest against fire certified under section 125 of the Forest Act (chapter F-4.1);";
- (3) by replacing "the Canadian Red Cross Association" in the fourth and fifth lines of paragraph 7 by "an enterprise involved in the collection, transportation or distribution of blood or blood products or human organs for transplantation".
- c. C-27, s. 111.17, am.
- **3.** Section 111.17 of the said Code is amended by adding, at the end of subparagraph 3 of the second paragraph, the following: ", which fund shall include any interest accrued since its establishment".
- c. C-27, s. 111.20, am.
- **4.** Section 111.20 of the said Code is amended by replacing "prothonotary" in the second line of the first paragraph by "clerk".

Coming into force.

5. This Act comes into force on 12 June 1998.



NATIONAL ASSEMBLY
Thirty-fifth Legislature, second session

1998, chapter 24 AN ACT TO AMEND THE MINING ACT AND THE ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN

Bill 182

Introduced by Madam Denise Carrier-Perreault, Minister for Mines and Lands Introduced 2 December 1997
Passage in principle 9 December 1997
Passage 12 June 1998
Assented to 17 June 1998

Coming into force: on the date or dates to be fixed by the Government, except

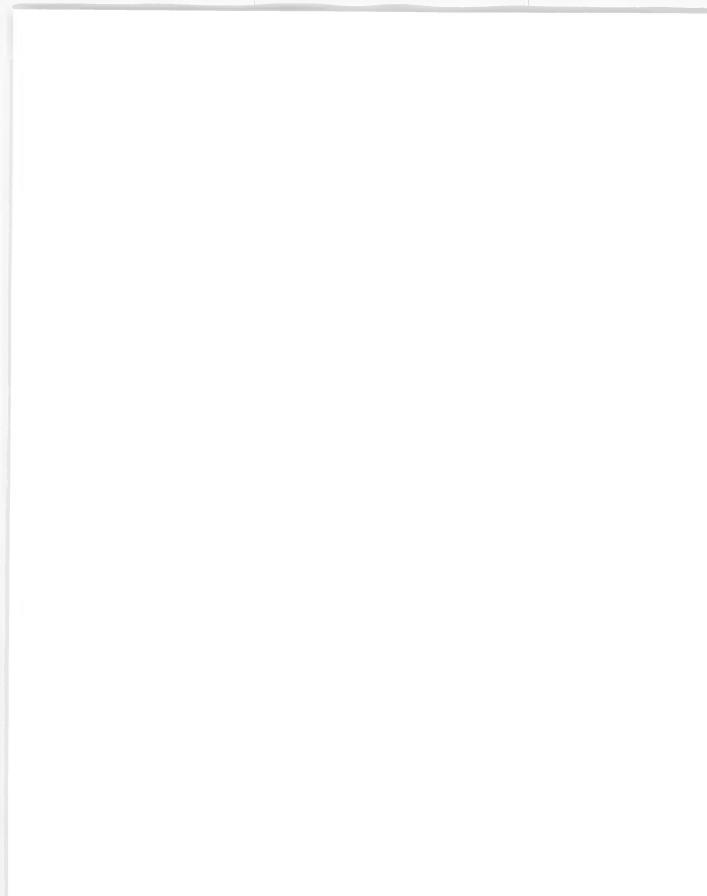
(1) the provisions of section 46, to the extent that they repeal section 89 of the Mining Act, which come into force on (insert here the date occurring three years after the date of coming into force of section 46 of this Act);

(2) the provisions of sections 52 to 55, 110 to 112, 121, 135, 137 to 141, 146, 147 and 153, which come into force on 17 June 1998.

Legislation amended:

Mining Act (R.S.Q., chapter M-13.1) Act respecting the lands in the public domain (R.S.Q., chapter T-8.1)







Chapter 24

AN ACT TO AMEND THE MINING ACT AND THE ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. M-13.1, s. 1, am.

- 1. Section 1 of the Mining Act (R.S.Q., chapter M-13.1) is amended
- (1) by replacing the words "an exploration licence" in the third line of the definition of "to prospect" by the words "a licence to explore for petroleum, natural gas and underground reservoirs, an authorization to produce brine", and by replacing the words ", natural gas or brine" in that definition by the words "or natural gas";
- (2) by replacing the definition of "surface mineral substances" by the following definition:

"surface mineral substances".

""surface mineral substances" means peat; sand including silica sand; gravel; limestone; calcite; dolomite; common clay and argillaceous rocks used in the manufacture of clay products; all types of rocks used as dimension stone, crushed stone or silica ore or in the making of cement; and every mineral substance that is found in its natural state as a loose deposit, except the tilth, as well as inert mine tailings, where such substances and tailings are used for construction purposes, for the manufacture of construction materials, or for the improvement of soils;".

c. M-13.1, s. 8, am.

2. Section 8 of the said Act is amended

- (1) by replacing the words "exploration licences for petroleum and natural gas" by the words "licences to explore for petroleum, natural gas and underground reservoirs";
- (2) by striking out the words "exploration licences for brine;" and "exploration licences for underground reservoirs;";
- (3) by replacing the words "leases to produce brine" by the words "authorizations to produce brine".

c. M-13.1, s. 10, am.

3. Section 10 of the said Act is amended

(1) by replacing the words preceding the list of mining rights by the following:

Exemption from registration.

- "10. The following are exempt from registration at the registry office of the registration division:";
- (2) by replacing the words "exploration licences for petroleum and natural gas" by the words "licences to explore for petroleum, natural gas and underground reservoirs";
- (3) by striking out the words "exploration licences for brine;" and "licences to explore for underground reservoirs;";
 - (4) by adding, at the end, the words "authorizations to produce brine".

c. M-13.1, s. 12, repealed.

4. Section 12 of the said Act is repealed.

c. M-13.1, s. 14, replaced.

5. Section 14 of the said Act is replaced by the following section:

Registration.

"14. Every transfer of a real and immovable mining right, and every other act to which paragraph 3 of section 13 applies, shall be registered in the public register of real and immovable mining rights on presentation of a copy of the instrument evidencing the transfer or act and on payment of the fees fixed by regulation.

Effect.

No such transfer or act, whether or not it is exempt from registration at the registry office of the registration division, may have effect against the Crown unless it has been registered in the public register of real and immovable mining rights."

c. M-13.1, s. 15, repealed.

6. Section 15 of the said Act is repealed.

c. M-13.1, s. 22, replaced.

7. Section 22 of the said Act is replaced by the following section:

Map designation.

"22. Any person, even a person not holding a prospecting licence, may designate on a map a parcel of land on which a claim may be obtained by a map designation."

c. M-13.1, s. 28, replaced.

8. Section 28 of the said Act is replaced by the following section:

Staking prohibited.

"28. Ground staking is prohibited on any parcel of land within the boundaries of a territory where claims may be obtained by map designation.

Map designation prohibited.

Map designation is prohibited in respect of any parcel of land within the boundaries of a territory where claims may be obtained by ground staking.

Boundaries.

The boundaries shall be determined by the Minister and shown on maps kept at the office of the registrar in accordance with section 60.1."

c. M-13.1, s. 29, am.

9. Section 29 of the said Act is amended by replacing the words "a mining concession or a mining lease or an application for a mining lease" in the second and third lines by the words "or any land that is subject to a mining

concession, a mining lease, an application for a mining lease or an application for a conversion of mining rights under subdivision 5 of Division III of this chapter".

- c. M-13.1, s. 31, repealed.
- **10.** Section 31 of the said Act is repealed.
- c. M-13.1, s. 32, am.
- II. Section 32 of the said Act is amended
 - (1) by striking out the words "or designate on a map" in the second line;
 - (2) by striking out paragraph 3;
 - (3) by replacing paragraph 4 by the following paragraph:
- "(4) reserved to the Crown by ministerial order pursuant to subparagraph 1 of the first paragraph of section 304;".
- c. M-13.1, s. 33, am.
- **12.** Section 33 of the said Act is amended by replacing the words ", stake, or designate on a map" in the second line by the words "or stake".
- c. M-13.1, s. 34, am.
- 13. Section 34 of the said Act is amended
- (1) by replacing the words "sections 72 to 81" in the second and third lines by the words "the provisions of this Act";
 - (2) by adding, at the end, the following paragraph:

Conditions and requirements.

"The Minister may also, in the public interest, impose such conditions and requirements on the claim holder during the term of the claim, alter existing conditions and requirements or impose new conditions and requirements."

- c. M-13.1, s. 35, am.
- **14.** Section 35 of the said Act is amended by striking out the words "or designate on a map" in the first line.
- c. M-13.1, s. 36, am.
- **15.** Section 36 of the said Act is amended by replacing the words "registered in favour of a third person" in the second line of the first paragraph by the words "obtained by staking and registered in favour of a third person, except if the claim has already been converted into a map designated claim or if an application for conversion has been made."
- c. M-13.1, s. 37, repealed.
- **16.** Section 37 of the said Act is repealed.
- c. M-13.1, s. 38, am.
- 17. Section 38 of the said Act is amended
- (1) by replacing the words "dont l'enregistrement a été refusé" in the second line of the first paragraph of the French text by the words "dont l'inscription a été refusée", and by replacing the word "enregistrement" in the fifth line of the French text of the said paragraph by the word "inscription";

- (2) by replacing the words "receipt by the registrar of the written notice of abandonment" in the fifth and sixth lines of the first paragraph by the words "registration of the abandonment by the registrar";
- (3) by replacing the word "enregistrement" in the third line of the second paragraph of the French text by the word "inscription";
- (4) by replacing the word "enregistrement" in the first line of the last paragraph of the French text by the word "inscription".

c. M-13.1, s. 41, repealed.

18. Section 41 of the said Act is repealed.

c. M-13.1, s. 42, am.

- **19.** Section 42 of the said Act is amended
 - (1) by replacing the first paragraph by the following paragraph:

Area staked.

- **"42.** The area of each parcel of land staked shall, as nearly as practicable, be 16 hectares and its sides shall be 400 metres in length, with boundary lines running as nearly as possible north and south and east and west astronomically.";
- (2) by replacing the words "or map designation may be staked or designated on a map" in the fourth line of the second paragraph by the words "may be staked";
 - (3) by adding, after the second paragraph, the following paragraph:

Area and shape.

"The area and shape of a parcel of land that may be the subject of a claim by way of map designation shall be determined by the Minister and shown on the maps kept at the office of the registrar."

c. M-13.1, ss. 42.1-42.4, added.

20. The said Act is amended by inserting, after section 42, the following sections:

Area covered by claim.

"42.1. Every claim obtained by map designation or by conversion of a mining right into a map designated claim pursuant to subdivision 5 of this division must cover the entire area of a parcel of land determined by the Minister and shown on the maps kept at the office of the registrar or, where applicable, only the area of the parcel of land that is open to map designation in accordance with this Act.

Refusal.

However, where a map designated claim has been obtained by the conversion of a mining right, the claim holder may, within 60 days from the date of issue of the certificate of registration of the claim, refuse the inclusion of any part of the parcel of land subject to the claim that exceeds the area subject to the converted mining right if the inclusion of the excess portion would impose new requirements on the claim holder by reason of the application of section 231.

Extension of area.

"42.2. Where it has not been possible to extend a claim obtained by map designation or by conversion of a mining right to cover the total area of a parcel of land as shown on the maps, the area of land subject to the claim must, as soon as possible, be extended so as to include an area corresponding to the total area of a parcel of land shown on the maps provided that the included area is open to map designation in accordance with this Act.

Drawing of lots.

Where parts of a parcel of land shown on the maps are subject to more than one claim, the Minister shall extend one such claim, as determined by a drawing of lots, to include the excess portion of the parcel of land, provided that the included area is contiguous and is open to map designation in accordance with this Act.

Refusal.

However, the holder of the claim extended to include the excess portion of land may, within 60 days from the date of issue of the notice of extension, refuse the extension if it would impose new obligations on the claim holder by reason of the application of section 231.

Effect of extension.

"42.3. No extension of the area of the parcel of land subject to a claim, pursuant to section 42.2, shall have the effect of increasing the cost of the work to be performed in respect of the claim for the term during which the extension is effected.

Decision.

"42.4. Any decision concerning the application of sections 42.1 and 42.2 may be made by the Minister, including a decision concerning the rules relating to the area of the parcel of land subject to a claim obtained by map designation or by conversion of a mining right, and the Minister may order, where necessary for the application of the said provisions, a survey of the parcels of land concerned."

c. M-13.1, s. 43, repealed.

21. Section 43 of the said Act is repealed.

c. M-13.1, s. 44, am.

22. Section 44 of the said Act is amended by striking out the words "referred to in section 42" in the first line.

c. M-13.1, s. 46, am.

23. Section 46 of the said Act is amended

(1) by replacing the word "déposé" in the second line of the first paragraph of the French text by the word "présenté", and by replacing the word "enregistré" in the fourth line of the first paragraph of the French text by the word "inscrit";

(2) by striking out the second paragraph.

c. M-13.1, s. 47, replaced.

24. Section 47 of the said Act is replaced by the following section:

Acquisition of claim.

"47. A map designated claim is acquired by the filing of a notice of map designation followed by its registration at the office of the registrar.

Filing of notice.

A notice of map designation may also be filed in person at a regional office designated by ministerial order. The notice shall then be forwarded to the office of the registrar for registration."

c. M-13.1, s. 48, am.

- **25.** Section 48 of the said Act, amended by section 353 of chapter 43 of the statutes of 1997, is again amended
- (1) by replacing the words "prescribed by regulation, contain the information required therein" in the first and second lines by the words "supplied by the Minister, contain the information determined by regulation";
- (2) by striking out the words "or the limits of the mining sites referred to in paragraph 3 of section 32" in the third and fourth lines of paragraph 2.

c. M-13.1, s. 49, am.

- **26.** Section 49 of the said Act is amended
- (1) by replacing the words "prescribed by regulation, contain the information required therein" in the first and second lines by the words "supplied by the Minister, contain the information determined by regulation";
- (2) by replacing the second sentence by the following sentence: "The notice of map designation must be accompanied with a statement signed by the applicant to the effect that the information furnished is accurate."

c. M-13.1, s. 50, am.

- 27. Section 50 of the said Act is amended
- (1) by replacing the words "déposer, avant l'enregistrement" in the first line of the French text by the words "présenter, avant l'inscription";
 - (2) by adding, at the end, the following paragraph:

Notice of error.

"The registrar shall, on finding a manifest error in a notice of staking or notice of map designation and before registering the claim, send the applicant a notice describing the error to be corrected. If the applicant fails to file an amended notice of staking or notice of map designation within 15 days of receiving the notice requesting that a correction be made, the registrar shall refuse the notice of staking or notice of map designation filed by the applicant."

c. M-13.1, s. 51, am.

- 28. Section 51 of the said Act is amended
 - (1) by striking out the figure "31," in the second line of paragraph 2;
 - (2) by replacing paragraph 3 by the following paragraph:
- "(3) where the notice relates to a parcel of land that has been staked in contravention of section 29, 30, 35 or 38 or the second paragraph of section 40;";
 - (3) by adding, at the end, the following paragraph:

Refusal of notice.

"The registrar shall also refuse a notice of staking that relates to a parcel of land that has been staked in contravention of the first paragraph of section 28 except if, less than six months before the staking, the land staked formed part of the territory in which claims could be obtained by staking. However, in that case, the notice of staking shall be deemed to be a notice of map designation for the purposes of this Act."

c. M-13, I, s, 52, am.

29. Section 52 of the said Act is amended

- (1) by replacing the word "enregistré" in the first line of paragraph 1 of the French text by the word "inscrit";
 - (2) by striking out paragraph 2;
- (3) by replacing the words ", 35, 37, 38, 41 or 42" in the second line of paragraph 3 by the words "or 38";
 - (4) by adding, at the end, the following paragraphs:

Forwarding to Minister.

"The registrar shall forward, to the Minister, every notice of map designation that relates to a parcel of land

- (1) from which mineral substances referred to in section 5 have been, or are being, extracted, except sand or gravel;
- (2) for which authorization from the Minister would be required under section 32 or 33 were the parcel of land a parcel of land open for staking.

Refusal or conditional acceptance.

The Minister may refuse the notice of map designation or, where considered necessary by the Minister, accept it subject to the conditions and requirements imposed by the Minister that may, in particular and notwithstanding the provisions of this Act, concern work to be performed on the parcel of land that will be subject to the claim.

Conditions and requirements.

The Minister may also, in the public interest, impose such conditions and requirements on the claim holder during the term of the claim, alter existing conditions and requirements or impose new conditions and requirements."

c. M-13.1, s. 56, am.

30. Section 56 of the said Act is amended

- (1) by replacing the words "certificat d'enregistrement" in the second and third lines of the first paragraph of the French text by the words "certificat d'inscription";
- (2) by replacing the words "certificat d'enregistrement attestant l'existence du claim à compter de la date du dépôt de cet avis" in the second and third lines of the second paragraph of the French text by the words "certificat d'inscription attestant l'existence du claim à compter de la date de la présentation de cet avis".

c. M-13.1, s. 60.1, added.

31. The said Act is amended by inserting, after section 60, the following section:

Boundaries.

"**60.1.** The Minister shall determine the boundaries of the territories in which claims may be obtained by staking and the boundaries of the territories in which claims may be obtained by map designation, and indicate them on maps kept at the office of the registrar. The Minister shall, from time to time, modify the boundaries of the territories as and when claims obtained by staking are converted into map designated claims, are not renewed, or are abandoned or revoked.

Modification.

The notice of modification, accompanied with the map showing the new boundaries of the territories, must be filed and kept at the office of the registrar, and a copy of the notice must be posted in a conspicuous place at the office of the registrar.

Effect.

The modification shall take effect on the date on which the notice of modification is filed at the office of the registrar. However, no such modification may affect the right of a person having staked a parcel of land before the date of filing of the notice to file a notice of staking for registration within the required time. In such a case, a corresponding modification shall be made to the map accompanying the notice of modification, except if the person agrees to a conversion into a map designated claim."

c. M-13.1, s. 61, am.

- **32.** Section 61 of the said Act is amended
 - (1) by replacing the first paragraph by the following paragraph:

Term of claim.

- "61. Subject to the special rules set out in the first paragraph of section 83.3 for the conversion of mining rights into map designated claims following an application under section 83.2 or 83.6, the first term of a claim shall expire two years from the day the claim is registered, except where the date of expiry of a claim is changed following an application made under subdivision 6 of this division for the determination of a common claim expiry date or for the reduction of the term of a claim.";
- (2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:
- "(1) has applied for the renewal of the claim before its date of expiry or, on payment of the extra amount fixed by regulation, within the 15 days following its date of expiry. An application for renewal must be filed using the form supplied by the Minister and must contain the information determined by regulation;";
- (3) by replacing the word "enregistré" in the first line of the third paragraph of the French text by the word "inscrit".
- c. M-13.1, s. 63, am.
- **33.** Section 63 of the said Act is amended

- (1) by replacing the words "certain conditions" in the first line by the words "the conditions determined by the Minister";
 - (2) by replacing paragraph 1 by the following paragraph:
 - "(1) during such time as the validity of the claim is contested;".
- c. M-13.1, s. 64, replaced.

Exclusive right.

- **34.** Section 64 of the said Act is replaced by the following section:
- **"64.** The holder of a claim has the exclusive right to explore for mineral substances on the parcel of land subject to the claim, with the exception of
 - (1) petroleum, natural gas and brine;
- (2) sand other than silica sand used for industrial purposes, gravel, common clay used in the manufacture of clay products and every other mineral substance found in its natural state as a loose deposit, as well as inert mine tailings used for construction purposes;
- (3) on any part of the parcel of land that is also subject to an exploration licence for surface mineral substances or an exclusive lease to mine surface mineral substances, every other surface mineral substance."
- c. M-13.1, s. 66, am.
- **35.** Section 66 of the said Act is amended by replacing the first paragraph by the following paragraph:

Authorization for construction.

- **"66.** The claim holder may not erect or maintain any construction on lands of the public domain without first obtaining authorization from the Minister, except if the construction is located on the parcel of land subject to the claim and is a construction of a type defined by a ministerial order made under subparagraph 2.1 of the first paragraph of section 304."
- c. M-13.1, s. 69, am.
- **36.** Section 69 of the said Act is amended by replacing the words "a greater quantity is required" in the first line of the second paragraph by the words "it is necessary to extract or dispatch a greater quantity of mineral substances, other than surface mineral substances," and by inserting the word "such" after the word "of" in the second line of the second paragraph.
- c. M-13.1, s. 72, am.
- **37.** Section 72 of the said Act is amended by replacing the words "beyond one-fourth of that minimum cost" in the fifth and sixth lines of the first paragraph by the words "unless the work is performed within 48 months following the date on which the claim was registered".
- c. M-13.1, s. 73, replaced.
- Payment in lieu of work.
- **38.** Section 73 of the said Act is replaced by the following section:
- "73. Where the work to be performed by the holder of a claim has not been performed or reported within the time prescribed or where the work performed, on the expiry of the time prescribed, is not sufficient for the renewal of the claim, the claim holder may pay the Minister an amount equal

to the minimum cost of the work that should have been performed or reported or, where applicable, equal to the difference between that minimum cost and the cost of the work performed on the land and reported."

c. M-13.1, s. 76, am.

39. Section 76 of the said Act is amended by replacing the words "if he does so sixty days or more before" in the first line of the first paragraph by "not later than fifteen days after the date of".

c. M-13.1, s. 77, am.

40. Section 77 of the said Act is amended by replacing the first paragraph by the following paragraph:

Amounts applicable to renewal.

"77. A claim holder who is also the holder of a mining lease or mining concession may, not later than fifteen days after the date of expiry of the claim to be renewed, apply all or part of the amounts spent to perform work in respect of the lease or concession to the claim to be renewed, provided that the total of all such amounts does not exceed one-fourth of the minimum cost of the work to be performed for the renewal of the claim and provided that the work was performed during the term of the claim and that all the land that is subject to the claim, lease or concession is included in a 3.2 kilometre square."

c. M-13.1, s. 80, replaced.

41. Section 80 of the said Act is replaced by the following section:

Work prior to current term.

****80.** The work performed in respect of a claim during the 24 months preceding the current term may, in a report, be applied to the current term of the claim.

Restriction.

However, where a claim obtained by staking is converted into one or more map designated claims following an application under section 83.2, only the work performed in respect of the claim during the 24 months preceding the date of conversion may be applied, in a report, to the term of the claim that follows the conversion."

c. M-13.1, s. 81, replaced.

42. Section 81 of the said Act is replaced by the following section:

Surveys and prospecting.

****81.** All geological, geophysical or geochemical surveys and prospecting work defined by regulation, performed in the territory comprising the parcel of land that is subject to a claim during the 24 months preceding the date of staking or filing of the notice of map designation may, in a report, be applied to the first term of a claim

Conversion of claims.

However, where a claim obtained by staking is, during its first term, converted into one or more map designated claims following an application under section 83.2, the 24-month period shall be calculated with reference to the date of conversion, and the surveys and work referred to in the first paragraph may be applied, in a report, to the term immediately following the conversion."

c. M-13.1, s. 83, am.

43. Section 83 of the said Act is amended by adding, at the end, the following sentence: "The claim is deemed to be abandoned on the day on which the registrar registers the abandonment in the public register of real and immovable mining rights."

c. M-13.1, subdiv. 5 and 6, ss. 83.1-83.13, added.

44. The said Act is amended by inserting, after section 83, the following subdivisions:

"§5. — Conversion of mining rights into map designated claims

Conversion of claim.

****83.1.** Except with respect to a claim held on a parcel of land situated in Îles-de-la-Madeleine, the holder of a claim obtained by staking, held on a parcel of land staked in a lot of 500 hectares or less and situated in a township or seigniory or in a block formerly subject to a mining lease or mining concession, may apply to the Minister for the conversion of the staked claim into a map designated claim.

Application.

The application for conversion must be filed using the form supplied by the Minister and contain the information prescribed by regulation.

Certificate of registration.

The claim obtained by conversion shall replace the converted claim from the date of issue of the certificate of registration of the claim converted into a map designated claim. The map designated claim shall be deemed to exist from the same date as the converted claim; the unexpired portion of the term of the claim and the rights and obligations of the claim holder during the term of the claim shall remain unchanged.

Îles-de-la-Madeleine.

"83.2. The holder of a claim obtained by staking with respect to a parcel of land situated in Îles-de-la-Madeleine or in any territory other than a territory referred to in section 83.1, may also apply to the Minister for the conversion of the staked claim into one or more map designated claims.

Application.

The application for conversion must be filed using the form supplied by the Minister, and contain the information and be accompanied with the documents determined by regulation.

Certificate of registration.

The claims obtained by conversion shall replace the converted claims from the date of issue of the certificates of registration of the claims converted into map designated claims, and the date of registration of the converted claims is deemed to be the date of conversion.

Provisions applicable.

The conversion of a claim applied for under this section is effected in accordance with sections 83.3 to 83.5.

Date of expiry.

"83.3. The date of expiry of the claims converted into map designated claims shall be the date of expiry of the converted claims. However, where an application for conversion concerns more than one claim held on contiguous parcels of land, the Minister shall fix the date of expiry of the claims converted

into map designated claims by calculating, in the manner prescribed by regulation, the average unexpired portion of the terms of all the claims to be converted.

Work to be performed.

The Minister shall also determine, for each of the parcels of land subject to the converted claims, the minimum cost of the work required for the first renewal of the claims following conversion by adding together the minimum cost of the work to be performed on all the parcels of land that are subject to the claims to be converted and by allocating the resulting total minimum cost among the converted claims in proportion to the respective area of each.

Allocation of excess.

"83.4. The Minister shall allocate any excess amount disbursed for work performed on all the parcels of land subject to the claims to be converted among the resulting map designated claims, in the manner and subject to the conditions prescribed by regulation.

Minimum cost.

***83.5.** In order to establish the minimum cost of the work required to renew the claims converted into map designated claims for every renewal except the first renewal following conversion, the Minister shall determine the number of terms of the converted claims in the manner prescribed by regulation.

Conversion of licence.

****83.6.** The holder of a licence to explore for surface mineral substances in a territory that is subject to no claim or mining exploration licence may apply to the Minister for the conversion of the licence into one or more map designated claims.

Application.

The application for conversion must be filed using the form supplied by the Minister, and must contain the information and be accompanied with the documents determined by regulation.

Effect.

The claims obtained by conversion shall replace the licence from the date of issue of the certificates of registration of the claims.

Provisions applicable.

The rules set out in sections 83.3 to 83.5 for the conversion of claims obtained by staking with respect to parcels of land situated in a territory referred to in section 83.2, adapted as required, apply to conversions under this section.

Holder of licence and claim.

"83.7. The holder of a licence to explore for surface mineral substances that relates to a territory all or part of which is also subject to a claim or mining exploration licence held by the same holder may, in accordance with section 139, abandon the rights held over the territory also subject to the claim or mining exploration licence and request that the excess amount disbursed for work performed on the territory subject to the licence to explore for surface mineral substances, or part of that excess amount, be applied to the terms for which the claim is renewed or to subsequent terms of the mining exploration licence.

Apportionment of disbursements.

Where all or part of the territory subject to the licence to explore for surface mineral substances is also subject to more than one claim or more than one mining exploration licence, the excess amount disbursed or the part of that excess amount shall be apportioned among them in proportion to their respective area.

Abandonment of rights.

Upon the abandonment of the rights held by the holder of the licence to explore for surface mineral substances over the part of the territory that is also subject to a claim or mining exploration licence, any licence to explore for surface mineral substances over the remaining part of the territory that is subject to no claim or mining exploration licence may be converted on application into one or more map designated claims in accordance with section 83.6.

Conversion prohibited.

"83.8. No licence to explore for surface mineral substances over a parcel of land all or part of which is also subject to a claim or mining exploration licence held by a third person may be converted.

"§6. — Determination of common claim expiry date and reduction of term

Common expiry date.

****83.9.** A claim holder may apply to the Minister for the determination of a common expiry date in respect of the claims specified by the claim holder.

Application.

An application for the determination of a common expiry date must be made using the form supplied by the Minister and must contain the information and be accompanied with the fees fixed by regulation.

Restriction.

Only one application may be filed in respect of a given claim during a given term.

Determination of date.

****83.10.** The common date of expiry of the claims concerned is determined by calculating, in the manner prescribed by regulation, the average unexpired portion of the terms of all the claims concerned by the application.

Earlier date.

****83.11.** The claim holder may, in an application for the determination of a common expiry date, request that the Minister determine a date prior to the date calculated pursuant to section 83.10 as the new date of expiry of the claims concerned by the application.

Reduction of term.

****83.12.** A claim holder may, at any time, apply to the Minister for the reduction of the term of a claim.

Application.

An application for the reduction of a term must be made using the form supplied by the Minister and must contain the information and be accompanied with the fees fixed by regulation.

Effect.

- "**83.13.** The determination of a common expiry date or the reduction of a term obtained following an application under this subdivision shall not affect the rights and obligations of the holder of the claims concerned by the application."
- c. M-13.1, s. 84, replaced.
- **45.** Section 84 of the said Act is replaced by the following sections:

Scope.

****84.** This division applies to mining exploration licences issued before (insert here the date of coming into force of section 45 of chapter 24 of the statutes of 1998).

Restriction.

Beginning on that date, no mining exploration licence may be issued for exploration in land situated to the north of the fifty-second degree of latitude.

Right to explore.

- ****84.1.** The holder of a mining exploration licence has an exclusive right to explore for mineral substances in the territory for which the licence is issued, with the exception of
 - (1) petroleum, natural gas and brine;
- (2) sand other than silica sand used for industrial purposes, gravel, common clay used in the manufacture of clay products and every other mineral substance found in its natural state as a loose deposit, as well as inert mine tailings used for construction purposes;
- (3) in the part of the territory also subject to a licence to explore for surface mineral substances or an exclusive right to mine surface mineral substances, every other surface mineral substance."

c. M-13.1, ss. 85-89, repealed.

46. Sections 85 to 89 of the said Act are repealed.

c. M-13.1, s. 91, am.

47. Section 91 of the said Act is amended by replacing the second paragraph by the following paragraph:

Conditions.

"The licensee shall also comply with any other condition imposed by the Minister, upon the issue of the licence, pursuant to section 34 or in the public interest."

c. M-13.1, s. 92.1, added.

48. The said Act is amended by inserting, after section 92, the following section:

Application of disbursements.

"**92.1.** A licensee who, pursuant to section 92, obtains one or more claims covering the whole territory for which the licence was issued may, on filing a notice of map designation, request that the excess amount disbursed for work performed in the territory for which the licence was issued be applied to the renewed terms of the claims, and that it be allocated to the claims in the manner and subject to the conditions prescribed by regulation."

c. M-13.1, s. 101, am.

49. Section 101 of the said Act is amended by inserting the words ", unless it has already been entirely surveyed," after the word "involved" in the second line of the second paragraph.

c. M-13.1, s. 101.1, added.

50. The said Act is amended by inserting, after section 101, the following section:

Right of access.

"101.1. Notwithstanding the first paragraph of section 101, the Minister may, if part of the parcel of land concerned by the application for a mining lease is already subject to an exclusive lease to mine surface mineral substances, postpone the granting of the mining lease until the applicant has obtained the consent of the holder of the exclusive lease to exercise, should the lease be granted, a right of access to or the right to perform mining operations on the land concerned or, failing agreement as to the amount of compensation to be paid to the holder of the exclusive lease, until an application for the fixing of compensation has been filed with the competent court. An application for the fixing of compensation is introduced by motion; it is heard and decided by preference.

Failure to act.

The Minister may refuse to grant the mining lease if the applicant, six months after a decision by the Minister to postpone the granting of the lease, has not obtained the consent of the holder of the exclusive lease or has not filed an application for the fixing of compensation with the competent court."

c. M-13.1, s. 104, am.

51. Section 104 of the said Act is amended by inserting the words ", by mere notice," after the word "lease" in the first line of the second paragraph.

c. M-13.1, ss. 112 and 113, repealed.

52. Sections 112 and 113 of the said Act are repealed.

c. M-13.1, s. 114, replaced.

53. Section 114 of the said Act is replaced by the following section:

Alienated lots.

"114. All lots subject to a mining concession that have been alienated in accordance with the Mining Act as it read on the date on which the alienation was authorized, and all lots the transfer of which cannot be invalidated under section 361, shall be withdrawn from the mining concession and shall form part of the private domain from the date of alienation or transfer."

c. M-13.1, s. 115, repealed.

54. Section 115 of the said Act is repealed.

c. M-13.1, s. 115.1, added.

55. The said Act is amended by inserting, after section 115, the following section:

Provisions applicable.

"115.1. From 17 June 1998, all lands in the public domain that are subject to a mining concession shall be governed, in addition to the provisions of this Act, by the provisions of the Act respecting the lands in the public domain (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles (chapter M-25.2).

Applicability.

The first paragraph applies to lots the alienation of which was authorized but for which no instrument of alienation has been made and published at the registry office before the said date.

No indemnity.

The concession holder is not entitled to any indemnity or reimbursement in respect of any claim arising from the application of this section."

c. M-13.1, s. 123, am.

- **56.** Section 123 of the said Act is amended
- (1) by replacing the word "enregistrer" in the third line of the first paragraph of the French text by the word "inscrire";
- (2) by replacing the words "Within thirty days from the expiry of the time prescribed in the first paragraph" in the first and second lines of the second paragraph by the word "Thereafter";
 - (3) by striking out the third paragraph.

c. M-13.1, s. 126, French text, am.

- **57.** Section 126 of the said Act is amended
- (1) by replacing the words "le régistrateur de la division d'enregistrement" in the first and second lines of the first paragraph of the French text by the words "l'officier de la publicité des droits de la circonscription foncière":
- (2) by replacing the words "enregistrées, avec renvoi au numéro d'enregistrement" in the second line of the second paragraph of the French text by the words "inscrites, avec renvoi au numéro d'inscription".

c. M-13.1, s. 130, replaced.

58. Section 130 of the said Act is replaced by the following sections:

Scope.

"130. This division applies to licences to explore for surface mineral substances issued before (insert here the date of coming into force of section 58 of chapter 24 of the statutes of 1998).

Restriction.

Beginning on that date, no licence to explore for surface mineral substances may be issued by the Minister.

Right to explore.

"130.1. The holder of a licence to explore for surface mineral substances has an exclusive right to explore for surface mineral substances, except sand, other than silica sand used for industrial purposes, gravel, common clay and any other mineral substance found in its natural state in the form of a loose deposit, as well as inert mine tailings used for construction purposes, in the territory for which the licence is issued."

c. M-13.1, ss. 131-133, repealed.

59. Sections 131 to 133 of the said Act are repealed.

c. M-13.1, s. 135, replaced.

60. Section 135 of the said Act is replaced by the following section:

Conditions.

"135. The licensee shall comply with the conditions of the licence prescribed by regulation and any other conditions imposed by the Minister, upon the issue of the licence, pursuant to section 34 or in the public interest, or because of the existence of other mining rights affecting the territory for which the licence is issued."

c. M-13.1, s. 136, am.

61. Section 136 of the said Act is amended by replacing the words "65 to 67 and 69 to 71" in the second line by the words "65 to 67, the first paragraph of section 69 and sections 70 and 71".

c. M-13.1, s. 140, am.

62. Section 140 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "Every person receiving such authorization must pay the duties and royalty fixed by regulation."

c. M-13.1, s. 141, am.

- **63.** Section 141 of the said Act is amended
- (1) by inserting the words "every other mineral substance found in its natural state as a loose deposit, and" after the word "clay" in the third line of the first paragraph;
 - (2) by replacing the second paragraph by the following paragraph:

Exclusive lease.

"The lease is exclusive where it is granted for the extraction or mining of silica sand used for industrial purposes or for surface mineral substances other than those mentioned in the first paragraph. The lease is also exclusive where it is granted for the extraction or mining of sand, gravel, common clay or a mineral substance found in its natural state as a loose deposit, if it is shown to the Minister's satisfaction that a supply guarantee is necessary for the carrying on of an industrial activity, or a crushing activity to guarantee supplies for an industrial activity or to engage in commercial export outside Québec, or where the lease is applied for by the Crown for the construction or maintenance of a public highway or other Crown works."

c. M-13.1, s. 142, am.

64. Section 142 of the said Act is amended by adding, at the end of the third paragraph, the following sentence: "Moreover, no exclusive lease shall be granted where the land concerned is subject to a claim or mining exploration licence held by a third person, except for the part of the land subject to a licence to explore for surface mineral substances held by the applicant, unless the lease applied for is only for the mining of a surface mineral substance referred to in paragraph 2 of section 64 or 84.1 that is excluded from the exclusive right to explore for mineral substances granted to the holder under the claim or mining exploration licence."

c. M-13.1, s. 142.1, added.

65. The said Act is amended by inserting, after section 142, the following section:

Waiting period.

"142.1. No person may apply for an exclusive lease to mine surface mineral substances on a parcel of land that is subject to a claim the registration of which has been refused or to an abandoned, revoked, unrenewed or expired claim, before the lapse of the time fixed in the first paragraph of section 38.

Additional period.

However, in no case may the holder of the abandoned, revoked, unrenewed or expired claim or any person who had an interest therein, or any person whose application for the registration of a claim has been refused, apply for an exclusive lease to mine surface mineral substances, on his own behalf, on the parcel of land that was subject thereto before an additional thirty-day period.

Withdrawal of appeal.

Where the interested person withdraws an appeal relating to a refusal to register, a refusal to authorize work, a refusal to renew or a revocation, the period begins to run from the day a notice of discontinuance is filed in the office of the Court of Québec.

Applicability.

This section does not apply to an application for an exclusive lease to mine surface mineral substances on a parcel of land subject to a licence to explore for surface mineral substances held by the applicant, or to an application that concerns only the mining of a surface mineral substance referred to in paragraph 2 of section 64 that is excluded from the exclusive right to explore for mineral substances granted to the holder under the claim."

c. M-13.1, s. 144, am.

66. Section 144 of the said Act is amended

- (1) by replacing the words "paragraphs 1 and 4" in the second line of the first paragraph by the words "paragraphs 1, 4 and 5";
- (2) by adding, at the end of the first paragraph, the following sentence: "A lease may also be granted in respect of a parcel of land to the extent that it is open for map designation according to subparagraph 1 of the second paragraph of section 52 and subject to the conditions fixed pursuant to the third and fourth paragraphs of that section."

c. M-13.1, s. 146, am.

67. Section 146 of the said Act is amended

- (1) by replacing the word "industrial" in the third line of paragraph 1.1 by the word "an" and by replacing the words "or common clay" in the first line of that paragraph by ", common clay or a mineral substance found in its natural state as a loose deposit";
- (2) by inserting the words "paid the fees prescribed by regulation and" after the word "has" in the first line of paragraph 3.

c. M-13.1, s. 147, am.

68. Section 147 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Term of lease.

- "147. A non-exclusive lease is effective from the date the registrar issues a certificate of registration of the lease and ends on 31 March of the year following the year in which the certificate of registration is issued.";
- (2) by striking out the words "30 days or more" in subparagraph 1 of the second paragraph.

c. M-13.1, s. 148, am.

69. Section 148 of the said Act is amended

- (1) by replacing the first sentence of the first paragraph by the following sentences: "The term of an exclusive lease fixed by the Minister may not exceed ten years. The Minister shall fix the term of the lease on the basis of the anticipated duration of the activities to which the application for extraction or mining pertains.";
- (2) by inserting the words ", by mere notice," after the word "lease" in the first line of the second paragraph;
- (3) by replacing the words "or common clay" in the second line of the fourth paragraph by the words "common clay or mineral substances found in their natural state as a loose deposit" and by striking out the word "industrial" in the sixth line of the fourth paragraph;
- (4) by replacing the words "and common clay" in the second line of the fifth paragraph by the words ", common clay or mineral substances found in their natural state as a loose deposit" and by replacing the words "an industrial activity" in the third line of the fifth paragraph by the words "the activity to which the application for extraction or mining pertains".

c. M-13.1, s. 155, replaced.

Report and payment.

70. Section 155 of the said Act is replaced by the following section:

"155. On the dates fixed by regulation, the lessee shall transmit to the Minister a report indicating the quantity of surface mineral substances extracted and the quantity of those alienated. The report must be submitted with the royalty fixed by regulation, where applicable.

Yearly or monthly reports.

Notwithstanding the first paragraph, the Minister may, in the cases provided for by regulation, allow a lessee to transmit one yearly report on the date fixed by the Minister or require the holder of a non-exclusive lease to transmit monthly reports on the dates fixed by the Minister.

Exemption.

No royalties are payable on sand, gravel and stone extracted from a sand pit or quarry for the construction or maintenance, on lands in the public domain, of

- (1) a mining road;
- (2) a forest road within the meaning of the second paragraph of section 31 of the Forest Act (chapter F-4.1) by the beneficiary of a timber supply and forest management agreement holding a forest management permit issued under section 85 of that Act;
- (3) a public highway constructed or maintained by the Crown, where the Crown holds a lease to mine surface mineral substances."

- c. M-13.1, s. 157, am.
- **71.** Section 157 of the said Act is amended by striking out the word ", brine" in the second and third lines of the first paragraph and in the third line of the second paragraph.
- c. M-13.1, s. 158, am.
- **72.** Section 158 of the said Act is amended by replacing the word "prescribed" in the second line of the first paragraph by the words "and pays the fees prescribed".
- c. M-13.1, s. 160, am.
- **73.** Section 160 of the said Act is amended by replacing the words ", natural gas or brine" in the first and second lines of the first paragraph by the words "or natural gas".
- c. M-13.1, s. 161, am.
- **74.** Section 161 of the said Act is amended
- (1) by replacing the word "prescribed" in the second line of the first paragraph by the words "and pays the fees prescribed";
 - (2) by replacing the second paragraph by the following paragraph:

Refusal.

"The Minister shall refuse to issue a licence where the applicant is not already the holder of a licence to explore for petroleum, natural gas and underground reservoirs, a lease to produce petroleum and natural gas or a lease to operate an underground reservoir with respect to the land that is the subject of the licence application."

- c. M-13.1, s. 164, am.
- **75.** Section 164 of the said Act is amended
- (1) by replacing the words ", natural gas or brine" in the first line by the words "or natural gas";
 - (2) by replacing paragraph 1 by the following paragraph:
 - "(1) he applies therefor in writing to the Minister;";
 - (3) by replacing paragraph 4 by the following paragraph:
- "(4) he has registered, in the registry office of the registration division concerned, a declaration of the existence and location of the closed well. The declaration shall be registered in the Register of real rights of State resource development and, where applicable, in the land register under the number of the lot affected by the well."
- c. M-13.1, Chap. III, Div. XI, heading, replaced.
- **76.** The heading of Division XI of Chapter III of the said Act is replaced by the following heading:

"LICENCE TO EXPLORE FOR PETROLEUM, NATURAL GAS AND UNDERGROUND RESERVOIRS".

c. M-13.1, s. 165, replaced.

77. Section 165 of the said Act is replaced by the following section:

Exploration licence.

"**165.** No person may explore for petroleum, natural gas or underground reservoirs without holding a licence to explore for petroleum, natural gas and underground reservoirs issued by the Minister."

c. M-13.1, s. 166, replaced.

78. Section 166 of the said Act is replaced by the following section:

Requirements.

"166. Except in the cases provided for in section 166.1, the fifth paragraph of section 207 and section 289, the Minister shall issue a licence in respect of a given territory to any person who meets the requirements and pays the annual fee fixed by regulation.

Refusal.

However, the Minister shall refuse to issue a licence where the territory concerned

- (1) is subject to a time limit under section 289;
- (2) was subject, less than 60 days previously, to a licence to explore for petroleum, natural gas and underground reservoirs that expired or was abandoned, or to such a licence in respect of which a final decision has been made to refuse renewal;
- (3) is subject to a licence to explore for petroleum, natural gas or underground reservoirs or to a lease to produce petroleum and natural gas held by a third person, or to an application for such a licence or lease;
- (4) contains an underground reservoir that is subject to a lease to operate an underground reservoir held by a third person, or to an application for such a lease."

c. M-13.1, s. 166.1, added.

79. The said Act is amended by inserting, after section 166, the following section:

Marine environment.

"**166.1.** In a marine environment, within a zone delimited by ministerial order pursuant to subparagraph 1.2 of the first paragraph of section 304, a licence may only be issued following a call for tenders.

Call for tenders.

The Minister may, on his own initiative or at the request of any interested person, decide to make a call for tenders for all or part of such a zone."

c. M-13.1, s. 167, repealed.

80. Section 167 of the said Act is repealed.

c. M-13.1, s. 169, am.

81. Section 169 of the said Act is amended

- (1) by inserting, at the beginning of the second paragraph, the words "Except in the case provided for in section 169.1,";
 - (2) by striking out the third paragraph.

c. M-13.1, ss. 169.1 and 169.2, added.

82. The said Act is amended by inserting, after section 169, the following sections:

Significant find.

"169.1. The Minister may, during the fifth renewed term of a licence, authorize an extension of the term of the licence for the part of the territory covered by the licence that is recognized by the Minister as being the site of a significant find, where the licence holder shows, on the basis of sound evidence, the existence of petroleum, natural gas or an underground reservoir, as the case may be, able to be developed on an economic basis.

Extension of term.

The application must be filed by the licence holder at least 60 days before the expiry of the fifth renewed term of the licence, and must be accompanied with a report, certified by an engineer, giving a detailed description of the nature and location of the evidence. The Minister may also require any other research or information that is considered necessary by the Minister.

Conditions and requirements.

Where the Minister grants authorization, the area of the territory covered by the licence that is recognized as a significant find shall be designated by the Minister, who shall also fix the term of the licence extension for that area and the amount of the duties payable. The Minister shall determine the conditions and requirements to which the licence extension is subordinated.

Suspension.

- "169.2. The Minister may, on his own initiative or at the request of any interested person, suspend the term of the licence on the conditions he determines,
 - (1) for any period during which the validity of the licence is contested:
- (2) for any period fixed by the Minister, when the licence holder is prevented from performing the work prescribed by section 177;
 - (3) until the Minister has rendered a decision pursuant to section 169.1."
- c. M-13.1, s. 171, am.
- **83.** Section 171 of the said Act is amended by replacing the words "an exploration licence for" in the third and fourth lines by the words "a lease to explore for petroleum, natural gas and".
- c. M-13.1, s. 173, am.
- **84.** Section 173 of the said Act is amended by striking out the word ", brine" in the second line and the words ", as the case may be," in the second and third lines.
- c. M-13.1, s. 174, am.
- **85.** Section 174 of the said Act is amended by striking out the words "for petroleum and natural gas or an exploration licence for brine" in the first and second lines and by replacing the words ", natural gas or brine" in the second and third lines by the words "or natural gas".

- c. M-13.1, s. 175, am.
- **86.** Section 175 of the said Act is amended by striking out the words "for underground reservoirs" in the first line.
- c. M-13.1, s. 176, am.
- **87.** Section 176 of the said Act is amended
- (1) by striking out the words "for petroleum and natural gas, an exploration licence for brine or an exploration licence for underground reservoirs" in the first, second and third lines of the first paragraph, and by replacing ", natural gas or brine" in the fourth line of the first paragraph by "or natural gas";
- (2) by striking out the words "for petroleum and natural gas, an exploration licence for brine or an exploration licence for underground reservoirs" in the third and fourth lines of the third paragraph;
 - (3) by striking out the last sentence of the third paragraph.
- c. M-13.1, s. 177, am.
- **88.** Section 177 of the said Act is amended by striking out the second paragraph.
- c. M-13.1, s. 180, replaced.
- **89.** Section 180 of the said Act is replaced by the following section:

Application of disbursements.

- "180. The holder of several exploration licences may, in his report, apply all or part of the amounts spent for work performed in a territory subject to a licence to his other exploration licences, in the proportion he determines, provided
 - (1) he informs the Minister thereof in writing;
- (2) the territory in which the work was performed and the territory to which the amounts spent for the work are applied are located in part within a radius of 40 kilometres."
- c. M-13.1, s. 186, am.
- **90.** Section 186 of the said Act is amended by striking out the word ", brine" in the fourth line of the second paragraph.
- c. M-13.1, s. 190, am.
- **91.** Section 190 of the said Act is amended by striking out the words ", a lease to produce brine" in the second line of the first paragraph.
- c. M-13.1, Chap. III, Div. XIII, heading, replaced.
- **92.** The heading of Division XIII of Chapter III of the said Act is replaced by the following heading:

"LEASE TO PRODUCE PETROLEUM AND NATURAL GAS, LEASE TO OPERATE AN UNDERGROUND RESERVOIR AND AUTHORIZATION TO PRODUCE BRINE".

- c. M-13.1, s. 193, am.
- **93.** Section 193 of the said Act is amended
- (1) by striking out the words ", or brine," in the first line and the words ", a lease to produce brine" in the third line;

(2) by adding, at the end, the following paragraph:

Brine.

"No person may produce brine without the prior authorization of the Minister."

c. M-13.1, s. 194, am.

94. Section 194 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

Refusal.

"However, the Minister shall refuse to grant a lease to produce petroleum and natural gas or a lease to operate an underground reservoir where the parcel of land concerned

- (1) is subject to a time limit or call for tenders under the fifth paragraph of section 207 or section 289;
- (2) is subject to a licence to explore for petroleum, natural gas or underground reservoirs, or to a lease to produce petroleum and natural gas, held by a third person, or to an application for such a licence or lease;
- (3) contains an underground reservoir that is subject to a lease to operate an underground reservoir held by a third person, or to an application for such a lease."

c. M-13.1, ss. 194.1 and 194.2, added.

95. The said Act is amended by inserting, after section 194, the following sections:

Authorization to produce brine.

"**194.1.** The Minister may authorize a person to produce brine for the period and subject to the conditions determined by the Minister and on payment of the annual duties fixed by regulation.

Consent of owner.

On land granted, alienated or leased by the Crown for purposes other than mining and on land subject to a mining right, such authorization shall be subject to the consent of the owner, lessee or holder of the mining right, as the case may be.

Cancellation.

"194.2. The Minister may cancel an authorization to produce brine where a lease relating to the production of mineral substances or the operation of an underground reservoir on the land for which the authorization was granted is entered into by the Minister.

Compensation.

The holder of the lease shall, where applicable, pay compensation to the person whose authorization is cancelled, calculated on the basis of the investments made for brine production, as well as a lump sum payment equal to the difference between the average annual well head value for the period prior to cancellation and the average annual payment paid pursuant to section 204 during that period, multiplied by the number of years of operation lost by reason of the cancellation. Failing agreement concerning the amount of compensation, it shall be fixed by the court having jurisdiction. An application for the fixing of compensation is introduced by motion; it is heard and decided by preference."

- c. M-13.1, s. 195, am.
- **96.** Section 195 of the said Act is amended by striking out the words "or a lease to produce brine" in the second line of the first paragraph.
- c. M-13.1, s. 198, am.
- **97.** Section 198 of the said Act is amended by replacing the words "and natural gas or an exploration licence for brine" in the second line of the first paragraph by ", natural gas and underground reservoirs".
- c. M-13.1, s. 201, am.
- **98.** Section 201 of the said Act is amended by striking out the words "or a lease to produce brine" in the fourth line.
- c. M-13.1, s. 202, am.
- **99.** Section 202 of the said Act is amended by striking out the words "or of a lease to produce brine" in the first and second lines of the first paragraph.
- c. M-13.1, s. 203, am.
- **100.** Section 203 of the said Act is amended by striking out the words "or a lease to produce brine" in the second line of the second paragraph.
- c. M-13.1, s. 204, am.
- **101.** Section 204 of the said Act is amended by replacing the words "a lease" in the second line of the first paragraph by the words "an authorization".
- c. M-13.1, s. 206, am.
- **102.** Section 206 of the said Act is amended
 - (1) by striking out the words "or a lease to produce brine" in the third line;
- (2) by replacing the word "enregistré" in the second line of paragraph 1 of the French text by the word "inscrit".
- c. M-13.1, s. 207, replaced.
- Deemed date of receipt.
- **103.** Section 207 of the said Act is replaced by the following sections:
- "207. A staking notice, an application for a licence, a lease or an authorization under section 32, 33 or 194.1, a report, an application for exemption from the work required under this Act, or an application for the renewal or conversion of a mining right, is deemed to have been forwarded, filed or received on the date on which it is received at the office of the registrar or at a regional office designated by ministerial order. A notice of map designation is deemed to have been filed on the date on which it is received at the office of the registrar or, if it is filed in person at a regional office designated by ministerial order, on the date on which it is received at that office.

Deemed time of staking.

Where a parcel of land already subject to a licence to explore for surface mineral substances or to a claim obtained by staking registered in favour of a third person is staked on the same day as that on which an application for the conversion of mining rights is filed by the third person under subdivision 5 of Division III of this chapter, the parcel of land is deemed, for the purposes of section 29, to have been staked after the filing of the application for conversion.

Order of admission.

Applications for a licence, a lease or an authorization under section 32, 33 or 194.1 are admitted according to the order in which they are received at the office of the registrar or a regional office designated by ministerial order.

Staking notices are admitted according to the date and time of the staking. Notices of map designation are admitted according to the order in which they are received at the office of the registrar or, if they are filed in person at a regional office designated by ministerial order, according to the order in which they are received at that office.

Order of admission.

Applications for a licence, lease or authorization under section 32 or 33, where they relate to the same parcel of land and are received on the same day, shall be admitted in the order established by a drawing of lots. Every person who intends to take part in the drawing of lots must, beforehand, pay the duties fixed by regulation and comply with the conditions for participation prescribed by regulation.

Order of admission.

However, applications for a licence or lease relating to petroleum, natural gas or underground reservoirs, and authorizations to produce brine, shall be admitted in the order established by a drawing of lots or a call for tenders, as decided by the Minister.

Drawing of lots.

"207.1. Where a situation referred to in the first paragraph of section 38, the second paragraph of section 123 or the first paragraph of section 267 or 288 occurs, or where the Minister intends to revoke the withdrawal of land from staking, map designation, mining exploration or mining operation under subparagraph 1 of the first paragraph of section 304, the Minister may decide that the notices of map designation that relate to the same parcel of land and that are received on the first day on which a notice may be filed will be admitted according to the order established by a drawing of lots. The Minister's decision must be made before the time limits provided for in the first paragraph of sections 38 and 123 have expired, before the date on which a revocation of mining rights pursuant to section 261 or a revocation of mining rights referred to in the first paragraph of section 288 becomes executory, or before the withdrawal of land is revoked, as the case may be.

Drawing of lots.

The Minister may also, where a situation occurs that prevents the order of receipt of notices of map designation from being established in accordance with the third paragraph of section 207, decide that the notices of map designation whose order of receipt cannot be determined will be admitted according to the order established by a drawing of lots.

Duties.

Every person who intends to take part in the drawing of lots must, beforehand, pay the duties fixed by regulation and comply with the conditions for participation prescribed by regulation."

c. M-13.1, s. 213.3, added.

104. The said Act is amended by inserting, after section 213.2, the following section:

Conditions and requirements.

"213.3. The Minister may impose conditions and requirements in addition to, or that differ from, those provided for in this Act and the regulations thereunder in respect of a mining right relating to petroleum, natural gas or an underground reservoir situated in a zone in a marine environment delimited by ministerial order."

- c. M-13.1, s. 226, am.
- **105.** Section 226 of the said Act is amended by inserting the words "at least ten days before the beginning of the suspension, transmit to the Minister a written notice informing the Minister of the suspension of operations and," after the word "shall," in the third line of the first paragraph.
- c. M-13.1, s. 235, am.
- **106.** Section 235 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "An application for the fixing of compensation is introduced by motion; it is heard and decided by preference."
- c. M-13.1, s. 236, am.
- **107.** Section 236 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "An application for the fixing of compensation is introduced by motion; it is heard and decided by preference."
- c. M-13.1, s. 240, am.
- **108.** Section 240 of the said Act is amended by replacing the word "Government" in the third line by the words "Minister or, where the project is subject to the environmental impact assessment and review procedure provided for in Division IV.1 of Chapter I of the Environment Quality Act (chapter Q-2), by the Government".
- c. M-13.1, s. 241, am.
- **109.** Section 241 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: "The same applies to every holder of a mining right, owner of mineral substances or operator who intends to establish a mine tailings site".
- c. M-13.1, s. 260, repealed.
- **110.** Section 260 of the said Act is repealed.
- c. M-13.1, s. 262, am.
- **111.** Section 262 of the said Act is amended by replacing the words "in section 260 or" in the second line of the first paragraph by the words "in section".
- c. M-13.1, s. 266, replaced.
- **112.** Section 266 of the said Act is replaced by the following section:

Effect of revocation.

- "266. The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361."
- c. M-13.1, s. 267, am.
- **113.** Section 267 of the said Act is amended
- (1) by replacing the word "enregistrement" in the fourth line of the first paragraph of the French text by the word "inscription", and by replacing the words "and natural gas, an exploration licence for brine, a lease to produce petroleum and natural gas or a lease to produce brine" in the fourth, fifth and sixth lines of the first paragraph by the words ", natural gas and underground reservoirs or a lease to produce petroleum and natural gas";
 - (2) by replacing the second paragraph by the following paragraph:

Application by former holder.

"Thereafter, a person whose rights have been revoked may also apply for the registration of a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked rights."

c. M-13.1, s. 268, am.

114. Section 268 of the said Act is amended by replacing the figure "2%" in the first line of paragraph 2 by the figure "1/2%".

c. M-13.1, s. 279, am.

115. Section 279 of the said Act is amended by striking out the word ", brine" in the second line.

c. M-13.1, s. 280, replaced.

116. Section 280 of the said Act, amended by section 355 of chapter 43 of the statutes of 1997, is replaced by the following section:

Revocation.

- **"280.** The Minister may, on his own initiative or at the request of an interested person, revoke a claim obtained by staking, provided the claim has not been converted into a map designated claim,
- (1) where the parcel of land concerned has not been staked as required by this Act;
- (2) where the staking rules have not been complied with, and the claim is revoked before the end of the first year following the date of registration of the claim:
- (3) where the provisions of either of the first two paragraphs of section 42 have not been complied with, unless the right has been registered for not less than one year in the register referred to in section 13 in the name of a subsequent purchaser in good faith."

c. M-13.1, s. 281, am.

- 117. Section 281 of the said Act is amended
- (1) by replacing the words "and natural gas, an exploration licence for brine or an exploration licence for underground reservoirs" in the first and second lines of paragraph 2 by the words ", natural gas and underground reservoirs";
 - (2) by inserting, after paragraph 2, the following paragraph:
 - "(2.1) at any time, a mining right obtained or renewed by mistake;";
- (3) by replacing the word "enregistré" in the third line of paragraph 3 of the French text by the word "inscrit".

c. M-13.1, s. 283, repealed.

118. Section 283 of the said Act is repealed.

c. M-13.1, s. 284, am.

119. Section 284 of the said Act, amended by section 357 of chapter 43 of the statutes of 1997, is again amended by adding, at the end, the following paragraph:

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Effect of notice.

"The mailing of the notice of revocation shall interrupt the time limits provided for in sections 280 and 281."

c. M-13.1, s. 285, am.

- **120.** Section 285 of the said Act, amended by section 358 of chapter 43 of the statutes of 1997, is again amended
- (1) by replacing the words "the revocation of a mining right" in the first line of the first paragraph by the words "revocation under section 280";
 - (2) by adding, after the second paragraph, the following paragraph:

Effect of application.

"The mailing of the application for revocation shall interrupt the time limits provided for in section 280."

c. M-13.1, s. 287, replaced.

Effect of revocation.

121. Section 287 of the said Act is replaced by the following section:

"287. The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361."

c. M-13.1, s. 288, am.

122. Section 288 of the said Act is amended

- (1) by replacing the words "a mining exploration licence or a mining right relating to the seabed or surface mineral substances" in the fifth and sixth lines of the first paragraph by the words "a lease to mine surface mineral substances or a mining right relating to the seabed";
 - (2) by replacing the second paragraph by the following paragraph:

Application by former holder.

"Thereafter, a person whose mining right has been revoked may also obtain, in accordance with this Act, a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked mining right."

c. M-13.1, s. 289, am.

123. Section 289 of the said Act is amended by replacing the word "thirty" in the first line of the first paragraph by the figure "60", and by striking out the word ", brine" in the second line of the first paragraph.

c. M-13.1, s. 291, replaced.

124. Section 291 of the said Act is replaced by the following section:

Decision.

"291. Every decision rendered pursuant to section 42.4, 53, 58, 61, 62, 63, 74, 90, 97, 101, 101.1, 104, 120, 134 or 138, the second paragraph of section 141, section 147, 148, 169, 169.2, 179, 188, 194, 199, 230 or 231, the first paragraph of section 232.5, subparagraph 4 of the first paragraph of section 232.6, the first paragraph of section 232.7, 232.8 or 232.11, or section 234, 254, 278, 279, 280 or 281, must be in writing and give the reasons on which it is based. It shall be transmitted to the person concerned and, in the case of a decision rendered pursuant to section 42.4, to every holder of a mining right that may be affected by the decision, within fifteen days by registered or certified mail."

c. M-13.1, s. 293, French text, am.

125. Section 293 of the said Act is amended

- (1) by replacing the word "enregistré" in the first line of the first paragraph of the French text by the word "inscrit";
- (2) by replacing the words "de l'enregistrement au bureau de la division d'enregistrement" in the fourth and fifth lines of the first paragraph of the French text by the words "de l'inscription au bureau de la publicité des droits de la circonscription foncière".

c. M-13.1, s. 295, am.

126. Section 295 of the said Act is amended by adding, at the end, the following sentence: "Any holder of a mining right affected by a decision rendered pursuant to section 42.4 may also appeal therefrom to the Court of Québec."

c. M-13.1, s. 304, am.

127. Section 304 of the said Act is amended

- (1) by inserting the words "power transmission lines," after the word "waterpower," in the ninth line of subparagraph 1 of the first paragraph;
- (2) by inserting, after subparagraph 1.1 of the first paragraph, the following subparagraph:
- "(1.2) delimit the zones in a marine environment in which a mining right relating to petroleum, natural gas or underground reservoirs shall be subject to sections 166.1 and 213.3;";
- (3) by inserting, after subparagraph 2 of the first paragraph, the following subparagraph:
- "(2.1) define, for lands of the public domain, the types of construction that may be erected or maintained by the holder of a claim on the land subject to the claim without being required to obtain authorization from the Minister;";
 - (4) by inserting, after the second paragraph, the following paragraph:

Exploration and mining.

"The Minister may allow, by order, on land reserved to the Crown, mining exploration or mining operations in accordance with this Act for such mineral substances as are determined by the Minister."

c. M-13.1, s. 306, am.

- **128.** Section 306 of the said Act, amended by section 359 of chapter 43 of the statutes of 1997, is again amended
- (1) by replacing the words "instrument respecting mining rights" in the second line of paragraph 1 by the words "act referred to in paragraph 3 of section 13";
 - (2) by inserting, after paragraph 2, the following paragraph:

- "(2.1) fix the amount of the annual fees payable for an authorization to produce brine;";
- (3) by replacing the words "prescribe the form and content of notices of staking and of" in the first line of paragraph 8 by the words "determine the information that must be contained in notices of staking and notices of";
 - (4) by inserting, after paragraph 10, the following paragraph:
- "(10.1) determine, for the purposes of the first paragraph of sections 72, 94, 119 and 137, what constitutes property examination and technical assessment work and, for the fixing of the fees referred to in paragraph 8 of this section that must accompany a map designation notice, define the word "person" as used in the first paragraph of section 307;";
- (5) by inserting the figure "61," after the word "sections" in the second line of paragraph 11;
 - (6) by inserting, after paragraph 12, the following paragraphs:
- "(12.1) define the prospecting work that may be applied, in a report, to the first term of a claim or the first term following conversion of a claim, in accordance with section 81:
- "(12.2) determine the information that must be contained in an application for the conversion of mining rights referred to in subdivision 5 of Division III of Chapter III and specify, in the case of an application for conversion under section 83.2 or 83.6, the documents that must be submitted with it;
- "(12.3) prescribe, for the purposes of applications for conversion under section 83.2 or 83.6, the manner of calculating the average unexpired portion of the terms of all the claims or exploration licences for surface mineral substances to be converted in order to determine the date of expiry of the claims converted into map designated claims;
- "(12.4) prescribe, for the purposes of applications for conversion under section 83.2 or 83.6, the manner in which and the conditions according to which the excess amounts disbursed for work performed on all the parcels of land subject to the claims or exploration licences for surface mineral substances to be converted are to be distributed;
- "(12.5) prescribe, for the purposes of applications for conversion under section 83.2 or 83.6, the manner of determining the number of terms of a claim in order to establish the minimum cost of the work to be performed for further renewals of claims converted into map designated claims after the first renewal following conversion;
- "(12.6) determine the cases in which and conditions according to which a mining right may be converted into one or more map designated claims

pursuant to subdivision 5 of Division III of Chapter III, and the effects of conversion on rights granted to third persons evidenced in an instrument relating to the converted mining right registered in the public register of real and immovable mining rights;

- "(12.7) determine the information that must be included in an application for the determination of a common claim expiry date and an application for the reduction of the term of a claim, and fix the amount of the fees to be paid with the application;
- "(12.8) prescribe, for the purposes of an application for the determination of a common claim expiry date, the manner of calculating the average unexpired portion of the terms of the claims concerned by the application so as to determine the common expiry date;
- "(12.9) prescribe the manner in which and conditions according to which the excess amounts disbursed for work performed on the territory subject to a mining exploration licence are to be calculated, in the case referred to in section 92.1;";
 - (7) by inserting, after paragraph 13, the following paragraph:
- "(13.1) fix the amount of the duties to be paid by a person authorized to extract a fixed quantity of surface mineral substances pursuant to the second paragraph of section 140, and the amount of the duties to be paid by the holder of an exclusive lease to mine surface mineral substances who applies under section 146 for an increase in the area of the territory subject to the lease;";
- (8) by replacing the words "the second paragraph of section 155 or 204" in the second line of paragraph 14 by the words "the second paragraph of section 140 or the first paragraph of section 155 or under the second paragraph of section 204";
 - (9) by inserting, after paragraph 14, the following paragraphs:
- "(14.1) fix the dates on which the report referred to in section 155 must be transmitted to the Minister and prescribe the cases in which the Minister may, in accordance with the second paragraph of that section, allow one yearly report or require the holder of a non-exclusive lease to mine surface mineral substances to transmit monthly reports;
- "(14.2) prescribe the payment of an additional amount, that it fixes, to be added to royalties, payable by the holder of a lease to mine surface mineral substances or by an operator or a person referred to in section 223.1, in particular for a failure to forward to the Minister the report referred to in section 155 within the specified time, or for any other failure to fulfil the requirements of that section that it determines;";

- (10) by replacing the words "an exploration licence for petroleum and natural gas or of an exploration licence for brine" in the first and second lines of paragraph 17 by the words "a licence to explore for petroleum, natural gas and underground reservoirs";
- (11) by replacing the words "an exploration licence for" in the second and third lines of paragraph 18 by the words "a licence to explore for petroleum, natural gas and";
- (12) by replacing the words "section 207" in the second line of paragraph 21.1 by the words "sections 207 and 207.1, and prescribe the conditions to be complied with by a person who intends to take part in the drawing of lots".

c. M-13.1, s. 307, am.

129. Section 307 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Fees.

- **"307.** In the case of a claim, the fees referred to in paragraphs 3 and 8 of section 306 may vary according to the area of land covered by the claim or according to the region where the land is situated. Moreover, the fees referred to in paragraph 3 of section 306 may vary according to whether the renewal of the claim is applied for before or after the sixtieth day preceding its expiry, and the fees referred to in paragraph 8 of that section which must accompany the notice of map designation may vary according to the number of claims that are map designated during the same day for the same person, whatever the number of notices of map designation presented by that person during that day.";
- (2) by inserting the words ", the regions where the land is situated" after "on which it is performed" in the second line of the second paragraph.

c. M-13.1, s. 309, am.

130. Section 309 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraph:

Exclusive lease.

"In the case of an exclusive lease, the rental referred to in paragraphs 2 and 3 of section 306 may vary according to the term of the lease, the area of the parcel of land subject to the lease and the mineral substance mined, or according to whether or not the substance is mined on land forming part of the public domain.";

- (2) by inserting the words ", the fees referred to in paragraph 13.1 of section 306" after the words "section 306" in the second line of the second paragraph.
- c. M-13.1, s. 310, am.

131. Section 310 of the said Act is amended

(1) by replacing the words "an exploration licence or a lease to produce petroleum, natural gas, or brine" in the first and second lines of the first

paragraph by the words "licence to explore for petroleum, natural gas and underground reservoirs or a lease to produce petroleum and natural gas";

- (2) by adding, at the end of the second paragraph, the following sentence: "In the case of section 204, the royalty may also vary according to whether it pertains to a zone delimited by ministerial order in a marine environment."
- c. M-13.1, s. 313, am.
- **132.** Section 313 of the said Act is amended by replacing the words "an exploration licence for petroleum, natural gas, brine or an underground reservoir" in the first and second lines by the words "licence to explore for petroleum, natural gas and underground reservoirs".
- c. M-13.1, s. 313.3, added.
- **133.** The said Act is amended by inserting, after section 313.2, the following section:

Guarantee.

- ***313.3.** The term and amount of the guarantee mentioned in paragraph 26.2 of section 306 may vary according to the nature of the activities or operations carried on by the holder of the mining right, the operator or person referred to in section 232.1, or according to the nature and estimated quantity of mine tailings to be produced on a given site."
- c. M-13.1, s. 349, am.
- **134.** Section 349 of the said Act is amended by replacing the words "second and third paragraphs" in the third line of the first paragraph by the words "third paragraph".
- c. M-13.1, s. 361, am,
- **135.** Section 361 of the said Act is amended
- (1) by replacing the words "1 January 1971" in the first line of the first paragraph by the words "17 June 1998";
- (2) by replacing the words "division into lots" in the third and fourth lines of the first paragraph by the word "alienation", and by replacing the words "a public officer" in the fifth line of the first paragraph by the words "the ministers concerned":
 - (3) by replacing the second paragraph by the following paragraph:

Applicability.

"The first paragraph does not apply to a deed of alienation that has not, on that date, been published at the registry office of the registration division concerned."

c. M-13.1, s. 362, French text, am. **136.** Section 362 of the said Act is amended by replacing the words "radiée sur dépôt d'une réquisition" in the fifth line of the second paragraph of the French text by the words "radiée sur présentation d'une réquisition".

c. M-13.1, s. 363, am.

137. Section 363 of the said Act is amended by inserting the words "or a restriction as to use" after the word "repossession" in the third line.

c. M-13.1, s. 364.1, added.

138. The said Act is amended by inserting, after section 364, the following section:

Retrocession.

"364.1. Except in the cases referred to in section 114, the retrocession of mining rights by a concessionary in favour of the Minister, effected before 17 June 1998, shall include the surface rights even if they are not mentioned in the instrument of retrocession, and shall form part of the public domain from the date of the retrocession.

Indemnity.

The concessionary is not entitled to any indemnity or reimbursement for any claim arising from the application of this section."

c. M-13.1, s. 374, replaced.

139. Section 374 of the said Act is replaced by the following section:

Provisions applicable.

"374. All lands in the public domain that were allocated for the establishment of a mining town or village are subject to the provisions of the Act respecting the lands in the public domain (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles (chapter M-25.2)."

c. M-13.1, ss. 374.1-374.3, added.

140. The said Act is amended by inserting, after section 374, the following sections:

Deed valid.

"374.1. No deed of alienation granted by the Minister in respect of a lot situated in a mining town or village before 17 June 1998 may not be invalidated on the sole ground that the price and conditions of alienation were not fixed by the Government.

Deemed sale.

"374.2. Every transfer of a lot in a mining town or village by way of a lease known as an emphyteutic lease granted before 17 June 1998 by the Government or by a third person having acquired land in the public domain for the establishment of a mining town or village, is deemed to constitute a sale pure and simple.

Effects.

The clauses of the contract that are incompatible with the first paragraph are deemed unwritten; all hypothecs guaranteeing the payment of a sum of money are extinguished and their registration may be cancelled by the filing of an application in notarial form and *en minute* by the interested person.

Township of Holland.

"374.3. The conditions stipulated in the letters patent issued on 10 November 1952 for block 9 of the original survey and of the cadastre for the township of Holland, registered at the office of the Québec registrar on 11 November 1952 under Libro 82 Folio 102 shall cease to have effect on 17 June 1998.

Alienation valid.

Acts of alienation granted by the holder of the letters patent or by the holder's successors may not be invalidated on the sole ground that the conditions have not been complied with."

c. M-13.1, s. 375, repealed.

141. Section 375 of the said Act is repealed.

c. M-13.1, Sched. I, repealed.

142. Schedule I to the said Act is repealed.

c. M-13.1, French text, am.

143. The word "enregistrement", wherever it occurs in the French text of the heading of subdivision 2 of Division III of Chapter III and in sections 54, 57, 60, 67, 70, 259, 306.1 and 355, is replaced by the word "inscription".

c. M-13.1, French text, am.

144. The words "enregistrer", "enregistrée" and "enregistrées", wherever they occur in the French text of sections 13, 78, 122, 124 and 156 of the French text, are replaced by the words "inscrire", "inscrit" and "inscrites", respectively.

c. M-13.1, French text, am.

145. The words "déposer" and "déposés", wherever they occur in the French text of sections 53, 54 and 60 are replaced by the words "présenter" and "présentés", respectively.

c. T-8.1, s. 35, am.

- **146.** Section 35 of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1) is amended
- (1) by striking out the words ", unless they are included in a mining concession" in the second and third lines of the first paragraph;
- (2) by inserting the words ", a mining concession or an exclusive lease to mine surface mineral substances" after the word "lease" in the first line of the second paragraph, and by adding, at the end of the second paragraph, the words ", the mining concession or the exclusive lease to mine surface mineral substances".

c. T-8.1, s. 48, am.

- 147. Section 48 of the said Act is amended
- (1) by striking out the words ", unless they are included in a mining concession" in the second and third lines of the first paragraph;
- (2) by inserting the words ", a mining concession or an exclusive lease to mine surface mineral substances" after the word "lease" in the first line of the second paragraph, and by adding, at the end of the second paragraph, the words ", the mining concession or the exclusive lease to mine surface mineral substances".

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

Renewal requirements.

148. The requirements for renewal under section 77 of the Mining Act that are applicable to the first renewal of a claim to occur after (*insert here the date of coming into force of this section*) are the requirements contained in the provisions of that section as they read prior to that date, provided that the claim concerned by the application for renewal was obtained before that date.

Decisions as to notices.

149. A notice of staking or of map designation filed before (*insert here the date of coming into force of this section*) shall be continued and decided in accordance with the provisions of the Mining Act as they read before that date.

Decisions as to notices.

A notice of staking filed on or after (insert here the date of coming into force of this section) shall be decided in accordance with the provisions of the Mining Act applicable on the date of staking.

Decisions as to applications.

150. Notwithstanding section 84 of the Mining Act, enacted by section 45 of this Act, an application for a mining exploration licence made before (insert here the date of coming into force of section 45 of this Act) shall be continued and decided in accordance with the provisions of sections 85 to 88 and of the second paragraph of section 91 of the Mining Act as they read before that date.

Decisions as to applications.

151. Notwithstanding section 130 of the Mining Act, enacted by section 58 of this Act, an application for an exploration licence for surface mineral substances made before (*insert here the date of coming into force of section 58 of this Act*) shall be continued and decided in accordance with the provisions of sections 131 to 133 and 135 of the Mining Act as they read before that date.

Revocation.

152. In addition to the cases provided for in section 280 of the Mining Act, enacted by section 116 of this Act, the Minister may, on the Minister's own initiative or at the request of any interested person, revoke a claim obtained by staking before (insert here the date of coming into force of section 116 of this Act) that has not been converted into a map designated claim, where the provisions of section 41 of the Mining Act as they read before that date were not complied with, unless the right has been registered for not less than one year in the register referred to in section 13 of the Mining Act in the name of a subsequent purchaser in good faith.

Marine environment.

153. No exploration licence for petroleum and natural gas, exploration licence for brine or exploration licence for underground reservoirs relating to a territory in a marine environment may be issued under section 166 of the Mining Act as it reads on 2 December 1997 in respect of an application filed on or after that date.

Presumption.

- **154.** A licence to explore for petroleum, natural gas and underground reservoirs is deemed to be held under the provisions of the Mining Act introduced by this Act by
- (1) the holder of an exploration licence for petroleum and natural gas issued under section 166 of the Mining Act as it read before (insert here the date of coming into force of section 78 of this Act);
- (2) the holder of an exploration licence for underground reservoirs issued under section 166 of the Mining Act as it read before (insert here the date of coming into force of section 78 of this Act);
- (3) the holder of an exploration licence for petroleum and natural gas and an exploration licence for underground reservoirs issued under section 166 of the Mining Act as it read before (insert here the date of coming into force of

section 78 of this Act) that cover the same territory. The term of the licence to explore for petroleum, natural gas and underground reservoirs shall be that of the most recently issued licence.

Expiry of licences and leases.

155. Every exploration licence for brine and every lease to produce brine shall expire on (*insert here the date occurring three months after the date of coming into force of section 93 of this Act*). However, the holder of such a licence or lease may obtain from the Minister during that period an authorization to produce brine pursuant to section 194.1 of the Mining Act, introduced by section 95 of this Act. In such a case, the second paragraph of that section 194.1 does not apply to the application.

Application under s. 169.1.

156. Where, on (insert here the date of coming into force of section 82 of this Act), fewer than 60 days remain before the expiry of the fifth renewal of an exploration licence and the holder of the licence serves written notice on the Minister, before the licence expires, of the holder's intention to file an application pursuant to section 169.1 of the Mining Act, introduced by section 82 of this Act, that 60-day period shall begin on (insert here the date of coming into force of section 82 of this Act) and, where applicable, the term of the licence shall be suspended until the Minister has made a decision regarding the application.

Exemption.

157. The first regulation after passage of this Act that replaces or amends the Regulation respecting petroleum, natural gas, brine and underground reservoirs, approved by Order in Council 1539-88 (1988, G.O.2, 3724) is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

Transitional provisions.

158. The Government may, by regulation, prescribe any other transitional provision that is not inconsistent with the provisions of this Act to ensure the carrying out of this Act.

Exemption.

A regulation made under this section is not subject to the publication requirements set out in section 8 of the Regulations Act. In addition, the regulation may, once published and where it so provides, apply from any date not prior to the date of coming into force of this section.

Coming into force.

- **159.** The provisions of this Act come into force on the date or dates to be fixed by the Government, except
- (1) the provisions of section 46, to the extent that they repeal section 89 of the Mining Act, which come into force on (insert here the date occurring three years after the date of coming into force of section 46 of this Act);
- (2) the provisions of sections 52 to 55, 110 to 112, 121, 135, 137 to 141, 146, 147 and 153, which come into force on 17 June 1998.

1998, chapter 25 AN ACT TO PROVIDE FOR THE PROTECTION OF GROUNDWATER

Bill 405

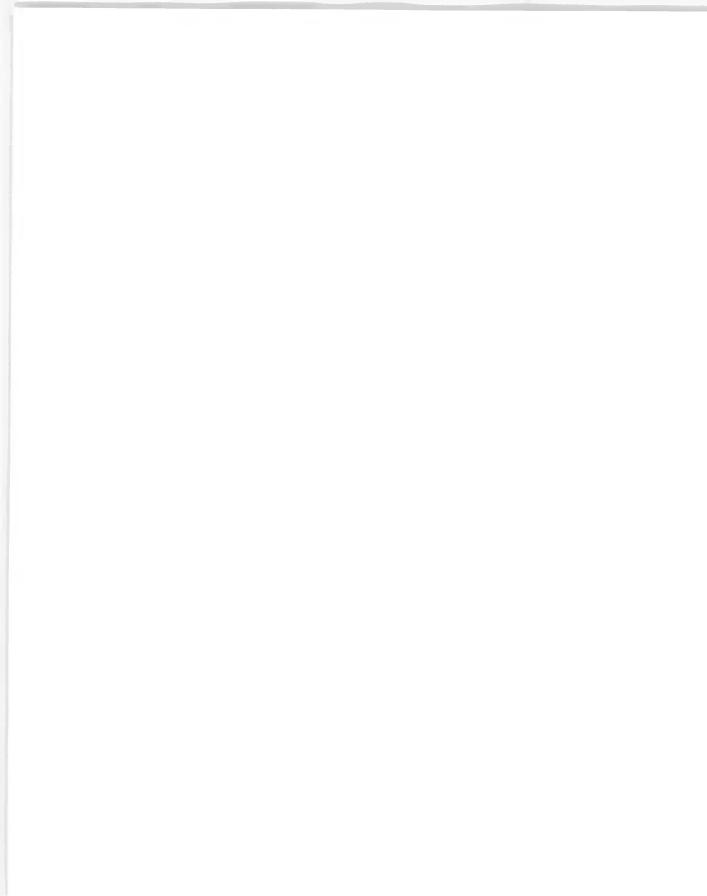
Introduced by Mr Paul Bégin, Minister of the Environment and Wildlife Introduced 18 December 1997
Passage in principle 25 March 1998
Passage 17 June 1998
Assented to 17 June 1998

Coming into force: 17 June 1998.

This Act ceases to have effect on the date to be fixed by the Government or, at the latest, on 1 January 1999.

Legislation amended: None







AN ACT TO PROVIDE FOR THE PROTECTION OF GROUNDWATER

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Prohibition.

- 1. No person may, from 18 December 1997,
- (1) establish facilities to extract groundwater all or part of which is to be marketed for human consumption in bottles or other containers;
- (2) increase the rate of flow in existing facilities that extract groundwater, all or part of which is to be used for the purpose mentioned in subparagraph 1, to a rate of flow greater than the maximum rate of flow authorized pursuant to section 32 of the Environment Quality Act (R.S.Q., chapter Q-2), or failing such authorization, to a rate of flow greater than the peak rate of flow attained between 1 January 1997 and 18 December 1997.

Statement of flow.

The operator of extraction facilities referred to in subparagraph 2 who is not the holder of an authorization issued under section 32 of the Environment Quality Act shall, within 30 days after the coming into force of this Act, send to the Minister of the Environment and Wildlife a statement indicating the peak rate of flow attained in the operator's extraction facilities during the period referred to in subparagraph 2.

Applicability.

- 2. The prohibition set out in section 1 does not apply to
- (1) projects to establish extraction facilities or to increase the rate of flow in existing facilities in respect of which, before 18 December 1997, an application was made for an authorization referred to in section 32 of the Environment Quality Act and for which, on that date, no decision had been made by the Minister of the Environment and Wildlife granting or refusing the authorization; or
- (2) projects to establish extraction facilities for which an authorization was granted before 18 December 1997 and which, on that date, had not been carried out.

Fines.

3. Any person who contravenes the provisions of section 1 is liable to the fines prescribed in section 106 of the Environment Quality Act.

Provisions applicable.

The provisions of the first paragraph of section 109.1.1 and sections 109.1.2, 109.2, 110, 110.1, 112, 114 and 115 of that Act apply.

Coming into force.

4. This Act comes into force on 17 June 1998.

Cessation of effect.

This Act ceases to have effect on the date to be fixed by the Government or, at the latest, on 1 January 1999.

1998, chapter 26
AN ACT TO EXTEND THE EFFECT OF CERTAIN
PROVISIONS OF THE ACT RESPECTING THE PRACTICE
OF MIDWIFERY WITHIN THE FRAMEWORK OF PILOT
PROJECTS

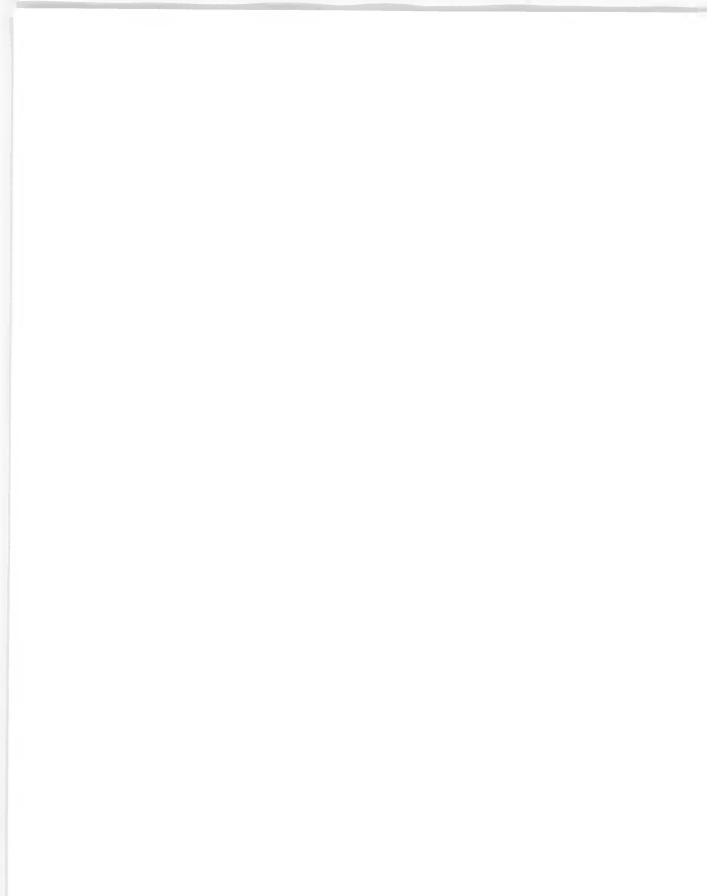
Bill 417

Introduced by Mr Jean Rochon, Minister of Health and Social Services Introduced 2 April 1998 Passage in principle 22 April 1998 Passage 16 June 1998 **Assented to 17 June 1998**

Coming into force: 24 September 1998

Legislation amended: None







AN ACT TO EXTEND THE EFFECT OF CERTAIN PROVISIONS OF THE ACT RESPECTING THE PRACTICE OF MIDWIFERY WITHIN THE FRAMEWORK OF PILOT PROJECTS

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Provisions continued.

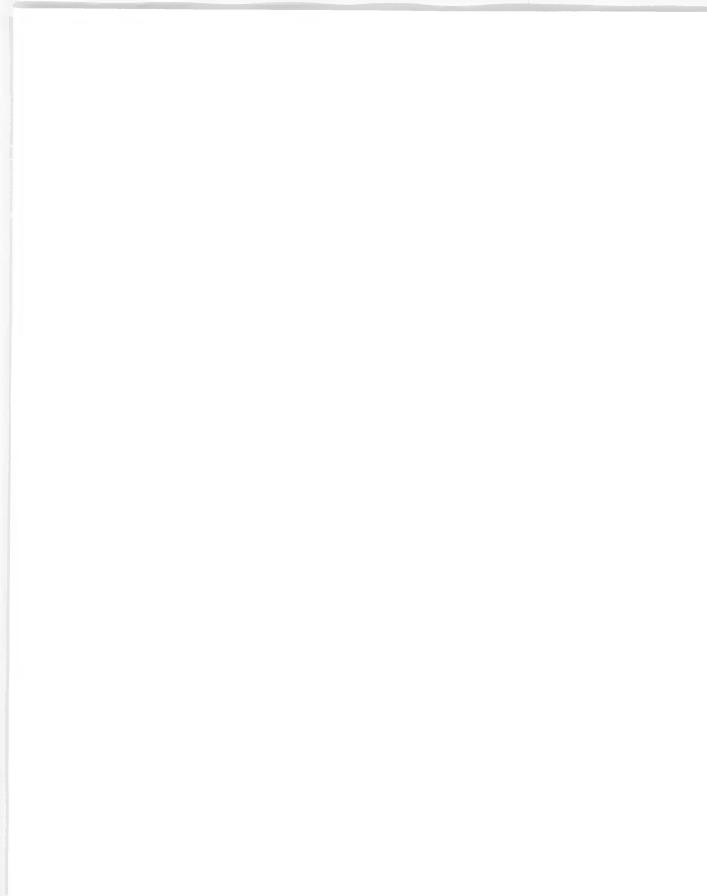
1. For the purpose of authorizing the continuation of the practice of midwifery within the framework of pilot projects already approved by the Minister of Health and Social Services, the provisions of sections 2, 5, 8 to 35, subparagraphs 3 and 4 of the first paragraph of section 36 and sections 37 to 39, 41 and 44 of the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., chapter P-16.1) continue to be effective until 24 September 1999 or any date to be fixed by government order, which shall not be later than 24 December 1999.

Committee members.

2. The term of the members of the committee on admission to the practice of midwifery and of the pilot project assessment board in progress on 24 September 1998 is extended until the date on which the provisions referred to in section 1 cease to be effective.

Coming into force.

3. This Act comes into force on 24 September 1998.



1998, chapter 27 AN ACT TO AMEND THE ACT TO PROMOTE THE PAROLE OF INMATES

Bill 419

Introduced by Mr Pierre Bélanger, Minister of Public Security Introduced 14 May 1998 Passage in principle 3 June 1998 Passage 17 June 1998 Assented to 17 June 1998

Coming into force: 17 June 1998, except section 13 which comes into force on the date to

be fixed by the Government

- 1999-01-27: s. 13

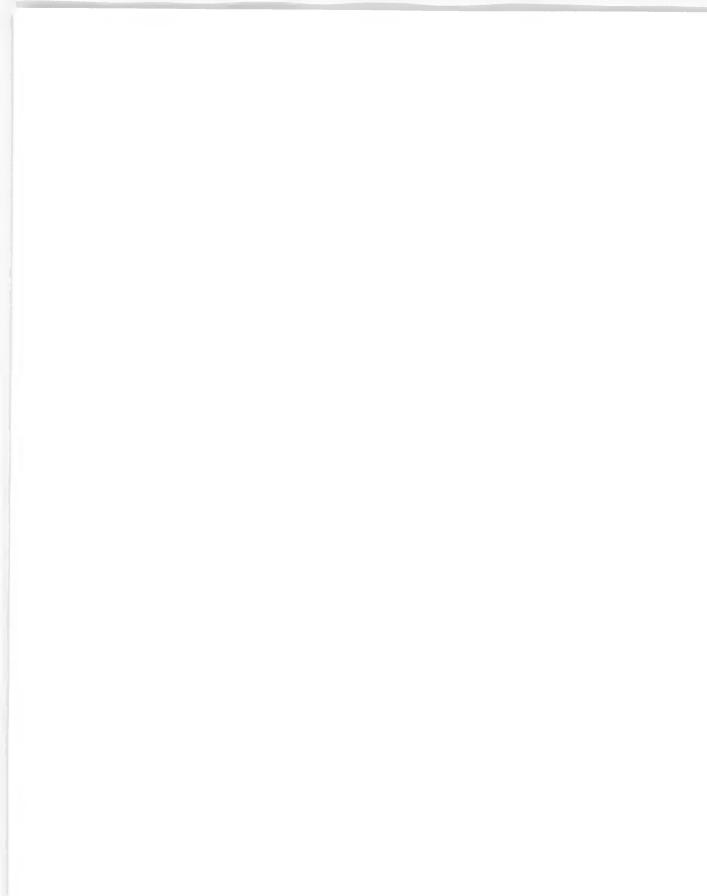
O.C. 10-99

G.O., 1999, Part 2, p. 81

Legislation amended:

Act to promote the parole of inmates (R.S.Q., chapter L-1.1)







AN ACT TO AMEND THE ACT TO PROMOTE THE PAROLE OF INMATES

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. L-1.1, s. 1, am.

1. Section 1 of the Act to promote the parole of inmates (R.S.Q., chapter L-1.1) is amended by adding, at the end of paragraph b, the following: ", but not a young person within the meaning of the Young Offenders Act (Revised Statutes of Canada, 1985, chapter Y-1) who is committed to custody pursuant to that Act, or a person found guilty of contempt of court in a civil or penal matter where a condition of the sentence imposed requires that the person return before the court".

c. L-1.1, ss. 3.1 and 3.2, added.

2. The said Act is amended by inserting, after section 3, the following:

Chairman.

"3.1. The chairman shall be responsible for the administration and general direction of the commission.

Functions.

The functions of the chairman include coordinating and assigning the work of the members of the commission, defining the commission's policies and ensuring that a high standard of quality and coherence is maintained in the commission's decisions.

Vice-chairman.

"3.2. The vice-chairman shall replace the chairman when the latter is absent or unable to act or, if the position of chairman is vacant, until a new chairman is appointed; the vice-chairman shall, in such circumstances, exercise the functions and powers assigned to the chairman by this Act."

c. L-1.1, s. 4, am.

3. Section 4 of the said Act is amended by replacing "two years" by "three years".

c. L-1.1, s. 9, am.

4. Section 9 of the said Act is amended by inserting "other than the chairman" after "commission" in the first paragraph.

c. L-1.1, s. 14, replaced.

Commission documents.

- **5.** Section 14 of the said Act is replaced by the following:
- "14. Documents or copies emanating from the commission or forming part of its records are authentic when signed by the chairman, the secretary or a member designated by the chairman."

c. L-1.1, s. 19, am.

- **6.** Section 19 of the said Act is amended
- (1) by replacing, in the English text, the word "qualifies" in the first line by the words "becomes eligible";
 - (2) by replacing subparagraph b of the first paragraph by the following:
- "(b) after serving one-half of the sentence of imprisonment imposed by the court or ten years, whichever is less, in the case of a sentence of imprisonment of two years or more, where the circumstances set out in section 743.6 of the Criminal Code apply; or".

c. L-1.1, ss. 19.1-19.3, added.

7. The said Act is amended by inserting, after section 19, the following:

Additional sentence.

- **"19.1.** An inmate who receives an additional sentence is not eligible for parole
- (a) until the day on which the inmate has served any remaining period of ineligibility in relation to the sentence the inmate was serving and one-third of the additional sentence, commencing on the day on which the additional sentence is imposed, if it is consecutive and imposed under the Criminal Code or another federal statute; or
- (b) until the day on which the inmate has served one-third of the sentence that includes the additional sentence as provided in section 25, in other cases.

Suspension of parole.

- "19.2. The parole of an inmate who receives an additional sentence is suspended and cannot resume
- (a) until the day on which the inmate has served one-third of the additional sentence, commencing on the day on which the additional sentence is imposed, if it is consecutive and imposed under the Criminal Code or another federal statute; or
- (b) until the day on which the inmate has served one-third of the sentence that includes the additional sentence as provided in section 25, in other cases.

Suspension of parole.

However, parole cannot resume if the commission or a designated person has ordered a suspension of parole pursuant to section 26.

Exceptional cases.

- **"19.3.** Notwithstanding sections 19, 19.1 and 19.2, parole may be granted to an inmate
 - (a) who is terminally ill;
- (b) whose physical or mental health is likely to suffer serious damage if the inmate continues to be held in confinement;

- (c) for whom continued confinement would constitute an excessive hardship that was not reasonably foreseeable at the time the inmate was sentenced; or
- (d) who is the subject of an order to be surrendered under the Extradition Act (Revised Statutes of Canada, 1985, chapter E-23) or the Fugitive Offenders Act (Revised Statutes of Canada, 1985, chapter F-32) and to be detained until surrendered."

c. L-1.1, s. 20, am.

- **B.** Section 20 of the said Act is amended
- (1) by replacing the first sentence of the second paragraph by the following: "The commission may, upon application and in the light of new facts, reexamine the case of an inmate whose parole has previously been refused, terminated or revoked.";
- (2) by replacing "examine" in the second sentence of the second paragraph by "re-examine";
- (3) by replacing "the decision to refuse or to revoke parole" in the second sentence of the second paragraph by "a decision to refuse, terminate or revoke parole".

c. L-1.1, s. 20.1, added.

Inmate at large.

- **9.** The said Act is amended by inserting, after section 20, the following:
- "20.1. The commission is not required to examine the case of an inmate who, at the time fixed for a hearing under section 20, is unlawfully at large, stands accused, is serving a sentence under the Young Offenders Act or is the subject of an immigration inquiry. If the inmate is unlawfully at large, however, the commission must examine the case as soon as possible after being informed of the inmate's return to custody."

c. L-1.1, s. 25, am.

10. Section 25 of the said Act is amended by replacing "last of them" by "the last of the sentences to be served".

c. L-1.1, Chap. III, subdiv. 2, heading, am.

11. The heading of subdivision 2 of Chapter III of the said Act is amended by inserting ", *termination*" after "Suspension".

c. L-1.1, s. 26, am.

12. Section 26 of the said Act is amended by inserting "or for any valid ground put forward by the inmate," after "contravention," in the first paragraph.

c. L-1.1, s. 26.1, added.

Cancellation of suspension.

- **13.** The said Act is amended by inserting, after section 26, the following:
- **"26.1.** The person who has issued a warrant under section 26 or, after consulting the commission, any person designated by the commission in writing may, once the inmate has been recommitted to custody and the case has been examined, cancel the suspension or refer the record to the commission."

c. L-1.1, s. 28, am.

14. Section 28 of the said Act is amended by replacing "or order his commitment, or release him" by ", order that the inmate's parole be terminated if it was suspended by reason of circumstances beyond the control of the inmate and order the commitment of the inmate, or release the inmate".

c. L-1.1, ss. 30.1 and 30.2, added.

15. The said Act is amended by inserting, after section 30, the following:

Remaining term.

- **"30.1.** An inmate whose parole has been terminated must complete the portion of the term of imprisonment that remained to be served at the time parole was granted, less
 - (a) any remission time credited at the time parole was granted;
 - (b) any time spent on parole;
- (c) any time spent in custody by reason of the suspension of the inmate's parole; and
- (d) any remission time for the period spent in custody by reason of such suspension.

Presumption.

- "30.2. Where the suspension of an inmate's parole is cancelled, the inmate is deemed to have continued serving the sentence during the period beginning on the date of the suspension and ending on the date on which the suspension was cancelled."
- c. L-1.1, s. 34, am.
- **16.** Section 34 of the said Act is amended by inserting ", to terminate" after "refuse".
- c. L-1.1, s. 35, am.
- **17.** Section 35 of the said Act is amended by replacing "members" by "full-time members".
- c. L-1.1, s. 36, repealed.
- **18.** Section 36 of the said Act is repealed.

c. L-1.1, s. 37, replaced.

19. Section 37 of the said Act is replaced by the following:

Decision on review.

- **"37.** The commission, after examining the record, may
- (a) affirm, cancel or vary the decision under review;
- (b) refer the case for re-examination under section 20 and, pending the re-examination, order the continuation of the decision under review."
- c. L-1.1, s. 38, am.
- **20.** Section 38 of the said Act is amended
 - (1) by striking out "full-time";
 - (2) by adding, at the end, the following:

Reinforcement.

"A member of the commission or, after consulting the commission, a person designated in writing by the commission may, in addition, reinforce or add to the conditions.

Observations.

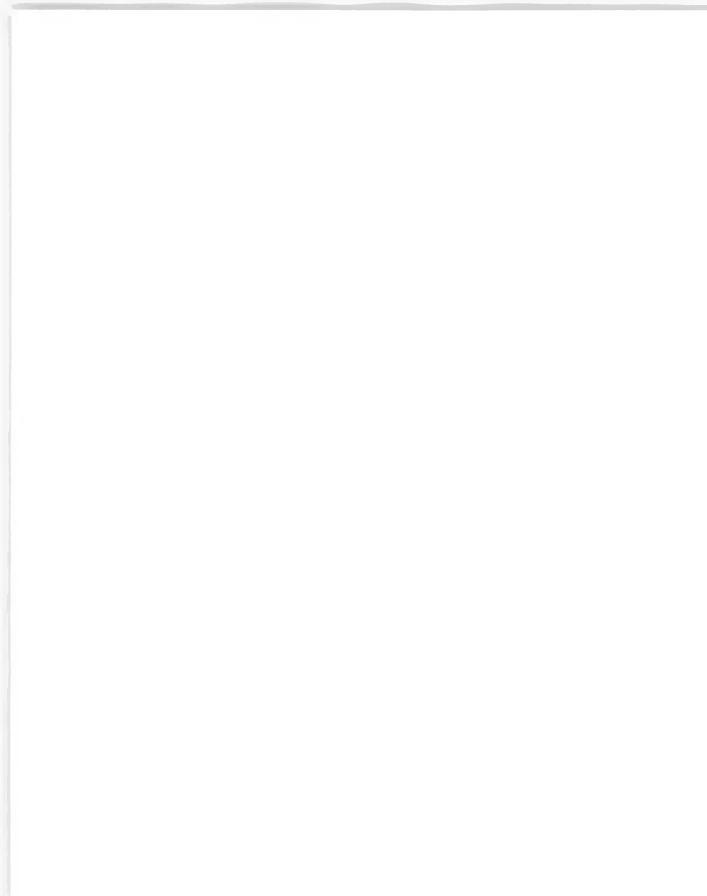
No decision under the second paragraph may be made without giving the inmate an opportunity to present observations."

c. L-1.1, s. 49, English text, am.

21. Section 49 of the said Act is amended by replacing, in the English text, the word "qualifies" in subparagraph b of the first paragraph by the words "becomes eligible".

Coming into force.

22. This Act comes into force on 17 June 1998, except section 13 which comes into force on the date to be fixed by the Government.



1998, chapter 28 AN ACT TO AMEND THE ACT RESPECTING CORRECTIONAL SERVICES AND OTHER LEGISLATIVE PROVISIONS

Bill 420

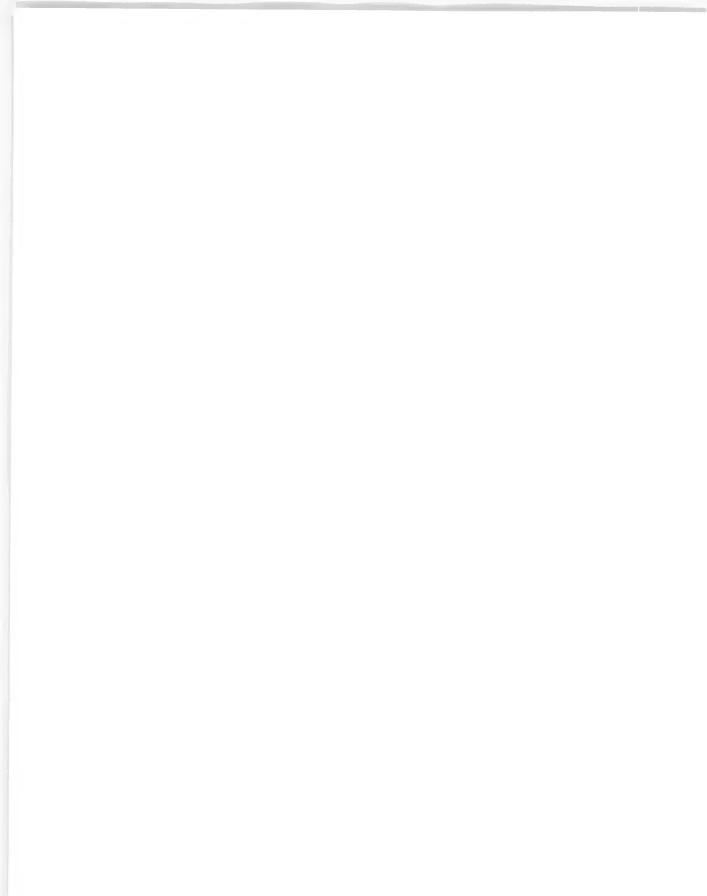
Introduced by Mr Pierre Bélanger, Minister of Public Security Introduced 14 May 1998 Passage in principle 3 June 1998 Passage 17 June 1998 Assented to 17 June 1998

Coming into force: 17 June 1998

Legislation amended:

Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) Act respecting correctional services (R.S.Q., chapter S-4.01)







AN ACT TO AMEND THE ACT RESPECTING CORRECTIONAL SERVICES AND OTHER LEGISLATIVE PROVISIONS

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. S-4.01, s. 4.1, added.

1. The Act respecting correctional services (R.S.Q., chapter S-4.01) is amended by inserting, after section 4, the following:

Recognition.

- "4.1. The Minister shall recognize non-profit community resources engaged in the social rehabilitation of criminal offenders as partners of the correctional services."
- c. S-4.01, s. 9, am.
- **2.** Section 9 of the said Act is amended by replacing "community work" by "community service".
- c. S-4.01, s. 12.1, am.
- **3.** Section 12.1 of the said Act is amended
- (1) by replacing "an order for community work" in the portion before paragraph a by "an order involving the performance of hours of community service":
- (2) by replacing "for community work" in paragraph a by "involving the performance of hours of community service";
- (3) by replacing "consents to work without remuneration, under the supervision of a probation officer, for a community resource" in paragraph b by "agrees to perform, without remuneration and under the supervision of a probation officer, community service with a community resource";
- (4) by replacing "for community work" in paragraph c by "involving the performance of hours of community service";
- (5) by replacing "contemplated for community work" in paragraph d by "concerned for community service";
- (6) by replacing "to be worked" and "limit for carrying out the work" in paragraph *e* by "of community service to be performed" and "within which the hours of community service are to be performed";
- (7) by replacing "mode of execution of the community work proposed to him" in paragraph f by "conditions established for the performance of the hours of community service".

- c. S-4.01, s. 12.2, am.
- **4.** Section 12.2 of the said Act is amended by replacing "the order for community work" by "an order involving the performance of hours of community service".
- c. S-4.01, s. 12.3, am.
- **5.** Section 12.3 of the said Act is amended by replacing "for community work" by "involving the performance of hours of community service".
- c. S-4.01, s. 19.6.1, am.
- **6.** Section 19.6.1 of the said Act is amended by replacing "executes a probation order involving community work" in subparagraph 2 of the first paragraph by "performs hours of community service under a probation order or a suspension order".
- c. S-4.01, s. 19.7, am.
- **7.** Section 19.7 of the said Act is amended by replacing paragraph 3 by the following:
- "(3) hours of community service under a probation order or a suspension order."
- c. S-4.01, s. 22.2, am.
- **8.** Section 22.2 of the said Act is amended by replacing "having served one-third of such term" in the third paragraph by "becoming eligible for parole".
- c. S-4.01, s. 22.5, am.
- **9.** Section 22.5 of the said Act is amended
 - (1) by replacing "fifteen" by "60";
 - (2) by adding, at the end, the following:

Extension.

- "A period of absence may, after re-examination of the record, be extended by one or more periods of not more than 60 days."
- c. S-4.01, s. 22.16, am.
- **10.** Section 22.16 of the said Act is amended by replacing "of them" in the last line by "term of imprisonment".
- c. S-4.01, s. 23, am.
- **11.** Section 23 of the said Act, amended by section 717 of chapter 43 of the statutes of 1997, is again amended by replacing "for community work" in paragraph w by "involving the performance of hours of community service".

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

- c. A-3.001, s. 11, am.
- **12.** Section 11 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing paragraph 2 by the following:
- "(2) a person who performs hours of community service under a probation order or a suspension order;".

ACT RESPECTING THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

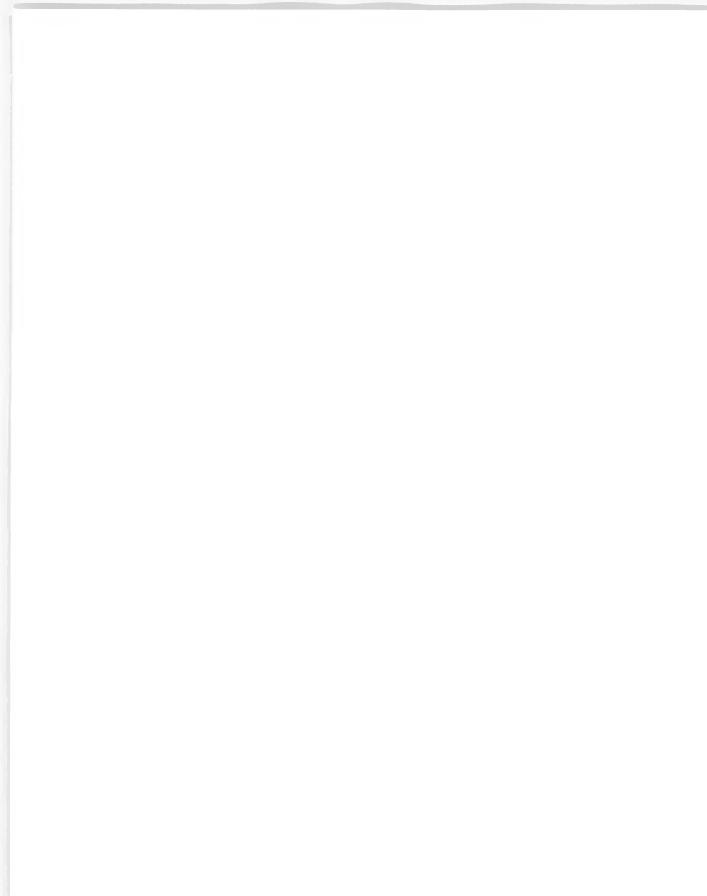
c. M-19.3, s. 9, am.

13. Section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by inserting, after paragraph 5, the following:

"(5.1) to ensure the availability of supervisors' services and to supervise the carrying out of suspension orders;".

Coming into force.

14. This Act comes into force on 17 June 1998.



1998, chapter 29
AN ACT TO AMEND THE ACT RESPECTING THE
CONSERVATION AND DEVELOPMENT OF WILDLIFE
AND THE ACT RESPECTING COMMERCIAL FISHERIES
AND AQUACULTURE

Bill 421

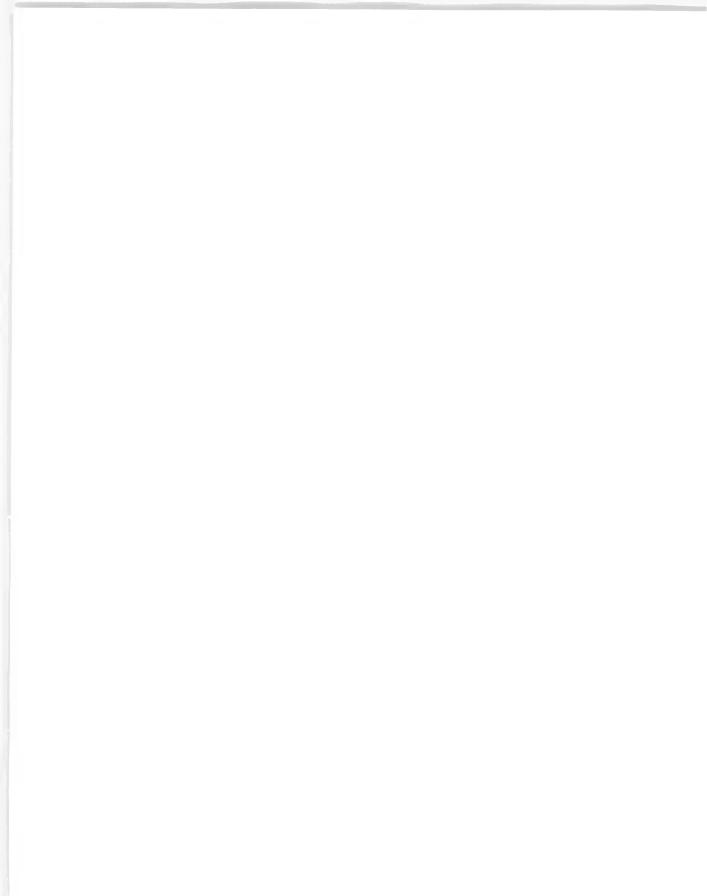
Introduced by Mr Paul Bégin, Minister of the Environment and Wildlife Introduced 5 May 1998
Passage in principle 2 June 1998
Passage 17 June 1998
Assented to 17 June 1998

Coming into force: 17 June 1998

Legislation amended:

Act respecting land use planning and development (R.S.Q., chapter A-19.1) Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01)







AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE AND THE ACT RESPECTING COMMERCIAL FISHERIES AND AOUACULTURE

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-61.1, s. 26.1, replaced.

1. Section 26.1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is replaced by the following:

Trap setting.

"26.1. Notwithstanding section 26, the holder of a trapping licence may, during the period and on the conditions determined by regulation of the Minister, damage a beaver dam to ascertain the presence of beavers or to set a trap.

Trap setting.

Moreover, the holder of a trapping licence may, during the period and on the conditions determined by regulation of the Minister, open a muskrat den to set a trap."

c. C-61.1, s. 47, am.

- **2.** Section 47 of the said Act, amended by section 2 of chapter 95 of the statutes of 1997, is again amended
- (1) by adding ", or a provision of the first paragraph of section 128.6" at the end of the first paragraph;
- (2) by replacing "2, 3 and 5" in the third line of the second paragraph by "2 and 3".
- c. C-61.1, s. 48, am.
- **3.** Section 48 of the said Act is amended by striking out "a fishing pond," in the first line.
- c. C-61.1, s. 49, am.
- **4.** Section 49 of the said Act is amended by striking out "or amphibians" wherever those words appear in that section.
- c. C-61.1, s. 51, am.
- **5.** Section 51 of the said Act is amended by inserting "or a fishing pond" after "plant" in the first line.
- c. C-61.1, s. 53, am.
- **6.** Section 53 of the said Act is amended
- (1) by replacing "trade or dress pelts" in the second line of the first paragraph by "trade in or dress undressed pelts from an animal that has been hunted or trapped";

- (2) by replacing, in the French text, "en apprêter" in the second line of the first paragraph by "l'apprêter";
 - (3) by inserting "such" before "pelts" in the second line of the first paragraph.

c. C-61.1, s. 54.1, replaced.

7. Section 54.1 of the said Act is replaced by the following:

Regulations.

- **"54.1.** The Minister may, by regulation,
- (1) fix the kinds and classes of licences and certificates, in particular for residents and non-residents, and limit the number of licences of each class for an area, territory or place the Minister indicates;
- (2) determine the content and term of a licence or certificate and the manner of issuing, replacing and renewing a licence or certificate according to the category of persons concerned or according to the species of wildlife sought or the age or sex of animals."

c. C-61.1, s. 56, am.

- **8.** Section 56 of the said Act is amended
- (1) by replacing "Government" in the first line of the second paragraph by "Minister" and by replacing "it determines" in the second line by "determined by the Minister";
- (2) by inserting "or age" after "sex" in the first line of subparagraph 1 of the third paragraph;
- (3) by replacing "territory or the area" in subparagraph 3 of the third paragraph by "area, territory or place";
- (4) by inserting "and" at the end of subparagraph 3 of the third paragraph and by striking out "and" at the end of subparagraph 4 of that paragraph;
 - (5) by striking out subparagraph 5 of the third paragraph;
 - (6) by adding, at the end, the following:

Regulations.

"The Minister may also, by regulation,

- (1) determine the means and their specifications, and the animals, including domestic animals and dogs, with which hunting, trapping or capturing an animal the Minister indicates is permitted;
- (2) determine the maximum number of animals that may be killed or captured by a person or group of persons during a period and in an area, territory or place the Minister indicates."
- c. C-61.1, s. 56.1, replaced.
- **9.** Section 56.1 of the said Act is replaced by the following:

Registration of animals.

- "**56.1.** The Minister may, on the conditions determined by the Minister, authorize a person, partnership or association to register animals or fish. The authorization may provide that all or some of the fees collected for the registration devolve upon the holder of the authorization."
- c. C-61.1, s. 71, am.
- **10.** Section 71 of the said Act is amended by replacing ", a regulation made under section 56 or a ministerial order issued under section 56.1" in paragraph 3 by "or a regulation made under section 56".
- c. C-61.1, s. 73, am.
- **11.** Section 73 of the said Act is amended
 - (1) by replacing paragraph 1 by the following:
- "(1) determine the fish or classes of live fish that may be produced, used for stocking purposes, kept in captivity, propagated or transported in a fish-breeding area;";
 - (2) by striking out "a fishing pond," in the second line of paragraph 2;
- (3) by striking out "or amphibians" wherever those words appear in paragraph 3;
 - (4) by striking out "a fishing pond," in the second line of paragraph 5;
 - (5) by striking out "a fishing pond," in the second line of paragraph 6.

c. C-61.1, Div. VII, ss. 84.1-84.3, added.

12. The said Act is amended by adding, at the end of Chapter III, the following:

"DIVISION VII

"TERRITORIES DELIMITED FOR WILDLIFE HARVESTING

Hunting, fishing and trapping areas.

****84.1.** The Minister may divide Québec into hunting areas, fishing areas or trapping areas, and delimit the areas.

Territory.

The Minister may also delimit a territory for the purposes of paragraph 1 of section 54.1, subparagraph 3 of the third paragraph and subparagraph 2 of the fourth paragraph of section 56, and paragraphs 18 and 19 of section 162.

Fish-breeding areas.

****84.2.** The Minister may, after consultation with the Minister of Agriculture, Fisheries and Food, divide Québec into fish-breeding areas and delimit the areas.

Publication of order.

****84.3.** An order made by the Minister under section 84.1 or 84.2 shall be published in the *Gazette officielle du Québec*, together with a plan of the area or territory delimited, and comes into force on the date of its publication or on any later date indicated therein."

c. C-61.1, s. 85, am.

13. Section 85 of the said Act is amended

- (1) by replacing "Government may designate and delimit areas on land in the public domain in view of" in the first and second lines by "Minister may, after consultation with the Minister of Natural Resources, delimit areas on land in the public domain with a view to";
 - (2) by adding, at the end, the following:

Publication of order.

"An order made by the Minister under this section shall be published in the Gazette officielle du Québec, together with the plan of the areas of land delimited, and comes into force on the date of its publication or on any later date indicated therein."

c. C-61.1, s. 86.2, am.

14. Section 86.2 of the said Act is amended by striking out "designated and" in the fourth line of the portion of the first paragraph before subparagraph 1.

c. C-61.1. s. 89. am.

15. Section 89 of the said Act is amended

- (1) by replacing "Government repeals or amends an order that has designated and delimited" in the first and second lines by "Minister repeals, amends or replaces the instrument delimiting";
 - (2) by replacing, in the French text, "le ministre" in the second line by "il";
- (3) by replacing "or amendment" in the fourth line by ", amendment or replacement".

c. C-61.1, s. 93, am.

16. Section 93 of the said Act is amended

- (1) by replacing "regulation designating and" in the second and third lines of the second paragraph by "instrument";
- (2) by replacing "or amended" in the third and fourth lines of the second paragraph by ", amended or replaced".

c. C-61.1, s. 104, am.

17. Section 104 of the said Act is amended

- (1) by replacing "Government may" in the first line of the first paragraph by "Minister may, after consultation with the Minister of Natural Resources,";
- (2) by replacing "Government" in the first line of the second paragraph by "Minister";
- (3) by replacing, in the French text, "du décret" in the second line of the fourth paragraph by "de l'arrêté";
 - (4) by adding, at the end, the following:

Publication of order.

"An order made by the Minister under this section shall be published in the Gazette officielle du Québec, together with a plan of the controlled zone delimited, and comes into force on the date of its publication or on any later date indicated therein."

c. C-61.1, s. 111, am.

- **18.** Section 111 of the said Act is amended
- (1) by replacing "Government may" in the first line of the first paragraph by "Minister may, after consultation with the Minister of Natural Resources,";
- (2) by replacing "Government" in the first line of the second paragraph by "Minister";
- (3) by replacing, in the French text, "du décret" in the fourth line of the third paragraph by "de l'arrêté";
 - (4) by adding, at the end, the following:

Publication of order.

"An order made by the Minister under this section shall be published in the Gazette officielle du Québec, together with a plan of the wildlife sanctuary delimited, and comes into force on the date of its publication or on any later date indicated therein."

c. C-61.1, ss.113-117, repealed.

19. Sections 113 to 117 of the said Act are repealed.

c. C-61.1, s. 122, am.

- **20.** Section 122 of the said Act is amended
- (1) by replacing "Government may" in the first line of the first paragraph by "Minister may, after consultation with the Minister of Natural Resources,";
- (2) by replacing "Government" in the first line of the second paragraph by "Minister";
- (3) by replacing, in the French text, "le ministre" in the second line of the second paragraph by "il";
- (4) by replacing, in the French text, "du décret" in the fourth line of the third paragraph by "de l'arrêté";
 - (5) by adding, at the end, the following:

Publication of order.

"An order made by the Minister under this section shall be published in the Gazette officielle du Québec, together with a plan of the wildlife preserve delimited, and comes into force on the date of its publication or on any later date indicated therein."

c. C-61.1, s. 128.6, am.

21. Section 128.6 of the said Act is amended by adding "under this Act" after "Government" at the end of subparagraph 3 of the second paragraph.

c. C-61.1, s. 162, am.

22. Section 162 of the said Act is amended

- (1) by striking out paragraphs 5, 6, 8 and 15;
- (2) by replacing "the form, tenor and term of a licence or certificate, the mode and cost of its issue, replacement and renewal" in the first and second lines of paragraph 10 by "the cost of issuing, replacing and renewing a licence or certificate according to the kind or class of licence or certificate," and by striking out ", and the obligations of holders respecting a change of address" in the fourth and fifth lines:
- (3) by inserting "and fixing, according to species, the fees exigible for the registration" after "fish" in the second line of paragraph 16;
- (4) by replacing "or territory" in the first line of paragraph 18 by ", territory or place";
 - (5) by striking out "it delimits" in the first line of paragraph 19;
- (6) by replacing ", for each pelt purchased or obtained, the duty that must be paid by the holder of a licence contemplated in section 53 and the conditions with which he" in the first, second and third lines of paragraph 21 by "the duties payable by the holder of a licence referred to in section 53 for each undressed pelt from an animal that has been hunted or trapped and for each pelt purchased, dressed or received on consignment as an intermediary for its sale or trade, as well as the conditions with which the holder".

c. C-61.1, s. 164, replaced.

Publication requirements.

23. Section 164 of the said Act is replaced by the following:

"**164.** A regulation made by the Minister under sections 26.1, 54.1 and 56 is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1)."

c. C-61.1, s. 165, am.

24. Section 165 of the said Act is amended

- (1) by striking out "or 5" in the second line of subparagraph 1 of the first paragraph;
- (2) by striking out ", a ministerial order under section 56.1" after "56" in the second line of subparagraph 2 of the first paragraph;
- (3) by replacing "paragraph 1, 2 or 3" in the fourth line of subparagraph 2 of the first paragraph by "subparagraph 1, 2 or 3 of the third paragraph".

c. C-61.1, s. 167, am.

25. Section 167 of the said Act is amended by striking out ", a ministerial order under section 56.1" after "56" in the second line of subparagraph 1 of the first paragraph and by inserting, in the French text, "du troisième alinéa" after "3°" in the fourth line of that subparagraph.

c. C-61.1, s. 171, am.

26. Section 171 of the said Act is amended by striking out "or 5" in the second line of paragraph 1.

c. C-61.1, s. 191.1, am.

27. Section 191.1 of the said Act is amended by adding, at the end, the following:

Minister's order.

"From 17 June 1998, those regulations may be replaced or repealed by order of the Minister of the Environment and Wildlife."

c. P-9.01, s. 12, am.

- **28.** Section 12 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended
 - (1) by adding "or a fishing pond" at the end of the first paragraph;
- (2) by replacing "For the purposes of this Act, a fish-breeding plant is" in the first line of the second paragraph by "Fish-breeding plant" means";
 - (3) by adding, after the second paragraph, the following:

Fishing pond.

""Fishing pond" means a body of water having an area of not more than 10 hectares containing exclusively farmed fish, closed on all sides to hold the fish captive, situated on private property and used for angling."

c. P-9.01, s. 14, am.

29. Section 14 of the said Act, amended by section 398 of chapter 43 of the statutes of 1997, is again amended by adding, at the end, the following:

Exception.

"The second and third paragraphs do not apply to a licence to operate a fishing pond."

c. P-9.01, s. 47, am.

- **30.** Section 47 of the said Act is amended
- (1) by inserting "or a fishing pond" after "plant" in the second line of the first paragraph;
- (2) by inserting "or a fishing pond" after "plant" in the second line of the third paragraph.

c. P-9.01, s. 49, am.

- **31.** Section 49 of the said Act is amended
- (1) by adding "or a fishing pond" after "plant" in the second line of paragraph 4;
- (2) by inserting "the keeping in captivity in a fishing pond," after "relating to" in the first line of paragraph 5.

c. A-19.1. s. 149, am.

32. Section 149 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing subparagraph 5 of the first paragraph by the following:

"(5) delimits part of the lands in the public domain to foster the utilization of wildlife resources, or abolishes or changes such delimitation;".

Orders in force.

33. Orders made by the Government under sections 85, 104, 111, 122 and 191.1 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by order of the Minister of the Environment and Wildlife.

Orders in force.

34. Orders made by the Minister under sections 54.1 and 56.1 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced, amended or repealed by order of the Minister of the Environment and Wildlife.

Regulations in force.

35. The provisions of the regulations made by the Government under section 56, paragraph 1 of section 73 in respect of the establishment of fish-breeding areas, paragraphs 5, 6, 8 and 10 in respect of the determination of the tenor and term of a licence or certificate, its mode of issue, replacement or renewal according to the category of persons concerned or according to the species of wildlife sought or the age or sex of animals, as well as paragraphs 14 and 15 of section 162 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by order of the Minister of the Environment and Wildlife.

Order in Council in force.

36. Order in Council 1066-97 (1997, G.O. 2, 4529), made by the Government under section 4 of the Act respecting the conservation and development of wildlife as it read before 19 December 1997, remains in force until it is replaced by an order of the Minister of the Environment and Wildlife.

Effect.

This section has effect from 19 December 1997.

Provisions in force.

37. The provisions of sections 6 to 10 and 35 of the Regulation respecting aquaculture and the sale of fish, made by Order in Council 1302-94 (1994, G.O. 2, 3951) respecting licences to operate a fishing pond, and the provisions of subparagraph 1 of the first paragraph of section 4.2 of the Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 (1991, G.O. 2, 3909), made under the Act respecting the conservation and development of wildlife, remain in force until they are replaced by a regulation under the Act respecting commercial fisheries and aquaculture. Those provisions are deemed to be made under paragraphs 8, 9 and 12 of section 49 of the Act respecting commercial fisheries and aquaculture.

Presumption.

38. The licences relating to the operation of fishing ponds referred to in section 48 of the Act respecting the conservation and development of wildlife are deemed to be issued under section 12 of the Act respecting commercial fisheries and aquaculture, as amended by section 28 of this Act, and are governed by the provisions of the Act respecting commercial fisheries and aquaculture.

Coming into force.

39. This Act comes into force on 17 June 1998.

1998, chapter 30

AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL COURTS AND THE COURTS OF JUSTICE ACT

Bill 422

Introduced by Mr Serge Ménard, Minister of Justice Introduced 5 May 1998 Passage in principle 20 May 1998 Passage 16 June 1998 Assented to 17 June 1998

Coming into force: on the date or dates to be fixed by order of the Government, except the

provisions of sections 1 to 3, 17, 20, 29, 32 to 35 and 43 which come

into force on 17 June 1998

- 1998-09-09: ss. 6, 7, 14, 16, 21

O.C. 1164-98

G.O., 1998, Part 2, p. 3887

- 1998-10-15: ss. 4, 5, 8-13, 18, 19, 22-28, 30, 31, 36, 40-42, 44

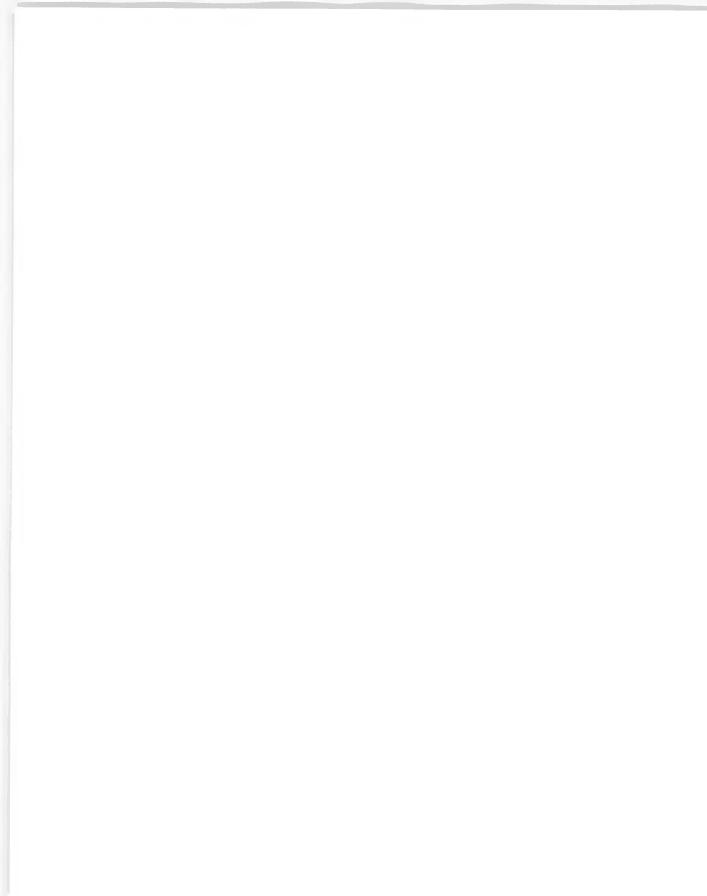
O.C. 1164-98

G.O., 1998, Part 2, p. 3887

Legislation amended:

Act respecting municipal courts (R.S.Q., chapter C-72.01) Courts of Justice Act (R.S.Q., chapter T-16)







AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL COURTS AND THE COURTS OF JUSTICE ACT

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-72.01, s. 11.1, am.

1. Section 11.1 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is amended by inserting, after the third paragraph, the following:

Applicability.

"The provisions of this section also apply to a regional county municipality that, for the purposes of its jurisdiction, wishes to enter into an agreement with a contiguous regional county municipality or a local municipality forming part of a contiguous regional county municipality or to join in an existing agreement."

c. C-72.01, s. 12, am.

- 2. Section 12 of the said Act is amended
 - (1) by replacing paragraph 3 by the following:
- "(3) the address of the place where the court is to sit for matters relating to one or to two or more municipalities;";
 - (2) by striking out paragraph 7.

c. C-72.01, s. 18.2, am.

- **3.** Section 18.2 of the said Act is amended by striking out "or" at the end of subparagraph 1 of the first paragraph and by inserting, after subparagraph 2 of the first paragraph, the following:
- "(3) the common municipal court which, at the time the joint application for the amalgamation of municipal territories is filed under section 85 of the said Act, has jurisdiction over the territory of the municipalities party to the joint application for amalgamation, provided that the only change in the agreement respecting the municipal court that results from the amalgamation consists in replacing the names of the municipalities by the name of the new municipality resulting from the amalgamation."

c. C-72.01, s. 23, am.

- **4.** Section 23 of the said Act is amended by adding, at the end of the first paragraph, the following: "The Minister of Justice shall give notice of such approval to the chief judge of the municipal courts."
- c. C-72.01, s. 36, am.
- **5.** Section 36 of the said Act is amended by inserting "the chief judge of the municipal courts or" after "before" in the first line of the second paragraph.

c. C-72.01, ss. 36.1-36.5, added.

6. The said Act is amended by inserting, after section 36, the following:

Chief judge.

"36.1. The Government shall appoint the chief judge of the municipal courts, by commission under the Great Seal, from among the municipal judges.

Term of office.

"36.2. The term of office of the chief judge is of seven years and cannot be renewed.

Continuance in office.

Notwithstanding the expiry of that term, the chief judge shall remain in office until a successor is appointed.

Concurrent functions.

"36.3. The chief judge shall continue to exercise the functions of a municipal judge while holding the office of chief judge.

Court assigned in deed of appointment.

The chief judge shall exercise the functions of chief judge at the court to which he is assigned in his deed of appointment as a municipal judge, if so agreed by the Government and the municipality responsible for the administration of that court. Failing agreement, the chief judge shall exercise the functions of chief judge at the place determined by the Government.

Abolition of assigned court.

If the municipal court to which the chief judge is assigned is abolished, the chief judge shall continue to exercise the functions of chief judge at the place determined by the Government. For that purpose, the chief judge shall retain the status of municipal judge.

Replacement.

"36.4. If the chief judge is absent or unable to act, the chief judge may be replaced by another municipal judge appointed by the Government to exercise the functions of chief judge until the chief judge resumes the functions of chief judge or is replaced.

Acting judge.

If, however, the chief judge is absent or unable to act for fewer than 45 days, the chief judge shall designate from among the municipal judges a judge to exercise the functions of chief judge until the chief judge resumes the functions of chief judge.

Functions.

"36.5. The functions of the chief judge shall be, in particular,

- (1) to establish, concurrently with the municipal judges, general policies applicable to them and to ensure that the policies are adhered to;
- (2) to see that such uniform rules of practice as are necessary for the exercise of the jurisdiction of the municipal courts are adopted and to ensure that the rules are applied;
 - (3) to ensure that judicial ethics are observed;
- (4) to promote the professional development of municipal judges in collaboration with the Conseil de la magistrature established by the Courts of Justice Act:

- (5) to provide support to municipal judges in their efforts to improve the operation of the municipal courts."
- c. C-72.01, s. 37.1, added.

7. The said Act is amended by inserting, after section 37, the following:

Exclusive functions.

"37.1. Notwithstanding section 37, the chief judge shall exercise no functions other than those of chief judge or of a municipal judge. However, the chief judge may carry out any mandate entrusted to the chief judge by order of the Government.

Provisions applicable.

The second paragraph of section 129 of the Courts of Justice Act applies to the exercise of such functions.

Exception.

The provisions of this section do not apply to the chief judge appointed or designated under section 36.4."

c. C-72.01, ss. 39.1-39.3, added.

8. The said Act is amended by inserting, after section 39, the following:

Retention of status.

****39.1.** Notwithstanding section 39, a judge of a municipal court that has been abolished who has not been appointed to another municipal court shall retain the status of municipal judge solely for the purpose of sitting as an acting judge pursuant to section 41 or 42 or as a deputy judge pursuant to section 46 on the court to which the judge was designated before the abolition. Failing such a designation, the chief judge, having regard to the requirements of the proper administration of justice and of the efficient management of the public funds allocated therefor, shall, by preference, designate the judge as an acting or deputy judge to a municipal court. The chief judge may not revoke the designation of a deputy judge until the judge is appointed to another municipal court.

Application.

"39.2. A judge of a municipal court that has been abolished and who has not been appointed to another court may, following the publication of a notice of vacancy on a municipal court and within the time provided therein, apply for the position. Where that is the case, the selection committee formed pursuant to section 34 is required, without further formality, to recognize the judge's qualification for appointment as a municipal judge. The recognition of qualification shall be effective until the judge concerned is appointed to another municipal court.

Preference.

- **"39.3.** The Government shall give preference to an application submitted by a judge recognized to be qualified pursuant to section 39.2 for any office of municipal judge that the Government intends to fill pursuant to section 32 for which the judge shows an interest within the time provided in the notice of vacancy."
- c. C-72.01, s. 41, am,
- **9.** Section 41 of the said Act is amended
- (1) by replacing "Minister of Justice" in the first line of the first paragraph by "chief judge";

- (2) by striking out ", by order," in the second line of the first paragraph;
- (3) by replacing "The order" in the second paragraph by "Notice of the designation".
- c. C-72.01, s. 42, am.
- 10. Section 42 of the said Act is amended
- (1) by inserting "and the chief judge" after "Justice" in the third line of the first paragraph;
 - (2) by striking out ", by order," in the fourth line of the first paragraph;
- (3) by replacing "The order" in the second paragraph by "Notice of the designation".
- c. C-72.01, s. 42.1, added.

Designation of acting judge.

- **11.** The said Act is amended by inserting, after section 42, the following:
- "42.1. The chief judge shall designate an acting judge pursuant to section 41 or 42 having regard to the requirements of the proper administration of justice and of the efficient management of the public funds allocated therefor."
- c. C-72.01, ss. 46 and 47, replaced.

Designation of deputy judge.

- **12.** Sections 46 and 47 of the said Act are replaced by the following:
- "46. The chief judge shall designate, from among the judges of the other municipal courts, a deputy judge for each municipal court. The deputy judge shall act if the judge assigned to the court recuses himself or is absent or unable to act. If the deputy judge recuses himself or is absent or unable to act, the chief judge shall designate another deputy judge.

Designation of deputy judge.

In designating a deputy judge, the chief judge shall have regard to the requirements of the proper administration of justice and of the efficient management of the public funds allocated therefor."

c. C-72.01, s. 48, replaced.

Authority of deputy judge.

- **13.** Section 48 of the said Act is replaced by the following:
- "48. A deputy judge has all the rights, powers and privileges of the judge replaced by the deputy judge and shall exercise the functions of that judge from the time of designation until the designation is revoked by the chief judge.

Filing.

A copy of the designation and, where applicable, of its revocation must be filed at the office of the court and transmitted to the Minister."

c. C-72.01, ss. 49.1-49.3, added.

Remuneration.

- **14.** The said Act is amended by inserting, after section 49, the following:
- "49.1. The Government shall fix, by order, the remuneration of the chief judge, which shall not be less than the salary and additional remuneration

of an associate chief judge of the Court of Québec. However, the remuneration paid to the chief judge shall be reduced by the amount of the remuneration he receives as a judge pursuant to section 49.

Additional remuneration.

The Government shall also fix, by order, the additional remuneration to which a judge appointed under the first paragraph of section 36.4 is entitled to replace the chief judge when the chief judge is absent or unable to act.

Expenses.

"49.2. The Government shall determine, by order, the cases in which, the conditions upon which and the extent to which it shall reimburse the chief judge for expenses incurred in the exercise of the chief judge's functions.

Required sums.

"49.3. The sums required for the carrying out of sections 49.1 and 49.2 are taken out of the consolidated revenue fund."

c. C-72.01, s. 50, am.

15. Section 50 of the said Act, enacted by section 8 of chapter 84 of the statutes of 1997, is amended by inserting ", 49.1 or 49.2" after "49".

c. C-72.01, s. 51, am.

16. Section 51 of the said Act is amended by inserting ", 49.1 or 49.2" after "49" in the first line.

c. C-72.01, s. 55, replaced.

17. Section 55 of the said Act is replaced by the following:

Place of sittings.

"55. The court shall sit at its chief-place. In the case of a common municipal court, the court may also, in respect of matters relating to the territory of one or two or more municipalities situated in a territory other than that in which the chief-place is situated, sit in the territory of one of those municipalities. In such a case, the municipalities must determine, in the agreement concerning the court, the place where the court will sit for matters relating to their respective territories."

c. C-72.01, Div. I.1, ss. 56.1 and 56.2, added.

18. The said Act is amended by inserting, after section 56, the following:

"DIVISION I.1

"GENERAL POLICIES AND RULES OF PRACTICE

General policies.

"56.1. The municipal judges may adopt general policies, which must be compatible with the provisions of this Act.

Rules of practice.

"56.2. A majority of the municipal judges may adopt uniform rules of practice applicable to all municipal courts in matters necessary for the exercise of their jurisdiction, either at a meeting called for that purpose by the chief judge or through any other means whereby the chief judge may consult them.

Compatibility.

The rules of practice must be compatible with the provisions of this Act and the provisions of the Code of Civil Procedure (chapter C-25) and the Code of Penal Procedure (chapter C-25.1).

Approval.

The rules of practice are subject to the approval of the Government. The provisions of the Regulations Act (chapter R-18.1), except Division V, apply to the rules.

Posting.

The rules of practice must be posted in the office of each municipal court."

- c. C-72.01, s. 64, am.
- **19.** Section 64 of the said Act is amended by inserting "the chief judge and" after "court to" in the first sentence.
- c. C-72.01, s. 66, am.
- **20.** Section 66 of the said Act is amended by replacing "unable to exercise their functions by reason of absence or illness" in the third and fourth lines of the first paragraph by "absent or unable to act".
- c. C-72.01, s. 86.1, added.
- Administrative support expenses.
- **21.** The said Act is amended by inserting, after section 86, the following:
- **"86.1.** Where an agreement has been entered into between the Government and a municipality in accordance with the second paragraph of section 36.3, the administrative support expenses directly related to the functions of chief judge shall be borne by the municipality and shall, to the extent determined in the agreement, be reimbursed to the municipality by the Government. Failing an agreement or where the municipal court to which the chief judge is assigned as municipal judge is abolished, such expenses shall be borne by the Government."
- c. C-72.01, s. 89, am.
- **22.** Section 89 of the said Act is amended by inserting "the chief judge and" after the word "notify" in the first line of the second paragraph.
- c. C-72.01, s. 90, am.
- **23.** Section 90 of the said Act is amended by inserting "and the chief judge" after "prosecutor" in the third line of the second paragraph.
- c. C-72.01, s. 91, am.
- **24.** Section 91 of the said Act is amended by inserting "the chief judge and" after "notify" in the second line.
- c. C-72.01, s. 95, am.
- **25.** Section 95 of the said Act is amended by inserting "and the chief judge" after "Justice" in the third line.
- c. C-72.01, s. 96, am.
- **26.** Section 96 of the said Act is amended by adding, at the end, the following: "The Minister of Justice shall give notice of the suspension to the chief judge."
- c. C-72.01, s. 99, am.
- **27.** Section 99 of the said Act is amended by inserting "and to the chief judge" after "concerned" in the second line of the second paragraph.
- c. C-72.01, s. 104, am.
- **28.** Section 104 of the said Act is amended by adding, at the end of the first paragraph, the following: "The Minister of Justice shall give notice of the lifting of the suspension to the chief judge."
- c. C-72.01, s. 111, am.
- **29.** Section 111 of the said Act is amended

- (1) by replacing subparagraphs 2 and 3 of the first paragraph by the following:
- "(2) that the conditions of withdrawal set forth in the agreement establishing the court are respected;
- "(3) that, following the abolition of the court, the provisions of the agreement that relate to the apportionment of the assets and liabilities resulting from the application of the agreement will be complied with;";
 - (2) by replacing the second paragraph by the following:

Coming into force.

"The by-law comes into force on the fifteenth day following the date of publication of the order of approval in the *Gazette officielle du Québec* or on any later date indicated in the order."

c. C-72.01, s. 112, am.

30. Section 112 of the said Act is amended by inserting "and to the chief judge" after "concerned" in the second line of the second paragraph.

c. C-72.01, s. 114, am.

31. Section 114 of the said Act is amended by adding, at the end, the following: "The Minister of Justice shall give notice of the abolition to the chief judge."

c. C-72.01, s. 115, am.

32. Section 115 of the said Act is amended

- (1) by replacing "The conditions of revocation provided in the agreement to establish the court shall apply" in the first and second lines by "The apportionment of assets and liabilities resulting from the application of the agreement where the court is abolished and provided for in the agreement establishing the court shall apply";
- (2) by replacing "and the conditions" in the second line by ". The conditions".

c. C-72.01, s. 117.2, am.

33. Section 117.2 of the said Act is amended by inserting, after the second paragraph, the following:

Provisions applicable.

"Where, following the abolition of its municipal court or the withdrawal of its territory from the jurisdiction of a municipal court, a municipality becomes a party to an agreement relating to an existing municipal court, the provisions of the second paragraph, adapted as required, apply."

c. C-72.01, s. 117.3, am.

- **34.** Section 117.3 of the said Act is amended by replacing subparagraph 3 of the first paragraph by the following:
- "(3) from the date on which the order establishing a municipal court or the order pertaining to a municipality becoming a party to an agreement relating to an existing municipal court becomes effective, by the collector designated for that court."

c. C-72.01, s. 117.4, am.

- **35.** Section 117.4 of the said Act is amended by replacing paragraph 3 by the following:
- "(3) from the date on which the order establishing a municipal court or the order pertaining to a municipality becoming a party to an agreement relating to an existing municipal court becomes effective, before that court."

c. T-16, s. 88.1, added.

36. The Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting, after section 88, the following:

Application.

"88.1. A municipal judge to whom the Act respecting municipal courts (chapter C-72.01) applies who has held office as chief judge of the municipal courts for seven years may, following the publication of a notice of vacancy on the Court of Québec or on the municipal court of Laval, Montréal or Québec, apply for the position. Where that is the case, the judge is deemed to be qualified for appointment as a judge of any such court. The qualification shall be effective until the judge concerned is appointed to any such court.

Consideration.

The Government shall consider any application submitted by that judge for any vacant position on any court, provided that, following the publication of a notice of vacancy, the judge shows an interest for the position within the time provided in the notice."

c. T-16, s. 246.31, am.

- **37.** Section 246.31 of the said Act, enacted by section 5 of chapter 84 of the statutes of 1997, is amended
- (1) by inserting "the chief judge of the municipal courts," after "Québec," in the second line of the second paragraph;
- (2) by replacing "by" in subparagraph 2 of the third paragraph by ", by mutual agreement, by the chief judge of the municipal courts and";
- (3) by inserting "the chief judge of the municipal courts," after "Québec," in the third line of subparagraph 4 of the third paragraph;
- (4) by inserting ", the chief judge of the municipal courts" after "Québec" in the sixth line of subparagraph 4 of the third paragraph.

c. T-16, s. 246.36, am.

38. Section 246.36 of the said Act, enacted by section 5 of chapter 84 of the statutes of 1997, is amended by inserting "the chief judge of the municipal courts," after "Québec," in the third line of the third paragraph.

c. T-16, s. 246.41, am.

- **39.** Section 246.41 of the said Act, enacted by section 5 of chapter 84 of the statutes of 1997, is amended by inserting "the chief judge of the municipal courts or" after "from" in the third line of the first paragraph.
- c. T-16, s. 248, am.
- **40.** Section 248 of the said Act is amended
 - (1) by replacing "14" in the first line by "15";

- (2) by inserting, after paragraph d.1, the following:
- "(d.2) the chief judge of the municipal courts;".
- c. T-16, s. 249, am.
- **41.** Section 249 of the said Act is amended by replacing "d to h" in the second line of the first paragraph by "d, d.1 and e to h".
- c. T-16, s. 262, am.
- **42.** Section 262 of the said Act is amended by adding, at the end of the second paragraph, the following: "The code may also indicate the functions or activities that the chief judge of the municipal courts may exercise without remuneration notwithstanding section 37.1 of the Act respecting municipal courts."

TRANSITIONAL AND FINAL PROVISIONS

Conditions of revocation.

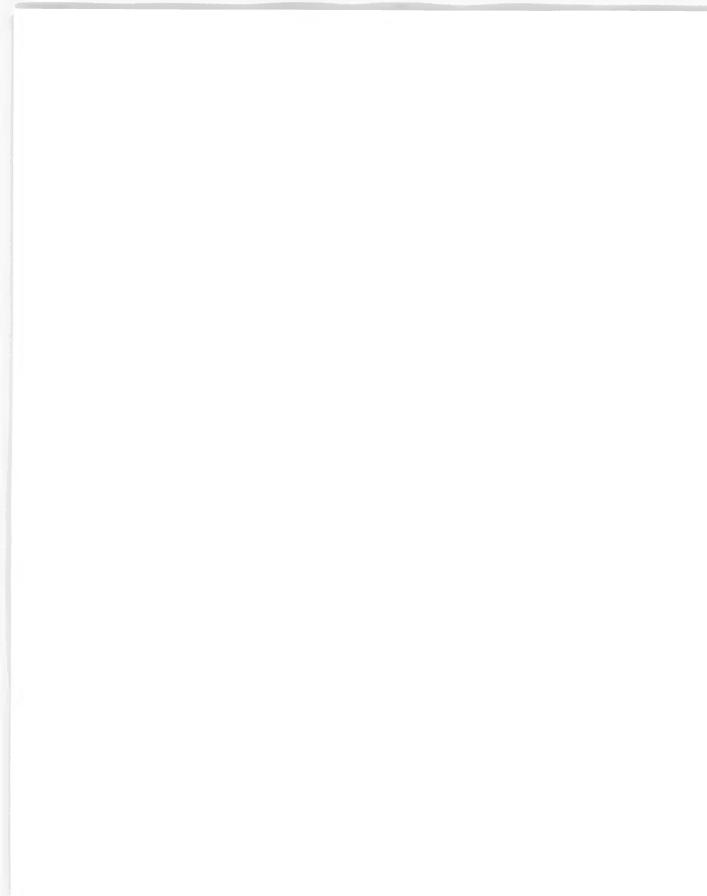
43. Every condition of revocation contained in an agreement entered into before 17 June 1998 under paragraph 7 of section 12 of the Act respecting municipal courts is deemed not written.

Designation of acting judges.

44. The designation of acting judges or deputy judges pursuant to any of sections 41, 42, 46 and 47 of the Act respecting municipal courts, as they read before the coming into force of this section, is deemed to have been made in accordance with the new legislation.

Coming into force.

45. The provisions of this Act come into force on the date or dates to be fixed by order of the Government, except the provisions of sections 1 to 3, 17, 20, 29, 32 to 35 and 43 which come into force on 17 June 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 31

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL BODIES

Bill 427

Introduced by Mr Rémy Trudel, Minister of Municipal Affairs Introduced 12 May 1998 Passage in principle 29 May 1998 Passage 17 June 1998 Assented to 17 June 1998

Coming into force: 17 June 1998, except sections 24, 54, 57, 63, 70, 81, 104 to 108 and 113, which come into force on 1 July 1998

Legislation amended:

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

Cities and Towns Act (R.S.Q., chapter C-19)

Municipal Code of Québec (R.S.Q., chapter C-27.1)

Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1)

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)

Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)

Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)

Act respecting municipal courts (R.S.Q., chapter C-72.01)

Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2)

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1)

Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8)

Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001)

Act respecting transportation by taxi (R.S.Q., chapter T-11.1)

Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)

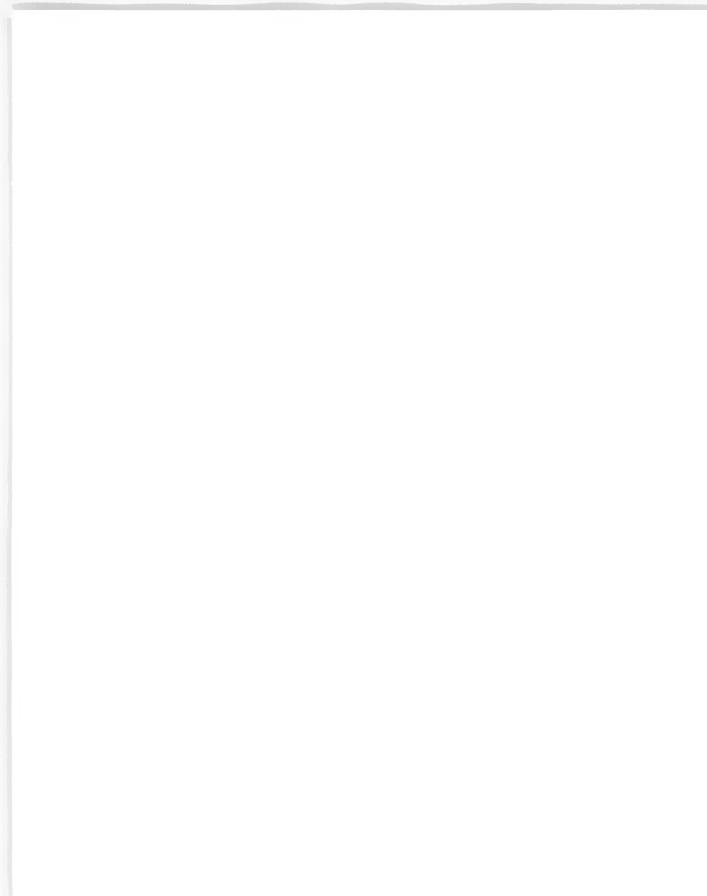
Charter of the city of Montréal (1959-60, chapter 102)

Act respecting the Société de transport de la Ville de Laval (1984, chapter 42)

Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32)

Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41)







Chapter 31

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL BODIES

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

c. A-19.1, s. 6, am.

- 1. Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 1 of chapter 93 of the statutes of 1997, is again amended by inserting, after subparagraph 1 of the third paragraph, the following:
- "(1.1) provide, in respect of an immovable it describes that is situated in a flood zone, for an exemption from a prohibition or rule imposed pursuant to subparagraphs 1 and 3 of the second paragraph of section 5, for any land use, structure, works or cadastral operation it specifies;".
- c. A-19.1, s. 67, am.
- **2.** Section 67 of the said Act is amended by striking out the third paragraph.
- c. A-19.1, s. 110.4, am.
- **3.** Section 110.4 of the said Act, amended by section 13 of chapter 93 of the statutes of 1997, is again amended by inserting "or revising" after "amending" in the fourth line of the fourth paragraph.
- c. A-19.1, s. 113, am.
- 4. Section 113 of the said Act, amended by section 67 of chapter 26 of the statutes of 1996 and by section 23 of chapter 93 of the statutes of 1997, is again amended
 - (1) by inserting, after subparagraph 3 of the second paragraph, the following:
- "(3.1) for every zone in which the only partially or totally residential buildings permitted are those comprising a specific number of dwellings, hereinafter referred to as "principal" dwellings, to provide that in such a building, one additional dwelling per principal dwelling may be built to be occupied by persons belonging to a class established under this subparagraph; to provide that only such persons, their spouse or *de facto* spouse and their dependants, other than the owner or occupant of the principal dwelling, may occupy the additional dwelling; to establish classes of buildings from among the buildings to which this subparagraph applies and classes of persons from among the persons who are or were related by blood or allied, including through a *de facto* spouse, to the owner or occupier of the principal dwelling; to provide that the right to build an additional dwelling applies to one or more classes of buildings; to prescribe the conditions to which the building or

occupation of an additional dwelling are subject, which conditions may vary from one class of building to another;";

- (2) by adding, at the end of subparagraph 16 of the second paragraph, "to provide, in respect of an immovable that is described in the zoning by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any land use, structure or works specified in the by-law:".
- c. A-19.1, s. 115, am.
- **5.** Section 115 of the said Act is amended by adding, at the end of subparagraph 4 of the second paragraph, "to provide, in respect of an immovable that is described in the subdivision by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any cadastral operation specified in the by-law;".
- c. A-19.1, s. 145.2, am.
- **6.** Section 145.2 of the said Act is amended by adding, at the end, the following:

Prohibition.

"No minor exemption may be granted for a zone in which land use is subject to particular constraints for reasons of public safety."

- c. A-19.1, s. 201, am.
- **7.** Section 201 of the said Act, replaced by section 41 of chapter 93 of the statutes of 1997, is amended
 - (1) by replacing the first and second paragraphs by the following:

Decision.

- **"201.** For a decision to be made by the council, a majority of the votes cast must be cast in the affirmative, and the total of the populations awarded to the representatives who cast the affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted.";
- (2) by replacing "first two paragraphs" in the first line of the third paragraph by "first paragraph".

CITIES AND TOWNS ACT

- c. C-19, s. 29, am.
- **8.** Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 20 of chapter 58 of the statutes of 1997, is again amended
- (1) by inserting "gratuitous or" after "by" in the second line of the first paragraph;
 - (2) by striking out the second paragraph.
- c. C-19, s. 29.4, am.
- **9.** Section 29.4 of the said Act is amended
- (1) by adding ", in addition to the persons mentioned in section 29" at the end of the third paragraph;

- (2) by striking out "a school board," in the third and fourth lines of the third paragraph.
- c. C-19, s. 29.12.2, added.
- **10.** The said Act is amended by inserting, after section 29.12.1, the following:

Subdelegation.

"29.12.2. Every municipality to which a jurisdiction has been delegated may, if so authorized by the party having delegated its jurisdiction and subject to the conditions determined by that party, subdelegate all or part of the jurisdiction to a legal person established in the public interest, to a body referred to in this subdivision or to the General Purchasing Director."

c. C-19, s. 29.14.1, am.

11. Section 29.14.1 of the said Act, enacted by section 47 of chapter 93 of the statutes of 1997, is amended by replacing "into a fund established by the regional county municipality whose territory contains that of the municipality under article 688.7 of the Municipal Code of Québec (chapter C-27.1)" in the second, third and fourth lines of the second paragraph by "either into a fund established by the municipality under section 466.1.1 or into a fund established under article 688.7 of the Municipal Code of Québec (chapter C-27.1) by the regional county municipality whose territory contains that of the municipality".

c. C-19, s. 29.18, am.

12. Section 29.18 of the said Act is amended by replacing "into a fund established by a regional county municipality under article 688.7 of the Municipal Code of Québec (chapter C-27.1) in the territory in which the municipality is situated" in the fifth, sixth and seventh lines of the first paragraph by "either into a fund established by the municipality under section 466.1.1 or into a fund established under article 688.7 of the Municipal Code of Québec (chapter C-27.1) by the regional county municipality whose territory contains that of the municipality".

c. C-19, s. 412, am.

13. Section 412 of the said Act, amended by section 21 of chapter 58 of the statutes of 1997, is again amended by inserting ", notwithstanding the Municipal Aid Prohibition Act (chapter I-15)" at the end of the fourth line of subparagraph d of paragraph 23.1.

c. C-19, s. 413, am.

14. Section 413 of the said Act, amended by section 50 of chapter 93 of the statutes of 1997, is again amended by inserting, after paragraph 25, the following:

Back-flow from sewer;

"(25.1) (a) To require the owner of an immovable to instal therein and keep in good working order an apparatus or device intended to reduce the risk of any back-flow from a sewer or the consequences of such back-flow, and to provide, in the case of an immovable already erected, a time period to enable the owner to meet that requirement;

Standards;

(b) To require a level of quality for any apparatus or device it requires to be installed, and to prescribe standards for the installation or maintenance of the apparatus or device, particularly by reference to standards prescribed or approval given by a third person;

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Subsidy;

(c) To grant a subsidy to the owner, on the conditions prescribed by by-law and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to enable the owner to meet the requirement set out in subparagraph a;

Division.

(d) To divide the territory of the municipality into sectors, to establish classes of immovables, apparatus or devices, to establish any combination consisting of a sector and class, to provide that the by-law shall apply only in one or more such sectors, to one or more such classes or to one or more such combinations, and to prescribe different rules according to the sectors, classes or combinations;".

c. C-19, subsect. 19.1, s. 463.1, added.

15. The said Act is amended by inserting, after section 463, the following:

"§19.1. — Pesticide application

Pesticide application works.

"463.1. Subject to the Pesticides Act (chapter P-9.3) and the Environment Quality Act (chapter Q-2), the municipality may, with the consent of the owner of an immovable, carry out pesticide application works on the immovable."

c. C-19, ss. 466.1.1-466.1.3, added.

16. The said Act is amended by inserting, after section 466.1, the following:

Development operations fund.

"466.1.1. Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every municipality whose territory is not contained in the territory of a regional county municipality or in the territory of an urban community may, by by-law, establish a fund for the purpose of providing financial support for development operations on land in the public domain or private land situated in its territory.

Administration.

"**466.1.2.** A fund established under section 466.1.1 must be administered by the municipality. The municipality may, by by-law, delegate all or part of the administration of the fund to any person it designates.

Composition.

"**466.1.3.** In addition to the sums provided for in section 29.18, the fund shall receive, in particular, the sums paid into it pursuant to a forest management contract entered into in accordance with Division II of Chapter IV of the Forest Act (chapter F-4.1)."

c. C-19, s. 466.2, am.

17. Section 466.2 of the said Act, enacted by section 4 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

c. C-19, s. 466.3, am.

18. Section 466.3 of the said Act, enacted by section 4 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 56 of chapter 93 of the statutes of 1997, is again amended by inserting, after the third paragraph, the following:

Apportionment.

"Where several local development centres carry on their activities in the territory of the municipality, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sum among those centres."

c. C-19, s. 468, am.

- **19.** Section 468 of the said Act is amended
 - (1) by replacing the first paragraph by the following:

Agreements.

- "468. Every municipality governed by this Act, as well as Ville de Montréal and Ville de Québec, may make an agreement with any other municipality, regardless of the law governing it, relating to all or part of any field within its jurisdiction.";
 - (2) by striking out the second paragraph.
- c. C-19, s. 468.7, am.
- **20.** Section 468.7 of the said Act is amended by replacing "levying" in the first line of paragraph 2 by "imposing".
- c. C-19, s. 468.47, am.
- **21.** Section 468.47 of the said Act is amended by replacing "if the property, service or works contemplated in the agreement benefit only" in paragraph 2 by "where the object of the agreement concerns only".

c. C-19, subsect. 25.0.2 and 25.0.3, ss. 471.0.5-471.0.7, added. **22.** The said Act is amended by inserting, after section 471.0.4, the following:

"§25.0.2. — Convention centres

Establishment.

"471.0.5. The council may, by by-law, provide that the municipality establish a convention centre or that it contribute, notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the establishment or operation of a convention centre.

Consultation.

Where the territory of the municipality is contained in the territory of a regional county municipality or an urban community, the council must consult that municipality or community before adopting the by-law.

Operation.

"471.0.6. The municipality may take up the operation of the convention centre it establishes or entrust a third person with such operation.

"§25.0.3. — Railway sidings

Acquisition or development.

- **"471.0.7.** A municipality may acquire, develop, maintain or manage any railway siding to promote the economic development of the municipality."
- c. C-19, s. 474.1, am.
- **23.** Section 474.1 of the said Act, amended by section 60 of chapter 93 of the statutes of 1997, is again amended
- (1) by replacing "\$5,000" in the third line of the third paragraph by "\$10,000";

- (2) by replacing "\$10,000" in the seventh line of the third paragraph by "\$20,000";
- (3) by replacing "\$1,000" in the second line of the fourth paragraph by "\$2,000";
- (4) by striking out "the date it was entered into," in the first line of the fifth paragraph.
- c. C-19, s. 573, am.
- **24.** Section 573 of the said Act, amended by section 7 of chapter 53 of the statutes of 1997 and by section 66 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subsection 1, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."
- c. C-19, s. 573.3.1, am.
- **25.** Section 573.3.1 of the said Act, amended by section 10 of chapter 53 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: "The Minister may, on his own initiative, exercise that power in respect of all municipalities or any category of municipalities for a contract or any class thereof."

MUNICIPAL CODE OF QUÉBEC

- c. C-27.1, a. 7, am.
- **26.** Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 22 of chapter 58 of the statutes of 1997, is again amended
- (1) by inserting "gratuitous or" after "by" in the second line of the first paragraph;
 - (2) by striking out the second paragraph.
- c. C-27.1, a. 10.9, am.
- **27.** Article 10.9 of the said Code is amended by replacing ", each representative has one vote and all decisions are made by a majority of the votes cast" in the fourth, fifth and sixth lines of subparagraph 1 of the second paragraph by "and each representative has one vote".
- c. C-27.1, a. 14.2, am.
- **28.** Article 14.2 of the said Code is amended
- (1) by adding ", in addition to the persons mentioned in article 7", at the end of the third paragraph;
- (2) by striking out "a school board," in the third and fourth lines of the third paragraph.
- c. C-27.1, a. 14.12.1, am.
- **29.** Article 14.12.1 of the said Code, enacted by section 69 of chapter 93 of the statutes of 1997, is amended by replacing "into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality" in the second, third and fourth lines of the second

paragraph by "either into a fund established by the municipality under article 627.1.1 or 688.7 or into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality."

- c. C-27.1, a. 14.16, am.
- **30.** Article 14.16 of the said Code is amended by replacing "into a fund established by a regional county municipality under article 688.7 in the territory in which the municipality is situated" in the fifth, sixth and seventh lines of the first paragraph by "either into a fund established by the municipality under article 627.1.1 or 688.7 or into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality".
- c. C-27.1, a. 14.18, added.
- **31.** The said Code is amended by inserting, after article 14.17, the following:
- "14.18. Every municipality to which a jurisdiction has been delegated may, if so authorized by the party having delegated its jurisdiction and subject to the conditions determined by that party, subdelegate all or part of the jurisdiction to a legal person established in the public interest, to a body referred to in articles 6.1 to 14.17 or to the General Purchasing Director."
- c. C-27.1, a. 142, am.
- **32.** Article 142 of the said Code is amended
- (1) by striking out "a majority of the members of" in the first line of subarticle 4:
- (2) by adding, at the end of subarticle 4, the following: "In the case of a local municipality, the decision must be made by a majority of the members of the council."
- c. C-27.1, a. 148.1, added.
- **33.** The said Code is amended by inserting, after article 148, the following:
- "148.1. At a regular sitting of the council of a regional county municipality, decisions may be made only in respect of subjects or matters mentioned on the agenda, except if all the members of the council entitled to vote on the subject or matter that is proposed to be added are present."
- c. C-27.1, a. 160, am.
- **34.** Article 160 of the said Code is amended
 - (1) by replacing "any by-law or" in the second line by "a";
 - (2) by adding, at the end, the following:

"However, a local municipality may, by by-law, specify the cases in which a disputed question must be decided by a majority greater than the majority required under the first paragraph."

- c. C-27.1, a. 180, am.
- **35.** Article 180 of the said Code is amended by replacing "The" in the first line of the second paragraph by "In the case of a local municipality, the".

c. C-27.1, a. 212.1, am.

- **36.** Article 212.1 of the said Code is amended
- (1) by replacing "by by-law adopted by an absolute majority of its members" in the first line of the first paragraph by "by by-law";
 - (2) by adding, after the second paragraph, the following:

"In the case of a local municipality, the by-law must be adopted by an absolute majority."

c. C-27.1, a. 491, am.

- **37.** Article 491 of the said Code is amended by replacing paragraph 2 by the following:
- "(2) to regulate the manner in which debates of the council are to be carried out and the manner in which order and decorum are to be preserved during the sittings of the council or of any committee;".

c. C-27.1, Sec. VII.3, aa. 524.6 and 524.7, added.

38. The said Code is amended by inserting, after article 524.5, the following:

"SECTION VII.3

"CONVENTION CENTRES

"524.6. Every local municipality may, by by-law, provide that the local municipality establish a convention centre or that it contribute, notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the establishment or operation of a convention centre.

Where the territory of the local municipality is contained in the territory of a regional county municipality or an urban community, the local municipality must consult the regional county municipality or the urban community before adopting the by-law.

- **"524.7.** The local municipality may take up the operation of the convention centre it establishes or entrust a third person with such operation."
- c. C-27.1, a. 550.1, added.
- **39.** The said Code is amended by inserting, after article 550, the following:
- **"550.1.** Subject to the Pesticides Act (chapter P-9.3) and the Environment Quality Act (chapter Q-2), every local municipality may, with the consent of the owner of an immovable, carry out pesticide application works on the immovable."
- c. C-27.1, a. 555, am.
- **40.** Article 555 of the said Code is amended by inserting ", notwithstanding the Municipal Aid Prohibition Act (chapter I-15)" after "determine" in the fourth line of subparagraph d of paragraph 5.

c. C-27.1, a. 563, am.

- **41.** Article 563 of the said Code, amended by section 77 of chapter 93 of the statutes of 1997, is again amended by adding, after paragraph 2, the following:
- "(3) (a) to require the owner of an immovable to instal therein and keep in good working order an apparatus or device intended to reduce the risk of any back-flow from a sewer or the consequences of such back-flow, and to provide, in the case of an immovable already erected, a time period to enable the owner to meet that requirement;
- (b) to require a level of quality for any apparatus or device it requires to be installed, and to prescribe standards for the installation or maintenance of the apparatus or device, particularly by reference to standards prescribed or approval given by a third person;
- (c) to grant a subsidy to the owner, on the conditions prescribed by by-law and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to enable the owner to meet the requirement set out in subparagraph a;
- (d) to divide the territory of the municipality into sectors, to establish classes of immovables, to establish any combination consisting of a sector and class, to provide that the by-law shall apply only in one or more such sectors, to one or more such classes or to one or more such combinations, and to prescribe different rules according to the sectors, classes or combinations."

c. C-27.1, a. 569, am.

- **42.** Article 569 of the said Code is amended
 - (1) by replacing the first paragraph by the following:
- "**569.** Every local municipality may make an agreement with any other municipality, regardless of the law governing it, relating to all or part of any field within its jurisdiction.";
 - (2) by striking out the second paragraph.
- c. C-27.1, a. 576, am.
- **43.** Article 576 of the said Code is amended by replacing "levying" in the first line of paragraph 2 by "imposing".
- c. C-27.1, a. 578, am.
- **44.** Article 578 of the said Code is amended by replacing "levying" in the fourth line of the second paragraph by "imposing".
- c. C-27.1, a. 616, am.
- **45.** Article 616 of the said Code is amended by replacing "if the property, service or works contemplated in the agreement benefit only" in paragraph 2 by "where the object of the agreement concerns only".
- c. C-27.1, Sec. XXVI.2, a. 625.2, added.
- **46.** The said Code is amended by inserting, after article 625.1, the following:

"SECTION XXVI.2

"RAILWAY SIDINGS

- **"625.2.** A local municipality may acquire, develop, maintain or manage any railway siding to promote the economic development of the local municipality."
- c. C-27.1, aa. 627.1.1-627.1.3, added.
- **47.** The said Code is amended by inserting, after article 627.1, the following:
- "**627.1.1.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every local municipality whose territory is not contained in the territory of a regional county municipality or in the territory of an urban community may, by by-law, establish a fund for the purpose of providing financial support for development operations on land in the public domain or private land situated in its territory.
- **'627.1.2.** A fund established under article 627.1.1 must be administered by the local municipality. The municipality may, by by-law, delegate all or part of the administration of the fund to any person it designates.
- ****627.1.3.** In addition to the sums provided for in article 14.16, the fund shall receive, in particular, the sums paid into it pursuant to a forest management contract entered into in accordance with Division II of Chapter IV of the Forest Act (chapter F-4.1)."
- c. C-27.1, a. 627.2, am.
- **48.** Article 627.2 of the said Code, enacted by section 15 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.
- c. C-27.1, a. 627.3, am.
- **49.** Article 627.3 of the said Code, enacted by section 15 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 81 of chapter 93 of the statutes of 1997, is again amended by adding, after the third paragraph, the following:

"Where several local development centres carry on their activities in the territory of the municipality, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sum among those centres."

- c. C-27.1, a. 678, am.
- **50.** Article 678 of the said Code is amended by inserting ", articles 557.1 and 557.2" after "544" in the third line.
- c. C-27.1, a. 678.0.1, am.
- **51.** Article 678.0.1 of the said Code, amended by section 85 of chapter 93 of the statutes of 1997, is again amended
- (1) by replacing "the providing, in whole or in part, of a municipal service" in the first paragraph by "all or part of a field within their jurisdiction";
 - (2) by striking out the second paragraph.

- c. C-27.1, a. 678.0.3,
- **52.** Article 678.0.3 of the said Code is amended
- (1) by replacing "levying" in the fourth line of the first paragraph by "imposing";
- (2) by replacing "service provided" in the second line of the third paragraph by "jurisdiction exercised".
- c. C-27.1, a. 678.0.4, am.
- **53.** Article 678.0.4 of the said Code is amended by replacing "corporation" in the sixth line by "municipality or, as the case may be, applicable to the municipality or to persons in whose respect it exercises jurisdiction,".
- c. C-27.1, a. 935, am.
- **54.** Article 935 of the said Code, amended by section 18 of chapter 53 of the statutes of 1997 and by section 90 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subarticle 1 of the first paragraph, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."
- c. C-27.1, a. 938.1, am.
- **55.** Article 938.1 of the said Code, amended by section 21 of chapter 53 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: "The Minister may, on his own initiative, exercise that power in respect of all municipalities or any category of municipalities for a contract or any class thereof."
- c. C-27.1, a. 955, am.
- **56.** Article 955 of the said Code, amended by section 91 of chapter 93 of the statutes of 1997, is again amended
- (1) by replacing "\$5,000" in the third line of the third paragraph by "\$10,000";
- (2) by replacing "\$10,000" in the seventh line of the third paragraph by "\$20,000";
- (3) by replacing "\$1,000" in the second line of the fourth paragraph by "\$2,000";
- (4) by striking out "the date it was entered into," in the first line of the fifth paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

- c. C-37.1, s. 83, am.
- **57.** Section 83 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1), amended by section 24 of chapter 53 of the statutes of 1997 and by section 97 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."

c. C-37.1, s. 84, am.

58. Section 84 of the said Act is amended by replacing "following matters" in the second line by "following fields".

c. C-37.1, s. 84.1.1, added.

59. The said Act is amended by inserting, after section 84.1, the following:

Competence of the Community.

"84.1.1. The Community may, by by-law, order that it has competence in all or part of a field that is not mentioned in section 84 and that is within the competence of the municipalities whose territories are included in the Community's territory, other than the imposition of taxes.

Copy of by-law.

The secretary of the Community shall send a certified true copy of the bylaw to each municipality for approval within ten days of its adoption.

Approval.

The council of each municipality shall decide on the approval of the by-law not later than 30 days after receiving the copy, failing which the approval is deemed to have been given.

Approval.

The by-law must be approved by the Minister, who shall fix the date on which it comes into force. The Minister may approve the by-law only if it has been approved, in accordance with this section, by at least two-thirds of the municipalities, including Ville de Gatineau and Ville de Hull."

c. C-37.1, s. 84.5.1, am.

60. Section 84.5.1 of the said Act, enacted by section 26 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

c. C-37.1, s. 84.5.2, am.

61. Section 84.5.2 of the said Act, enacted by section 26 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 98 of chapter 93 of the statutes of 1997, is again amended by adding, after the second paragraph, the following:

Apportionment.

"Where several local development centres carry on their activities in the territory of the Community, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the total of the sums among those centres."

c. C-37.1, s. 85, am.

62. Section 85 of the said Act is amended

- (1) by replacing "matters enumerated in section 84, until the Community exercises its competence respecting such matters" in the second, third and fourth lines of the first paragraph by "fields listed in section 84 and in all or part of a field declared to be within the competence of the Community under section 84.1.1, until the Community exercises its competence respecting such fields";
- (2) by replacing "matter contemplated in section 84" in the third line of the second paragraph by "field referred to in the first paragraph".

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

c. C-37.2, s. 120.0.3, am.

63. Section 120.0.3 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 29 of chapter 53 of the statutes of 1997 and by section 101 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."

c. C-37.2, s. 121, am.

64. Section 121 of the said Act is amended by replacing "following matters" in the second line by "following fields".

c. C-37.2, s. 121.1, am.

65. Section 121.1 of the said Act is amended by replacing "following matters" in the second line by "following fields".

c. C-37.2, s. 121.1.1, added.

66. The said Act is amended by inserting, after section 121.1, the following:

Competence.

"121.1.1. The Community may, by by-law, order that it has competence in all or part of a field that is not mentioned in section 121 and that is within the competence of the municipalities whose territories are included in the Community's territory, other than the imposition of taxes.

Copy of by-law.

The secretary of the Community shall send a certified true copy of the bylaw to each municipality for approval within ten days of its adoption.

Approval.

The council of each municipality shall decide on the approval of the by-law not later than 30 days after receiving the copy, failing which the approval is deemed to have been given.

Approval.

The by-law must be approved by the Minister, who shall fix the date on which it comes into force. The Minister may approve the by-law only if it has been approved, in accordance with this section, by at least two-thirds of the municipalities, including Ville de Montréal."

c. C-37.2, s. 121.5, am.

67. Section 121.5 of the said Act, enacted by section 31 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

c. C-37.2, s. 121.6, am.

68. Section 121.6 of the said Act, enacted by section 31 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 102 of chapter 93 of the statutes of 1997, is again amended by adding, after the second paragraph, the following:

Apportionment.

"Where several local development centres carry on their activities in the territory of the Community, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sums among those centres."

c. C-37.2, s. 122, am.

69. Section 122 of the said Act is amended

- (1) by replacing "matters enumerated in section 121, until the Community exercises its competence respecting such matters" in the second, third and fourth lines of the first paragraph by "fields listed in section 121 and in all or part of a field declared to be within the competence of the Community under section 121.1.1, until the Community exercises its competence respecting such fields";
- (2) by replacing "matter contemplated in section 121" in the third line of the second paragraph by "field referred to in the first paragraph";
- (3) by replacing "matters enumerated in section 121 which the Community deems" in the second and third lines of the third paragraph by "fields listed in section 121 and all or part of a field declared to be within the competence of the Community under section 121.1.1 which the Community considers".

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

c. C-37.3, s. 92.0.2, am.

70. Section 92.0.2 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 33 of chapter 53 of the statutes of 1997 and by section 108 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."

c. C-37.3, s. 93, am,

71. Section 93 of the said Act is amended by replacing "following matters" in the second line by "following fields".

c. C-37.3, s. 94, repealed.

72. Section 94 of the said Act is repealed.

c. C-37.3, s. 95, replaced.

73. Section 95 of the said Act is replaced by the following:

Competence of the Community.

95. The Community may, by by-law, order that it has competence in all or part of a field that is not mentioned in section 93 and that is within the competence of the municipalities whose territories are included in the Community's territory, other than the imposition of taxes.

Copy of by-law.

The secretary of the Community shall send a certified true copy of the bylaw to each municipality for approval within ten days of its adoption.

Approval.

The council of each municipality shall decide on the approval of the by-law not later than 30 days after receiving the copy, failing which the approval is deemed to have been given.

Approval.

The by-law must be approved by the Minister, who shall fix the date on which it comes into force. The Minister may approve the by-law only if it has been approved, in accordance with this section, by at least two-thirds of the municipalities, including Ville de Québec."

c. C-37.3, s. 96, am.

- **74.** Section 96 of the said Act is amended
 - (1) by replacing the first paragraph by the following:

Competence of municipalities retained.

- **"96.** Subject to the provisions of this Act, the municipalities whose territories are included in the territory of the Community shall retain their competence in the fields listed in section 93 and in all or part of a field declared to be within the competence of the Community under section 95, until the Community exercises its competence in relation to such fields and to the extent that the Community has refrained from doing so.";
- (2) by replacing "matter mentioned" in the third line of the second paragraph by "field referred to".
- c. C-37.3, s. 96.0.1.1, am.
- **75.** Section 96.0.1.1 of the said Act, enacted by section 35 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.
- c. C-37.3, s. 96.0.1.2, am.
- **76.** Section 96.0.1.2 of the said Act, enacted by section 35 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 109 of chapter 93 of the statutes of 1997, is again amended by adding, after the second paragraph, the following:

Apportionment.

- "Where several local development centres carry on their activities in the territory of the Community, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sums among those centres."
- c. C-37.3, s. 141, replaced.
- **77.** Section 141 of the said Act is replaced by the following:

By-law.

- "141. The provisions of this subdivision which relate to the fields of parks, centres and other recreational facilities or to that of bicycle paths and lanes apply from the coming into force of a by-law passed under section 95 whereby the Community orders that it has competence in that field."
- c. C-37.3, s. 145, am.
- **78.** Section 145 of the said Act is amended by replacing "under subparagraph c of the first paragraph of section 95" in the second line by ", under section 95, whereby the Community orders that it has competence over the construction of low-rental housing".
- c. C-37.3, Sched. A, am.
- **79.** Schedule A to the said Act is amended by replacing "municipality of" in the first line by "Ville de".
- c. C-37.3, Sched. B, am.
- **80.** Schedule B to the said Act is amended by replacing "municipality of" in the first line by "Ville de".

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

c. C-70, s. 40, am.

81. Section 40 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), amended by section 36 of chapter 53 of the statutes of 1997 and by section 111 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."

ACT RESPECTING MUNICIPAL COURTS

c. C-72.01, s. 19, replaced.

82. Section 19 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is replaced by the following:

Approval of by-law.

"19. Every by-law adopted under this chapter shall be submitted to the Government for approval.

By-law.

A by-law adopted by the council of a local municipality must receive the affirmative vote of the majority of the members of the council."

c. C-72.01, s. 108, replaced.

83. Section 108 of the said Act is replaced by the following:

Approval of by-law.

"108. A by-law passed under this division shall be submitted to the Government for approval.

By-law.

A by-law passed by the council of a local municipality must receive the affirmative vote of the majority of the members of the council."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

c. E-2.2, s. 364, am.

84. Section 364 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by striking out "yet" in the second line of the definition of "electoral district".

c. E-2.2, s. 365, am.

85. Section 365 of the said Act is amended

- (1) by replacing "20 000" in the second line of the first paragraph by "10,000";
- (2) by replacing "20 000" in the second line of the second paragraph by "10,000".

c. E-2.2, s. 366, am.

86. Section 366 of the said Act is amended

(1) by replacing "20 000" in the third line of the first paragraph by "10,000";

- (2) by replacing "20 000" in the second line of the second paragraph by "10,000".
- c. E-2.2, s. 447.1, added.
- **87.** The said Act is amended by inserting, after section 447, the following:

Maximum amount.

- **"447.1.** The total of the following amounts shall not, for a given elector, exceed \$10.000:
- (1) the outstanding principal of any loan granted by the elector to one or more authorized parties or independent candidates; and
- (2) any sum for which the elector remains surety in connection with loans contracted by one or more authorized parties or independent candidates."

c. E-2.2, Chap. XIV, ss. 513.1-513.3, added.

88. The said Act is amended by inserting, after section 513, the following:

"CHAPTER XIV

"DISCLOSURE OF CERTAIN ELECTION CONTRIBUTIONS

List.

"513.1. Every person who is a candidate at an election for the office of member of the council of a municipality to which Divisions II to IX of Chapter XIII do not apply shall, within 60 days after the polling day fixed for that election, transmit to the treasurer a list of the persons who made certain election contributions to that person.

List.

The list shall indicate the full name and address of each person who made a contribution of more than \$100 to promote the election of the candidate, or of several sums amounting to more than \$100, and indicate the amount so contributed by each person.

Tabling.

"513.2. The treasurer shall table before the council the list transmitted pursuant to section 513.1.

"treasurer".

****513.3.** For the purposes of this chapter, "treasurer" has the meaning given by section 364."

c. E-2.2, s. 514, am.

- **89.** Section 514 of the said Act is amended by replacing subparagraph b of paragraph 1 by the following:
- "(b) in the case of an annexation, the date on which the municipality whose territory is affected approves or disapproves the by-law of the annexing municipality or, if the former municipality does not vote on the by-law within the time prescribed, the date on which that time expires;".
- c. E-2.2, s. 595.1, added.
- **90.** The said Act is amended by inserting, after section 595, the following:

Offence and penalty.

"595.1. Every candidate or leader of a party is guilty of an offence who allows an election expense to be incurred or paid otherwise than as allowed under Division V of Chapter XIII of Title I."

c. E-2.2, s. 618, am.

- **91.** Section 618 of the said Act is amended
 - (1) by inserting, after paragraph 2, the following:
- "(2.1) contracts a loan with an elector or makes a contract of suretyship with the elector knowing that by so doing, the maximum amount specified in section 447.1 in respect of the elector will be exceeded;";
 - (2) by adding, at the end, the following:

Offence and penalty.

"Every elector is guilty of an offence who grants a loan or makes a contract of suretyship knowing that by so doing, the maximum amount specified in section 447.1 will be exceeded."

c. E-2.2, s. 628.1, added.

92. The said Act is amended by inserting, after section 628, the following:

Offence and penalty.

"628.1. Every person who does not transmit the list required to be transmitted under section 513.1 within the time fixed therein is guilty of an offence."

c. E-2.2, s. 639, am.

93. Section 639 of the said Act is amended by striking out ", 600 to 606" in the first line.

c. E-2.2, s. 640.1, added.

94. The said Act is amended by inserting, after section 640, the following:

Penalty.

"640.1. Every person who is guilty of an offence described in any of sections 600 to 606 is liable.

- (1) for a first offence, to a fine of not less than \$500 nor more than \$2.000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1,500 nor more than \$6,000;
- (2) for any subsequent conviction, to a fine of not less than \$1,000 nor more than \$4,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$12,000."

c. E-2.2, s. 641, am.

95. Section 641 of the said Act is amended by replacing "\$100" in the second line by "\$500".

c. E-2.2, s. 642, am.

96. Section 642 of the said Act is amended by striking out "less than \$10 nor" in the second line.

ACT RESPECTING MUNICIPAL TAXATION

- c. F-2.1, s. 18, am.
- **97.** Section 18 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended
 - (1) by inserting, after the first paragraph, the following:

Information.

"Every owner of a parcel of land or his mandatary must, in the same manner, where there is property on the parcel of land that must be entered on the roll in the name of its owner under Chapter V, produce or make available to the assessor or his representative any information respecting the owner of the property that he requires for the performance of his duties.";

- (2) by replacing "the first paragraph" in the second line of the second paragraph by "the first and second paragraphs".
- c. F-2.1, s. 40, am.
- **98.** Section 40 of the said Act, replaced by section 115 of chapter 93 of the statutes of 1997, is amended by striking out the second paragraph.
- c. F-2.1, s. 65, am.
- **99.** Section 65 of the said Act is amended by inserting "VIA Rail Canada Inc.," after "is" in the second line of subparagraph 6 of the first paragraph.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES

c. M-22.1, Div. IV.1, ss. 21.1 and 21.2, added.

100. The Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1) is amended by inserting, after section 21, the following:

"DIVISION IV.1

"TABLE QUÉBEC-MUNICIPALITÉS

Function.

"21.1. The Table Québec-Municipalités shall advise the Minister on any question submitted to it by the Minister.

Composition.

"21.2. The Minister shall determine the composition of the Table Québec-Municipalités."

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

c. S-8, s. 57.1, added.

101. The Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by inserting, after section 57, the following:

Board of directors.

"57.1. The board of directors of a municipal housing bureau shall consist of a fixed number of directors, varying between five and nine, designated in accordance with the provisions of the letters patent of the bureau applicable in that respect. Such letters patent shall provide that at least two of the directors are to be elected from among all the lessees of the bureau during a meeting of lessees held for that purpose."

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

c. T-11.001, Chap. III.1, ss. 30.0.4 and 30.0.5, added.

102. The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by inserting, after section 30.0.3, the following:

"CHAPTER III.1

"COMPENSATION FOR LOSS OF INCOME

Compensation.

"30.0.4. The council of the municipality may, by by-law, provide for the exceptional cases in which and the terms and conditions according to which its members are to be paid compensation for any loss of income sustained by such members in the performance of their duties.

Payment.

The payment of compensation shall be decided by the council on a case-bycase basis.

Provisions applicable.

Sections 7 to 10, adapted as required, apply to the by-law referred to in the first paragraph. In the case of a local municipality, the by-law must be approved by the qualified voters.

Exceptional cases.

The council of the municipality may, in particular, provide that a state of emergency decreed by the Government under section 16 of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1) and the establishment by the Government of a program of financial assistance under section 38 of that Act are exceptional cases.

Condition of employment.

****30.0.5.** Any compensation paid by a municipality to a person under section 30.0.4 in the period throughout which the person is a member of the council of the municipality, or the payment of which is the subject of an application, deliberation or vote during that period is a condition of employment related to the office of council member for the purposes of sections 304, 305, 361 and 362 of the Act respecting elections and referendums in municipalities (chapter E-2.2)."

ACT RESPECTING TRANSPORTATION BY TAXI

c. T-11.1, s. 66, am.

103. Section 66 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by striking out the second paragraph.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

c. V-6.1, s. 204, am.

104. Section 204 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 157 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subsection 1, the following: "In the case of a supply or

services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."

c. V-6.1, s. 358, am.

105. Section 358 of the said Act, amended by section 166 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subsection 1, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."

CHARTER OF THE CITY OF MONTRÉAL

1959-60, c. 102, a. 107, am.

chapter 102), replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1988, by section 68 of chapter 27 of the statutes of 1992, by section 5 of chapter 82 of the statutes of 1993, by section 3 of chapter 53 of the statutes of 1994, by section 82 of chapter 34 of the statutes of 1995, by section 174 of chapter 27 of the statutes of 1996, by section 52 of chapter 53 of the statutes of 1997 and by section 172 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the first paragraph of subarticle 3.1, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

1984, c. 42, s. 70, am.

107. Section 70 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42), amended by section 80 of chapter 34 of the statutes of 1995, by section 84 of chapter 71 of the statutes of 1995, by section 42 of chapter 53 of the statutes of 1997 and by section 173 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

1985, c. 32, s. 91, am.

108. Section 91 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32), amended by section 81 of chapter 34 of the statutes of 1995, by section 85 of chapter 71 of the statutes of 1995, by section 47 of chapter 53 of the statutes of 1997 and by section 174 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: "In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government."

ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

1997, c. 41, s. 10, am.

109. Section 10 of the Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41) is amended by striking out "as regards the provision of the municipal service concerned" in the second and third lines of the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

Subsidy.

110. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), a local municipality may grant a subsidy to the owner of an immovable who, after 1 January 1997, installed on that immovable any apparatus or device intended to reduce the risk of any back-flow from a sewer or the consequences of such back-flow.

Exemption.

111. Where, pursuant to the protection policy for lakeshores, riverbanks, littoral zones and flood plains and the Canada-Québec agreement respecting flood risk mapping applied to floodplain preservation and sustainable development of water resources, an exemption from a prohibition or a rule contained in the policy or agreement was granted before 17 June 1998 in respect of an immovable for a land use, construction, works or cadastral operation, the effects that have and will be given to the exemption are valid notwithstanding the fact that the exemption was not permitted by the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

Exemption.

The same rule applies to an exemption from a similar prohibition or rule granted, before that date, pursuant to a power provided for in a development plan or in a by-law or resolution that is consistent with that power.

Gratuitous transfers.

112. No gratuitous transfer of immovable property effected by a municipality before 17 June 1998 in favour of a person referred to in section 29 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) may be invalidated on the ground that the municipality did not have the power to effect the transfer.

"Merx System".

113. The electronic tendering system commonly known as the "Merx System" is deemed to have been approved by the Government for the purposes of the provisions enacted by sections 24, 54, 57, 63, 70, 81 and 104 to 108, until the Government replaces it by another system it approves or has approved for such purposes.

By-laws.

114. Every by-law concerning the majority required to decide a question, adopted by a local municipality pursuant to paragraph 2 of article 491 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as it read before being replaced by section 37 of this Act and in force on 16 June 1998, retains its effects as if adopted pursuant to the second paragraph of article 160 of the said Code, enacted by section 34 of this Act.

Reference date.

115. In cases where, before 17 June 1998, the council of a municipality whose territory is affected by an annexation has disapproved the annexation by-law or has failed to approve or disapprove the by-law within the prescribed time, and where no person has been appointed by the Minister of Municipal Affairs to perform the duties of the clerk or secretary-treasurer during the referendum on the by-law, the reference date provided for in section 514 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is deemed to be 17 June 1998.

Reference date.

However, any act that has been or will be performed on the basis of the reference date provided for in section 514 of the said Act, as amended by section 89 of this Act, in a referendum process begun before 17 June 1998, is valid.

Boards of directors.

116. Every municipal housing bureau that, on 17 June 1998, has a board of directors the composition of which is not in conformity with section 57.1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8), as enacted by section 101 of this Act, must, before 1 January 1999, amend its letters patent and add directors to the board or replace directors in office so as to establish a board of directors the composition of which is in conformity with that section.

Effect.

117. Sections 13 and 40 have effect from 18 December 1982.

Effect.

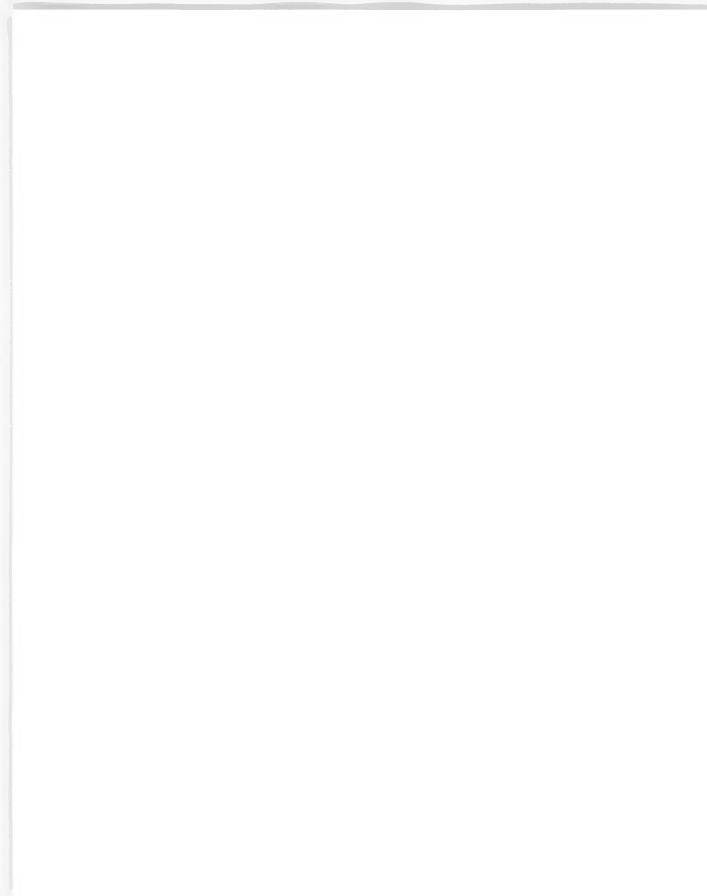
118. Sections 84 to 86, 88 and 92 have effect from 1 September 1998.

Effect.

119. Section 98 has effect for the purposes of each municipal fiscal year from the 1999 fiscal year.

Coming into force.

120. This Act comes into force on 17 June 1998, except sections 24, 54, 57, 63, 70, 81, 104 to 108 and 113, which come into force on 1 July 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 32 AN ACT TO AMEND ARTICLE 21 OF THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS

Bill 432

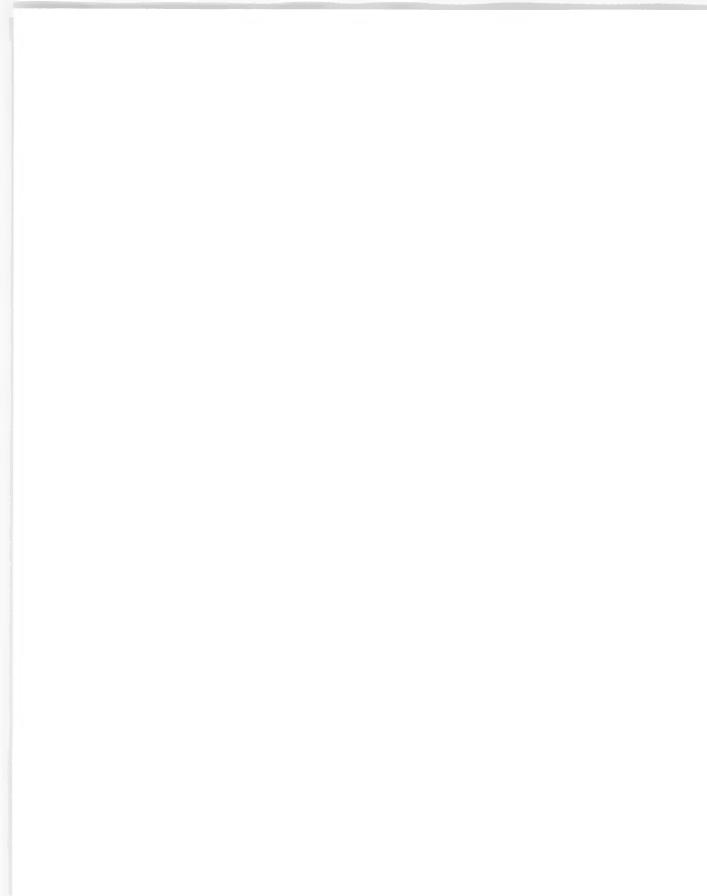
Introduced by Mr Serge Ménard, Minister of Justice Introduced 13 May 1998 Passage in principle 27 May 1998 Passage 12 June 1998 **Assented to 17 June 1998**

Coming into force: 17 June 1998

Legislation amended:

Civil Code of Québec (1991, chapter 64) Code of Civil Procedure (R.S.Q., chapter C-25)







Chapter 32

AN ACT TO AMEND ARTICLE 21 OF THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1991, c. 64, a. 21, replaced.

- **1.** Article 21 of the Civil Code of Québec (1991, chapter 64) is replaced by the following:
- "21. A minor or a person of full age who is incapable of giving consent may not be submitted to an experiment if the experiment involves serious risk to his health or, where he understands the nature and consequences of the experiment, if he objects.

Moreover, a minor or a person of full age who is incapable of giving consent may be submitted to an experiment only if, where the person is the only subject of the experiment, it has the potential to produce benefit to the person's health or only if, in the case of an experiment on a group, it has the potential to produce results capable of conferring benefit to other persons in the same age category or having the same disease or handicap. Such an experiment must be part of a research project approved and monitored by an ethics committee. The competent ethics committees are formed by the Minister of Health and Social Services or designated by that Minister among existing research ethics committees; the composition and operating conditions of the committees are determined by the Minister and published in the *Gazette officielle du Québec*.

Consent to experimentation may be given, in the case of a minor, by the person having parental authority or the tutor and, in the case of a person of full age incapable of giving consent, by the mandatary, tutor or curator. Where a person of full age suddenly becomes incapable of consent and the experiment, insofar as it must be undertaken promptly after the appearance of the condition giving rise to it, does not permit, for lack of time, the designation of a legal representative, consent may be given by the person authorized to consent to any care the person requires; it is incumbent upon the competent ethics committee to determine, when examining the research project, whether the experiment meets that condition.

Care considered by the ethics committee to be innovative care required by the state of health of the person concerned does not constitute an experiment."

- 1991, c. 64, a. 23, am.
- **2.** Article 23 of the said Code is amended by replacing "with respect to care, the alienation of a part of the body, or an experiment" in the first paragraph by "with respect to care or the alienation of a body part".
- c. C-25, a. 776, am.
- **3.** Article 776 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing "with respect to care, the alienation of a part of the body or an experiment" in the first paragraph by "with respect to care or the alienation of a body part".
- c. C-25, a. 777, am.
- **4.** Article 777 of the said Code is amended by replacing "treatment, specimen taking, removal of tissue or experiment" in the first paragraph by "treatment, specimen taking or removal of tissue".

Coming into force.

5. This Act comes into force on 17 June 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 33 TOBACCO ACT

Bill 444

Introduced by Mr Jean Rochon, Minister of Health and Social Services Introduced 14 May 1998 Passage in principle 3 June 1998 Passage 17 June 1998 Assented to 17 June 1998

Coming into force: 17 December 1999 or on any earlier date or dates fixed by the

Government, except the provisions of sections 1, 16 to 19, 21 to 31,

46 to 48, 50 to 54, 72 to 75, 77 and 78 which come into force on

1 October 1998

- 1998-10-01: ss. 67, 71

O.C. 1266-98

G.O., 1998, Part 2, p. 4211

-- 1998-11-01:

ss. 32-40, 55-57

O.C. 1266-98

G.O., 1998, Part 2, p. 4211

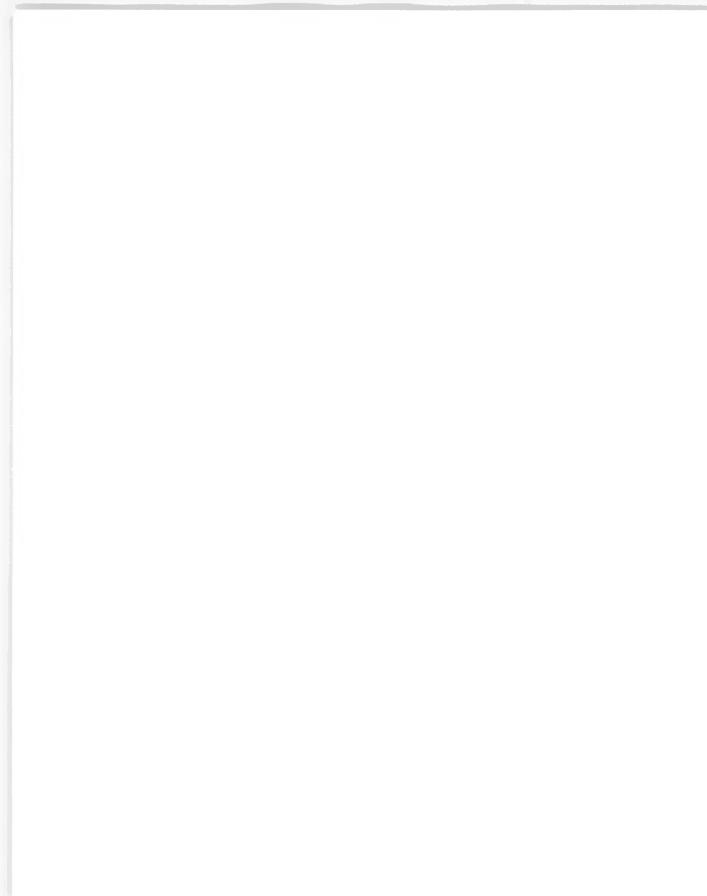
Legislation amended:

Tobacco Tax Act (R.S.Q., chapter I-2)
Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2)
Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)
Act respecting the Québec sales tax (R.S.Q., chapter T-0.1)

Legislation replaced:

Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01)







Chapter 33

TOBACCO ACT

[Assented to 17 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

Scope.

1. This Act applies to harvested tobacco in any processed or unprocessed form, however presented. The term "tobacco" includes any product containing tobacco.

Effect.

This Act is binding on the State.

CHAPTER II

RESTRICTION ON THE USE OF TOBACCO IN CERTAIN PLACES

Smoking prohibited.

- **2.** Subject to sections 3 to 12, smoking is prohibited in the following enclosed spaces:
- (1) facilities maintained by a health and social services institution governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), and premises where services are provided by an intermediate resource referred to in the Act respecting health services and social services, except if the premises are situated in a dwelling;
- (2) premises used by a school providing instruction at the elementary or secondary level governed by the Education Act (R.S.Q., chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), and premises used by a private educational institution referred to in the Act respecting private education (R.S.Q., chapter E-9.1);
 - (3) premises used by a general and vocational college or a university;
- (4) facilities operated by a childcare centre or other childcare service within the meaning of the Act respecting childcare centres and childcare services (S.Q. 1997, chapter 58), for the time during which childcare is provided if the facility is situated in a dwelling;

- (5) enclosed spaces where activities of a sports or recreational, judicial, cultural or artistic nature are presented, or where conferences, conventions or other similar events are held;
- (6) enclosed spaces where community or recreational activities intended for minors are held:
- (7) the common areas of residential buildings comprising more than 12 dwellings, except those that are temporarily placed at the disposal of lessees or owners for their personal use;
- (8) tourist establishments governed by the Tourist Establishments Act (R.S.Q., chapter E-15.1), except a room used by a natural person to hold a private reception for personal purposes;
 - (9) workplaces, except workplaces situated in a dwelling;
- (10) means of public transportation, and taxis and vehicles used exclusively for work-related purposes except where all the occupants agree otherwise, as well as bus shelters;
- (11) premises used for detention within the meaning of the Act respecting correctional services (R.S.Q., chapter S-4.01);
 - (12) all other enclosed spaces to which the public has admittance.

Smoking rooms.

3. Closed smoking rooms may be set aside by the operator of a place or business in any of the places referred to in section 2, except those referred to in paragraphs 2, 4 and 6.

Ventilation.

A smoking room may be used only for smoking and must be equipped with a negative pressure ventilation system which allows smoke to be evacuated directly to the outside of the building.

Interpretation.

For the purposes of this Act, the term "operator of a place or business" includes a mandatary of the operator who manages the place or business.

Smoking areas.

- **4.** An area where smoking is permitted may be set aside by the operator of a place or business in the following places:
 - (1) the common areas of shopping centres;
- (2) games halls such as bowling alleys, pool halls and other amusement halls;
 - (3) marine passenger terminals, bus stations and railway passenger stations;
- (4) waiting, rest and service areas in establishments where sports or recreational, cultural or artistic activities are presented or where conferences, conventions or other similar events are held;

(5) commercial establishments where food is consumed on the premises.

Institutions and tourist establishments.

- **5.** The operator of a place or business may identify rooms or areas where smoking is permitted
- (1) for persons receiving services from an intermediate resource or for persons lodged by an institution and receiving services from a general and specialized hospital centre in a psychiatric unit or department or services from a residential and long-term care centre, from a rehabilitation centre or from a psychiatric hospital centre;
 - (2) for any person except an employee in a tourist establishment.

Restriction.

6. The floor space of the areas, the number of the rooms or, in a tourist establishment, the number of the rooms or seats where smoking is permitted pursuant to sections 4 and 5 may not exceed 40% of the total floor space or the total number of rooms or seats available for all customers.

Protection of nonsmokers. Furthermore, the operator of a place or business must, when setting aside such areas or rooms, maximize the protection provided to non-smokers, having regard to the total floor space, use and ventilation of the place.

Restaurants.

7. The operator of a place or business of 35 seats or more who holds a permit for the operation of a restaurant establishment under the Tourist Establishments Act must, when setting aside areas where smoking is permitted, separate them from the areas where smoking is prohibited by means of partition walls that extend from floor to ceiling, and equip the smoking areas with a negative pressure ventilation system which allows smoke to be evacuated directly to the outside of the building. However, the opening that allows movement between the area where smoking is permitted and the area where smoking is prohibited need not be equipped with a door.

Casinos and bingo halls.

8. The operator of a State-owned casino or a bingo hall and the operator of a place or business to which minors are not admitted pursuant to the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) may permit smoking throughout the establishment or bingo hall, except if the operator holds a permit for the operation of a restaurant establishment, in which case the provisions of section 7 apply to the part of the establishment or hall in which restaurant services are offered.

Correctional facilities.

9. The warden of a house of detention may permit smoking in all the rooms used for detention within the meaning of the Act respecting correctional services except cafeterias, classrooms and meeting rooms, gymnasiums, rooms used for worship and libraries. Furthermore, the warden may permit smoking in rooms situated in a court house and used for detention.

Interpretation.

The warden of a house of detention is an operator within the meaning of the third paragraph of section 3.

Notices.

10. The operator of a place or business to which this chapter applies must post notices visible to the persons using the place or business, indicating the areas where smoking is prohibited.

Prohibition.

No person may remove or deface such a notice.

Enforcement.

11. The operator of a place or business to which this chapter applies shall not tolerate smoking in an area where smoking is prohibited.

Regulations.

12. The Government may make regulations determining the cases, conditions and circumstances in which and places where smoking is permitted even if prohibited under section 2.

Standards.

The Government may also determine standards concerning

- (1) the construction or the layout of smoking rooms and areas where smoking is permitted;
- (2) the ventilation systems of smoking rooms and areas where smoking is permitted;
 - (3) the notices referred to in section 10.

CHAPTER III

SALE OF TOBACCO

Minors.

13. The operator of a business shall not sell or supply tobacco to a minor.

Proof of age.

Any person wishing to purchase tobacco may be required to provide proof of age.

Regulations.

The Government may make regulations determining the documents that may be used as identification.

Reasonable effort.

14. In proceedings for a contravention of section 13, no penalty may be imposed on the operator of a business who shows that a reasonable effort was made to verify the age of the person and that there were reasonable grounds to believe that the person was of full age.

Access.

15. The operator of a business must ensure that all tobacco is kept in such a way as to prevent customers from gaining access to the tobacco without the help of the business's personnel.

Notice and warning.

The operator must also post a notice in public view prohibiting the sale of tobacco to minors, and a warning attributed to the Minister concerning the harmful effects of tobacco on health as soon as the warning is provided by the Minister.

Regulations.

The Government may make regulations determining the standards governing the display of the notice.

Prohibition.

No person may remove or deface such a notice.

Exception.

The first paragraph does not apply to the operator of a duty free shop licensed as such under the Customs Act (Revised Statutes of Canada, 1985, chapter 1, 2nd Supplement).

Vending machines.

16. The operator of a place or business may not cause an automatic vending machine designed for the sale of tobacco to be installed or left or kept in a place except a place or business where minors are not admitted pursuant to the Act respecting offences relating to alcoholic beverages or, where the machine is equipped with remote electronic control, in a place or business for which the operator holds a restaurant sales permit or a restaurant service permit within the meaning of the Act respecting liquor permits (R.S.Q., chapter P-9.1).

Warning.

The operator must post on the vending machine a warning attributed to the Minister concerning the harmful effects of tobacco on health as soon as the warning is provided by the Minister.

Monitoring.

In addition, the automatic vending machine must be installed in such a way that the operator of the place or business is able to monitor the use of the machine directly to ensure that no minor has access to it.

Health institutions, schools and childcare centres.

- **17.** The sale of tobacco is prohibited
- (1) on the grounds of or within a facility maintained by a health and social services institution;
- (2) on the grounds of or within the premises of a school providing instruction at the elementary or secondary level;
- (3) on the grounds of or within the facilities of a childcare centre or other childcare service.

Pharmacies.

- **18.** It is prohibited to sell tobacco in a business if
 - (1) a pharmacy is located within the business;
- (2) the customers of a pharmacy can pass into the business directly or by the use of a corridor or area used exclusively to connect the pharmacy with the business.

Packages.

19. The operator of a business may not sell cigarettes except in a package that contains at least 20 cigarettes.

Regulations.

The Government may make regulations specifying any other tobacco product that may not be sold in a package containing less than the prescribed quantities or portions.

Physical presence.

20. Subject to section 16, no sale of tobacco may be made except in the physical presence of the vendor and the purchaser.

Exception.

This section does not apply to sales of tobacco between a manufacturer or distributor of tobacco products and a retailer.

CHAPTER IV

PROMOTION, ADVERTISING AND PACKAGING

Promotion.

- **21.** The operator of a business and a manufacturer or a distributor of tobacco products may not
- (1) supply or distribute tobacco free of charge or furnish tobacco for promotional purposes of any kind to consumers;
- (2) reduce the retail price of tobacco on the basis of quantity, otherwise than as part of regular marketing operations, or offer or grant a rebate on the market price of tobacco to consumers;
- (3) offer consumers a gift or rebate or a right to participate in a lottery, contest or game or any other form of benefit, as consideration for a purchase of tobacco or on presentation of proof of purchase of tobacco.

Sponsorship.

22. Any direct or indirect sponsorship that is associated in any manner whatsoever with the promotion of tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products, is prohibited.

Gifts.

The first paragraph shall not prevent the tobacco industry from making gifts insofar as the gifts are made without any promotional association. The communication of information by the donor or donee concerning the nature of the gift and the name of the donor, otherwise than through an advertising or commercial message, shall not constitute a promotional association within the meaning of this paragraph.

Regulations.

The Government may, by regulation, prescribe the cases and circumstances in which a mode of communication shall constitute a promotional association within the meaning of the second paragraph.

Sports, cultural, social or health facilities.

23. No name, logo, brand element, design or slogan, except a colour, that is associated with tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products, may be associated with a sports, cultural or social facility, a health and social services institution or a research centre attached to a health and social services institution.

Sports, cultural or social events.

Furthermore, no name, logo, brand element, design or slogan, except a colour, that is associated with tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products, may be associated with a sports, cultural or social event, except in connection with a sponsorship referred to in section 22.

Advertising.

- **24.** All direct or indirect advertising for the promotion of tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products is prohibited where the advertising
 - (1) is directed at minors:
- (2) is false or misleading, or is likely to create an erroneous impression about the characteristics, health effects or health hazards of tobacco;
- (3) directly or indirectly associates the use of tobacco with a particular lifestyle;
 - (4) contains testimonials or endorsements;
 - (5) uses a slogan;
- (6) contains a text that refers to real or fictional persons, characters or animals;
- (7) contains anything apart from text, with the exception of an illustration of the package or packaging of a tobacco product occupying not more that 10% of the surface area of the advertising material;
- (8) is disseminated otherwise than in printed newspapers and magazines that have an adult readership of not less than 85%;
- (9) is disseminated otherwise than by means of displays visible only from the inside of a tobacco retail outlet;
- (10) contains no warning attributed to the Minister concerning the harmful effects of tobacco on health.

Factual information.

However, advertising that is intended to provide consumers with factual information about a tobacco product, including information about the price or the intrinsic characteristics of a tobacco product and about brands of tobacco products is permitted to the extent that it does not constitute advertising or a form of advertising prohibited under the first paragraph.

All advertising must be forwarded to the Minister upon being disseminated.

Transmission to Minister.

Regulations.

- **25.** The Government may make regulations
 - (1) determining standards relating to advertising and promotion;

- (2) prescribing standards relating to the display of tobacco in tobacco retail outlets and to the display of specialized publications about tobacco or about products associated with the use of tobacco, whatever the medium of the publication;
- (3) determining standards relating to the appearance and placement of tobacco vending machines;
- (4) determining standards relating to the displays permitted in tobacco retail outlets under subparagraph 9 of the first paragraph of section 24.

Imported publications.

26. The provisions of section 24 and of the regulations made under section 25 do not apply to advertising carried by publications imported into Québec. In no case, however, may a person doing business in Québec disseminate advertising that is prohibited under the first paragraph of section 24 or by a regulation under section 25 in such a publication.

Exception.

The provisions of the said section and regulations do not apply to advertising that is directed at the tobacco industry and does not reach consumers either directly or indirectly.

Non-tobacco product.

27. The affixing, on an object that is not a tobacco product, of a name, logo, brand element, design or slogan that is directly associated with tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products, except colour, is considered to be advertising and is prohibited.

Packaging standards.

28. The Government may make regulations determining standards relating to tobacco containers, packaging and display. The standards may be prohibitive, and may vary according to the various tobacco products concerned.

Information.

The Government may also make regulations requiring a tobacco product manufacturer to print on packaging the information determined by the Government, and messages attributed to the Minister, as specified in the regulations, about the harmful effects of tobacco on health.

Prohibition.

The use of a concept referred to in subparagraphs 1 to 6 of the first paragraph of section 24 on tobacco packaging and containers is prohibited.

Harmonization.

In determining such standards, the Government shall harmonize the standards with those adopted under the Tobacco Act (Statutes of Canada, 1997, chapter 13) with regard to similar matters.

CHAPTER V

TOBACCO COMPOSITION

Composition standards.

29. The Government may make regulations determining standards relating to the composition and characteristics of tobacco products manufactured in Québec for sale in Québec.

Harmonization.

The standards may require, prohibit or restrict the use of certain substances or certain processes and vary according to the tobacco product concerned. In determining such standards, the Government shall harmonize the standards with those adopted under the Tobacco Act (Statutes of Canada, 1997, chapter 13) with regard to similar matters.

Prohibition.

No distributor of tobacco products may sell a tobacco product in Québec that is not consistent with the standards prescribed by a regulation made under the first paragraph.

CHAPTER VI

REPORTS

Reports.

- **30.** The Government may make regulations determining standards relating to the reports that the Minister may require tobacco product manufacturers and distributors to file containing the information that the Minister considers necessary to protect public health and ensure compliance with this Act, and in particular
 - (1) the volume of sales;
 - (2) the range of tobacco and tobacco products marketed;
 - (3) the sums invested in promotion and advertising;
- (4) any other information relating to the composition of the tobacco products marketed, in particular the ingredients and properties of such tobacco products.

Regulations.

The regulations shall prescribe the content, form and frequency of the reports, and the intervals at which and manner in which they must be filed, and may exempt certain categories of tobacco products, or certain persons whose tobacco sales are below the percentage of total tobacco sales determined by the Government, from such obligations.

New product.

31. Besides the reports required by section 30, the Minister may, at any time, require tobacco product manufacturers and distributors to file a report if a new form of tobacco, a new brand or new tobacco product, or a new distribution method for tobacco products is introduced on the market or if required, in the opinion of the Minister, for reasons of public health.

CHAPTER VII

INSPECTION AND SEIZURE

Inspector or analyst.

32. For the purposes of this Act, the Minister may appoint any person or designate any class of persons to perform the duties of inspector or analyst.

Municipal appointee.

Except in respect of workplaces and public bodies, a local municipality may also appoint, for the purposes of Chapter II and Chapter III, any person or designate any class of persons to perform the duties of inspector or analyst. In such a case, the municipality must inform the Minister of the appointment or designation.

Proof of identity.

An inspector or analyst entering a place to inspect it under this chapter must, on request, provide the operator of the place with proof of identity and produce a certificate of appointment signed by the Minister, by a person designated by the Minister or by the clerk or the secretary-treasurer of the local municipality concerned.

Responsibilities.

The responsibilities of an inspector shall be specified in the act of appointment.

Powers.

- **33.** Every person authorized to act as an inspector or analyst under section 32 may, at any reasonable time, to ascertain compliance with this Act and the regulations under it, enter and inspect a place
 - (1) referred to in section 2;
- (2) where tobacco is manufactured, tested, stored, packaged, labelled or sold;
- (3) where layouts, equipment or notices referred to in sections 3 to 8 or section 10 or in a regulation made under section 12 are to be found;
- (4) where any thing used in the manufacture, storage, packaging, labelling, promotion, sale or testing of tobacco is to be found;
- (5) where information relating to the manufacture, storage, packaging, labelling, promotion, sale or testing of tobacco is to be found.

Powers.

- **34.** During an inspection, a person acting pursuant to section 33 may
- (1) verify whether any person is smoking in a place where smoking is prohibited under section 2;
- (2) verify the layout of the place inspected to ascertain whether the places where smoking is permitted under sections 3 to 8 meet the requirements of sections 3 to 8 or of the regulations made under section 12, and for that purpose take air or other samples;
- (3) examine any tobacco found in the place inspected and any thing used in the manufacture, storage, packaging, labelling, promotion, sale or testing of tobacco;
- (4) open or cause to be opened, for examination, any container or package found in the place inspected that the person believes, on reasonable grounds, to contain tobacco;

- (5) collect or cause to be collected, free of charge, samples of tobacco or other substances;
 - (6) conduct any test or analysis or take any measurements;
- (7) require, for inspection, copying or the taking of extracts, the production of any book, account, register, record or document, where the person believes on reasonable grounds that it contains information relating to the application of this Act or the regulations;
- (8) verify whether the notices referred to in sections 10 and 15 meet the requirements of those sections or of the regulations made under subparagraph 3 of the second paragraph of section 12;
- (9) verify whether the display of tobacco products and specialized publications on tobacco and consumer products associated with tobacco, whatever the medium, meets the requirements of section 15 and the regulations made under section 25;
- (10) verify whether the placement of tobacco vending machines meets the requirements of section 16 and the regulations made under section 25;
 - (11) conduct tests to ascertain compliance with sections 13 and 16 to 20.

Analysis.

35. An inspector may submit any thing or sample referred to in section 34 to an analyst for analysis and examination; the analyst may issue a report setting out the results of the analysis and examination.

Assistance.

36. The operator of a place being inspected is required to assist the inspector or analyst in the performance of their respective duties.

Prohibition.

37. No person may hinder in any way the performance of the duties of an inspector or analyst, mislead them by concealment or false statements, or refuse to provide them with any information or document to which they are entitled under this Act, or destroy any such information or document.

Seizure.

38. An inspector may, in the course of an inspection, seize forthwith any thing believed by the inspector on reasonable grounds to have been used or to have given rise to an offence under this Act or the regulations.

Applicable rules.

The rules established in Division IV of Chapter III of the Code of Penal Procedure, adapted as required, apply to the things seized.

CHAPTER VIII

PROCEEDINGS

Proceedings by municipality.

39. Penal proceedings for an offence under this Act that was committed in its territory may be instituted by a local municipality before a municipal court.

Ownership of fines.

40. The fine and costs imposed by the municipal court for an offence under this Act shall belong to the local municipality and shall be paid into its general fund, except the part of the costs remitted by the collector to any other prosecuting party that has incurred expenses in relation to the proceeding, and the costs remitted to the defendant pursuant to article 223 of the Code of Penal Procedure.

CHAPTER IX

PENAL PROVISIONS

Offences under regulation.

41. The Government shall determine the provisions of a regulation made under this Act the violation of which constitutes an offence.

Penalty.

42. A person who smokes in a place where smoking is prohibited under Chapter II is liable to a fine of \$50 to \$300 and, for a subsequent offence, to a fine of \$100 to \$600.

Penalty.

- **43.** The operator of a place or business referred to in Chapter II is liable to a fine of \$400 to \$4,000 and, for a subsequent offence, to a fine of \$1,000 to \$10,000, where that operator
- (1) contravenes the installation, construction or layout standards prescribed in sections 3 to 8, or the provisions of a regulation made under subparagraph 1 or 2 of the second paragraph of section 12 the violation of which constitutes an offence;
- (2) neglects to post the notice required under section 10, or contravenes the provisions of a regulation made under subparagraph 3 of the second paragraph of section 12 the violation of which constitutes an offence;
 - (3) contravenes the provisions of section 11.

Penalty.

44. The operator of a business who sells or supplies tobacco to a minor in contravention of section 13 or who contravenes the retail outlet display standards prescribed by the first paragraph of section 15 is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

Penalty.

An operator who neglects to post the notice or warning referred to in the second paragraph of section 15 or contravenes the provisions of a regulation made under the third paragraph of that section the violation of which constitutes an offence, is liable to a fine of \$200 to \$2,000 and, for a subsequent offence, to a fine of \$400 to \$4,000.

Penalty.

45. A person who removes or defaces a notice in contravention of the second paragraph of section 10 or the fourth paragraph of section 15 is liable to a fine of \$100 to \$1,000 and, for a subsequent offence, to a fine of \$200 to \$3,000.

Penalty.

46. The operator of a place or business who contravenes the provisions of section 16, the first paragraph of section 19 or the regulatory standards made pursuant to the second paragraph of the said section is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

Penalty.

47. A person who contravenes the provisions of section 17 is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

Penalty.

48. A person who contravenes the provisions of section 18 is liable to a fine of \$2,000 to \$25,000 and, for a subsequent offence, to a fine of \$4,000 to \$50,000.

Penalty.

49. A person who contravenes the provisions of section 20 is liable to a fine of \$1,000 to \$20,000 and, for a subsequent offence, to a fine of \$2,000 to \$50,000.

Penalty.

50. The operator of a business who contravenes the provisions of section 21 is liable to a fine of \$500 to \$3,000 and, for a subsequent offence, to a fine of \$1,000 to \$8,000.

Penalty.

A manufacturer or distributor of tobacco products who contravenes the provisions of section 21 is liable to a fine of \$2,000 to \$300,000 and, for a subsequent offence, to a fine of \$5,000 to \$600,000.

Penalty.

51. A person who contravenes the provisions of section 22, 23 or 26, the provisions of the first and third paragraphs of section 24, the provisions of the last paragraph of section 28 or the provisions of a regulation made under section 22, 25 or 28 the violation of which constitutes an offence is liable to a fine of \$2,000 to \$300,000 and, for a subsequent offence, to a fine of \$5,000 to \$600,000.

Penalty.

52. A person who contravenes the provisions of section 27 is liable to a fine of \$1,000 to \$200,000 and, for a subsequent offence, to a fine of \$2,000 to \$400,000.

Penalty.

53. A manufacturer of tobacco products who contravenes the provisions of a regulation made under the first paragraph of section 29 is liable to a fine of \$1,000 to \$300,000 and, for a subsequent offence, to a fine of \$5,000 to \$600,000.

Penalty.

A distributor of tobacco products who contravenes the provisions of the last paragraph of section 29 is liable to a fine of \$1,000 to \$5,000 and, for a subsequent offence, to a fine of \$2,000 to \$10,000.

Penalty.

54. A manufacturer or distributor of tobacco products who refuses or neglects to file with the Minister a report that the Minister may require under section 30 or 31, who knowingly provides the Minister with false or misleading information or who contravenes the provisions of a regulation made under

section 30 the violation of which constitutes an offence is liable to a fine of \$1,000 to \$5,000 and, for a subsequent offence, to a fine of \$2,000 to \$15,000.

Penalty.

55. A person who contravenes section 36 or 37 is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

Additional fine.

56. Where a person is found guilty of an offence under this Act, the judge may impose an additional fine in addition to any other penalty, following an application by the prosecuting party appended to the statement of offence, equal to the amount of monetary benefit gained by the person as a result of the offence, even if the maximum fine is imposed under another provision.

Continuing offence.

57. Where the commission of an offence under sections 43 to 48 and 50 to 55 continues for more than one day, each day during which the offence continues shall constitute a separate offence.

CHAPTER X

ADMINISTRATIVE PROVISIONS

Register.

58. The Minister must keep a register, called the register of fines, containing information concerning each guilty plea entered by the operator of a business and each conviction entered against such an operator in connection with an offence under the provisions of sections 13 and 15.

Sale prohibited.

- **59.** Where, in connection with a single retail outlet, the operator of a business has been found guilty of the same offence under the provisions of section 13, the operator shall be prohibited from selling tobacco at that retail outlet
 - (1) for one month, in the case of a second offence;
 - (2) for six months, in the case of a third offence;
 - (3) for one year, in the case of a fourth or subsequent offence.

Sale prohibited.

Where, in connection with a single retail outlet, the operator of a business has been found guilty of three contraventions of the provisions of section 15, the operator shall be prohibited from selling tobacco at that retail outlet for one month.

Minister of Revenue.

60. The Minister shall inform the Minister of Revenue of any prohibition from selling tobacco imposed on the operator of a business pursuant to section 59.

Registration suspended.

The Minister of Revenue shall then suspend, for the retail outlet concerned, the registration certificate provided for in the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) for the duration of the prohibition from selling tobacco.

Effective date.

61. A prohibition from selling tobacco at a retail outlet, imposed pursuant to section 59, shall take effect on the lapse of 15 days from the time when a notice of suspension is served by the Minister of Revenue under section 17.9.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

Removal of tobacco.

An operator of a business who is prohibited from selling tobacco pursuant to section 59 must remove all tobacco on display in the business and all tobacco advertising for the duration of the prohibition.

CHAPTER XI

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

c. I-2, s. 3, am.

62. Section 3 of the Tobacco Tax Act (R.S.Q., chapter I-2), replaced by section 3 of chapter 47 of the statutes of 1995, is amended by replacing the first paragraph by the following:

Registration certificate.

"3. No person may engage in the retail sale of tobacco in an establishment in Québec unless a registration certificate has been issued to that person under Title I of the Act respecting the Québec sales tax (chapter T-0.1) and is in force at that time for that establishment with regard to retail sales of tobacco."

c. I-2, s. 5.0.2, added.

63. The said Act is amended by inserting, after section 5.0.1 enacted by section 4 of chapter 47 of the statutes of 1995, the following:

Suspension of certificate.

"5.0.2. Where a registration certificate has been suspended pursuant to section 17.9.1 of the Act respecting the Ministère du Revenu (chapter M-31) with regard to retail sales of tobacco in a particular establishment, the certificate holder must post the notice of suspension served on the holder by the Minister in the establishment for the entire duration of the suspension."

c. I-2, s. 7, am.

64. Section 7 of the said Act, replaced by section 5 of chapter 47 of the statutes of 1995, is amended by adding the following:

Suspension of certificate.

"Furthermore, where the registration certificate of a vendor has been suspended pursuant to section 17.9.1 of the Act respecting the Ministère du Revenu (chapter M-31) in respect of a particular establishment, no person may sell to that vendor tobacco intended for retail sale in that establishment, or deliver or cause tobacco to be delivered to that establishment."

c. M-31, s. 17.9.1, added.

65. The Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting, after section 17.9, the following:

Suspension of certificate.

"17.9.1. On receiving notice from the Minister of Health and Social Services pursuant to section 60 of the Tobacco Act (1998, chapter 33), the Minister shall suspend, with regard to retail sales of tobacco in an establishment within the meaning of the Tobacco Tax Act, the registration certificate issued to a person under the Act respecting the Québec sales tax.

Effective date.

The suspension shall take effect on the lapse of fifteen days from the date of service of the notice of suspension. Service of the notice may be effected by a peace officer, by a bailiff, or by registered mail."

c. T-0.1, s. 415.0.1, added.

66. The Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended by inserting, after section 415, the following:

Presumption.

"415.0.1. A registration certificate issued pursuant to this Title to a person who engages in the retail sale of tobacco is deemed to have been issued in respect of each establishment within the meaning of the Tobacco Tax Act (chapter I-2) in which that person engages in that activity."

c. M-19.2, s. 3, am.

67. Section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by adding, after paragraph l, the following:

"(m) take the necessary steps to reduce tobacco dependence in the population."

Workplaces.

68. Notwithstanding paragraph 9 of section 2 and section 3, smoking is permitted in all workplaces in a non-ventilated smoking room until (insert here the date occurring 18 months after the date of coming into force of paragraph 9 of section 2). However, in a workplace with fewer than 50 employees, that date is deferred for a further 30 months.

Restaurants.

69. Section 7 applies from (insert here the date occurring 120 months after the date of coming into force of section 7). However, section 7 applies from (insert here the date occurring 24 months after the date of coming into force of section 7) in the case of a new building or major renovations.

Houses of detention.

70. Section 9 applies from (insert here the date occurring 12 months after the date of coming into force of section 9).

Pharmacies.

71. Section 18 applies from 1 October 2000.

Existing agreements.

72. Sponsorship agreements entered into before 14 May 1998, or the signing of which constitutes the renewal of an agreement, that relate to the financing of an activity referred to in section 22 that is scheduled to take place on or before 1 October 2000 may be executed. However, the maximum amount that may be paid pursuant to each contract may not exceed the amount provided for in the contract on 11 June 1998.

Promotional material.

In addition, under such contracts, material related to any promotion referred to in section 22 may be used on the site of the activity until 1 October 2003.

Restriction.

However, outside the site of the activity, such promotion may not occupy more than 10% of the surface area of any promotional material related to the activity until 1 October 2003.

Restriction.

The promotional material referred to in the third paragraph may appear only

- (1) in publications sent by mail and addressed to a named adult;
- (2) in publications that have an adult readership of not less than 85%;
- (3) on posters placed in a place or business where minors are not admitted pursuant to the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1).

Applicability of s. 23.

73. Section 23 applies to a contract in effect on 14 May 1998, from 1 October 2003.

Subsidies.

74. The Government may, on such conditions as it may fix but only until 1 October 2003, grant a subsidy to persons and bodies who, on or before 1 October 2000, prove to the Minister that they have renounced all sponsorship under contracts referred to in the first paragraph of section 72.

Condition.

The Government may, in particular, make the granting of subsidies dependent on the applicants agreeing to broadcast messages attributed to the Minister, as part of their activities, bearing on health or on the harmful effects of tobacco on health.

Applicability of s. 28.

75. The last paragraph of section 28 does not apply to trademarks appearing on tobacco products on sale in Québec on 14 May 1998.

c. P-38.01, repealed.

76. The Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01) is repealed.

Proceedings pending.

Proceedings instituted on or before (insert here the date occurring one day before the date of coming into force of this section) shall be continued in accordance with the provisions of the Act respecting the protection of non-smokers in certain public places as it read on that date.

Earlier offences.

In addition, any offence committed before (insert here the date occurring one day before the date of coming into force of this section) but in respect of which no proceedings have been instituted on that date shall be prosecuted in accordance with the provisions of the Act respecting the protection of non-smokers in certain public places, as it read on that date.

Report.

77. The Minister must, not later than 1 October 2005, make a report to the Government on the implementation of this Act.

Tabling.

The report shall be laid by the Minister before the National Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption. The competent committee of the National Assembly shall examine the report.

Minister responsible.

78. The Minister of Health and Social Services is responsible for the administration of this Act.

Coming into force.

79. The provisions of this Act come into force on 17 December 1999 or on any earlier date or dates fixed by the Government, except the provisions of sections 1, 16 to 19, 21 to 31, 46 to 48, 50 to 54, 72 to 75, 77 and 78 which come into force on 1 October 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 34 AN ACT RESPECTING THE APPOINTMENT OF A CHIEF ELECTORAL OFFICER

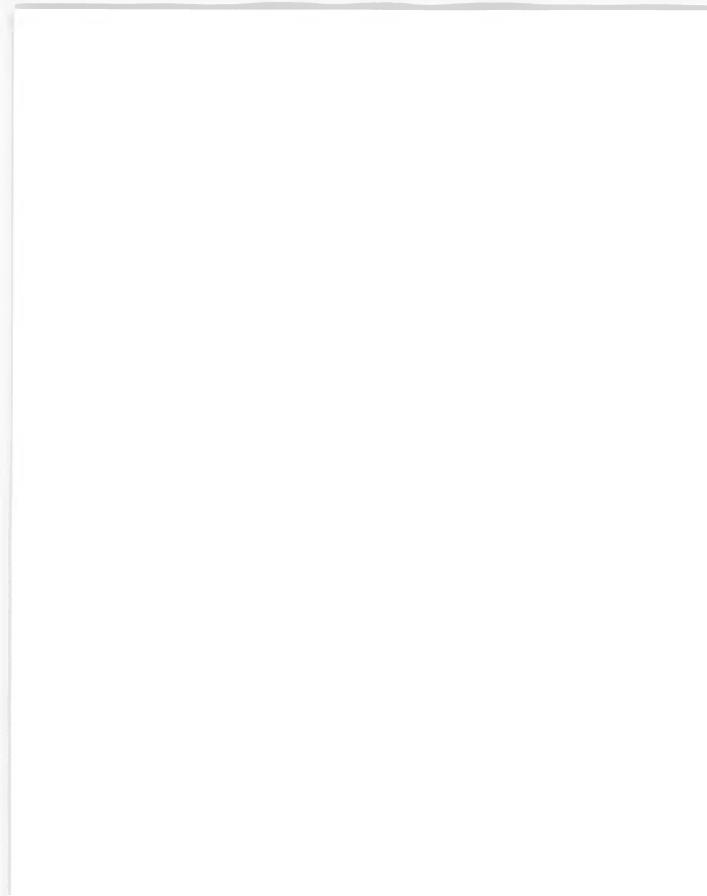
Bill 453

Introduced by Mr Guy Chevrette, Minister responsible for Electoral and Parliamentary Reform
Introduced 18 June 1998
Passage in principle 18 June 1998
Passage 18 June 1998
Assented to 19 June 1998

Coming into force: 19 June 1998

Legislation amended: None







Chapter 34

AN ACT RESPECTING THE APPOINTMENT OF A CHIEF ELECTORAL OFFICER

[Assented to 19 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Appointment.

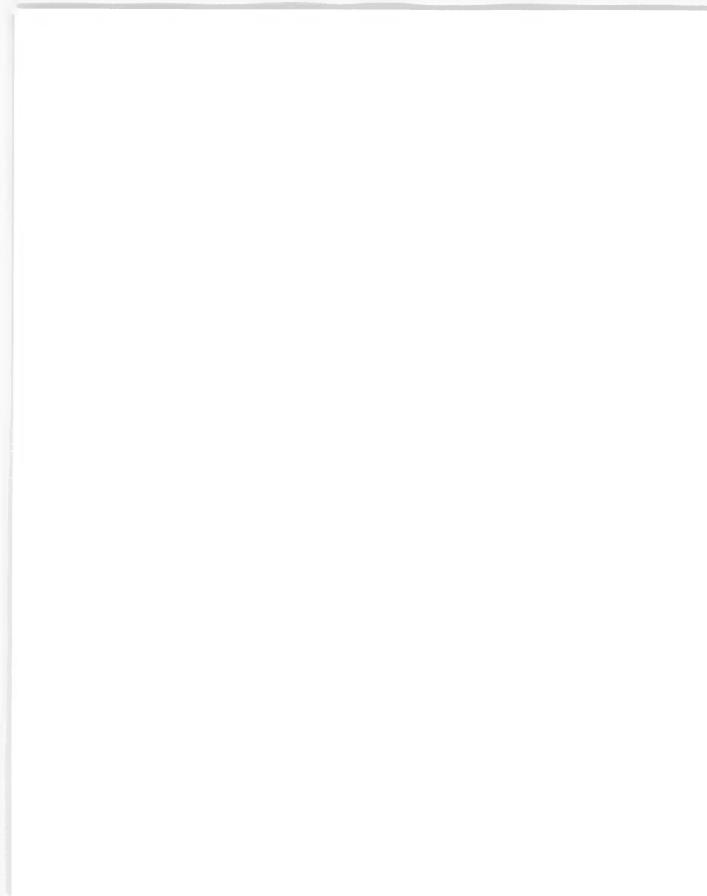
1. Notwithstanding section 478 of the Election Act (R.S.Q., chapter E-3.3), the National Assembly may, not later than 23 June 1998, appoint a person who is not an elector within the meaning of that Act.

Qualification.

The person so appointed must, however, become a qualified elector within nine months of taking up office, failing which the term of office of the person shall terminate, notwithstanding section 479 of the said Act, one year after that date.

Coming into force.

2. This Act comes into force on 19 June 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 35 AN ACT TO AMEND THE ROADS ACT AND OTHER LEGISLATIVE PROVISIONS

Bill 115

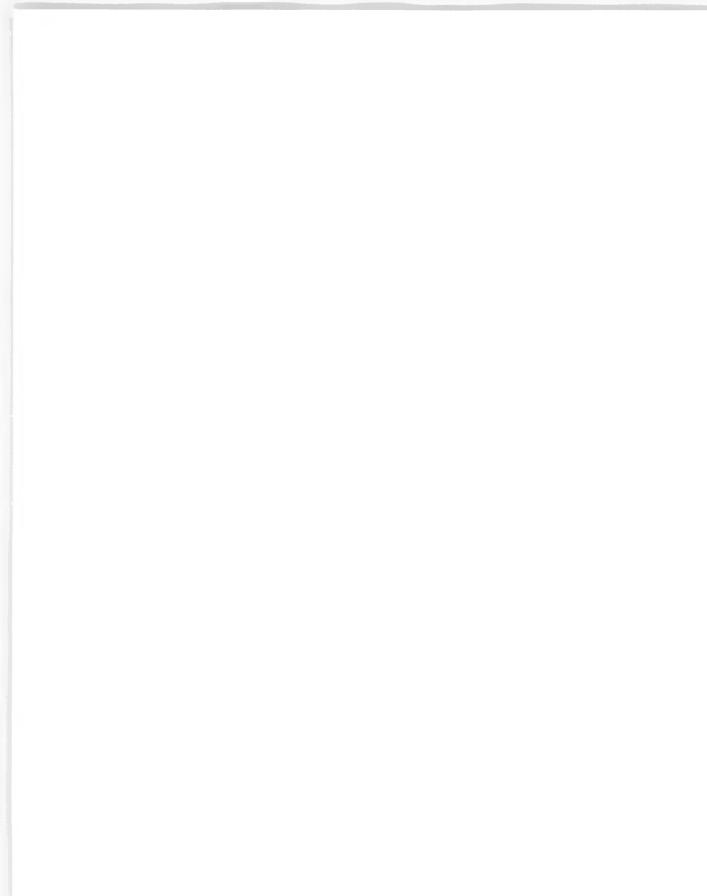
Introduced by Mr Jacques Brassard, Minister of Transport Introduced 7 May 1997 Passage in principle 9 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998, except the provisions of sections 12 to 14 and section 16 which come into force on the date or dates to be fixed by the Government

Legislation amended:

Cities and Towns Act (R.S.Q., chapter C-19) Municipal Code of Québec (R.S.Q., chapter C-27.1) Act respecting roads (R.S.Q., chapter V-9)







Chapter 35

AN ACT TO AMEND THE ROADS ACT AND OTHER LEGISLATIVE PROVISIONS

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- c. V-9, s. 5, am.

 1. Section 5 of the Roads Act (R.S.Q., chapter V-9) is amended by replacing the word "The" in the first line by the words "Except for section 6, the".
- c. V-9, s. 12, am. **2.** Section 12 of the said Act is amended by striking out the word "public" in the second line of the first paragraph.
- c. V-9, s. 22.1, added. **3.** The said Act is amended by inserting, after section 22, the following section:
- Servitude prohibiting access to a road, acquired by the Minister, even in respect of a road referred to in the second paragraph of section 2, may not be lifted, reduced or rendered inoperative except with the Minister's consent and on the conditions determined by the Minister."
- c. V-9, s. 27, am.

 4. Section 27 of the said Act, amended by section 822 of chapter 43 of the statutes of 1997, is again amended by striking out the second paragraph.
- c. V-9, s. 28, am. **5.** Section 28 of the said Act is amended
 - (1) in the French text by replacing the words "des dommages causés" in the second line of the first paragraph by the words "du préjudice causé";
 - (2) by striking out the second paragraph.
- c. V-9, s. 29, French text, am.

 6. Section 29 of the said Act is amended in the French text by replacing the words "des dommages" in the first line by the words "du préjudice".
- c. V-9, s. 30, French text, am.

 7. Section 30 of the said Act is amended in the French text by replacing the words "des dommages causés" in the first line by the words "du préjudice causé".
- c. V-9, s. 31, French text, am.

 8. Section 31 of the said Act is amended in the French text by replacing the words "des dommages causés" in the first line by the words "du préjudice causé".
- c. V-9, s. 32, am. **9.** Section 32 of the said Act is amended by adding the following paragraph:

Building or maintenance of road.

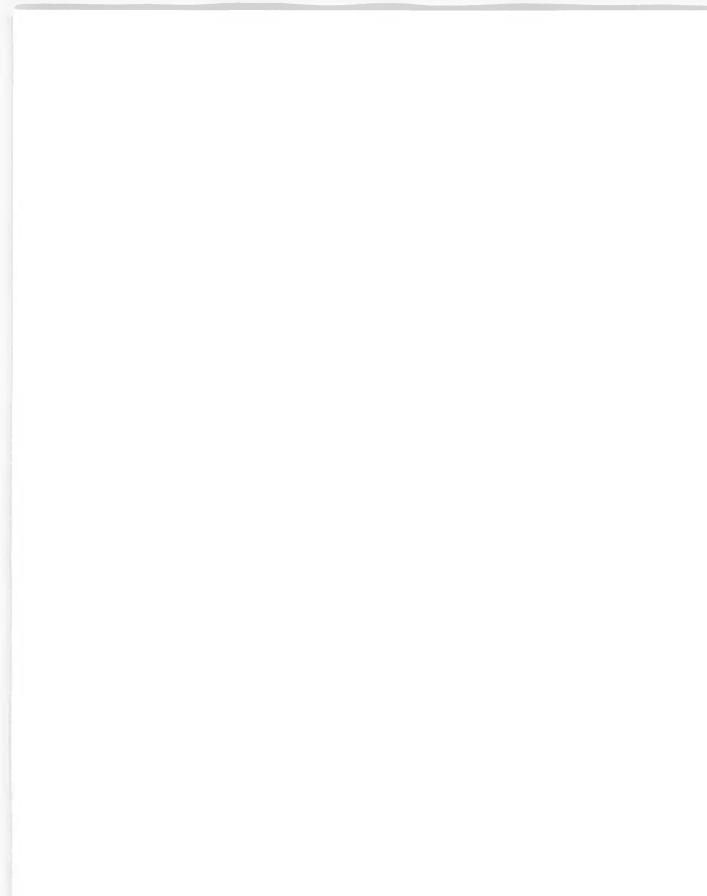
"The Minister may also enter into an agreement with a local municipality providing for the carrying out, by the Minister or the municipality, at the expense of the municipality, of building, rebuilding or maintenance work on a road under the management of the Minister."

- c. V-9, s. 33, repealed.
- **10.** Section 33 of the said Act is repealed.
- c. V-9, s. 34, am.
- **11.** Section 34 of the said Act is amended by replacing the words "sections 32 and 33" in the first and second lines by the words "section 32".
- c. V-9, Chap. VI, repealed.
- **12.** Chapter VI of the said Act is repealed.
- c. V-9, s. 43, am.
- **13.** Section 43 of the said Act is amended by striking out paragraphs 3 and 4.
- c. V-9, s. 44, repealed.
- **14.** Section 44 of the said Act is repealed.
- c. V-9, s. 44.1, added.
- **15.** The said Act is amended by inserting, after section 44, the following section:
- Offence and penalty.
- **"44.1.** Every person who contravenes section 38 by encroaching upon the right of way of a road is liable to a fine of \$300 to \$600."
- c. V-9, s. 45, repealed.
- **16.** Section 45 of the said Act is repealed.
- c. V-9, s. 47, am.
- 17. Section 47 of the said Act is amended
- (1) by replacing the words "immovable property" in the second line of the first paragraph by the word "immovables";
- (2) by replacing the words "immovable property" in the first line of the second paragraph by the word "immovable".
- c. V-9, s. 49, repealed.
- **18.** Section 49 of the said Act is repealed.
- c. V-9, s. 50, replaced.
- **19.** Section 50 of the said Act is replaced by the following section:

Technical support to municipality.

- **"50.** The Minister of Transport may, at the request of a municipality, provide technical and administrative support to the municipality for the purpose of facilitating its management of bridges."
- c. V-9, s. 52, am.
- **20.** Section 52 of the said Act is amended by inserting the words "until they are closed by order of the Minister" after the word "them" in the fourth line of the third paragraph.
- c. V-9, s. 56, am.
- **21.** Section 56 of the said Act is amended by striking out the words "order of" in the fourth and fifth lines of the second paragraph.

- c. C-19, s. 604.3, am.
- **22.** Section 604.3 of the Cities and Towns Acts (R.S.Q., chapter C-19) is amended
- (1) by replacing the words "des dommages causés" in the second line of the first paragraph of the French text by the words "du préjudice causé";
 - (2) by striking out the second paragraph.
- c. C-27.1, a. 725.3, am.
- **23.** Article 725.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended
- (1) by replacing the words "des dommages causés" in the second line of the first paragraph of the French text by the words "du préjudice causé";
 - (2) by striking out the second paragraph.
- Property of the State.
- **24.** The immovables referred to in section 5 of the Roads Act which are under the management of the Minister on 20 June 1998 become, without indemnity, the property of the State.
- Coming into force.
- **25.** This Act comes into force on 20 June 1998, except the provisions of sections 12 to 14 and section 16 which come into force on the date or dates to be fixed by the Government.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 36

AN ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY

Bill 186

Introduced by Madam Louise Harel, Minister of Employment and Solidarity Introduced 18 December 1997 Passage in principle 9 April 1998 Passage 19 June 1998 Assented to 20 June 1998

Coming into force: on the date or dates to be fixed by the Government, except sections 176, 177 and 205, paragraph 4 of section 207 and sections 214, 215, 218 and 227 which come into force on 20 June 1998, subparagraph 2 of paragraph 5 of section 207 and paragraph 7 of section 208 which come into force on 1 July 1998 but have effect from 1 June 1998, and the other provisions of sections 207 and 208 which come into force on 1 August 1998.

> However, sections 56 and 57 may not come into force prior to 1 September 2000.

- 1998-08-05:

s. 203

O.C. 1005-98

G.O., 1998, Part 2, p. 3669

Legislation amended:

Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)

Legal Aid Act (R.S.Q., chapter A-14)

Automobile Insurance Act (R.S.Q., chapter A-25)

Health Insurance Act (R.S.Q., chapter A-29)

Act respecting prescription drug insurance (R.S.Q., chapter A-29.01)

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)

Code of Civil Procedure (R.S.Q., chapter C-25)

Act respecting collective agreement decrees (R.S.Q., chapter D-2)

Pay Equity Act (R.S.Q., chapter E-12.001)

Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1)

Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)

Act respecting labour standards (R.S.Q., chapter N-1.1)

Act to facilitate the payment of support (R.S.Q., chapter P-2.2)

Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5)

Act respecting the Régie du logement (R.S.Q., chapter R-8.1)

(Cont'd on next page)



Legislation amended: (Cont'd)

Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)

Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)

Act respecting occupational health and safety (R.S.Q., chapter S-2.1)

Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5)

Act respecting assistance and compensation for victims of crime (1993, chapter 54)

Act respecting administrative justice (1996, chapter 54)

Act respecting family benefits (1997, chapter 57)

Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63)

Legislation replaced:

Act respecting income security (R.S.Q., chapter S-3.1.1)



Chapter 36

AN ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

EMPLOYMENT-ASSISTANCE MEASURES, PROGRAMS AND SERVICES

Measures, programs and services.

1. This Title provides for measures, programs and services in the areas of manpower and employment to foster the economic and social autonomy of individuals and to assist individuals in their efforts to enter, re-enter or remain on the labour market.

Focus.

These employment-assistance measures, programs and services focus on the components of an active labour market policy: job preparation, entry and retention as well as job stabilization and job creation.

Services.

- **2.** To that end, the Minister of Employment and Solidarity shall offer reception, assessment and referral services. The Minister may also
 - (1) offer coaching services;
- (2) collect labour market information, primarily for the purpose of providing information on employment opportunities to help workers find employment and help employers find suitable workers;
- (3) offer placement services and, to that end, at the request of a worker seeking employment or of an employer, compile information concerning workers, employers and available employment, and, in accordance with the request and to the extent the Minister considers necessary, make the information available to the persons concerned;
 - (4) provide funding for courses, training programs or professional services;
- (5) issue job vouchers, apprenticeship vouchers and other vouchers to be exchanged for services.

Objectives.

3. Employment-assistance measures, programs and services may be established in particular to

- (1) support organizations that provide employment-assistance services;
- (2) assist employers, employee or employer associations, community organizations and regional or local communities in developing and implementing strategies for dealing with labour force adjustments and meeting manpower requirements;
- (3) facilitate improved labour market efficiency and minimize the impact of labour market restructuring;
- (4) promote the development of new labour market policy instruments and management tools;
- (5) support research and innovation in order to identify better ways of helping persons obtain or keep employment.

Financial assistance.

- **4.** Within the scope of employment-assistance measures, programs and services, the Minister may offer persons financial assistance in particular to
- (1) help them obtain skills for employment, ranging from basic to specific skills;
- (2) encourage them to accept employment through incentives such as earning supplements;
- (3) assist them in their efforts to enter, re-enter or remain on the labour market;
- (4) provide them with employment opportunities through which they can gain work experience to improve their employment prospects;
 - (5) encourage employers to hire them.

Form of assistance.

Financial assistance may be granted, for instance, in the form of an employment-assistance allowance, the reimbursement of expenses or wage subsidies.

Assessment.

5. After assessing a person's circumstances, the Minister may offer personalized information, vocational counselling and placement services to help the person obtain employment.

Individualized Integration, Training and Employment Plan.

The Minister may also propose that the person engage in certain activities as part of an "Individualized Integration, Training and Employment Plan". These may include job preparation activities, such as basic or specific training, job entry or retention activities or job creation activities.

Financial assistance.

In such a case, the Minister may grant the person financial assistance, subject to the conditions determined by the Minister. If the person is a recipient under the Employment-Assistance Program, the amount granted as

an employment-assistance allowance may not be less than the amount prescribed by regulation.

Volunteer activities.

6. For the purposes of section 5, the Minister may, at the request of a recipient under the Employment-Assistance Program, recognize activities engaged in by the recipient as a volunteer with a non-profit organization.

Unassignability and unseizability.

7. Financial assistance granted under section 4 or 5 to a natural person, other than an employer, is unassignable and unseizable, except for non-payment of support.

Agreement.

8. The Minister may, in respect of certain activities engaged in by a person as part of an Individualized Plan, enter into an agreement in writing with the person and, where applicable, with the person for whom the work is performed. The agreement may include conditions of employment. The agreement may also, for the purposes determined by the Minister, require the person for whom the work is performed to consult, prior to the beginning of the work, with the association of employees legally recognized to represent the members of the bargaining unit concerned.

Provisions applicable.

Except in the cases and to the extent determined by regulation, the provisions of the Labour Code (R.S.Q., chapter C-27), the Act respecting collective agreement decrees (R.S.Q., chapter D-2), the Public Service Act (R.S.Q., chapter F-3.1.1) and the Act respecting labour standards (R.S.Q., chapter N-1.1) apply to an activity engaged in as part of an employment-assistance measure or program.

Application.

9. To avail themselves of an employment-assistance measure, program or service, persons must apply to the Minister and provide the Minister with any document or information required by the Minister.

Notice of changes.

They must also inform the Minister of any change in their circumstances that may affect their eligibility or continued eligibility in respect of the measure, program or service, or the amount of the financial assistance granted.

Assistance.

10. The Minister shall lend assistance to persons who so request so as to facilitate their understanding of and access to employment-assistance measures, programs and services.

Prior notice.

11. At least 10 days before reducing or ceasing to pay an amount granted under this Title on the ground that a person did not declare his or her real circumstances, the Minister shall give the person a written notice, with reasons.

Observations.

The person may present observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

Exercise of powers.

12. The powers of the Minister under this Title shall be exercised in agreement with the provisions of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63), particularly as concerns the functions and

powers of the Commission des partenaires du marché du travail and of the regional councils of labour market partners.

Emploi-Québec.

As provided in that Act, the provincial, regional and local implementation and management of the manpower and employment measures and programs under the responsibility of the Minister and the provision of public employment services are entrusted to Emploi-Québec.

TITLE II

FINANCIAL ASSISTANCE PROGRAMS

CHAPTER I

EMPLOYMENT-ASSISTANCE PROGRAM

DIVISION I

ESTABLISHMENT

Purpose.

13. An Employment-Assistance Program is hereby established. The purpose of the program is to grant last resort financial assistance to persons who are capable of work, encourage them to undertake or pursue a job entry or re-entry process and support them during that process.

Purpose.

A further purpose of the program is to grant last resort financial assistance to persons with a limited capacity for employment.

DIVISION II

ELIGIBILITY

Persons eligible.

14. Independent adults or families that establish that, according to the rules provided in Division IV of this chapter, their resources fall short of the amount that is necessary to provide for their needs, according to the basic benefit applicable to them combined with the amount of any applicable adult or dependent children allowances or adjustments and of any applicable special benefits, are eligible under the program.

Persons not eligible.

- **15.** The following persons are not eligible under the program:
- (1) adults not resident in Québec, except in the cases and subject to the conditions determined by regulation;
- (2) adults not legally authorized to remain in Canada, other than Geneva Convention refugees recognized in Canada by the competent Canadian authorities, except in the cases and subject to the conditions determined by regulation and in respect of such benefits and allowances as may be determined by regulation;

- (3) adults attending, within the meaning of the regulations and otherwise than as part of an Individualized Integration, Training and Employment Plan proposed by the Minister under section 5, an educational institution in a vocational program at the secondary level, or an educational institution at the college or university level and, except in the cases and subject to the conditions determined by regulation, families that include such an adult;
- (4) adults who are members of a religious community which has the means to provide for its members;
 - (5) independent adults who are minors but not fully emancipated;
- (6) adults incarcerated in a penitentiary or detained in a house of detention or any other prison, or required to reside in a half-way house, except in the cases determined by regulation.

Persons not eligible.

In addition, adults or families that possess, at the time of the application, liquid assets in excess of the maximum amount determined by regulation are not eligible under the program. Such adults or families are ineligible from the date of application to the last day of the month.

Exception.

16. The Minister may grant a benefit to an independent adult or a family that is not eligible under the program for any reason other than the reason set out in subparagraph 3 of the first paragraph of section 15, or not entitled to that benefit although eligible under the program, if in the Minister's opinion, the adult or the members of the family would, without that benefit, be in circumstances that could endanger their health or safety or lead to complete destitution.

Exception.

17. The Minister may, in the cases and subject to the conditions determined by regulation, grant a benefit to an independent adult or a family that is no longer eligible under the program.

Statement of benefits.

18. The Minister shall include a statement of the benefits granted under section 16 and the reasons for which they were granted in the annual report the Minister is required to produce under section 15 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail.

Information not public.

Notwithstanding subparagraph 4 of the first paragraph of section 57 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the names and addresses of recipients of such a benefit are not public information.

DIVISION III

DEFINITIONS

"spouses". **19.** The w

19. The word "spouses" means

- (1) persons who are married to each other and who cohabit;
- (2) persons who cohabit and who are the mother and father of a child;
- (3) persons of full age who live together as husband and wife and who, at any one time, cohabited for a period of not less than one year.

Presumption of cohabitation.

Such persons remain spouses or, for the purposes of subparagraph 3 of the first paragraph, are presumed to have continued to cohabit despite the temporary absence of one of them.

Dependants.

- **20.** Except in the cases and subject to the conditions determined by regulation, the following persons are considered to be dependants of their father or their mother or of another adult designated by regulation if they are dependent on one of such persons for their subsistence:
- (1) minor children who are neither fully emancipated nor the father or mother of a child who is their dependant; and
- (2) children of full age who attend an educational institution and who are neither the spouse of another person nor married nor the father or mother of a child who is their dependant.

Presumption.

However, except in the cases and subject to the conditions determined by regulation, children of full age who do not attend an educational institution and who are neither the spouse of another person nor married nor the father or mother of a child who is their dependant are presumed to be dependent children so long as they have not applied for a benefit as an independent adult. The obligations set out in Division V of this chapter apply to such dependent children, with the necessary modifications.

Adult.

21. An adult is a person other than a dependent child.

Family.

- **22.** A family is composed of
 - (1) an adult and the adult's dependent children;
- (2) spouses and their dependent children or the dependent children of either spouse; or
 - (3) spouses, if they have no dependent children.

Exception.

Notwithstanding the first paragraph, a person shall remain, cease to be or become a member of a family in the circumstances determined by regulation, and an adult who, pursuant to subparagraph 1, 2, 4 or 6 of the first paragraph of section 15, is not eligible under the program shall not be considered a member of a family.

DIVISION IV

ESTABLISHMENT AND PAYMENT OF BENEFIT

Basic benefit.

23. The benefit payable to an independent adult or a family eligible under the program is established on the basis of the basic benefit applicable to that adult or family, according to the amount, in the cases and under the conditions determined by regulation.

Temporary limited capacity for employment allowance.

- **24.** A temporarily limited capacity for employment allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of a family
- (1) produces a medical report establishing that, due to the adult's physical or mental condition, the adult will be unable, for a period of at least one month, to engage in any activity that may be proposed under the second paragraph of section 5;
- (2) is at least 20 weeks pregnant or has given birth less than five weeks previously, and applies for the allowance; the application must be filed together with a medical report; the medical report may be replaced by a written report attesting the pregnancy signed by a midwife taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., chapter P-16.1), indicating the adult's name and date of birth, the number of weeks of pregnancy and the expected date of delivery, or the actual date of delivery;
- (3) provides childcare to a dependent child of the adult in the cases and subject to the conditions determined by regulation or to such a child who does not attend school by reason of a physical or mental handicap;
 - (4) is 55 years of age or over and applies for the allowance;
- (5) shares a dwelling unit with a person whose autonomy is significantly reduced by reason of a physical or mental condition which requires constant care on the part of the adult;
- (6) is responsible for a family-type resource recognized under the Act respecting health services and social services (R.S.Q., chapter S-4.2);
- (7) is responsible for a foster home under a service contract with the Minister of Public Security and must act as such with respect to a person required to live there.

Temporary limited capacity for employment allowance.

A temporarily limited capacity for employment allowance shall also be added to the basic benefit in the case of an independent adult placed in a foster home or a victim of violence who takes refuge in a shelter, in the latter case for a maximum of three consecutive months from the date of admission. The same applies subject to the conditions determined by regulation in the other cases determined by regulation.

Severely limited capacity for employment allowance.

25. A severely limited capacity for employment allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family produces a medical report establishing that the adult's physical or mental condition is significantly and in all likelihood permanently or indefinitely deficient or impaired and that, for that reason and in view of the adult's socio-professional profile, the adult has a severely limited capacity for employment.

Concurrent allowances prohibited.

26. A person may not receive a temporarily limited capacity for employment allowance concurrently with a severely limited capacity for employment allowance or concurrently with financial assistance granted under Title I in the form of an employment-assistance allowance.

Mixed allowance.

However, a mixed allowance, in the amount prescribed by regulation, shall be added to the basic benefit of a family where two members of the family meet the conditions set out in section 24 or 25.

Computation of benefits.

- **27.** The benefit granted to an independent adult or to a family is established, for each month, on the basis of the circumstances of the adult or family on the last day of the preceding month. The benefit shall be equal to the deficit in resources in relation to needs calculated by
- (1) determining the amount of the applicable basic benefit and adding to it the amount of any applicable adult or dependent children allowances or adjustments and of any applicable special benefits;
- (2) subtracting from the amount of the dependent children adjustments determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits (1997, chapter 57) as well as the amount received for that month as a national child benefit supplement, determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act (R.S.C. 1985, 5th Supplement, chapter 1);
- (3) subtracting from the amount obtained under subparagraphs 1 and 2 the following amounts, except insofar as they are excluded by regulation:
- (a) the amount determined in respect of lodging according to the method and to the extent prescribed by regulation;
- (b) the income from work and from property earned, in the preceding month, by the independent adult or by members of the family, and any earnings or other benefits of any kind received by them, except those subtracted pursuant to subparagraph 2;
- (c) the benefits not yet received in respect of the period prescribed by regulation, to which the independent adult or adult members of the family are entitled because of an interruption of work, under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23);

- (d) where the independent adult or adult members of the family lost an employment because of a work stoppage attributable to a labour dispute and, for that reason, could not or did not qualify for unemployment benefits, any work income that could otherwise have been earned by them in the preceding month, until such time as they could qualify for benefits under the Employment Insurance Act;
- (e) the liquid assets, within the meaning of the regulations, of the independent adult or members of the family as they stand on the last day of the preceding month;
- (f) the amount obtained by applying the percentage prescribed by regulation to the value, determined according to the method prescribed by regulation, of the property owned by the independent adult or members of the family on the last day of the preceding month, excluding any property which cannot be alienated due to a legal impediment beyond their control;
- (g) where, in the cases and subject to the conditions determined by regulation, the independent adult or family shares a dwelling unit with another person, the amount determined according to the method prescribed by regulation;
- (h) the amount determined as parental contribution, according to the method prescribed by regulation, for the three years following the first of the following dates:
- i. the date on which the adult who is deemed to receive parental contribution received a first benefit under a last resort financial assistance program;
- ii. the date on which the adult would have been declared eligible but for the net incomes of his or her father and mother taken into account in determining the contribution.

Provisions not applicable.

Subparagraphs g and h of subparagraph 3 of the first paragraph do not apply to an independent adult who or to a family one of the adult members of which meets the conditions set out in section 25.

Calculation method.

The calculation method provided for in subparagraph h of subparagraph 3 of the first paragraph shall be established by considering the net incomes of the father and mother of the adult and by taking into account the provisions concerning the calculation method of the parental contribution established under the regulatory provisions adopted pursuant to the Act respecting financial assistance for students (R.S.Q., chapter A-13.3).

Parental contribution.

- 28. An adult is deemed to receive parental contribution except if
- (1) the adult has provided for his or her own needs and resided elsewhere than at the place of residence of his or her father or mother for at least two years, excluding any period during which the adult attended an educational institution on a full-time basis;

- (2) the adult has, for at least two years, held remunerated full-time employment or received, for such employment, benefits under the Employment Insurance Act:
 - (3) the adult is or was married;
- (4) the adult has been living with another person as husband or wife and has, at one time, cohabited with that person for a period of not less than one year;
 - (5) the adult has or has had a dependent child;
 - (6) the adult holds a bachelor's degree from a university;
- (7) the adult is at least 20 weeks' pregnant, and the adult's condition has been attested by a medical report; the medical report may be replaced by a written report attesting the pregnancy, signed by a midwife taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects and indicating the name and date of birth of the adult, the number of weeks of pregnancy and the expected date of delivery;
- (8) the adult has not been a full-time student for at least seven years since ceasing to be subject to compulsory school attendance.

Exception.

However, an adult who establishes that his or her father and mother are untraceable, that they have refused to contribute to providing for his or her needs or that they have committed acts of violence against him or her is not deemed to be receiving parental contribution.

Month of payment.

29. A benefit shall be granted from the month following the month of the application. However, a benefit may be granted for the month in which the application is made and shall, in that case, be established according to the method prescribed by regulation, which may take into account such factors as the liquid assets of the adult or family as they stand on the date of the application.

Monthly payment.

30. A benefit shall be paid on a monthly basis subject to the conditions determined by regulation.

Joint payment.

The benefit shall be paid to the spouses jointly or, at their request, to one of them.

Unassignability and unseizability.

31. A benefit paid under this chapter is unassignable and unseizable.

Payment directly to lessor.

32. If the recipient of a benefit is the lessee of a dwelling and is in default with respect to payment of the agreed rent, the Minister shall, on receipt of an order of the Régie du logement and in accordance with the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), pay part of the benefit directly to the lessor, subject to the conditions and according to the amount relating to

lodging determined by regulation. Such payment is deemed made to the recipient, except where it should not have been made to the lessor.

Payment to administrator.

33. Where an independent adult or the adult members of a family, due to particular circumstances or in view of their past conduct in the administration of property, are unable to administer the benefit granted to them, the Minister may, subject to the conditions determined by regulation, pay the benefit to a person or organization designated by the Minister.

Administration of benefit.

The person or organization shall administer the benefit according to the standards prescribed by regulation and report to the Minister on the form supplied by the Minister.

DIVISION V

RECIPROCAL RIGHTS AND OBLIGATIONS

Application.

34. A person wishing to take advantage of the program must apply to the Minister and provide the Minister with any document or information necessary to ascertain the person's eligibility or the eligibility of the person's family under the program, and to determine the amount of the benefit.

Medical report.

35. A person required to produce a medical report must produce the medical report on the form supplied by the Minister.

Medical examination.

Moreover, where the Minister considers it appropriate, a person must undergo another medical examination, carried out by the physician designated by the Minister, to verify whether the person's capacity for employment is severely limited or whether the person is unable, owing to the person's physical or mental condition, to engage in an activity, as provided in subparagraph 1 of the first paragraph of section 24. An unfavourable decision of the Minister must be accompanied by the report of the physician so designated by the Minister.

Assistance.

36. The Minister shall lend assistance to any person who so requests so as to facilitate the person's understanding of and access to the program. The Minister must, among other things, assist a person in making an application for a benefit.

Decision.

37. The Minister shall examine applications and make a decision promptly.

Information to beneficiaries.

- **38.** The Minister shall inform a person to whom a benefit is granted under this Act, as comprehensively as possible and according to the circumstances declared by the person, concerning
 - (1) rights and obligations under this Act;
- (2) the measures, programs and services available under this Act as well as the family allowances granted by the Régie des rentes du Québec, the national

child benefit supplement granted by the Government of Canada, the unified housing allowance program administered by the Société d'habitation du Québec and the special health insurance services offered by the Régie de l'assurance-maladie du Québec to persons eligible under a last resort financial assistance program, and the manner of gaining access thereto.

Obligations of recipient.

39. A recipient must

- (1) advise the Minister promptly of any change in the recipient's circumstances or the circumstances of the recipient's family which may affect the benefit granted;
- (2) at intervals prescribed by regulation, file a statement with the Minister on the form supplied by the Minister.

Exception.

Notwithstanding the first paragraph, a recipient is not required, unless the Minister so requests, to declare the amount of the family allowance granted by the Régie des rentes du Québec under the Act respecting family benefits or the amount granted by the Government of Canada as a national child benefit supplement.

Prior notice.

40. At least 10 days before reducing or ceasing to pay an amount granted under this chapter on the ground that a person did not declare his or her real circumstances, the Minister shall give the person a written notice, with reasons.

Observations.

The person may present observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

Obligation to exercise rights.

41. An independent adult or the members of a family must exercise their rights or avail themselves of other statutory benefits where the exercise of such rights or the receipt of such benefits would affect their eligibility or reduce the amount of the benefit granted to them under the program.

Subrogation.

In the case of an adult who is not deemed to receive parental contribution under the second paragraph of section 28, the Minister is subrograted by operation of law in the rights of the adult to have support payments fixed or varied, unless the adult has elected to exercise his or her remedy for support. The Minister may also exercise the rights of any other creditor of support to have support payments fixed or varied if the Minister is of the opinion that the creditor's circumstances place the exercise of such rights in jeopardy.

Volunteer activities.

42. The fact that an adult or a member of the adult's family engages in activities as a volunteer with a non-profit organization does not constitute failure to fulfil the obligations imposed by the first paragraph of section 41.

Judicial proceeding.

43. Where the recipient of a benefit, or a member of the recipient's family, is the creditor of support, the recipient must inform the Minister, in the manner prescribed by regulation, of any judicial proceeding in respect of the obligation of support at least five days before the date of presentation of the application relating to such proceeding.

Agreement.

The recipient must, however, inform the Minister of the content of an agreement in respect of the obligation of support at least ten days before its presentation to the court.

Effect.

An agreement between the parties concerning the fixing or variation of support payments has no effect against the Minister.

Powers regarding support payments.

In any proceeding for the fixation or variation of support payments, the court may, of its own motion, implead the Minister, or the Minister may *ex officio* and without notice intervene at any time and take part in the proof and hearing.

Conditions.

44. An independent adult or members of a family must not, in the two years preceding an application for or the payment of a benefit, have waived their rights, disposed of property or of liquid assets without just cause or squandered them so as to become or render their family eligible under the program or so as to be granted a benefit of a greater amount than that which would otherwise have been granted.

Suitable employment.

45. An adult must make such efforts as are appropriate in the adult's circumstances to find suitable employment and follow any direction from the Minister in that regard.

Obligations not applicable.

- **46.** The obligations imposed by section 45 do not apply to an adult
- (1) whose capacity for employment is limited within the meaning of section 24 or 25:
- (2) who avails himself or herself of an employment-assistance measure or engages in another activity agreed with the Minister, particularly as part of an Individualized Plan; or
 - (3) who attends a course or training program recognized by the Minister.

Interview.

- **47.** For the purposes of section 45, the Minister may require the adult to attend an interview to enable the Minister to provide information and instruction to help the adult find suitable employment. The instruction may include requesting the adult to
- (1) register for employment at an employment agency recognized by the Minister and to report to the agency at reasonable intervals;
- (2) actively seek employment, through a formal job search activity, for instance.

Employment not suitable.

- 48. Employment is not suitable employment if
- (1) it arises in consequence of a stoppage of work attributable to a labour dispute;

- (2) it does not meet the minimum working conditions set out in the Act respecting labour standards;
 - (3) the practices of the employer are contrary to public policy;
- (4) the working conditions are difficult and unreasonable and constitute a danger to health or safety;
- (5) it involves considerably more demanding duties or a considerably greater number of working hours than might be expected in that type of employment;
 - (6) the working conditions are likely to undermine the adult's integrity; or
- (7) it is employment determined by regulation, in the cases and subject to the conditions determined by regulation.

Refusal or loss of employment.

49. An adult must not, without serious cause, refuse or leave a suitable employment or lose suitable employment through the adult's own fault, permanently or temporarily, so as to become or render the adult's family eligible under the program or so as to be granted a benefit of a greater amount than that which would otherwise have been granted.

Serious cause.

- **50.** Serious cause for refusing or leaving an employment or taking leave from an employment also exists if the adult has no reasonable alternative to refusing, leaving or taking leave, having regard to all the circumstances, including any of the following:
- (1) obligation to accompany a spouse or dependent child to another residence;
 - (2) working conditions that constitute a danger to health or safety;
 - (3) obligation to care for a child or a member of the immediate family;
 - (4) excessive overtime work or refusal to pay for overtime work;
- (5) reasonable assurance of obtaining another employment in the immediate future:
- (6) earnings insufficient in relation to the expenses entailed, particularly childcare and transportation expenses;
- (7) inaccessibility of the workplace, particularly because of the distance or the lack of appropriate transportation;
 - (8) any other circumstance prescribed by regulation.

Serious cause.

- **51.** Serious cause for leaving an employment or taking leave from an employment also exists if the adult has no reasonable alternative to leaving or taking leave, having regard to the following circumstances:
 - (1) sexual or other harassment;
- (2) discrimination prohibited under the Charter of human rights and freedoms (R.S.Q., chapter C-12);
- (3) significant modification of terms and conditions respecting wages or salary;
- (4) antagonism with a supervisor, if the adult is not primarily responsible for the antagonism;
- (5) discrimination with regard to employment because of membership in an association, organization or union of workers;
 - (6) undue pressure by the employer on the adult to leave the employment.

Dismissal.

52. Dismissal due to marked carelessness in regard to the employment or misconduct constitutes a loss of employment through the employee's own fault.

Prohibition.

53. An adult may not, without serious cause, refuse to resume an employment which the adult may resume pursuant to the working conditions that apply to the adult.

Continued eligibility.

However, the independent adult or the adult's family remains eligible for the benefit to which they would have been entitled if the adult had not left the employment.

Refusal, reduction or cessation.

54. Where there is a failure to fulfil any of the obligations imposed by sections 34, 35, 39, 41, 43, 44 and 53, the Minister may refuse to grant an application or reduce or cease to pay a benefit, according to the conditions determined by regulation.

Measure.

In the other cases determined by regulation, the Minister shall impose the measure prescribed by regulation.

Reduction.

55. Where, without serious cause, there is failure to fulfil any of the obligations imposed by sections 45, 47 and 49, the Minister may reduce a benefit by the amounts and according to the conditions determined by regulation.

Interview.

56. An independent adult under 25 years of age or an adult under that age who is a member of a family without dependent children, must, if the adult's capacity for employment is not limited within the meaning of section 24 or 25, attend an interview at the Minister's request to enable the Minister to evaluate

the adult's circumstances and determine certain activities to be engaged in as part of an Individualized Integration, Training and Employment Plan.

Time limit.

The adult must complete all activities under the Individualized Plan within the allotted time.

Reduction.

57. Where there is failure, without good cause, to fulfil an obligation imposed by section 56, the Minister may reduce the benefit granted to an independent adult or to a family, by the amount and according to the conditions determined by regulation.

Good cause.

An adult has good cause to refuse to engage in or to withdraw from certain Plan activities if the activities are not appropriate to the adult's circumstances.

Decisions.

58. Decisions made by the Minister pursuant to section 54, 55 or 57 must be issued in writing, include reasons and be communicated to the person concerned.

CHAPTER II

SOCIAL WELFARE PROGRAM

DIVISION I

ESTABLISHMENT

Purpose.

59. A Social Welfare Program is hereby established. The purpose of the program is to grant last resort financial assistance to persons who, owing to age or a permanently or indefinitely limited capacity for employment and because they so choose, do not undertake a job entry or re-entry process.

DIVISION II

ELIGIBILITY

Eligible persons.

60. Independent adults or families that meet the conditions set out in section 61 or 62 and establish that, according to the rules provided in Division IV of Chapter I, their resources fall short of the amount that is necessary to provide for their needs, according to the basic benefit applicable to them combined with the amount of any applicable adult or dependent children allowances or adjustments and of any applicable special benefits, are eligible under the program.

Senior's allowance.

61. A senior's allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family is 55 years of age or over.

Permanently limited capacity for employment allowance.

62. A permanently or indefinitely limited capacity for employment allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family produces a medical report establishing that owing to a severely limited capacity for employment within the meaning of section 25, the person is unable to provide for himself or herself or for his or her family.

Option.

63. An adult eligible under the program may elect to receive the benefit under the Employment-Assistance Program or under the Social Welfare Program.

Option.

A family shall receive the benefit under the Social Welfare Program if an adult member of the family has so elected.

Concurrent allowances prohibited.

64. An adult may not receive concurrently a senior's allowance and a permanently or indefinitely limited capacity for employment allowance. Nor may an adult who has elected to receive a benefit under the Social Welfare Program receive concurrently that benefit and financial assistance granted under Title I in the form of an employment-assistance allowance.

Mixed allowance.

However, a mixed allowance, in the amount prescribed by regulation, shall be added to the basic benefit of a family where the two adult members of a family meet the conditions set out in section 24, 25, 61 or 62.

Provisions applicable.

65. The provisions of this Act relating to the Employment-Assistance Program, adapted as required, apply to the Social Welfare Program.

Presumption.

For the purposes of the Social Welfare Program, a senior's allowance is deemed to be a temporarily limited capacity for employment allowance and a permanently or indefinitely limited capacity for employment allowance is deemed to be a severely limited capacity for employment allowance.

Delegation of administration.

66. The Minister may, by way of an agreement, delegate the administration of the Social Welfare Program to a body of the Government of Québec, subject to the conditions stipulated in the agreement.

CHAPTER III

PARENTAL WAGE ASSISTANCE PROGRAM

DIVISION I

ESTABLISHMENT

Purpose.

67. A Parental Wage Assistance Program is hereby established. The purpose of the program is to provide a financial supplement to low-income families with at least one dependent child and at least one employed adult.

DIVISION II

ELIGIBILITY

Eligible adult.

68. An adult who has at least one month of eligibility in a year and applies for a benefit under the program not later than 10 January of the following year is eligible under the program for the year.

Month of eligibility.

A month of eligibility is a month during which the adult meets the following conditions:

- (1) be resident in Québec, except in the cases and subject to the conditions determined by regulation;
- (2) be legally authorized to remain in Canada or a Geneva Convention refugee recognized in Canada by the competent Canadian authorities;
- (3) not own property, valued according to the method prescribed by regulation, and liquid assets, within the meaning of the regulations, the value of which, combined with the value of the property and liquid assets of the adult's spouse and dependent children, exceeds the amount prescribed by regulation;
- (4) perform remunerated work or receive benefits under section 22 or 23 of the Employment Insurance Act or a maternity or parental leave allowance paid by the Minister; such benefits or allowances constitute work income for the purposes of this chapter;
- (5) earn, together with the earnings of the adult's spouse, wages, salary or other remuneration, including gratuities, from an office or employment, an amount referred to in subparagraph 4 or income from a business calculated in accordance with the regulation, the total amount of which, excluding any amount that may be deducted in computing taxable income pursuant to paragraph *e* of section 725 of the Taxation Act (R.S.Q., chapter I-3), is greater than the amount determined by regulation.

Additional requirement.

In addition, the adult must, in the first month of eligibility in the year, be a member of a family that includes at least one dependent child.

Presumption.

In any subsequent month of that year, the adult is deemed to meet the condition set out in subparagraph 4 of the second paragraph if the condition is met by the person's spouse.

DIVISION III

DEFINITIONS

Spouses.

69. Persons who are spouses within the meaning of section 19 at any time during a year are considered spouses for the year. Where an adult has more than one spouse in a year,

- (1) the adult is deemed to have only one spouse in the year;
- (2) the person who is the adult's spouse on the last day of the year or, if the adult has no spouse on the last day of the year, the last person to have been the adult's spouse in the year is deemed to be the adult's spouse for the year; and
- (3) the adult is deemed not to be the spouse of any person other than the person referred to in subparagraph 2 in the year.

Adult.

An adult is a person other than a dependent child.

Eligibility.

70. The spouse of an adult who has been declared eligible under the program is, if the spouse also becomes eligible under the program in the same year, deemed to be eligible from the same date as the adult.

Family.

- **71.** A family is composed of
 - (1) an adult and the adult's dependent children; or
- (2) spouses and their dependent children or the dependent children of either spouse.

Exception.

Notwithstanding the first paragraph, a person shall remain, cease to be or become a member of a family in the circumstances determined by regulation.

Dependants.

- **72.** Except in the cases and subject to the conditions determined by regulation, the following persons are considered to be dependants of their father or their mother or of another adult designated by regulation if they are dependent upon one of such persons for their subsistence:
- (1) minor children who are neither fully emancipated nor the father or mother of a child who is their dependant; and
- (2) children of full age who attend an educational institution and who are neither the spouse of another person nor married nor the father or mother of a child who is their dependant.

Dependent child.

A dependent child of the adult in the adult's first month of eligibility in a year or in any subsequent month of that year is deemed to be a dependent child of the adult for the year, except in the cases and subject to the conditions determined by regulation.

DIVISION IV

ESTABLISHMENT AND PAYMENT OF BENEFIT

Amount of benefit.

73. The benefit granted to an adult for a year shall, subject to the provisions of this division, be equal to the amount obtained by applying the percentage prescribed by regulation to the net work income of the family where the

income is less than or equal to the amount applicable to the adult according to the scale of needs prescribed by regulation, or equal to the amount prescribed by the scale where the net work income of the family exceeds such amount.

Child care expenses.

74. Where an adult eligible under the program or the adult's spouse incurs, for the year, child care expenses that qualify for the child care expense credit provided for in sections 1029.8.67 to 1029.8.81 of the Taxation Act, and where the adult or spouse is, in respect of the expenses, deemed to have paid an amount for that year under section 1029.8.79 of that Act as partial payment of tax payable under Parts I and I.2 of that Act, the amount of the benefit determined pursuant to section 73 is, for the purposes of the second paragraph of section 82, increased by the amount so deemed to have been paid.

Increased amount.

In such a case, where sections 75 and 76 refer to the amount of the benefit, the amount is, for the purposes of the second paragraph of section 82, the amount increased pursuant to the first paragraph.

Reduction of amount.

- **75.** The amount of the benefit determined pursuant to section 73 shall be reduced by the sum of the following amounts:
- (1) the amount obtained by applying the percentage prescribed by regulation to that part of the total income of the adult's family which exceeds the amount applicable to the adult according to the scale of needs prescribed by regulation;
- (2) the amount obtained by applying the percentage prescribed by regulation to that part of the aggregate of the amounts received in the year by the adult and the adult's spouse as work income replacement which exceeds the aggregate of
- (a) the aggregate of the excluded amounts prescribed by regulation in respect of the adult and, where applicable, in respect of the adult's spouse;
- (b) the benefits received by the family in the year under a last resort financial assistance program, up to the amount prescribed by regulation for the purposes of subparagraph 3 of the third paragraph of section 79;
- (c) the amount by which the amount applicable to the adult according to the scale of needs prescribed by regulation exceeds the net work income of the adult's family.

Work income replacement.

The following amounts are considered to have been received as work income replacement:

- (1) benefits granted under a last resort financial assistance program that are considered for the purposes of the computation provided for in subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act;
- (2) compensation received under the Automobile Insurance Act (R.S.Q., chapter A-25) that is considered for the purposes of the computation provided

for in subparagraph c of the first paragraph of section 776.29 of the Taxation Act:

- (3) indemnities received under the Workmen's Compensation Act (R.S.Q, chapter A-3) or the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) that are considered for the purposes of the computation provided for in subparagraph c of the first paragraph of section 776.29 of the Taxation Act;
- (4) benefits received under the Employment Insurance Act other than benefits received under section 22 or 23 of that Act.

Amount.

For the purposes of the second paragraph of section 82, the amount of the benefits referred to in subparagraph 1 of the second paragraph is the amount prescribed by regulation, and paragraph b of subparagraph 2 of the first paragraph does not apply.

Calculation.

76. The amount of the benefit determined pursuant to sections 73 and 75 shall be multiplied by the quotient obtained by dividing the number of months of eligibility of the adult in the year by the number of months worked by the adult in the same year.

Month worked.

A month worked is a month during which an adult meets the condition for eligibility set out in subparagraph 4 of the second paragraph of section 68.

Increased amount.

77. Where an adult eligible under the program or the adult's spouse is required to pay a contribution fixed under the Act respecting childcare centres and childcare services to which section 74 does not apply, the amount of the benefit determined pursuant to sections 73, 75 and 76 shall be increased according to the methods and conditions prescribed by regulation.

Benefit nil.

78. The benefit calculated pursuant to sections 73 to 77 is nil if the result obtained is negative.

Work income.

79. A person's work income for a year is equal to the aggregate of the person's income from a business, after deducting business losses, and the income from an office or employment, computed respectively in accordance with subparagraphs 2 and 1 of subparagraph i of subparagraph c of the first paragraph of section 776.29 of the Taxation Act, exclusive of such income that may be deducted in computing taxable income under paragraph e of section 725 of the said Act. Work income also includes any other amount referred to in subparagraph 4 of the second paragraph of section 68.

Family's yearly net work income.

The net work income of an adult's family for a year is equal to the amount by which the aggregate of the work income of the adult and the adult's spouse exceeds the amount determined according to the scale of excluded work income prescribed by regulation. Family's yearly total income.

The total income of an adult's family for a year is equal to the amount by which the aggregate of the total income of the adult and of the adult's spouse and dependent children, computed in accordance with subparagraph c of the first paragraph of section 776.29 of the Taxation Act, exceeds the aggregate of the following amounts:

- (1) the total income of the dependent children, exclusive of income referred to in subparagraph 2, up to an amount prescribed by regulation;
- (2) the income of the adult's family that may be deducted in computing taxable income under paragraph *e* of section 725 of the Taxation Act;
- (3) the benefits granted to the family in the year under a last resort financial assistance program, up to an amount prescribed by regulation; and
- (4) the amount determined according to the scale of excluded work income prescribed by regulation.

Calculation.

For the purposes of the calculation of the total income of a family under the third paragraph, the amount of the benefits granted under a last resort financial assistance program is, for the purposes of the second paragraph of section 82, the amount prescribed by regulation.

Calculation of benefit.

- **80.** If the spouse of an adult for a year was not the adult's spouse throughout the year, only that part of the following amounts, in respect of the spouse, that can reasonably be attributed to the period of the year during which the adult had a spouse shall be taken into account in the calculation of the adult's benefit for the year:
 - (1) work income;
 - (2) total income;
 - (3) amounts received as work income replacement;
- (4) excluded amounts determined under paragraph a of subparagraph 2 of the first paragraph of section 75.

Benefit for each spouse.

81. Where a benefit is granted for a year to each spouse, such benefit shall be equal to one-half of the amount obtained pursuant to sections 73 and 75 to 77.

Calculation.

If the spouse of an adult for a year is no longer the adult's spouse on 31 December of that year, the calculation provided for in the first paragraph shall, for the purposes of section 77, apply only with respect to the period of the year during which the adult had a spouse.

Yearly benefit.

82. The benefit shall be paid yearly by the Minister of Revenue and shall be sent together with a notice stating the amount to which the adult is entitled.

Advance monthly payments.

However, the Minister of Employment and Solidarity may, under the conditions determined by regulation, make advance monthly payments if the benefit estimated on the basis of information supplied by the adult pursuant to the first paragraph of section 86 and section 88 exceeds the minimum amount prescribed by regulation. The payments, other than the portion attributable to the increase determined under section 74, constitute advances on the yearly benefit provided for in the first paragraph.

Joint advance payments.

83. Where advance payments are granted to each spouse, they shall be paid to them jointly or, at their request, to one of them. Each spouse is deemed to have received one-half of the advance payments.

Unassignability and unseizability.

84. A benefit paid under this chapter is unassignable and unseizable, except for non-payment of support.

DIVISION V

RECIPROCAL RIGHTS AND OBLIGATIONS

Assistance.

85. The Minister shall lend assistance to any person who so requests so as to facilitate the person's understanding of and access to the program. The Minister must, among other things, assist a person in making an application for a benefit.

Application.

86. An application for a benefit must be filed together with any document or information required for the determination of advance payments.

Determination of advance payments.

The Minister must examine the application and determine the amount of the advance payments promptly.

Information to beneficiaries.

- **87.** The Minister shall inform a person to whom a benefit is granted under this chapter, as comprehensively as possible and according to the circumstances declared by the person, concerning
 - (1) rights and obligations under this Act;
- (2) the measures, programs and services available under this Act as well as the family allowances granted by the Régie des rentes du Québec, the national child benefit supplement granted by the Government of Canada and the unified housing allowance program administered by the Société d'habitation du Québec, and the manner of gaining access thereto.

Obligations of recipient.

88. A recipient must

(1) advise the Minister promptly of any change in the recipient's circumstances or in the circumstances of the recipient's family which may affect the benefit or advance payments;

(2) at intervals prescribed by regulation, file a statement with the Minister on the form supplied by the Minister.

Exception.

Notwithstanding the first paragraph, a recipient is not required, unless the Minister so requests, to declare the amount of the family allowance granted by the Régie des rentes du Québec under the Act respecting family benefits or the amount granted by the Government of Canada as a national child benefit supplement.

Prior notice.

89. At least 10 days before reducing or ceasing to pay an amount granted under this chapter on the ground that a person did not declare his or her real circumstances, the Minister shall give the person a written notice, with reasons.

Observations.

The person may present observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

Reconciliation statement.

90. An adult declared eligible under the program for a year must, not later than 30 April of the following year, file with the Minister of Revenue a reconciliation statement, in the form and with the attestations and information determined by the Minister of Revenue, together with a fiscal return within the meaning of section 1000 of the Taxation Act.

Information transmitted to Minister of Revenue.

- **91.** Each year, not later than the last day of February, the Minister shall transmit to and in the form determined by the Minister of Revenue, the following information for the preceding year in respect of every adult declared eligible under the program for that year:
- (1) the name, address, social insurance number and date of birth of the adult and, except for the address, of the adult's spouse and dependent children;
- (2) the amount determined according to the scale referred to in section 73 which is applicable to the adult;
- (3) the quotient obtained by dividing the number of months of eligibility by the number of months worked by the adult in the year;
- (4) the total advance payments received by the adult or the adult's spouse, distinguishing the portion attributable to the benefit from the portion attributable to the increase under section 74;
- (5) the aggregate of the excluded amounts determined by regulation in respect of the adult and, where applicable, of the adult's spouse, for the purposes of paragraph a of subparagraph 2 of the first paragraph of section 75;
 - (6) the amount of the increase in the benefit determined under section 77;
 - (7) whether a benefit has been granted to the adult's spouse;
- (8) for the purposes of section 80, any part of the year during which the adult no longer had a spouse;

- (9) the amount determined according to the scale of excluded work income;
- (10) the amount of the benefits granted under a last resort financial assistance program to be subtracted from the total income of the adult's family under subparagraph 3 of the third paragraph of section 79 and also to be considered for the purposes of subparagraph b of subparagraph 2 of the first paragraph of section 75:
- (11) the amount of increase in the benefit determined by the Minister under section 96.

Changes.

The Minister shall also inform the Minister of Revenue of any changes in such information.

Copy.

The Minister shall transmit a copy of the information to the adult.

Determination of benefit.

92. The Minister of Revenue shall promptly examine the information transmitted by the Minister of Employment and Solidarity, as well as the statement and return, and shall determine, in accordance with Division IV of this chapter, the amount of the adult's benefit and send a notice to the adult concerned.

Minister bound.

The Minister of Revenue is bound by the information transmitted by the Minister.

Failure to file statement.

93. Where an adult has not filed, for a year, a reconciliation statement or a fiscal return pursuant to section 90, the Minister of Revenue may determine the amount of the benefit to be nil and send a notice to the adult.

Failure to fulfil obligation.

94. Where there is failure to fulfil an obligation under the first paragraph of section 86 or section 88 or 90, the Minister may refuse to grant an application or suspend, reduce or terminate payments. Such a decision must be made in writing, give reasons and be communicated to the adult.

Excess amount.

95. Where the amount of a benefit determined in respect of an adult for a year exceeds the total advance payments received in respect of the benefit, the Minister of Revenue must pay the difference to the adult and send the payment together with a notice stating the amount involved, and section 1052 of the Taxation Act, adapted as required, shall apply.

Repayment to Minister.

Where the total advance payments exceed the amount of the benefit, the adult must, subject to the third paragraph, repay the difference to the Minister of Revenue within 45 days after the date of mailing of the Minister's notice, even where an application for review has been filed or a proceeding has been brought before the Administrative Tribunal of Québec under Chapter IV of Title III.

Provisions applicable.

Chapter III of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), adapted as required, applies to such a payment and repayment which, for that purpose, are deemed to be, respectively, a refund due to the adult

under a fiscal law and, from the date of mailing of the notice referred to in the second paragraph, a debt exigible from the adult under a fiscal law.

Administrative error.

96. Where the advance payments of the benefit exceed the amount of the benefit determined pursuant to section 92 and the Minister establishes that part of the advance payments constitutes an overpayment resulting from an administrative error that the adult could not reasonably have noticed, the benefit is increased by the amount of overpayment so established.

Change in circumstances.

The first paragraph also applies, in the cases and subject to the conditions determined by regulation, where a change in circumstances occurs which affects the benefit. In that case, any overpayment prior to the date of the change is considered to be an administrative error that the adult could not reasonably have noticed.

Restriction.

An increase under this section may not operate to increase the benefit beyond the amount of the advance payments.

Redetermination of benefit.

- **97.** The Minister of Revenue may redetermine the amount of an adult's benefit
- (1) within three years after the date of mailing of the notice provided for in section 92 or 93;
- (2) at any time, if the adult who filed the statement or return misrepresented the facts or committed a fraudulent act within the meaning of subparagraph i of subparagraph b of the second paragraph of section 1010 of the Taxation Act;
- (3) where a reassessment made following an opposition served or an appeal filed by the adult or the adult's spouse or dependent child in respect of an assessment established under the Taxation Act also affects the total income of, or the amounts received as work income replacement by, one of such persons;
- (4) where a reassessment under the Taxation Act results in an increase in the amount of the benefit.

TITLE III

ADMINISTRATIVE PROVISIONS

CHAPTER I

AGREEMENTS

Agreement.

98. Subject to the second paragraph, the Minister may enter into an agreement with a department or body of the Government or of another government, a person or an enterprise whose name appears on the list drawn

up by the Government and published in the *Gazette officielle du Québec*, in order to collect or communicate nominative information that is necessary for the application of this Act and the regulations, in particular in order to

- (1) verify the eligibility of a person or a person's family for an amount granted under this Act and establish that amount;
- (2) identify, by cross-matching or other means, circumstances not declared by a person which may affect the amount that is or was granted to the person under this Act;
- (3) verify the solvency of a person who is required to repay an amount pursuant to Chapter II of this Title or identify the person's place of residence;
- (4) verify the occurrence of an event or the existence of a right referred to in section 102, as well as the date and particulars of the realization of the right.

Agreement.

The Minister may also enter into such an agreement with the Department of Human Resources Development of Canada as well as with the following departments and bodies of the Government: the Ministère de l'Éducation, the Ministère de la Justice, the Ministère des Relations avec les Citoyens et de l'Immigration, the Ministère du Revenu, the Ministère de la Sécurité publique, the Commission de la santé et de la sécurité du travail, the Régie de l'assurancemaladie du Québec, the Régie des rentes du Québec and the Société de l'assurance automobile du Québec.

Identification.

The Minister may, in order to identify a person for the purposes of an agreement made under this section, communicate that person's name, date of birth, sex, address, health insurance number, social insurance number and file number. Any department, body, person or enterprise that receives such information must, unless legally entitled thereto, destroy it once the purpose for which it was communicated has been fulfilled.

Act applicable.

Such information shall be exchanged in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information.

Confidentiality.

Any nominative information, within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information, obtained in the administration of this Act is confidential. Public servants of the Ministère de l'Emploi et de la Solidarité are prohibited from using any such information for purposes other than the administration of this Act.

Prohibition.

Public servants of the department are prohibited also from communicating or allowing the communication of information obtained in the administration of this Act to any person not legally entitled thereto under the Act respecting Access to documents held by public bodies and the Protection of personal

information or from allowing such a person to examine a document containing such information or have access thereto.

CHAPTER II

RECOVERY

Repayment to Minister.

100. A person must repay to the Minister any amount granted under Title I or under a last resort financial assistance program which should not have been granted to the person or the person's family, except an amount prescribed by regulation or an amount paid by reason of an administrative error that the person could not reasonably have noticed.

Exception.

A person to whom section 28 applies is not required to repay an amount granted following an erroneous declaration by the person's mother or father. The amount is recoverable by the Minister from the parent having made the declaration, in accordance with the provisions of this chapter.

Repayment.

- **101.** A person must also repay to the Minister the following amounts granted under a last resort financial assistance program, except those prescribed by regulation:
- (1) upon the cessation of a legal impediment to the alienation of a property and up to the amount of the net profit from the proceeds of the disposition, or in the other cases and according to the conditions determined by regulation, the amount that would not have been granted to the person or the person's family if the property had been considered in calculating the benefit;
- (2) upon the cessation of the ineligibility of a person, or a member of the person's family, declared ineligible for allowances or benefits under another Act in force in Québec or elsewhere due to a breach of provisions similar to those of section 45, 47, 49, 53 or 56, the amount granted under this Act during such ineligibility up to the amounts that would but for such a breach have been payable under that other Act;
- (3) upon the cessation of a reduction in the amount of allowances or benefits granted to the person or to the person's family under another Act in force in Québec or elsewhere to compensate an overpayment or as a penalty, the amount granted during such reduction up to the amount of the reduction.

Repayment.

102. A person must repay to the Minister an amount granted under a last resort financial assistance program following the occurrence of an event giving rise to the exercise of a right by the person or the person's dependent child by judicial proceedings or any other means, whether or not the right is a personal right, and whether or not the amount had been granted to the person or the person's family at the time of the event.

Exigibility.

The amount of the repayment is due from the realization and up to the value of the right; the amount is established by applying the rules for the calculation of resources set out in sections 27 and 29.

Seizure.

Where a person did not declare the prospective realization of a right to the Minister and the amount received following the realization of the right should, according to the law, have been paid to the Minister, the amount can be seized by the Minister notwithstanding any provision of law to the contrary. The same applies to property acquired with the amount received following the realization of the right.

Repayment in full.

103. An amount owed to the Minister under section 102 must be repaid in full upon the realization of the right.

Exigibility.

The amount is exigible only from the creditor of the realized right or from the adult of whom the child who is the creditor of the realized right is a dependant.

Payment by debtor.

104. In the case of a debt to which section 102 applies, except non-payment of support determined by judgment, the debtor of a person who or whose family has received or is receiving an amount under a last resort financial assistance program, and any person who is to become the debtor of such a person must, upon a written notice of the Minister, remit to the Minister the amount owed up to the amount recoverable under section 102.

Payment.

The remittance of the amount to the Minister is deemed to be a payment validly made to the creditor; if the debtor fails to so remit the amount, the debtor is bound to pay an equivalent amount to the Minister.

Recovery.

The amount is recoverable by the Minister in accordance with the provisions of this chapter.

Income tax.

105. A person is not required to repay the amount equivalent to the income tax that the person must pay on the amount received following the realization of a right referred to in section 102, where the amount of the tax is determined at the time of the realization of the right. The Minister shall, where applicable, return any excess repayment to the person, on presentation of proof of payment of the tax.

Applicability.

This section applies where the tax payable on the amount received by the person operates to reduce the amount below the amount repayable to the Minister.

Amounts not repayable.

106. An amount granted is not repayable to the Minister under section 102, where the realized right

- (1) arises from a succession;
- (2) is compensation under section 73 of the Automobile Insurance Act;
- (3) is compensation under section 83 of the Act respecting industrial accidents and occupational diseases;

- (4) is compensation for non-pecuniary damage received following physical or mental impairment, other than compensation under the Acts referred to in subparagraph 2 or 3; or
 - (5) is an amount determined by regulation.

Repayment.

107. A person having subscribed an undertaking under the Act respecting immigration to Québec (R.S.Q., chapter I-0.2) promising to help a foreign national and the dependants, if any, who accompany the foreign national to settle in Québec, must repay the amount granted under a last resort financial assistance program to the foreign national and to those dependants during the period covered by the undertaking, where the undertaking so provides. The amount is determined according to the conditions and calculation rules determined by regulation and is recoverable by the Minister in accordance with the provisions of this chapter.

Prescription.

108. The recovery of an amount owed under this Act is prescribed five years after the date it becomes due. Where there has been misrepresentation, recovery is prescribed five years after the date on which the Minister became aware of the fact that the amount was due, but not more than 15 years after the date it became due.

Misrepresentation.

109. There is misrepresentation where an amount is granted to a person following failure to file a statement or return, following the filing of a statement or return containing false information or following the transmission of a document in which information is omitted or which contains false information so as to render the person or the person's family eligible under a program or so as to receive or cause the person's family to receive a greater amount than would otherwise have been granted.

Solidary liability.

110. Spouses are solidarily liable for the repayment of an amount granted under a last resort financial assistance program and recoverable under the first paragraph of section 100 or section 101, whether the amount was granted to an independent adult or to a family which included two adults.

Exception.

However, the spouse of a person to whom a benefit was granted is not liable for the repayment if the spouse proves not having received the notice provided for in section 112 or proves that the claim is based on an act or omission of the person which the spouse could not reasonably have been aware of.

Exception.

Likewise, a spouse is not liable for the repayment if the spouse proves that the spouse's real circumstances could not be declared by reason of the violent behaviour of the other spouse toward the spouse or the spouse's dependent child.

Sole liability.

In the cases described in the second or third paragraph, the other spouse is solely liable for the entire debt.

Subrogation.

111. Where the debt owed to a person is for non-payment of support determined by judgment, the Minister is subrogated by operation of law in the rights of the creditor in respect of all support payments which are due at the time the person or the person's family becomes eligible for a benefit under a last resort financial assistance program and in respect of all payments which become due during the period for which the benefit is granted.

Notice to minister

The Minister shall send a notice to the Minister of Revenue, together with the information required for the purposes of the Act to facilitate the payment of support.

Excess amount.

The Minister shall remit to the creditor the amount by which the sums collected exceed the amount recoverable under section 102.

Formal notice.

112. The Minister shall send a formal notice to the debtor of an amount recoverable under this Act, indicating the amount of the debt, the reasons for which the debt is due and the debtor's right to apply for a review. The notice must also contain information on the recovery procedure, in particular as to the issue and effects of the certificate.

Prescription.

A formal notice under this section interrupts prescription.

Repayment.

113. The debtor must repay any amount owed according to the conditions determined by regulation, unless otherwise agreed between the debtor and the Minister.

Interest.

The debtor is required to pay interest in the cases determined and at the rate prescribed by regulation.

Recovery charge.

114. The debtor is required to pay a recovery charge in the cases and under the conditions determined and in the amount prescribed by regulation.

Suspension of recovery.

115. In exceptional circumstances, the Minister may, subject to the conditions determined by the Minister, suspend in whole or in part the recovery of an amount owed or grant a full or partial discharge to a debtor, even after the filing of the certificate referred to in section 118.

Failure to pay.

116. If a debt is not paid, the Minister may, at the expiry of the time for applying for a review of the decision requiring payment or for contesting the review decision before the Administrative Tribunal of Québec and, where applicable, at the expiry of 30 days after a decision of that Tribunal confirming all or part of the Minister's decision or on the date of the formal notice if, in the Minister's opinion, the debtor is attempting to elude payment, issue a certificate setting out the debtor's name and address and the amount of the debt.

Withholding of amount.

117. After issuing the certificate, the Minister may withhold part of any amount granted under this Act to the debtor and, where applicable, to the debtor's family, up to the amount prescribed by regulation, and apply the

amount withheld to the repayment of the debt. A withholding to the same end may also be made, after the issue of the certificate, in respect of any refund owed to the debtor by the Minister of Revenue pursuant to section 31 of the Act respecting the Ministère du Revenu.

Prescription.

A withholding under the first paragraph interrupts prescription.

Effect of decision.

118. Upon the filing of the certificate at the office of the court of competent jurisdiction, together with a copy of the final decision establishing the debt, the decision becomes executory as if it were a final judgment of that court. not subject to appeal, and has all the effects of such a judgment.

CHAPTER III

INFORMATION AND COMPLAINTS

Establishment of bureau.

119. An information and complaint bureau is hereby established at the Ministère de l'Emploi et de la Solidarité under the name "Bureau des renseignements et plaintes".

Functions.

- **120.** The functions of the bureau include
- (1) informing persons concerned of their rights and obligations under this Act;
- (2) enhancing the quality of the services provided under this Act, both to persons eligible for employment-assistance measures, programs or services provided for in Title I and to recipients under a financial assistance program provided for in Title II;
- (3) monitoring the level of satisfaction with the measures, programs or services provided for in this Act;
- (4) making recommendations to the Minister to remedy or prevent the reoccurrence of prejudicial situations and prevent the occurrence of similar situations;
- (5) giving due consideration to the opinions and observations expressed by persons having received services or availed themselves of measures, programs or services under this Act.

Applications.

121. Persons may apply to the bureau for any information concerning matters within the scope of this Act or for assistance in safeguarding their rights.

Requests.

122. The bureau must process requests speedily.

Complaints.

123. All complaints, except those that are clearly unfounded, must be examined and analyzed by the bureau.

CHAP. 36

Unfounded complaint.

A complaint that is not within the purview of the bureau is clearly unfounded.

Notification of complainant.

124. The bureau must inform the complainant of the results of the examination and analysis of the complaint. Moreover, the bureau must inform the complainant of remedy procedures, where applicable.

Restriction.

The first paragraph shall not operate to allow the disclosure of confidential information.

Advisory committee.

125. A committee shall advise the Minister concerning general orientations for the services provided by the bureau and the processing of requests and complaints submitted to the bureau.

Opinion.

At the request of the Minister, the committee shall also give its opinion on any matter submitted to it by the Minister.

Composition.

The committee shall be composed of members designated by the Minister from the organizations most representative of the unemployed and of the social and community sectors, after consulting with the latter, for the term and according to the conditions specified in the instrument of designation.

Remuneration.

126. The members of the committee shall receive no remuneration, except in the cases, subject to the conditions and to the extent that may be determined by the Government. They are, however, entitled to reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

Annual report.

127. The bureau shall prepare an annual activity report containing the information required by the Minister and indicating the number of complaints received, the follow-up given to the complaints and the level of satisfaction of persons having applied to the bureau as well as any recommendation concerning the services provided by the bureau.

Report.

The report shall be submitted to the committee and to the Minister. It shall be appended to the annual report produced by the Minister under section 15 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail.

CHAPTER IV

REMEDIES

Review.

128. Any person to whom a decision of the Minister under this Act applies may apply in writing for a review of the decision within 90 days of the date on which the person was advised of the decision.

Exceptions.

However, decisions under Title I or section 16, the second paragraph of section 82 or section 115 are not subject to review.

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Reviewers.

129. Decisions shall be reviewed by a person designated by the Minister for the term specified in the instrument of designation. The reviewers shall form part of a review service and shall come under the same authority within the Ministère de l'Emploi et de la Solidarité.

Review by a physician.

130. Decisions concerning an application for a temporarily limited capacity for employment allowance for the reason set out in subparagraph 1 of the first paragraph of section 24 must be reviewed by a physician.

Review by two members.

Decisions concerning an application for a severely limited capacity for employment allowance or a permanently or indefinitely limited capacity for employment allowance must be reviewed by two members of the review service, one being a physician and the other a professional working in the social sector.

Assistance.

131. The Minister shall lend assistance to any person who so requests in making an application for the review of a decision.

Deadline.

132. An application for review may not be refused on the ground that it was made after the deadline if the applicant establishes that it was impossible to act sooner.

Contestation.

If the application is refused on that ground, the decision may be contested before the Administrative Tribunal of Québec within 15 days after the date on which the applicant is advised of the decision. If the Tribunal quashes the decision, the file shall be returned to the person or persons who made the decision.

Observations.

133. Any person having applied for the review of a decision must be given the opportunity to present observations and, if need be, to produce documents to complete the file.

Execution of decision.

134. An application for review does not suspend execution of the decision.

Reinstatement of a benefit.

However, a benefit, other than a special benefit, granted under a last resort financial assistance program that is reduced by more than half by a decision subject to review under section 128 shall be reinstated until the date of the review decision if the decision is not made within 10 working days of

- (1) the day the person is ready to present observations in support of the application or, if need be, to produce documents to complete the file, where the person has asked for time to do so; or
- (2) in other cases, the day of receipt of the application for review or the day the decision takes effect if subsequent thereto.

Processing of application.

135. An application for review must be processed promptly and the review decision must be made within 30 days of the receipt of the application or, in a case described in the second paragraph of section 132, within 30 days of the

decision of the Administrative Tribunal of Québec returning the file for review. Where a person has asked for time to present observations or to produce documents, the review decision must be made within 30 days of the presentation of observations or the production of the documents.

Interest.

136. After the expiry of the 30-day period, interest accrual on an amount owed by a debtor which is the subject of a review shall be suspended until the date of the review decision.

Review decision.

137. The review decision must be in writing and drafted in clear and concise terms, contain reasons and be notified to the applicant and must state that the decision may be contested before the Administrative Tribunal of Québec.

Publication of decisions.

138. The Minister shall prepare an annual compilation of review decisions and shall ensure public access thereto, omitting the information that would allow the persons concerned to be identified.

Contestation.

139. Any person who feels wronged by a review decision may contest the decision before the Administrative Tribunal of Québec within 60 days of notification of the decision.

Interest.

140. If a review decision or a decision of the Administrative Tribunal of Québec recognizes that an adult or a family is entitled to an amount initially refused, or increases the amount initially granted, the Minister is required to pay interest at the rate prescribed by regulation, in the cases and according to the conditions determined by regulation.

Amounts not contestable.

141. When a decision relating to the Parental Wage Assistance Program is reviewed or when a proceeding is brought under section 139 against a review decision concerning such a decision, the amounts considered by the Minister of Revenue for the purpose of calculating the total income of an adult, or the adult's spouse or dependent child and for the purpose of calculating amounts received as work income replacement by the adult or the adult's spouse may not be contested.

Suspension of hearing.

142. In the case of a proceeding for the determination of a benefit under the Parental Wage Assistance Program, the Administrative Tribunal of Québec must suspend the hearing where, on the motion of the Minister of Revenue or of the person who brought the proceeding, it is established that the person or the person's spouse or dependent child has served an opposition or filed an appeal in respect of an assessment under the Taxation Act for the year to which the proceeding pertains and that such opposition or appeal may cause the amounts referred to in section 141 to vary.

Duration of suspension.

A suspension under the first paragraph shall continue until a final decision upholding the assessment is made or, as the case may be, until the Minister of Revenue, following a final decision cancelling or varying the assessment, redetermines the benefit of the person who brought the proceeding referred to in the first paragraph.

CHAPTER V

INSPECTION AND INVESTIGATION

Powers of an inspector.

143. A person specially or generally authorized by the Minister to act as an inspector may, for the purposes of this Act, require, examine and make a copy of any information or document. Moreover, the inspector may require information or documents by fax or by electronic means where a person may be so contacted.

Immunity.

144. No proceedings may be brought against an inspector for acts performed in good faith in the exercise of his or her functions.

Investigation.

145. The Minister or any person designated as an investigator by the Minister may investigate any matter coming under the Minister's authority with respect to the administration of this Act.

Powers and immunity.

146. For the purposes of an investigation, the Minister and an investigator have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

Subpoena.

The investigator may send a subpoena by fax or by electronic means where the person to whom it is addressed may be so contacted.

Identification.

147. On request, an inspector or an investigator shall identify himself or herself and produce a certificate of capacity signed by the Minister.

Hindering prohibited.

148. No person may hinder an inspector in the exercise of his or her functions, mislead or attempt to mislead an inspector by misrepresentation or deceptive statements, refuse to produce documents required by the inspector or omit or refuse, without good cause, to answer any question that may lawfully be asked.

TITLE IV

PENAL PROVISIONS

Offences and penalties.

- **149.** Every person is guilty of an offence and liable to a fine of not less than \$250 nor more than \$1,500 who knowingly makes an incomplete statement or a statement containing false or misleading information, transmits an incomplete document or a document containing such information or fails to make a statement so as to
- (1) become or render the person's family eligible under a program or maintain such eligibility,
- (2) receive, or cause the person's family to receive, a benefit which can no longer be granted or which is of a greater amount than the benefit which may be granted,

- (3) receive any other amount under this Act, or
- (4) cause any person to receive an amount under this Act.

Offence and penalty.

150. Every person who contravenes section 99 is guilty of an offence and liable to a fine of not more than \$5,000.

Offence and penalty.

151. Every person who contravenes a provision of section 148 is guilty of an offence and liable to a fine of not less than \$250 nor more that \$1,000.

Offence.

152. Every person who assists a person in committing an offence under this Act or, by encouragement, advice or consent, or by an authorization or order, induces a person to commit an offence under this Act is guilty of an offence.

Penalty.

A person convicted under this section is liable to the same penalty as that prescribed for the offence whose commission the person assisted in or induced.

Prescription.

153. Penal proceedings for an offence under section 149 are prescribed one year after the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be brought where more than five years have elapsed since the commission of the offence.

TITLE V

REGULATIONS

Regulations.

- **154.** For the purposes of Title I, the Government may make regulations
- (1) prescribing, for the purposes of the third paragraph of section 5, the minimum amount that may be paid as an employment-assistance allowance;
- (2) determining, for the purposes of the second paragraph of section 8, the cases in which and the extent to which the legislative provisions referred to therein do not apply to an activity engaged in as part of an employment-assistance measure or program.

Financial assistance programs.

- **155.** For the purposes of the financial assistance programs, the Government may make regulations
- (1) determining the cases in which and the conditions subject to which a child is not a person's dependent child or is a dependant of another adult than the child's father or mother and designating that adult;
- (2) determining the cases in which and the conditions subject to which an adult not resident in Québec is eligible under a financial assistance program;
- (3) determining the circumstances in which a person remains, ceases to be or becomes a member of a family;

- (4) determining what constitutes liquid assets and property;
- (5) determining the cases in which and the conditions subject to which an independent adult or a family shares a dwelling unit with another person and prescribing a method for determining the amount to be subtracted for the purpose of calculating the benefit;
 - (6) prescribing intervals for the filing of a statement or return;
- (7) determining, for the purposes of section 140, the cases in which and the conditions subject to which the Minister is required to pay interest and prescribing the interest rate;
 - (8) prescribing administrative standards.

Employment-Assistance Program or Social Welfare Program.

- **156.** For the purposes of the Employment-Assistance Program or the Social Welfare Program, the Government may make regulations
- (1) determining the cases in which and the conditions subject to which an adult not legally authorized to remain in Canada may be eligible under the program pursuant to subparagraph 2 of the first paragraph of section 15 and determining the cases in which and the conditions subject to which eligibility is restricted to certain benefits or allowances:
- (2) defining, for the purposes of subparagraph 3 of the first paragraph of section 15, what constitutes attending an educational institution in a vocational program at the secondary level, or an educational institution at the college or university level;
- (3) determining the cases in which and the conditions subject to which a family referred to in subparagraph 3 of the first paragraph of the first paragraph of section 15 is eligible under the program;
- (4) determining the cases in which an adult referred to in subparagraph 6 of the first paragraph of section 15 is eligible under the program;
- (5) determining the maximum amount referred to in the second paragraph of section 15 and the liquid assets that are excluded;
- (6) determining the cases in which and the conditions subject to which an independent adult or a family that is no longer eligible under the program may continue to receive benefits;
- (7) determining the cases in which and the conditions subject to which children of full age are not presumed to be dependent children for the purposes of the second paragraph of section 20;
- (8) determining basic benefit amounts and the cases in which and the conditions subject to which those amounts are to be granted;

- (9) determining the other cases in which and the conditions subject to which a temporarily limited capacity for employment allowance is to be added to the basic benefit;
- (10) determining the cases in which and the conditions subject to which providing childcare to a dependent child renders an independent adult or an adult member of a family eligible for a temporarily limited capacity for employment allowance;
- (11) prescribing temporarily limited capacity for employment allowance, severely capacity for employment allowance and mixed allowance amounts;
- (12) prescribing adult or dependent children adjustment amounts and determining the cases in which and the conditions subject to which those amounts are to be granted;
- (13) prescribing special benefit amounts to provide for special needs and the cases in which and the conditions subject to which those amounts are to be granted;
- (14) determining the dependent children adjustments from which amounts received as family allowances under the Act respecting family benefits or as a national child benefit supplement are to be subtracted and the cases in which and conditions subject to which such amounts are deemed to be received by a family, and determining the exclusion of those amounts from the application of certain provisions relating to income;
- (15) excluding, for the purpose of calculating a benefit, any or all of the income, earnings, benefits, liquid assets or property of a person eligible under the program;
- (16) prescribing an amount relating to lodging and determining the conditions subject to which a benefit is to be reduced in respect of lodging;
- (17) prescribing a method for calculating income, earnings, the value of benefits, liquid assets and the value of property, determining the cases in which those amounts may be averaged and the time from which they are deemed received and prescribing standards for the allocation of arrears in support payments;
- (18) determining the period for which employment-insurance benefits yet to be received are to be considered for the purpose of calculating a benefit;
- (19) prescribing standards applicable to the income, earnings, benefits, liquid assets and property of a self-employed worker and the cases in which and the conditions subject to which the standards are to be applied;
- (20) prescribing a method for determining the value of property and determining the percentage applicable to that value;

- (21) prescribing a method for calculating parental contribution and specifying the net incomes of an adult's father and mother required to be considered for that purpose;
- (22) prescribing a method for calculating a benefit for the month of application and determining the maximum amount of liquid assets at the time of the application;
 - (23) determining the conditions of payment of benefits;
- (24) determining the conditions under which the Minister, upon an order of the Régie du logement, is to pay to the lessor of a recipient part of the benefit and prescribing the amount relating to lodging;
- (25) determining, for the purposes of section 33, the conditions according to which a benefit is to be paid to a person other than the recipient or to an organization and prescribing standards to be complied with by that person or organization;
- (26) prescribing, for the purposes of section 43, the manner of informing the Minister;
- (27) determining, for the purposes of paragraph 7 of section 48, the cases in which and the conditions subject to which employment is not suitable employment;
- (28) determining, for the purposes of paragraph 8 of section 50, any other circumstance;
- (29) determining, for the purposes of section 54, the conditions of application and the amounts of the measures provided for in that section, the other cases in which such measures are to be imposed and the nature of the measures applicable in such cases;
- (30) determining, for the purposes of section 55, the amounts and conditions applicable to the reduction of a benefit;
- (31) prescribing, for the purposes of section 57, the amount by which and the conditions according to which a benefit is to be reduced.

Social Welfare Program.

157. For the purposes of the Social Welfare Program, the Government may make regulations determining the amounts of the senior's allowance, the permanently or indefinitely limited capacity for employment allowance and the mixed allowance.

Parental Wage Assistance Program.

- **158.** For the purposes of the Parental Wage Assistance Program, the Government may make regulations
- (1) prescribing a method for determining the value of the property of an adult, the adult's spouse and dependent children and prescribing, for the

purposes of eligibility under the program, the maximum amount of the value of such property combined with the value of their liquid assets;

- (2) determining, for the purposes of subparagraph 5 of the second paragraph of section 68, a method for calculating income from a business;
- (3) determining the minimum amount of income an adult or the adult's spouse must earn in a month for the month to be a month of eligibility;
- (4) prescribing, for the purposes of section 73 and the first paragraph of section 75, a scale of needs establishing yearly amounts, which may vary according to whether or not the family shares a dwelling unit;
 - (5) prescribing percentages for the purposes of sections 73 and 75;
- (6) determining, in respect of an adult or the adult's spouse, on the basis of the amounts received by each of them as work income replacement and described in the second paragraph of section 75, the amounts excluded for the purposes of subparagraph 2 of the first paragraph of that section;
- (7) prescribing the amount of benefits under a last resort financial assistance program for the purposes of the third paragraph of section 75 and the fourth paragraph of section 79;
- (8) prescribing, for the purposes of section 77, the calculation methods and the conditions according to which a benefit may be increased;
- (9) prescribing the scale of excluded work income for the purposes of the second paragraph of section 79;
- (10) prescribing the maximum amount of the income of a dependent child which may be subtracted from the total income of a family;
- (11) prescribing, for the purposes of subparagraph 3 of the third paragraph of section 79, the maximum amount to be subtracted from the total income of an adult's family;
- (12) prescribing, for the purposes of section 82, the minimum amount of an adult's estimated benefit for receipt of advance payments;
- (13) determining, for the purposes of section 82, the conditions under which advance payments may be made;
- (14) determining the cases in which and the conditions subject to which the second paragraph of section 96 applies.

Regulations respecting the application of the program made under section 155 and under the first paragraph of this section in the course of a year may prescribe that they have effect from the first day of the preceding year.

Effect.

Regulations.

- **159.** For the purposes of Chapter II of Title III, the Government may make regulations
- (1) determining that all or part of a recoverable amount is not to be repaid by the debtor;
- (2) determining, for the purposes of paragraph 1 of section 101, the other cases in which and the conditions according to which an amount granted is recoverable;
- (3) determining, for the purposes of paragraph 5 of section 106, amounts not repayable to the Minister;
- (4) determining the conditions and calculation rules according to which an amount recoverable under section 107 is to be determined;
- (5) prescribing the conditions of repayment of an amount owed to the Minister:
- (6) determining the cases in which the debtor is required to pay interest and prescribing the rate of interest;
- (7) determining the cases in which and the conditions under which the debtor is liable for payment of a recovery charge and prescribing the amount of the charge;
- (8) prescribing the amount up to which the Minister may withhold part of an amount for application to the repayment of a debt and determining cases in which and conditions under which the withholding is to be suspended.

Factors of variation.

160. The provisions of regulations under sections 154 to 159 may vary according to whether they apply to an independent adult or a family, according to the composition of the family, according to the circumstances of an independent adult or a member of a family, including, in the case of a child, the child's age, rank in the family, occupation, whether the child has a handicap within the meaning of the Act respecting family benefits, the child's place of residence and the custody arrangements in respect of the child, according to whether an independent adult or a member of a family is living or incarcerated in an institution or is residing in a subsidized dwelling, according to whether a debt is due following a false declaration by the debtor or according to whether the provisions apply to an independent adult who would be a member of a family if the adult's spouse or the dependent children of either had not ceased to be members of the family pursuant to a regulation under paragraph 3 of section 155.

Effect.

161. The provisions of regulations made in consequence of a provision of a regulation under subparagraph 1 of the first paragraph of section 8 of the Act respecting family benefits may have effect from any date not more than six months prior to their coming into force.

TITLE VI

AMENDING PROVISIONS

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

c. A-3.001, s. 11, am.

- **162.** Section 11 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing paragraph 4 by the following paragraph:
- "(4) a person performing work as part of an Individualized Integration, Training and Employment Plan pursuant to section 5 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)."

c. A-3.001, s. 144, am.

163. Section 144 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "the benefits paid to that person or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act." in the second paragraph by the words "the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)."

LEGAL AID ACT

c. A-14, s. 4.1, am.

164. Section 4.1 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by replacing the words "benefits, other than special benefits, under Chapter II of the Act respecting income security (chapter S-3.1.1) or any member of a family receiving such benefits" in the second paragraph by the words "a benefit, other than a special benefit, under a last resort financial assistance program provided for by the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) or any member of a family receiving such a benefit".

c. A-14, s. 62, am.

165. Section 62 of the said Act is amended by replacing the words "benefits, other than special benefits, under Chapter II of the Act respecting income security (chapter S-3.1.1)" in the second paragraph by the words "a benefit, other than a special benefit, under a last resort financial assistance program provided for by the Act respecting income support, employment assistance and social solidarity".

AUTOMOBILE INSURANCE ACT

c. A-25, s. 83.28, am.

166. Section 83.28 of the Automobile Insurance Act (R.S.Q., chapter A-25), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "the benefits which were paid to such person or to his family and of which reimbursement is exigible pursuant to section 35 of the Act respecting income security (chapter S-3.1.1)" in the third paragraph by the words "the amount repayable under section 102 of the Act respecting

income support, employment assistance and social solidarity (1998, chapter 36)".

c. A-25, s. 83.62, am.

167. Section 83.62 of the said Act is amended by replacing the words "Act respecting income security (chapter S-3.1.1)" in paragraph 4 by the words "Act respecting income support, employment assistance and social solidarity".

HEALTH INSURANCE ACT

c. A-29, s. 67, am.

168. Section 67 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "for benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" in the fourth paragraph by the words "under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

c. A-29, s. 70, am.

169. Section 70 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "receiving benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" by the words "eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

c. A-29, s. 71, am.

170. Section 71 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "entitled to benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" in paragraph b by the words "eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

c. A-29, s. 71.1, am.

171. Section 71.1 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "receiving benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" by the words "eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

c. A-29, s. 71.2, am.

172. Section 71.2 of the said Act is amended by replacing the words "Act respecting income security (chapter S-3.1.1)" by the words "Act respecting income support, employment assistance and social solidarity".

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

c. A-29.01, s. 15, am.

173. Section 15 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01) is amended by replacing the words "receiving benefits under a last resort assistance program pursuant to the Act respecting income security (chapter S-3.1.1)" in paragraph 2 by the words "eligible under a last resort

financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) or".

c. A-29.01, s. 17, am.

174. Section 17 of the said Act is amended by replacing, in the definition of "person suffering from a functional impairment", the words "last resort assistance program pursuant to the Act respecting income security (chapter S-3.1.1)" by the words "last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

ACT RESPECTING THE BARREAU DU QUÉBEC

c. B-1, s. 128, am.

175. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 of the statutes of 1997, by section 86 of chapter 43 of the statutes of 1997 and by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "Act respecting income security (chapter S-3.1.1)" in subparagraph 5 of paragraph a of subsection 2 by the words "Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

CODE OF CIVIL PROCEDURE

c. C-25, a. 827.5, am.

176. Article 827.5 of the Code of Civil Procedure (R.S.Q., chapter C-25), amended by section 17 of chapter 42 of the statutes of 1997, is again amended by inserting, after the first paragraph, the following:

"Moreover, no ruling may be made on an agreement relating to an obligation of support submitted by the parties unless the sworn statement referred to in the first paragraph has been filed by each of the parties at the office of the court."

c. C-25, a. 827.7, added.

177. The said Code is amended by inserting, after article 827.6, the following article:

"827.7. Any party to an agreement relating to an obligation of support submitted in connection with an application governed by this Title must, where applicable, declare the fact that the party is a recipient under a last resort financial assistance program or received benefits under such a program during the period covered by the agreement."

c. C-25, a. 989.2, am.

178. Article 989.2 of the said Code is amended by replacing the words "receives benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" in the second paragraph by the words "is receiving a benefit under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

c. D-2, s. 46, am.

179. Section 46 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "the benefits paid to the employee or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act" in the second paragraph by the words "the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)."

PAY EQUITY ACT

c. E-12.001, s. 8, am.

180. Section 8 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by replacing the words "while participating in a program to achieve entry on the labour market, is eligible for last resort assistance benefits under the Act respecting income security (chapter S-3.1.1)" in paragraph 5 by the words "engages in an activity referred to in section 5 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

c. E-20.1, s. 54, am.

181. Section 54 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by replacing the words ", within the meaning of section 5 of the Act respecting income security (chapter S-3.1.1)" in the first paragraph by the words "within the meaning of section 22 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

ACT RESPECTING THE MINISTÈRE DU REVENU

c. M-31, s. 69.1, am.

- **182.** Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 43 of chapter 57 of the statutes of 1997, by section 119 of chapter 63 of the statutes of 1997 and by section 278 of chapter 16 of the statutes of 1998, is again amended by replacing subparagraph *j* of the second paragraph by the following subparagraph:
- "(j) the Minister of Employment and Solidarity, solely to the extent that the information is required to ascertain the eligibility of a person or a person's family under a program or measure established under the Act respecting income support, employment assistance and social solidarity (1998, chapter 36), to determine the amount of benefits or advance payments, to identify circumstances not declared by a recipient under a program established under that Act, or to ascertain the place of residence and solvency of a person required to repay an amount under Chapter II of Title III of that Act;".

c. M-31, s. 94.0.1, am.

183. Section 94.0.1 of the said Act, amended by section 293 of chapter 16

of the statutes of 1998, is again amended by replacing the words "section 60 of the Act respecting income security (chapter S-3.1.1)" in the first paragraph by the words "section 95 of the Act respecting income support, employment assistance and social solidarity".

ACT RESPECTING LABOUR STANDARDS

c. N-1.1, s. 121, am.

184. Section 121 of the Act respecting labour standards (R.S.Q., chapter N-1.1), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "the benefits paid to the employee or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act" in the second paragraph by the words "the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)."

ACT TO FACILITATE THE PAYMENT OF SUPPORT

c. P-2.2, s. 76, am.

185. Section 76 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "Act respecting income security (chapter S-3.1.1)" in the first paragraph by the words "Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

c. R-5, s. 37.7, am.

- **186.** Section 37.7 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended
 - (1) by replacing paragraph e by the following paragraph:
- "(e) is eligible under a last resort financial assistance program provided for by the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) or receives an allowance under the second paragraph of section 67 of the Social Aid Act (1969, chapter 63), and holds a valid claim booklet issued by the Minister of Employment and Solidarity pursuant to section 70 of the Health Insurance Act (chapter A-29);";
- (2) by replacing the words "Income Security" in paragraph f by the words "Employment and Solidarity".

ACT RESPECTING THE RÉGIE DU LOGEMENT

c. R-8.1, ss. 31.1 and 31.2, added.

187. The Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by inserting, after section 31, the following sections:

Payment of benefit directly to lessor.

"31.1. Where the board grants an application for the recovery of rent

and the defaulting lessee receives a benefit under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36), the board may order the Minister of Employment and Solidarity to pay to the lessor concerned the part of the benefit relating to lodging, in the amount and subject to the conditions prescribed by regulation under that Act, for any rent falling due during the month for which such benefit is granted. The order is contingent on a renunciation by the lessor of his right to apply for the resiliation of the lease.

Applicable period.

The board shall fix the period during which the order is applicable, which shall not exceed two years. The order is executory for any period during which the lessee lives in a dwelling belonging to the lessor and so long as the lessor is entitled to collect the rent.

Extension of applicability.

The board may also, where the lessee has been subject to such an order in the two years preceding the issue of the new order, provide that the new order is applicable, on the same conditions, to the lessor concerned and to any future lessor.

Information.

****31.2.** For the purposes of section 31.1, the board may order the Minister of Employment and Solidarity to inform the board of the fact that a lessee is a recipient under a last resort financial assistance program and of the amount of the benefit granted for the month during which the order is issued. The board must keep the information received from the Minister confidential until the hearing."

c. R-8.1, s. 78, am.

188. Section 78 of the said Act is amended

- (1) by inserting, after the word "decide" in the first paragraph, the words "that a writing signed by an authorized person at the Ministère de l'Emploi et de la Solidarité bears witness to the fact that a person is a recipient under a last resort financial assistance program and to the amount of the benefit granted and that the writing is accepted in lieu of the testimony of a representative of that department. Similarly, a commissioner may decide";
 - (2) by replacing the second paragraph by the following paragraph:

Representative or inspector.

"However, a party may require the presence of the representative of the Ministère de l'Emploi et de la Solidarité or of the inspector at the hearing; however, if the board considers that the production of the writing or report would have sufficed, it may condemn that party to pay costs in the amount it fixes."

ACT RESPECTING THE QUÉBEC PENSION PLAN

c. R-9, s. 145, am.

189. Section 145 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "the benefits paid to the person or his

family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act" in the second paragraph by the words "the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)."

c. R-9, s. 229, am.

190. Section 229 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "the benefits paid by him under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" in the first paragraph by the words "the benefit granted under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

c. R-9, s. 231, am.

191. Section 231 of the said Act is amended by replacing the words "for benefits under a last resort assistance program under the Act respecting income security (chapter S-3.1.1)" by the words "under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

c. R-20, s. 122, am.

192. Section 122 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "the benefits paid to the employee or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act" in the second paragraph of subsection 8 by the words "the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)."

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

c. S-2.1, s. 174, am.

193. Section 174 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "Act respecting income security (chapter S-3.1.1)" in the second paragraph by the words "Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

c. S-5, s. 149.33, am.

194. Section 149.33 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by replacing the words "social aid beneficiary number or, from the date of coming into force of

Chapter II of the Act respecting income security (chapter S-3.1.1), his beneficiary number under the said chapter" in the first paragraph by the words "recipient number for the purposes of a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

ACT RESPECTING ASSISTANCE AND COMPENSATION FOR VICTIMS OF CRIME

1993, c. 54, s. 146, am.

195. Section 146 of the Act respecting assistance and compensation for victims of crime (1993, chapter 54) is amended by replacing the words "any benefits that were paid directly to the claimant or to his family under the Act respecting income security (R.S.Q., chapter S-3.1.1) and which are subject to reimbursement under section 35 of that Act." in the first paragraph by the words "the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)."

ACT RESPECTING ADMINISTRATIVE JUSTICE

1996, c. 54, s. 18, am.

196. Section 18 of the Act respecting administrative justice (1996, chapter 54) is amended by inserting, after the word "security", the words "or support".

1996, c. 54, s. 20, am.

197. Section 20 of the said Act is amended by inserting, after the word "security", the words "or support".

1996, c. 54, s. 21, am.

198. Section 21 of the said Act, amended by section 10 of chapter 49 of the statutes of 1997 and by section 59 of chapter 57 of the statutes of 1997, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

"(2) under section 139 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36), to contest a decision concerning the assessment of a temporarily limited capacity for employment for the reason set out in subparagraph 1 of the first paragraph of section 24 of that Act, the assessment of a severely limited capacity for employment referred to in section 25 of that Act or the assessment of a permanently or indefinitely limited capacity for employment referred to in section 62 of that Act."

1996, c. 54, Sched. I, s. 1, am.

199. Section 1 of Schedule I to the said Act, amended by section 11 of chapter 49 of the statutes of 1997 and by section 60 of chapter 57 of the statutes of 1997, is again amended

(1) by inserting the words "or support" after the word "security" in the first line;

(2) by replacing the words "section 78 or 81 of the Act respecting income security (chapter S-3.1.1)" in paragraph 3 by the words "section 132 or 139 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

ACT RESPECTING FAMILY BENEFITS

1997, c. 57, s. 22, am.

200. Section 22 of the Act respecting family benefits (1997, chapter 57) is amended by replacing the second paragraph by the following paragraph:

Deduction.

"However, at the request of the Minister of Employment and Solidarity, the Board shall deduct from the family benefits payable under this Act the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36). The Board shall remit the amount so deducted to the Minister of Employment and Solidarity."

1997, c. 57, Chap. VII, Div. II, terms replaced.

201. In the transitional provisions introduced by Division II of Chapter VII of the said Act, the terms "Act respecting income security" and "last resort assistance program" shall respectively be replaced by the terms "Act respecting income support, employment assistance and social solidarity" and "last resort financial assistance program", with the necessary modifications, unless the context indicates otherwise.

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ AND ESTABLISHING THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

1997, c. 63, s. 14.1, added.

202. The Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63) is amended by inserting, after section 14, the following section:

Presumption.

"14.1. Any amount paid in respect of an employment-assistance measure, program or service designated by ministerial order is deemed to be an amount paid under Title I of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) and is recoverable pursuant to the provisions of Chapter II of Title III of that Act."

1997, c. 63, s. 21, am.

- **203.** Section 21 of the said Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:
- "(4) three members appointed after consultation with the most representative community organizations working in the areas of manpower and employment, including one person appointed to represent young people;".

1997, c. 63, s. 53.1, added.

204. The said Act is amended by inserting, after section 53, the following section:

Delegation.

"53.1. The Minister may delegate, in writing, specially or generally, to any member of the personnel of the department or to any office holder, the

power to designate a reviewer under section 129 of the Act respecting income support, employment assistance and social solidarity, the power to authorize a person to act as an inspector under section 143 of that Act and the power to designate an investigator under section 145 of that Act or under section 14 of this Act."

1997, c. 63, s. 145, am.

205. Section 145 of the said Act is amended by replacing "1997-98" by "1998-99".

TITLE VII

TRANSITIONAL AND FINAL PROVISIONS

c. S-3.1.1, replaced.

206. This Act replaces the Act respecting income security (R.S.Q., chapter S-3.1.1).

c. S-3.1.1, provisions am.

- **207.** Until the coming into force of section 206, the following provisions of the Act respecting income security are amended as follows:
- (1) Section 8 of the said Act, amended by section 49 of chapter 57 of the statutes of 1997, is again amended by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:
- "(1.1) by subtracting from the amount of the additional amounts for dependent children determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits and the amount received for that month as a national child benefit supplement, determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act (R.S.C 1985, 5th Supplement, chapter 1);";
- (2) Section 13 of the said Act, amended by section 51 of chapter 57 of the statutes of 1997, is again amended by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:
- "(1.1) by subtracting from the amount of the additional amounts for dependent children determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits (1997, chapter 57) and the amount received for that month as a national child benefit supplement, determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act;";
- (3) Section 65 of the said Act, amended by section 57 of chapter 57 of the statutes of 1997, is again amended by inserting the words "or the amount paid to him as a national child benefit supplement" after the word "benefits" in the second line of the second paragraph;
- (4) Section 65.1 of the said Act is amended by adding the following paragraph:

Act applicable.

"Such information shall be exchanged in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information.";

- (5) Section 91 of the said Act, amended by section 58 of chapter 57 and by section 57 of chapter 58 of the statutes of 1997, is again amended
- (1) by replacing subparagraph 7.1 of the first paragraph by the following subparagraph:
- "(7.1) determine the additional amounts for dependent children from which are subtracted the amounts received as family allowances under the Act respecting family benefits and the amounts received as a national child benefit supplement, determine the cases in which and conditions on which such amounts are deemed to have been received by the family and prescribe their exclusion from the application of certain provisions relating to income;";
- (2) by adding, at the end of subparagraph 9 of the first paragraph, the words "and determine standards for the application of arrears in support payments".

Regulation.

- **208.** The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989, is amended
 - (1) by inserting, after section 10.5, the following section:
- "10.5.1. The scale of needs provided for in section 7 shall also be increased by the following amounts for a dependent minor child: \$50.41 for the first child, \$33.75 for the second child and \$27.50 for each subsequent child.";
 - (2) by replacing section 10.6 by the following section:
- "**10.6.** The scale of needs provided for in section 7 shall also be increased by the amount of \$8.58 for each dependent minor child of 12 years of age or older who is the first or second child in the family.

The increase does not apply if the dependent child has been placed in a reception centre or in a foster family.";

- (3) by replacing subparagraph 1 of the first paragraph of section 52 by the following subparagraph:
- "(1) amounts granted as a child tax benefit under Part 9 of the Income Tax Act (R.S.C. 1985, 5th Supplement, chapter 1), other than amounts granted as a national child benefit supplement, determined under C in the formula appearing in subsection 1 of section 122.61 of the Income Tax Act;";

- (4) by adding, at the end of subparagraph 9 of the first paragraph of section 52, the words "or in respect of amounts received as a national child benefit supplement";
- (5) by replacing the second paragraph of section 52.1 by the following paragraph:

"In addition, the amouts received as a national child benefit supplement shall be subtracted from the additional amounts provided for in section 10.5.1 unless the dependent child has been placed in a foster family or a reception centre.";

- (6) by inserting, after section 52.1, the following section:
- **"52.2.** For the purposes of section 52.1, a family is deemed to receive the yearly amount of the family allowance or of the national child benefit supplement, divided by 12. Where the allowance or supplement is paid to a person who is not a member of the family but used by that person for the needs of a dependent child, the allowance or supplement is deemed to be received by the family. Moreover, a family is deemed to receive, for the month of July each year, the maximum amount of the national child benefit supplement.";
 - (7) by inserting, after section 59, the following section:
- **"59.1.** Periodic payments received by an independent adult or a family for arrears in support shall be applied first and foremost to periods subsequent to 30 April 1998.";
 - (8) by replacing section 106.1 by the following section:
- "106.1. Where an application for a benefit has been refused or where a benefit granted to an independent adult or a family has been reduced or has ceased to be paid by reason of sums paid under another Act and the department or body having paid those sums reclaims them in whole or in part, the amount of the benefit granted or that could have been granted for the months for which the reclamation is made shall be recalculated accordingly if
- (1) the sums reclaimed were paid by reason of an administrative error of the department or body; or
- (2) the sums reclaimed were paid as a family allowance under the Act respecting family benefits, or as a national child benefit supplement; however, the recalculation shall be made only in respect of the six months preceding the date of the reclamation.

For the purposes of this section, new declarations concerning the months for which the reclamation is made, where required, may be submitted in the month following receipt of the reclamation.";

- (9) by inserting, after section 132.11, the following section:
- "132.11.1. A family benefiting from a last resort assistance program in July 1998 and whose resources for that month are less than the required amount to meet its needs according to the calculation prescribed in section 8 or 13 of the Act, without taking into account the special benefit granted in the month of August 1998 under section 42 or the amount granted as a national child benefit supplement, may, as of 1 August 1998, continue to benefit from dental and pharmaceutical services granted under sections 9 and 21 of the Act and from the special benefits for optometric services prescribed in paragraph 1b of Schedule I, in accordance with the standards and practices of the Régie de l'assurance-maladie du Québec.

A family may continue to benefit from such services until 31 July 1999, as long as, on a continuous basis, its resources, without taking into account the amount granted as a national child benefit supplement, are less than the required amount to meet its needs according to the calculation prescribed in section 8 or 13 of the Act. The family must, however, during that period, submit the declaration prescribed in section 106."

Reference, terms replaced.

- **209.** In any other Act and in any regulation, order in council, ministerial order, agreement, contract or other document, unless the context indicates otherwise and with the necessary modifications,
- (1) a reference to a provision of the Act respecting income security is a reference to the corresponding provision of this Act;
- (2) the term "Act respecting income security" is replaced by the term "Act respecting income support, employment assistance and social solidarity";
- (3) the term "last resort assistance program" is replaced by the term "last resort financial assistance program".

Activities.

210. Steps taken or activities engaged in on or after (*insert here the date of coming into force of section 5*) pursuant to a course of action proposed by the Minister under section 22 or 23 of the Act respecting income security before that date are deemed to be activities engaged in as part of an Individualized Integration, Training and Employment Plan.

Agreements.

211. Agreements entered into before (insert here the date of coming into force of section 8) under section 24 of the Act respecting income security are deemed to be agreements entered into under section 8 of this Act.

Directions.

212. Instructions given to an adult by the Minister under section 28 of the Act respecting income security before (*insert here the date of coming into force of section 45*) are deemed to be directions given under section 45 of this Act.

CHAP. 36

Income support, employment assistance and social solidarity

1998

Election.

213. For the purposes of section 63, the Minister shall, within one year after (*insert here the date of coming into force of section 63*), allow an adult referred to in that section to make the election referred to in that section, which election is effective from the first day of the second month following the date it is made.

Declaratory amendment.

214. The amendment made to section 65.1 of the Act respecting income security by paragraph 4 of section 207 is declaratory.

Determination of amounts.

215. Until the amendment or replacement of sections 48.2 and 49 of the Act respecting income security or of sections 75 and 79 of this Act, the amounts determined under section 776.29 of the Taxation Act (R.S.Q., chapter I-3) shall be determined, for the purposes of those sections, according to the calculation rules prescribed by regulation. The last paragraph of section 91 of the Act respecting income security or the second paragraph of section 158 of this Act, as the case may be, applies to that regulation.

Recoverable amounts.

216. Amounts recoverable under the Act respecting income security are recoverable, without further formality, under this Act.

Recoverable amount.

217. Any amount recoverable under the Social Aid Act (1969, chapter 63) is recoverable under this Act and sections 104 and 111 to 118 apply to that end.

Recoverable amount.

218. Any amount recoverable under the Social Aid Act may be recovered under the Act respecting income security and, subject to any act having interrupted or suspended the prescription period, prescription in respect of such an amount takes effect on 1 January 1999 whether or not the amount is the subject of a claim made under the Social Aid Act or the Act respecting income security. The prescription period applicable to any time before 1 January 1994 is 30 years and the prescription period is reduced to five years starting from that date.

Provisions applicable.

Until the coming into force of section 217, sections 39 to 45 of the Act respecting income security apply to the recovery of an amount recoverable under the Social Aid Act.

Applicability.

This section applies notwithstanding any other provision and has effect from 1 August 1992, except as regards a recoverable amount which is the subject of a claim and in respect of which prescription was invoked in a writing sent to the Minister before 12 March 1998 or in respect of which a judicial proceeding is pending and prescription was invoked as a ground in writing before the latter date. If such is the case, the Minister shall terminate collection procedures in respect of the amount and reimburse to the debtor any amount collected since prescription was invoked by the debtor. The refund is an excluded amount for the purposes of sections 52 and 68 of the Regulation respecting income security.

Provisions applicable.

219. The third paragraph of section 110 applies to claims arising after (insert here the date of coming into force of section 110), even if the benefit was granted before that date.

Provisions applicable.

220. Section 115 applies to any amount owed to the Minister, even if the claim was established before (insert here the date of coming into force of section 115).

Prescription.

221. Prescription may not be invoked against any recovery effected under section 44 of the Act respecting income security before (*insert here the date of coming into force of section 117*). Moreover, prescription is interrupted on the date of the last recovery so effected.

Applicability.

The first paragraph does not apply to cases pending on 18 December 1997 if prescription was invoked as a ground in writing before that date.

Provisions applicable.

222. Section 202 applies to any amount owed to the Minister, even if the claim was established before (*insert here the date of coming into force of section 202*), except if the case is pending on that date. The new prescription period shall apply having regard to the time already elapsed.

Reviewer.

223. A person designated by the Minister to hear an application for review under section 77 of the Act respecting income security is deemed to be a person designated under section 129 of this Act.

Regulations.

224. Until (insert here the date occurring one year after the coming into force of this section), the Government may make regulations containing transitional provisions to rectify any omission in connection with the implementation of this Act.

Publication requirement.

A regulation under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1). However, if the regulation so provides, the regulation may apply from any date not prior to the coming into force of this section.

Recipients of allowances.

225. Persons referred to in the second paragraph of section 67 of the Social Aid Act (1969, chapter 63) shall continue to receive the allowances referred to in that paragraph.

Required sums.

226. The sums required to pay the portion of the advance payments provided for in the second paragraph of section 82 that is attributable to the amount of increase determined under section 74 are taken from the fiscal receipts received from individuals pursuant to the Taxation Act (R.S.Q, chapter I-3).

Agreement.

227. For the purposes of this Act and the Act respecting income security, the Minister may enter into an agreement with Revenue Canada for the collection of nominative information concerning families eligible for the national child benefit supplement.

Opinion of Commission.

Any such agreement must be submitted to the Commission d'accès à l'information for an opinion in accordance with the procedure set out in section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1). After they are laid before the National Assembly, the agreement and the opinion shall be examined by the competent committee of the National Assembly.

Applicability.

Until 1 July 2000, this section applies notwithstanding section 64 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

Report.

228. The Minister must report to the Government on the implementation of the provisions of this Act which pertain to the Individualized Plan not later than (insert here the date occurring three years after the coming into force of section 5), and on the implementation of the provisions of this Act which pertain to the payment of part of the benefit relating to lodging to the lessor not later than (insert here the date occurring three years after the coming into force of sections 32, 187 and 188).

Report.

The Minister must also, not later than (insert here the date occurring three years after the coming into force of section 28), report to the Government on the implementation of the provisions of this Act which pertain to parental contribution.

Tabling.

The reports shall be laid before the National Assembly by the Minister within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.

Examination.

The reports shall be examined by the competent committee of the National Assembly within one year after they are laid before the Assembly.

Minister responsible.

229. The Minister of Employment and Solidarity is responsible for the administration of this Act.

Coming into force.

230. The provisions of this Act come into force on the date or dates to be fixed by the Government, except sections 176, 177 and 205, paragraph 4 of section 207 and sections 214, 215, 218 and 227 which come into force on 20 June 1998, subparagraph 2 of paragraph 5 of section 207 and paragraph 7 of section 208 which come into force on 1 July 1998 but have effect from 1 June 1998, and the other provisions of sections 207 and 208 which come into force on 1 August 1998.

Exception.

However, sections 56 and 57 may not come into force prior to 1 September 2000.

1998, chapter 37

AN ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

Bill 188

Introduced by Mr Bernard Landry, Minister of Finance Introduced 11 December 1997 Passage in principle 2 June 1998 Passage 19 June 1998 Assented to 20 June 1998

Coming into force: on the date or dates to be fixed by the Government

- 1998-08-26:

ss. 158-184, 194, 229, 231, 244-248, 251-255, 256 (1st, 2nd par.), 257, 284-287, 288 (1st par.), 296 (2nd par.), 297 (2nd par.), 299, 302-311, 312

(1st par.), 323-326, 504-506, 510, 568, 572, 577, 579, 581

O.C. 1108-98

G.O., 1998, Part 2, p. 3737

- 1999-02-24:

ss. 1-11, 13 (2nd par.), 58, 59, 61-65, 70, 72, 185, 189, 190, 193, 195, 196, 200-217, 223-228, 232, 233 (1st par.), 258-273, 274 (3rd par.), 279-283, 312 (2nd par.), 313, 314, 315 (2nd par.), 316, 319, 321, 322, 327, 328, 331-333, 351, 352, 355-358, 364, 365, 366, 370, 408 (2nd par.), 411-414, 416, 423, 424, 426, 440, 443, 503, 543, 573 (2nd par.)

O.C. 152-99

G.O., 1999, Part 2, p. 217

Legislation amended:

Automobile Insurance Act (R.S.Q., chapter A-25)

Crop Insurance Act (R.S.Q., chapter A-30)

Act respecting insurance (R.S.Q., chapter A-32)

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)

Savings and Credit Unions Act (R.S.Q., chapter C-4.1)

Real Estate Brokerage Act (R.S.Q., chapter C-73.1)

Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1)

Act respecting labour standards (R.S.Q., chapter N-1.1)

Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30)

Act respecting the collection of certain debts (R.S.Q., chapter R-2.2)

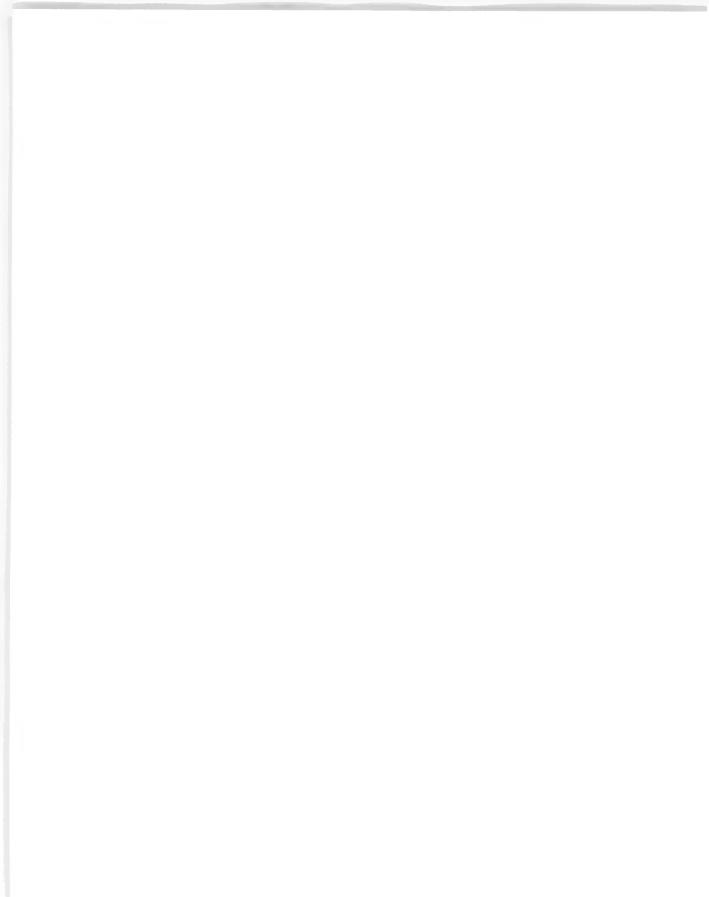
Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01)

Securities Act (R.S.Q., chapter V-1.1)

Legislation replaced:

Act respecting market intermediaries (R.S.Q., chapter I-15.1)







Chapter 37

AN ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

REPRESENTATIVES

CHAPTER I

GENERAL PROVISIONS

Representative.

1. A representative is either an insurance representative, a securities representative, a claims adjuster or a financial planner.

Insurance representative.

2. An insurance representative is either a representative in insurance of persons, a group insurance representative, a damage insurance agent or a damage insurance broker.

Representative in insurance of persons.

3. A representative in insurance of persons is a natural person who offers individual insurance products in insurance of persons or individual annuities, including endowment contracts, from one or more insurers directly to the public, to a firm, to an independent representative or to an independent partnership.

Advisor.

A representative in insurance of persons acts as an advisor in the field of individual insurance of persons and is authorized to secure the adhesion of a person in respect of a group insurance or group annuity contract.

Exceptions.

The following are not representatives in insurance of persons:

- (1) persons who, on behalf of an employer, a union, a professional order or an association or professional syndicate constituted under the Professional Syndicates Act (R.S.Q., chapter S-40), secure the adhesion of an employee of that employer or of a member of that union, professional order, association or professional syndicate in respect of a group contract in insurance of persons or a group annuity contract;
- (2) the members of a mutual benefit association that does not guarantee the payment of a benefit upon the occurrence of a risk who offer policies for the mutual benefit association.

Group insurance representative.

4. A group insurance representative is a natural person who offers insurance products in group insurance of persons or group annuities from one or more insurers. A group insurance representative also acts as an advisor in the field of group insurance of persons.

Exception.

Actuaries who, in pursuing activities as an actuary, offer insurance products in group insurance of persons or group annuities are not group insurance representatives.

Damage insurance agent.

5. A damage insurance agent is a natural person who, on behalf of a firm that is an insurer or that is bound by an exclusive contract with a single damage insurer, offers damage insurance products directly to the public. A damage insurance agent also acts as an advisor in the field of damage insurance.

Exception.

A person who offers liability insurance products for the insurance fund established by the Bureau des services financiers is not a damage insurance agent.

Damage insurance broker.

6. A damage insurance broker is a natural person who offers a range of damage insurance products from several insurers directly to the public, or who offers damage insurance products from one or more insurers to a firm, an independent representative or an independent partnership. A damage insurance broker also acts as an advisor in the field of damage insurance.

Exception.

7. A customs broker who, in pursuing activities as a customs broker, offers insurance products is not a damage insurance agent or damage insurance broker.

Insurer.

8. An insurer is an insurer holding a licence issued under the Act respecting insurance (R.S.Q., chapter A-32), other than a professional order authorized to insure its members' liability.

Securities representative.

9. A securities representative is either a group savings plan representative, an investment contract representative or a scholarship plan representative who does not act for a dealer governed by the Securities Act (R.S.Q., chapter V-1.1).

Group savings plan representative.

A group savings plan representative is a natural person who offers shares or units in mutual funds.

Investment contract representative.

An investment contract representative is a natural person who offers a participation in investment contracts within the meaning of the second paragraph of section 1 of the Securities Act.

Scholarship plan representative.

A scholarship plan representative is a natural person who offers units in scholarship plans.

Claims adjuster.

10. A claims adjuster is a natural person who, in the field of damage insurance, investigates insured losses, appraises damages and negotiates the settlement of claims.

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Exceptions.

The following are not claims adjusters:

- (1) persons who, in pursuing activities in a field other than insurance, carry out one of the functions of a claims adjuster;
- (2) natural persons who act as appraisers within the meaning of Title VI of the Automobile Insurance Act (R.S.Q., chapter A-25).

Financial planner.

11. A financial planner is a natural person who uses the title of financial planner.

Certificate.

12. Subject to the provisions of Title VIII, no person may act as or purport to be a representative without holding the appropriate certificate issued by the Bureau.

Publicity.

However, a financial institution or mutual fund may, by giving out brochures or flyers or using direct mail or any other form of publicity, invite the public to purchase insurance products, shares or units in mutual funds or units in scholarship plans.

Authorized sectors.

13. Representatives pursue their activities in the sectors or classes of sectors in which they are authorized to act by a certificate issued by the Bureau.

Sectors.

The following are sectors:

- insurance of persons;
- group insurance of persons;
- damage insurance;
- claims adjustment;
- financial planning;
- group savings plan brokerage;
- investment contract brokerage;
- scholarship plan brokerage.

Restriction.

14. No representative other than a securities representative may pursue activities as a representative unless the representative is acting for a firm, is registered as an independent representative or is a partner in or employee of only one independent partnership.

Disclosure of name of firm.

Representatives acting for several firms must disclose the name of the firm for which they are acting to the client with whom they are transacting business.

Only one firm.

No securities representative may pursue activities as a securities representative unless the representative is acting for only one firm.

Remuneration prohibited.

15. No person acting in contravention of the provisions of section 12 or 14 may claim or receive remuneration for any products sold or services rendered.

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Distribution of financial products and services

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Honesty.

16. All representatives are bound to act with honesty and loyalty in their dealings with clients.

Competence.

They must act with competence and professional integrity.

Obligation to disclose.

17. Where representatives require compensation from the persons with whom they transact business, they must, according to the procedure determined by regulation of the Bureau or, as the case may be, of the Commission des valeurs mobilières du Québec, disclose to the client the fact that they also receive remuneration for the products sold and the services rendered and any other benefit determined by regulation.

Prohibition.

18. No representative may make the making of a contract subject to the requirement that the client make an insurance contract.

Prohibition.

No representative may exert undue pressure on a client or use fraudulent tactics to induce a client to purchase a financial product or service.

Notice.

19. Representatives who, at the time a contract is made, cause a client to make an insurance contract must give the client a notice, drawn up in the manner prescribed by regulation of the Bureau, stating that the client may cancel the insurance contract within 10 days of signing it.

Cancellation.

20. A client may cancel an insurance contract made at the same time as another contract, within 10 days of signing it, by sending notice by registered or certified mail.

First contract to retain effects.

Where such an insurance contract is cancelled, the first contract retains all its effects.

Amendment prohibited.

21. No contract may contain provisions allowing it to be amended in the event of the cancellation or termination of an insurance contract made at the same time.

Exception.

However, a contract may provide that cancellation or termination of the insurance contract will entail, for the remainder of the term, the loss of the favorable conditions extended because more than one contract was made at the same time.

Loan reimbursement insurance.

22. Representatives, financial institutions, firms and enterprises that offer financing for the purchase of goods or services and that require the debtor to subscribe for insurance to guarantee the reimbursement of the loan must give the debtor a notice, drawn up in the manner prescribed by regulation of the Bureau, stating that the debtor may subscribe for insurance with the insurer and representative of the debtor's choice provided that the insurance is considered satisfactory by the creditor, who may not refuse it without reasonable grounds. They may not subordinate the making of the contract of credit to the making of an insurance contract with the insurer they specify.

Prohibition.

No contract of credit may stipulate that it is made subject to the condition that an insurance contract made with such an insurer remain in force until the expiry of the term, or subject to the condition that the expiry of an insurance contract will entail forfeiture of term.

Rights of debtor.

The rights of the debtor under the contract of credit shall not be forfeited when the debtor cancels, terminates or withdraws from the insurance contract, provided that the debtor subscribes for insurance with another insurer that is considered satisfactory by the creditor, who may not refuse it without reasonable grounds.

Disclosure.

23. Representatives shall disclose all the information they gather about clients to the establishment to which they are attached.

Disclosure.

Representatives acting for several firms shall disclose such information to the establishment of the firm for which they are acting at the time.

Authorized person.

They may disclose such information only to a person authorized by law.

Sharing of commissions.

24. No representative may receive an amount deriving from a sharing of commissions except through a firm or independent partnership for which the representative acts.

Consultation of information.

25. No representative acting on behalf of a firm or an independent partnership may consult information held by that firm or partnership unless granted access in accordance with sections 91 and 92.

CHAPTER II

SPECIAL PROVISIONS

DIVISION I

INSURANCE REPRESENTATIVES

Obligation to disclose.

26. Insurance representatives must, when placing a risk with an insurer with which they have, or with which the independent partnership or firm for which they act has, a business relationship, disclose that relationship to the person with whom they are transacting business.

Business relationship.

Any direct or indirect interest held by an insurer in the ownership of a firm or held by a firm in the ownership of an insurer, and the granting by an insurer of any benefit or other interest determined by regulation, constitutes a business relationship.

Gathering of information.

27. Insurance representatives must personally gather the information that is necessary to assess a client's needs, in order to propose the insurance product that best meets those needs.

Product description.

28. Insurance representatives must, before making an insurance contract, describe the product to the client, specify the nature of the coverage and indicate clearly all exclusions.

Over-the-counter transactions.

- **29.** No insurance representative may be assigned to current over-the-counter deposit and withdrawal transactions, or credit operations, except in connection with
 - (1) credit referrals;
- (2) the provision of credit advice to a client with regard to the client's financial situation and needs;
- (3) the granting of credit for the purchase of an insurance product or for investment purposes;
 - (4) any other credit operation determined by government order.

Counter.

A counter is any place where current deposit and withdrawal transactions are effected for a financial institution.

Advance notice.

The Government shall, before making an order under subparagraph 4 of the first paragraph, give the Bureau 60 days' advance notice.

Designated place.

30. No insurance representative acting on behalf of a firm or independent partnership may pursue activities as a representative in an establishment of the firm or partnership except in a place designated for that purpose where confidentiality is assured.

Disclosure of information on insurers.

31. Representatives in insurance of persons, group insurance representatives and damage insurance brokers must, before offering an insurance product, disclose to the person with whom they are transacting business, in the manner prescribed by regulation, the names of the insurers whose products they are authorized to offer, together with the other information on those insurers prescribed by regulation.

Obligation to disclose.

32. Insurance representatives acting for a firm that is an insurer or that is bound by an exclusive contract with a single insurer must disclose that fact to the person with whom they are transacting business.

Personal information of a medical or lifestyle-related nature.

33. Where an insurer requires personal information of a medical or lifestyle-related nature in order to process an insurance proposal, the information must be collected using a form that is separate from the form used to collect the other information needed by the insurer.

Request for information.

34. A form used to collect information other than information of a medical or lifestyle-related nature may nevertheless contain a request for information

- (1) on whether or not the client has, during the period mentioned in the form, consulted a health professional, received treatment or undergone test for any of the diseases listed on the form;
- (2) on whether or not the client has, during the period mentioned in the form, been admitted to a hospital, clinic or health care institution.

Formulation of request.

A request for information must be formulated in such a way that the client's answer will not reveal the disease for which the client consulted a health professional, received treatment, underwent tests or was admitted to a hospital, clinic or health care institution.

Transmission of form to insurer only.

35. Notwithstanding section 23, an insurance representative acting for a firm, other than an insurer, offering both credit and insurance must, once a form containing information of a medical or lifestyle-related nature has been completed by the client with or without the representative's assistance, forward it only to the insurer concerned. The representative may not keep a copy of the form, and may not disclose any information contained in the form to any other person.

Disclosure of medical information prohibited.

36. Where an insured who has provided personal information of a medical or lifestyle-related nature sustains an insured loss and files a claim with the firm concerned, if it offers both credit and insurance, rather than with the insurer, no information that is brought to the attention of the insurance representative who assists the insured may be disclosed to any other person.

Transmission of claim to insurer only.

Notwithstanding section 23, the claim and all the required documents must be sent by the representative to the insurer only and no copy may be kept by the representative.

Disclosure prohibited.

37. No information of a medical or lifestyle-related nature received from a client may be disclosed by an insurer to a firm offering both credit and insurance, even with the authorization of the client.

Products from several insurers.

38. Damage insurance brokers offering insurance products directly to the public must offer their clients a range of products from several insurers.

Renewal of policy.

39. Damage insurance agents and brokers must, when renewing an insurance policy, take the necessary steps to ensure that the coverage provided corresponds to the client's needs.

Disclosure.

40. Damage insurance brokers who act as such for a firm or independent partnership that is authorized by an insurer to act as a claims adjuster must, before making an insurance contract, disclose that fact in writing to the person with whom they are transacting business.

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Special broker.

41. Only a damage insurance broker acting for a firm, and who is authorized by the Bureau to act as a special broker on the conditions determined by regulation of the Bureau, may offer an insurance product from an outside insurer. The broker's certificate shall include the relevant particulars.

Requirements.

No broker may pursue such activities unless the firm has met the requirements set out in the second paragraph of section 77.

Outside insurer.

An outside insurer is an insurer in damage insurance that does not hold a licence issued pursuant to the Act respecting insurance.

Restrictions.

42. No special broker may offer the products of an outside insurer, except in the fields of automobile insurance and surety insurance, unless justified by market scarcity.

Disclosure to client.

43. Before placing a risk with an outside insurer, special brokers must give the client a written notice stating that the proposed insurer does not hold an insurance licence in Québec and has no establishment in Québec.

Notice.

The written notice must, in addition, contain any other information determined by regulation.

DIVISION II

CLAIMS ADJUSTERS

Use of title.

44. No person may use the title of claims adjuster or an abbreviation of that title without holding the appropriate certificate issued by the Bureau.

Use of titles and abbreviations.

The same rule applies with regard to the titles similar to the title of claims adjuster, and the abbreviations of those titles, determined by regulation.

Authorized sector.

45. No claims adjuster may be authorized to act in a sector other than claims adjustment.

Qualification of damage insurance agents and damage insurance brokers. **46.** Notwithstanding section 45, damage insurance agents and damage insurance brokers may qualify to act as claims adjusters in respect of policies purchased through the firm for which they act. The Bureau shall determine, by regulation, the circumstances in which such agents or brokers may act and the conditions of exercise with which they must comply.

Obligation to disclose.

47. Claims adjusters acting for an insurer must, when contacting a person having suffered an insured loss, inform the person that they are acting for the insurer.

Remuneration.

48. Claims adjusters who offer their services to a claimant must propose two contracts, one providing for hourly remuneration and the other providing for percentage remuneration. The client may choose the most suitable contract.

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Claimant bound.

49. The contract is binding on the claimant only from the time the claimant receives a copy of the contract.

Cancellation of contract.

50. The claimant may cancel the contract within 10 days of receiving it by sending a notice by registered or certified mail.

Expenses.

In such a case, the firm, the independent representative or the independent partnership may charge only the expenses incurred to prevent any further loss.

DIVISION III

SECURITIES REPRESENTATIVES

Prior obligation.

51. Securities representatives must, before offering a product, ensure that the product corresponds to the financial situation and investment objectives described by the client.

Payment into trust account.

52. Securities representatives may not receive a payment made out to them, and must pay the amounts they collect for the firm for which they act into the trust account maintained by that firm.

Obligation to disclose.

53. Group savings representatives must, when offering shares or units in a mutual fund with which the firm for which they act has a business relationship, disclose that relationship to the person with whom they are transacting business.

Business relationship.

Any direct or indirect interest held by a mutual fund in the ownership of a firm or held by a firm in the ownership of a mutual fund, and the granting by the mutual fund of any benefit or other interest determined by regulation of the Commission, constitutes a business relationship.

Shares.

54. Securities representatives may, on the conditions prescribed by regulation of the Commission, offer permanent shares and preferred shares issued by a savings and credit union, federation or confederation governed by the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) that are not exempted from the application of Titles II to VIII of the Securities Act.

Prohibition.

55. No investment contract representative may offer investment contracts in respect of which the Commission, in issuing a receipt or prospectus exemption, imposes on the issuer the requirement that the investment contract be offered only by a dealer registered under the Securities Act.

DIVISION IV

FINANCIAL PLANNERS

Use of title.

56. Subject to section 60, no person may use the title of financial planner or purport to offer financial planning services without holding the appropriate certificate issued by the Bureau.

Use of titles and abbreviations.

The same rule applies with regard to the titles similar to the title of financial planner, and the abbreviations of those titles, determined by regulation.

Certificate.

57. Only a person holding a diploma in financial planning issued by the Institut québécois de planification financière may obtain, from the Bureau, a certificate authorizing the person to use the title of financial planner.

Rules respecting professional development.

58. The Institut québécois de planification financière shall determine the rules governing compulsory professional development in financial planning. The rules shall be submitted to the Government for approval with or without amendment.

CHAPTER III

FINANCIAL PLANNERS BELONGING TO A PROFESSIONAL ORDER

Agreements.

59. Each of the professional orders variously known as the Ordre professionnel des avocats du Québec, the Ordre professionnel des notaires du Québec, the Ordre professionnel des comptables agréés du Québec, the Ordre professionnel des comptables en management accrédités du Québec, the Ordre professionnel des comptables généraux licenciés du Québec and the Ordre professionnel des administrateurs agréés du Québec may enter into an agreement with the Bureau setting out the responsibilities of the order with regard to those of its members who wish to use the title of financial planner.

Applicability.

While such an agreement is in force, the provisions of this Act relating to financial planners, with the exception of the penal provisions, do not apply to such members.

Authorized use of title.

60. The members of the order who hold a diploma in financial planning issued by the Institut québécois de planification financière are, for such time as they meet the requirements and comply with the rules determined by their order, authorized to use the title of financial planner during the term of the agreement.

Supervision of members.

61. The agreement shall set out the powers and obligations of the order concerning the management and supervision of its members when they pursue activities as financial planners.

Rules of ethics.

The agreement shall also set out the rules of ethics and the professional requirements with which the members must comply.

Liability insurance.

62. The agreement must provide that the liability insurance that the order requires of its members, and the provisions relating to its indemnity fund, cover the acts of the members using the title of financial planner.

Presumption.

Every act performed by a member as a financial planner within the scope of an agreement is deemed to be an act performed as a member of the order to which the member belongs. 1998

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Term of agreement.

63. The agreement shall have a maximum term of five years, and may be renewed.

Amendment.

It may, following agreement, be amended at any time.

Refusal prohibited.

64. The Bureau may not refuse to enter into an agreement if the rules of ethics and the professional requirements submitted by an order are at least as stringent as those applicable to financial planners holding a certificate.

Qualification under agreement.

65. An order may require that those of its members who hold a diploma in financial planning undergo additional training, pass examinations or meet specific requirements in order to qualify to hold that title during the term of the agreement.

Dues.

66. An order may require that those of its members who are authorized to use the title of financial planner pay specific annual dues.

Register.

67. Each order shall keep a register of those of its members who are authorized to use the title of financial planner. The register shall be kept available for public consultation.

Offence.

68. Every member of an order who is authorized to use the title of financial planner and who fails to comply with a provision of the rules established by the order in respect of such a member, commits an offence that may be referred to the committee on discipline of the order concerned.

Notice.

69. Where the Bureau considers that an order has failed to exercise the responsibilities assigned to it by agreement, the Bureau shall serve notice on the order at least 15 days in advance, stating the grounds that in its view justify the opinion and the order's right to present observations.

Referral to Minister.

Where, after the order has presented or has failed to present its observations, the Bureau maintains its opinion that the order has failed to exercise the responsibilities assigned to it, the Bureau shall refer the matter to the Minister, stating the grounds on which its opinion is based.

Termination of agreement.

In such a case, the Minister may terminate the agreement.

TITLE II

REGISTRATION

CHAPTER I

FIRMS

Firm.

70. A firm is either a single-sector firm or a multi-sector firm.

Single-sector firm.

A single-sector firm is a firm that offers products and services in a single sector through representatives.

Multi-sector firm.

A multi-sector firm is a firm that offers products and services in more than one sector.

Registration requirement.

71. No person may act as or purport to be a firm without being registered with the Bureau.

Restriction.

72. Only a legal person that maintains an establishment in Québec may register with the Bureau to act as a firm.

Persons eligible for registration.

The following may, in particular, register as a firm:

- insurers;
- banks governed by the Bank Act (Revised Statutes of Canada, 1985, chapter B-1.01);
- trust and loan companies within the meaning of the Trust and Loan Companies Act (Revised Statutes of Canada, 1985, chapter T-19.8);
- savings and credit unions within the meaning of the Savings and Credit Unions Act:
- trust companies within the meaning of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
- securities dealers or securities advisers registered under the Securities Act.

Presumption.

For the purposes of this Act, a Lloyd's insurer is deemed to be a legal person.

Exemption.

73. Insurers whose products are distributed solely by insurance representatives who are neither employed by the insurer nor bound to the insurer by an exclusive contract are not required to register with the Bureau when their products are offered by such representatives.

Registration of legal person.

74. The Bureau shall register a legal person that meets the conditions established by this Act and the regulations and that provides the Bureau, in the manner prescribed by regulation, with the information and documents relating to each representative through whom the legal person intends to pursue activities, for each sector for which it is applying for registration, together with any other information or documents prescribed by regulation.

Particular sector.

75. A firm is registered for a particular sector.

Liability insurance.

76. Legal persons who register as firms must establish that they have subscribed for liability insurance that is consistent with the requirements determined by regulation. They must also establish that every representative acting on their behalf without being an employee has liability insurance that is consistent with the requirements determined by regulation.

Insurance fund.

Where an insurance fund has been established, such legal persons and every representative acting for them without being an employee must, instead, pay the insurance premium fixed by the Bureau.

Contribution.

77. A legal person must, when registering, pay the contribution collected by the Bureau on behalf of the financial services compensation fund and the dues collected on behalf of the Chambers pursuant to section 278 and section 320, in addition to the fees required for registration.

Security.

A firm that is to offer products through a special broker must also furnish security to the Bureau, in the form of an insurance policy issued by an insurer in the amount determined by regulation to cover the obligations of the outside insurers concerned.

Refusal of registration.

78. The Bureau may refuse registration for a given sector, or impose restrictions or conditions for registration, where the applicant's registration for any of the sectors listed in the second paragraph of section 13 has previously been cancelled, where the registration of a director or executive officer of the applicant has previously been cancelled, or where a director or executive officer of the applicant has previously been a partner in an independent partnership, or a director or executive officer of a firm, whose registration has previously been cancelled.

Refusal of registration.

79. The Bureau may also refuse registration where the applicant for registration or a director or executive officer of the applicant does not, in the opinion of the Bureau, show the required honesty, competence or solvency.

Responsibility.

80. A firm is responsible for any injury caused to a client by the fault of one of its representatives in the performance of the representative's functions.

Remedies.

However, the firm retains the remedies available to it against the representative concerned.

Annual fees.

81. While registered, a firm must, annually, pay the fees prescribed by regulation to the Bureau.

Contribution.

The firm must also pay the contribution collected by the Bureau on behalf of the financial services compensation fund and the dues collected by the Bureau on behalf of the Chambers.

Requirements.

82. A firm may act in a given sector only through a representative in whose respect the firm has met the requirements set out in sections 74, 76 and 77.

Remuneration prohibited.

No legal person that has failed to comply with the provisions of the first paragraph may claim or receive remuneration for products sold or services rendered during that period. Liability insurance.

83. A firm must, while registered, maintain liability insurance that is consistent with the requirements determined by regulation or, if an insurance fund has been established, pay the insurance premium fixed by the Bureau. The firm must also ensure that every representative acting on its behalf without being an employee carries liability insurance that is consistent with the requirements determined by regulation or, if an insurance fund has been established, has paid the insurance premium fixed by the Bureau.

Suspension of registration.

Notwithstanding sections 115 to 125, the Bureau shall suspend or, if the offence is not a first offence, may cancel the registration of a firm that fails to maintain liability insurance or to pay the premium fixed, or that acts through a representative who is not an employee and has no liability insurance or has not paid the premium fixed by the Bureau.

Honesty.

84. All firms and their executive officers are bound to act with honesty and loyalty in dealings with clients.

Competence.

They must act with care and competence.

Compliance.

85. A firm and its executive officers shall oversee the conduct of the firm's representatives. They shall ensure that the representatives comply with this Act and the regulations.

Compliance.

86. The firm shall ensure that its executive officers and employees comply with this Act and the regulations.

Prohibition.

87. In no case may a firm or its officers help or, by encouragement, advice or consent, or by an authorization or order, induce another firm, an independent representative or an independent partnership to infringe any provision of this Act or the regulations.

Records.

88. Each firm shall keep, in Québec, the records relating to its clients. in accordance with the regulations.

Information.

The firm shall keep, in Québec, all the documents and information supplied by its representatives, and make them accessible to the Bureau in the manner determined by the Bureau.

Separate insurance records.

89. Each firm registered for an insurance sector shall, unless it has obtained consent from a client under section 92, keep its insurance records separately from its other records in accordance with the regulations.

Exception.

The requirement to keep such records separately shall not operate to require a firm to maintain separate computer systems.

Retention period.

90. Each firm shall keep the information relating to its clients for the minimum period determined by regulation.

Restricted access.

91. Each firm must ensure that its representatives have access only to the information necessary for the pursuit of their activities.

Access to information.

92. No firm, even a firm that on (insert here the date of coming into force of section 582) holds a client's consent to use information on the client held by the firm for purposes unrelated to the object of the file for which the information was collected, may allow one of its representatives to have access to such information unless the client's specific consent is obtained for that purpose.

Specific consent.

Specific consent is consent given in a form used solely for that purpose that authorizes a firm to allow one of its representatives to have access to information on the client held by the firm.

Notice.

93. A firm must, when seeking specific consent from a client, give the client a notice drawn up in the manner prescribed by regulation of the Bureau stating that the client is free to give consent and may revoke it at any time.

Prohibition.

94. No firm may refuse to do business with a client on the sole ground that the client refuses to provide it with specific consent.

Collection of deposits.

95. Notwithstanding sections 23 and 24 of the Deposit Insurance Act (R.S.Q., chapter A-26), a firm may, through an insurance representative or securities representative, collect deposits for a deposit institution. No cash deposit may be received by such a representative.

Deposit.

All deposits so collected must be deposited with the deposit institution for which the firm is acting.

Brokerage activities.

96. A firm may, on the conditions prescribed by regulation, engage in brokerage activities in connection with loans secured by immovable hypothec through an insurance representative or securities representative.

Franchise.

97. Only a firm may, in a sector for which the firm is registered, grant a concession to another firm authorizing the operation of a franchise.

Viability.

98. A firm acting through a securities representative must maintain at all times, in accordance with the regulations made by the Commission, the financial resources necessary to ensure the viability of the firm's business.

Trust account.

99. A firm acting through a securities representative must establish and maintain a trust account in accordance with the regulations of the Commission.

Sharing of commissions.

100. A firm may share a commission it receives only with another firm, an independent representative or independent partnership, a real estate broker governed by the Real Estate Brokerage Act (R.S.Q., chapter C-73.1), a securities dealer or securities adviser governed by the Securities Act, a deposit institution, an insurer or a confederation within the meaning of the Savings and Credit Unions Act.

Sharing of commissions.

The commission shall be shared in the manner determined by regulation.

Register.

The firm shall enter every sharing of a commission in a register, in accordance with the regulations.

Financial planning firm.

101. Notwithstanding section 56, a single-sector firm or an independent partnership all the representatives of which are financial planners may make itself known as a financial planning firm or partnership.

Financial planning services.

Only financial planners or firms or independent partnerships acting through a financial planner may make themselves known as offering financial planning services.

Payment of insurance premiums.

102. Any insurance premium paid to a firm or to a representative of a firm for the account of an insurer is deemed to have been paid directly to the insurer.

Discharge of obligations.

The obligations of an insurer who pays sums of money to a firm for the account of an insured or the beneficiary of an insured are discharged only when the insured or beneficiary receives the money.

Complaints.

103. A firm shall keep a register of the complaints received from its clients in the manner prescribed by regulation. The firm must deal with each complaint with diligence in accordance with the rules determined by regulation.

Termination of association.

104. A firm that terminates its association with a representative must inform the Bureau, in writing, without delay.

Reasons.

If the firm terminates its association with a representative for reasons relating to the representative's activities, it must inform the Bureau of those reasons.

Civil liability.

A firm that informs the Bureau of such reasons incurs no civil liability thereby.

Cessation of business dealings.

105. A firm that ceases to do business with an independent representative or independent partnership for reasons relating to the representative's or the partnership's activities must inform the Bureau of those reasons.

Civil liability.

A firm that informs the Bureau of such reasons incurs no civil liability thereby.

Documents required by Bureau.

106. A firm must, at the request of the Bureau, forward any document or information concerning its activities that is required by the Bureau.

Inspections.

107. The Bureau may inspect a firm as often as it considers necessary to ensure compliance with this Act and the regulations.

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Identification.

108. Inspectors must produce identification on request and show evidence of their authority issued by the Bureau.

Powers of inspectors.

109. Inspectors may

- (1) have access, at any reasonable time, to any of a firm's establishments;
- (2) examine and make copies of the firm's books, registers, accounts, records and other documents;
 - (3) require any document relating to the firm's activities.

Examination of documents.

Every person having custody, possession or control of such books, registers, accounts, records and other documents must, at the request of the inspector, produce them and allow them to be examined.

Computer access rights.

110. Inspectors may verify access rights for any computer system to ensure that only authorized persons have access to information.

Hindering prohibited.

111. No person may hinder the work of an inspector, in particular by misleading the inspector.

Production of documents.

112. The documents, books, registers, accounts and records that the Bureau or the inspector may require must be produced whatever their storage medium and whatever the means by which they may be accessed.

Report.

113. The inspector shall report his or her findings regarding the manner in which the firm concerned protects the personal information relating to its clients to the Commission d'accès à l'information established by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Inspection.

114. As part of an inspection of the Bureau under Chapter I of Title VII, the Commission may inspect a firm.

Provisions applicable.

Sections 106 to 113, adapted as required, apply to such an inspection.

Immunity.

The members of the Commission, the personnel of the Commission and the persons designated by the Commission to conduct inspections may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

Cancellation of registration.

115. The Bureau may cancel a firm's registration for a given sector, suspend registration or subject it to restrictions or conditions, where it considers that the firm is failing to comply with the provisions of this Act or the regulations, or where necessary in order to protect the public.

Penalty.

The Bureau may also impose a penalty on the firm up to an amount not exceeding \$100,000.

Committees.

116. The Bureau may establish committees composed of three of its members to rule on the application of section 115.

Notice.

117. The Bureau shall serve notice on the firm at least 15 days in advance of the date on which the firm may present its observations.

Notice.

The notice shall set out the allegations made against the firm.

Co-syndic.

118. The co-syndic designated by the Commission pursuant to section 327 may intervene at any meeting at which a firm presents its observations if the firm is registered for a securities sector.

Appeal.

119. A decision made under section 115 or 116 by the Bureau or by a committee established by the Bureau, in respect of a firm that is not registered for a securities sector, may be appealed to the Court of Québec.

Provisions applicable.

Sections 326 to 328 and 330 of the Securities Act, adapted as required, apply to the appeal.

Appeal.

120. A decision made under section 115 or 116 by the Bureau or by a committee established by the Bureau, in respect of a firm registered for a securities sector, may be appealed to the Commission.

Co-syndic.

The appeal may be brought by the co-syndic.

Execution.

121. An appeal shall not suspend a contested decision, unless a judge of the Court of Québec or, as the case may be, the Commission decides otherwise.

Notice of appeal.

122. The appeal is brought by filing a notice of appeal with the secretary of the Bureau within 30 days of the date of service of the contested decision.

Stenographic record.

The notice must be accompanied by a transcription of the stenographic record of the meeting at which the firm presented its observations.

Application for extension.

123. Where the appellant cannot obtain a transcription of the stenographic record within the time set out in section 122, an application for extension may be submitted to the Bureau.

Transmission of record.

124. The secretary of the Bureau shall transmit the record to the Court of Québec or, as the case may be, to the Commission.

Provisions applicable.

125. Sections 324 to 330 of the Securities Act apply to a decision made by the Commission.

Application for revocation.

126. A firm that wishes to terminate its activities in a given sector must apply to the Bureau for the revocation of its registration for that sector.

Conditions.

The Bureau may make the revocation subject to the conditions it determines.

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Jurisdiction.

Despite the registration revocation, the Bureau shall retain jurisdiction with regard to acts performed prior to the revocation.

Cancellation of registration.

127. A firm whose registration has been cancelled or revoked for a given sector must return the records, books and registers relating to that sector to the Bureau.

Disposal of records.

The Bureau shall determine the manner of disposing of such records, books and registers.

Disposal of records.

The firm may, with the authorization of the Bureau, dispose of the records, books and registers otherwise, rather than return them to the Bureau.

CHAPTER II

INDEPENDENT REPRESENTATIVES AND INDEPENDENT PARTNERSHIPS

Registration requirement.

128. Insurance representatives in insurance of persons and group insurance representatives, other than those referred to in section 32, damage insurance brokers, financial planners and claims adjusters who do not act for a firm and who are not a partner or employee of an independent partnership must, in order to pursue their activities, register with the Bureau as an independent representative in each sector or class of sectors, other than a securities sector, in which they are authorized to act pursuant to a certificate.

Registration.

A partnership all the partners of which are representatives mentioned in the first paragraph may register with the Bureau to act through its partners as an independent partnership in each sector, other than a securities sector, for which one of its partners is authorized to act.

Prohibition.

129. No deposit institution may offer financial products or services in any of its establishments through an independent representative or independent partnership.

Bureau correspondent.

130. A partnership applying for registration as an independent partnership must designate one partner to represent the partnership in dealings with the Bureau. Once registration is issued, that partner shall become the partnership's Bureau correspondent.

Change of correspondent.

The partnership may designate another partner, at any time, to act as its Bureau correspondent. The change shall take effect on the date on which the Bureau receives notification of the change.

Liability insurance.

131. Representatives who register as independent representatives must establish that they have subscribed for liability insurance that is consistent with the requirements determined by regulation.

Insurance fund.

Where an insurance fund has been established by the Bureau, the representatives must, instead, pay the insurance premium fixed by the Bureau.

Independent partnerships.

Partnerships that register as independent partnerships must do likewise with respect to their partners and the representatives employed by them.

Refusal of registration.

132. The Bureau may refuse to register an applicant as an independent representative or impose restrictions or conditions for registration where the applicant's registration for that sector has previously been cancelled.

Refusal of registration.

The Bureau may also refuse to register a partnership for a particular sector where the registration of one of the partners has previously been cancelled, or where one of the partners was previously a partner in an independent partnership or a director or executive officer of a firm whose registration has previously been cancelled.

Contribution.

133. Representatives who register as independent representatives must pay the contribution collected by the Bureau on behalf of the financial services compensation fund and the dues collected on behalf of the Chambers, in addition to the fees required for registration.

Independent partnership.

A partnership registered as an independent partnership must make such payments in respect of each partner and each representative employed by it.

Representative.

134. An independent partnership may, at any time, employ a representative to pursue activities in a sector for which the partnership is registered. The partnership may act through the representative as soon as the requirements set out in sections 131 and 133 have been met.

Annual fees.

135. While registered, independent representatives and independent partnerships must, annually, pay the fees prescribed by regulation to the Bureau.

Contribution.

Independent representatives must also pay the contribution collected by the Bureau on behalf of the financial services compensation fund and the dues collected on behalf of the Chambers.

Independent partnership.

An independent partnership must make such payments in respect of each partner and each representative employed by it.

Liability insurance.

136. Independent representatives must, while registered, maintain liability insurance that is consistent with the requirements determined by regulation or, if an insurance fund has been established, pay the insurance premium fixed by the Bureau.

Independent partnerships.

Independent partnerships must do likewise with respect to their partners and the representatives they employ.

Suspension of registration.

Notwithstanding sections 115 to 125, the Bureau shall suspend or, if the offence is not a first offence, may cancel the registration of an independent representative that fails to maintain liability insurance or to pay the premium fixed.

Compliance.

137. An independent partnership must oversee the conduct of its representatives. It must ensure that its representatives and employees comply with this Act and the regulations.

Prohibition.

138. In no case may an independent representative or a representative who is a partner in or employee of an independent partnership help or, by encouragement, advice or consent, or by an authorization or order, induce a representative, a firm or an independent partnership to infringe any provision of this Act or the regulations.

Records.

139. Each independent representative and independent partnership shall keep client-related records in Québec, in accordance with the regulations, in a place that is the establishment of the representative or the partnership, and shall inform the Bureau of the location and address of that place.

Information.

The information collected on clients by an independent representative shall be conserved and made accessible to the Bureau, and may be disclosed only to an insurer whose products are offered by the independent representative or to a person to whom disclosure is authorized by law. Where a financial planner is registered as an independent representative, the information may only be disclosed to a person to whom disclosure is authorized by law.

Independent partnership.

The same requirements apply to an independent partnership.

Separate insurance records.

140. Each independent partnership registered for an insurance sector shall, unless it has received consent from a client under section 92, keep its insurance records separately from its other records, in accordance with the regulations.

Exception.

The requirement to keep such records separately shall not operate to require an independent partnership to maintain separate computer systems.

Brokerage operations.

141. Independent representatives registered for an insurance sector and independent partnerships acting through an insurance representative may, on the conditions prescribed by regulation, engage in brokerage operations relating to loans secured by immovable hypothec.

Collection of deposits.

142. Independent representatives registered for an insurance sector and independent partnerships acting through an insurance representative may, notwithstanding sections 23 and 24 of the Deposit Insurance Act, receive deposits on behalf of a deposit institution. No such representative may, however, receive a deposit of money.

Deposit.

Such deposits must be deposited with the deposit institution on whose behalf the representative acts.

Sharing of commissions.

143. No independent representative or independent partnership may share a commission except with another independent representative or independent partnership, a firm that is not a deposit institution or a real estate broker governed by the Real Estate Brokerage Act.

Sharing of commissions.

The commission shall be shared in accordance with the procedure determined by regulation.

Register.

Independent representatives and independent partnerships shall enter every sharing of a commission in a register in the manner prescribed by regulation.

Termination of employment.

144. An independent partnership must inform the Bureau immediately, in writing, when the employment of a representative is terminated or when a partner leaves the partnership.

Reasons.

Where the employment is terminated or the partner leaves the partnership for reasons relating to the pursuit of the representative's or the partner's activities, the partnership must inform the Bureau of those reasons.

Civil liability.

A partnership that informs the Bureau of such reasons incurs no civil liability thereby.

Co-syndic.

145. Where the Bureau or one of its committees holds a meeting to allow an independent representative to present observations regarding an alleged offence, the co-syndic designated by the Commission may intervene if the independent representative is also authorized to act in a securities sector.

Co-syndic.

In the case of an independent partnership, the co-syndic may intervene where one of the partners or employees of the partnership is authorized to act in a securities sector.

Provisions applicable.

146. Sections 74, 75, 102, 103, 106 to 113, 115 to 117 and 119 to 127, adapted as required, apply to independent representatives.

Provisions applicable.

The first paragraph of section 72 and sections 74, 75, 79, 82, 84, 90, 91, 102, 103, 106 to 113, 115 to 117 and 119 to 127, adapted as required, apply to independent partnerships.

CHAPTER III

OWNERSHIP OF DAMAGE INSURANCE FIRMS

Interpretation,

147. For the purposes of this chapter,

"financial institution":

— "financial institution" means a financial institution other than an insurer engaging exclusively in the business of reinsurance;

"firm";

— "firm" means a firm registered for the damage insurance sector that acts through a damage insurance broker and does not engage exclusively in the business of reinsurance;

"financial group".

— "financial group" means the group composed of all or some of the following legal persons: a confederation governed by the Savings and Credit Unions Act, the federations that are members thereof, legal persons affiliated with the confederation or federations, and any other legal person that is a member thereof.

Financial group.

Any other group of legal persons composed of a financial institution and a legal person affiliated with the financial institution is also a financial group;

"affiliated legal person".

—"affiliated legal person" means a legal person that is controlled by or that controls another legal person.

Presumption.

A legal person affiliated with another legal person is deemed to be affiliated with any other legal person affiliated with that legal person;

"controlled legal person";

— "controlled legal person" means a legal person in which more than 50% of the voting rights attached to its shares are held directly or indirectly by another legal person, or a majority of the directors of which can be elected by another legal person;

"legal person related to a financial institution"; "legal person related to a financial group". — "legal person related to a financial institution" or "legal person related to a financial group" means a legal person in which more than 20% of the shares or voting rights attached to the shares are held directly or indirectly by financial institutions or financial groups.

Maximum holding.

148. Not more than 20% of the shares of a firm or voting rights attached to its shares may be held directly or indirectly by financial institutions, financial groups or legal persons related thereto.

Exception.

However, the first paragraph shall not operate to prevent a firm from allotting its shares or registering a transfer of its shares to give effect to a contract entered into before 21 December 1988.

Use of name prohibited.

149. No financial institution, financial group or related legal person may use a name previously used by an independent representative having pursued activities as a damage insurance broker or the name of an independent partnership or firm having pursued activities through a damage insurance broker.

Brokerage activities prohibited.

150. A firm that is not in compliance with the provisions of section 148 may not act through a damage insurance broker or purport to be acting through a damage insurance broker.

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Applicability.

151. Section 150 does not apply, in relation to the percentage of shares, to a firm incorporated in Canada if the firm's shares were listed on a Canadian stock exchange on 21 December 1988.

Applicability.

Section 150 does not apply to a firm the shares of which are held

- (1) by another firm incorporated in Canada the shares of which were listed on a Canadian stock exchange on 21 December 1988, as long as that firm does not become, in relation to the percentage of voting rights, a related legal person; or
- (2) by a legal person incorporated in Canada the shares of which were listed on a Canadian stock exchange on 21 December 1988 and that on that date controlled a firm referred to in the first paragraph, as long as that legal person does not become, in relation to the percentage of voting rights, a related legal person.

Applicability.

152. Section 150 does not apply to a firm referred to therein where the percentage of shares or voting rights attached to its shares exceeded 20% on 21 December 1988. However, the percentage may not be increased except to give effect to a contract entered into before 21 December 1988.

New limit for shares held.

Where, on or after 22 December 1988, a firm referred to in the first paragraph allots its shares or registers a transfer of its shares and the effect thereof is to reduce the percentage of its shares or voting rights attached to its shares held directly or indirectly by financial institutions, financial groups or related legal persons, the new percentage shall become the highest percentage of shares or voting rights attached to the shares that may be held directly or indirectly by financial institutions, financial groups or related legal persons. However, this paragraph shall not operate to prevent a firm from allotting its shares or registering a transfer of its shares to give effect to a contract entered into before 21 December 1988.

Applicability.

The first and second paragraphs shall cease to apply to a firm referred to therein if the percentage of shares or voting rights attached to the shares reaches 20%.

Prohibited transaction.

153. No firm referred to in the first paragraph of section 152 may, as long as more than 20% of its shares or voting rights attached to its shares are held directly or indirectly by financial institutions, financial groups or related legal persons, directly or indirectly hold shares in another firm or, on or after 11 May 1989, grant it a concession or acquire its business.

New limit for shares held.

A firm referred to in the first paragraph that on 21 December 1988 holds, directly or indirectly, shares of another firm may continue to hold those shares. However, the percentage of such shares may not be increased on or after 22 December 1988, and the percentage of voting rights attached to such shares may not be increased on or after 11 May 1989 and, if either percentage is decreased on or after the applicable date, the new percentage shall become

the highest percentage of such shares or such voting rights that the firm may hold, as long as more than 20% of its shares or voting rights attached to its shares are held directly or indirectly by financial institutions, financial groups or related legal persons.

Applicability.

The first and second paragraphs do not apply to a firm incorporated in Canada the shares of which are listed on a Canadian stock exchange on 21 December 1988.

Brokerage activities prohibited.

154. A firm that is not in compliance with the provisions of section 152 or 153 may not act through a damage insurance broker or purport to be acting through a damage insurance broker.

Applicability.

155. Section 148 does not apply to a firm the shares of which are listed on a stock exchange.

Maximum holding.

However, not more than 49% of the shares of such a firm or voting rights attached to its shares may be held directly or indirectly by a financial institution, financial group or legal person related thereto.

Prohibited transactions.

156. No firm referred to in section 155 may, as long as more than 49% of its shares or voting rights attached to its shares are held, directly or indirectly, by a financial institution, financial group or legal person related thereto, directly or indirectly hold the shares of another firm, grant it a concession or acquire its business.

Brokerage activities prohibited.

157. A firm referred to in section 155 that is not in compliance with sections 155 and 156 may not act through a damage insurance broker or purport to be acting through a damage insurance broker.

TITLE III

FINANCIAL SERVICES BUREAU

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Establishment.

158. A financial services bureau is hereby established under the name "Bureau des services financiers".

Legal person.

159. The Bureau is a legal person.

Status.

160. The Bureau is not a public body, government body, public agency, government agency or government corporation within the meaning of the Financial Administration Act (R.S.Q., chapter A-6), the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles (R.S.Q., chapter M-21.1), the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) or the Auditor General Act (R.S.Q., chapter V-5.01).

Provisions applicable.

The Regulations Act (R.S.Q., chapter R-18.1) applies to the Bureau, the Commission and the Chambers only with respect to regulations that must be submitted for approval to the Government.

Head office.

161. The Bureau shall have its head office in the capital of Québec at the place it determines. Notice of the location of the head office, and of any change in its location, shall be published in the *Gazette officielle du Québec*.

Board

162. The affairs of the Bureau shall be administered by a board consisting of 15 members. Ten members shall be appointed by the Minister, including the president and vice-president, and five members shall be designated in accordance with sections 296, 297 and 301.

Members.

Five of the members appointed by the Minister shall be selected to represent the general public, and five shall be selected from the financial planning sector, insurers in insurance of persons and damage insurance, deposit institutions and group savings organizations.

Term of office.

163. The president shall be appointed for a term not exceeding five years.

Term of office.

The other members of the board shall be appointed for a three-year term.

President.

164. The president shall serve in a full-time capacity.

Conditions of employment.

The Government shall fix the remuneration, employment benefits and other conditions of employment of the president.

Remuneration.

165. The other members of the board shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Bureau's internal management by-law. They shall, however, be entitled to an attendance allowance and to the reimbursement of the expenses incurred in the performance of their duties on the conditions and to the extent determined by the internal management by-law.

Vice-president.

The vice-president, when replacing the president, is entitled to receive the remuneration provided for in the internal management by-law.

Continuance in office.

166. At the expiry of their term, the members shall continue to serve on the board until reappointed or replaced.

Vacancy.

167. A vacancy in a position held by a member appointed by the Minister shall be filled for the unexpired portion of the term of the member to be replaced. If less than one year remains, the new member may be appointed for the applicable term plus the unexpired portion of the term of the member to be replaced.

Vacancy.

Every other vacancy shall be filled in accordance with section 301.

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Vacancy.

168. A vacancy occurs, in particular, when a member fails to attend the number of meetings determined by the internal management by-law, in the cases and circumstances indicated in the by-law.

President.

169. The meetings of the board shall be chaired by the president. The president shall represent the Bureau and supervise its activities.

Vice-president.

When the president is absent or unable to act, the vice-president shall perform the duties of president.

Meetings.

170. The Bureau may hold its meetings at any place in Québec.

Quorum.

171. The quorum of the board is eight members.

Decisions.

172. A decision of the board is made by a majority vote of the members present.

Tie-vote.

Where there is a tie-vote, the member chairing the meeting shall have the casting vote.

Means of communication.

The members may take part in a meeting using any means of communication that allows all the participants to communicate orally, such as the telephone.

Designation of chair.

173. Where both the president and the vice-president are absent or unable to act, the members present at a meeting shall designate one of their number to chair the meeting.

Decisions.

174. A decision signed by all the members of the board entitled to vote has the same value as a decision made at a meeting of the board.

Conflict of interest.

175. A member of the board who is in a situation of conflict of interest must, on pain of forfeiture of office, disclose the situation, refrain from voting on any question concerning the situation, and avoid influencing any decision relating to the situation. The member must, in addition, withdraw from a meeting during any discussion or vote relating to the situation.

Termination of term of office.

Articles 838 to 840 of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required, apply to a motion to terminate the term of office of a board member. The decision of the court is executory and final and may not be appealed.

Director general and secretary.

176. The board shall appoint a director general and a secretary.

Personnel.

It may also retain the services of the personnel it needs to pursue its activities.

Appointment and remuneration.

177. The director general, the secretary and the other employees shall be appointed and remunerated according to the standards, scales and staffing plan established by regulation.

Director general.

178. The director general is responsible for the management of the Bureau.

Act applicable.

179. The Act respecting the disclosure of the compensation received by the executive officers of certain legal persons (1997, chapter 61) applies to the Bureau. For that purpose, the Bureau is considered to be a legal person to which section 1 of the said Act applies. However, the statement of remuneration must be included in its annual report.

Rules of ethics.

180. The Bureau shall determine, by by-law, the rules of ethics and the penalties applicable to its personnel.

Special meeting.

181. On the written requisition of five members of the board, the secretary shall convene a special meeting.

Committees.

182. The Bureau may establish committees, consisting of the persons it designates, to examine the questions it submits. Each such committee shall gather the relevant information and report its observations and recommendations to the Bureau.

Immunity.

183. The members of the board of the Bureau, the personnel of the Bureau and the persons designated by the Bureau to conduct inspections may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

CHAPTER II

FUNCTIONS AND POWERS

Mission.

184. The mission of the Bureau is to ensure public protection in the fields of activity under its authority.

Compliance.

The Bureau shall ensure compliance with this Act and the regulations governing certificate holders, firms, independent representatives and independent partnerships.

Recommendations.

185. The Bureau may make recommendations to the Minister concerning any question relating to the distribution of financial products and services.

Advice.

The Bureau must advise the Minister on any question submitted by the Minister relating to the matters that fall within its jurisdiction.

Complaints.

186. The Bureau shall receive the complaints made against certificate holders, firms, independent representatives and independent partnerships

Information and referral.

The Bureau shall also act as an information and referral centre in the field of insurance.

Complaints.

187. The Bureau shall also receive the complaints made against distributors.

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Penal complaints.

The Bureau shall investigate complaints of a penal nature and, where it considers that there exists sufficient evidence that an offence has been committed, it shall institute proceedings.

Civil complaints.

The Bureau shall examine complaints of a civil nature and may forward them to the distributor and insurer concerned.

Report.

The Bureau shall, in a periodic report published in its bulletin, state the types of civil complaints it has received.

Transmission to syndic.

188. The Bureau shall forward every complaint it receives concerning a representative to the syndic having jurisdiction or to the co-syndic, together with any relevant information or document relating to the complaint.

Agreements.

189. The Bureau may enter into agreements with the Government, a government body, a professional order and any other person in Québec.

Agreements.

The Bureau may, after obtaining the advice of the Commission, enter into agreements authorized by law with any commission, council, bureau, office or any person that, under the legislation of a province or state or of another country, is empowered to supervise or regulate matters similar to those within its jurisdiction, in order to facilitate the administration of this Act.

Agreement.

The agreement may provide for the exchange of personal information to prevent, detect or repress violations of the law.

Agreement.

190. The Bureau may enter into an agreement with the Institut québécois de planification financière concerning professional development in financial planning.

Exchange of personal information.

191. The Bureau may exchange personal information with a syndic or the co-syndic for the purpose of detecting or repressing offences under this Act or the regulations.

Information.

192. The Bureau may obtain any information necessary for the exercise of its functions from a Chamber, a syndic or the co-syndic.

Information bulletin.

193. The Bureau shall publish, periodically, an information bulletin to inform representatives, firms, and independent representatives and independent partnerships, as well as the general public, about its activities. The bulletin must, in particular, include the roll of hearings of the discipline committees, a summary of the decisions made by the Bureau in respect of firms, independent representatives and independent partnerships and restricted certificate holders, the decisions made by its discipline committees and the decisions made on appeal by the Commission, together with a summary of the Bureau's report on activities and of the reports of the fund and the Chambers.

Draft regulations.

194. The Bureau shall publish, in the bulletin, every draft regulation prepared by the Bureau, the Commission, the financial services compensation fund or the Chambers.

Notice.

Every draft regulation must be published with a notice stating the time that must elapse before the draft regulation may be made or be submitted for approval.

Regulations.

The Bureau shall also publish all regulations in the bulletin.

Separate adoption.

195. The Bureau shall adopt separately those of its regulations that must be submitted for approval to the Government or to the Commission.

Separate adoption.

The Commission shall adopt separately those of its regulations that are to be submitted for approval to the Government.

Liability insurance.

196. The Bureau may determine by regulation, for each sector and class of sectors, the requirements with which the liability insurance contracts of firms, representatives acting on behalf of a firm without being employees, independent representatives and independent partnerships must be consistent.

Requirements.

The regulation may, in particular, prescribe the extent of coverage, the amount covered per claim, the amount of the deductible and the notice that must be given before a contract is cancelled.

Approval.

The regulation must be submitted to the Government for approval with or without amendment.

Notice.

197. Insurers must, within the time prescribed by regulation, advise the Bureau of their intention not to renew or to cancel the liability insurance contract of an independent representative, independent partnership or firm.

Notice.

Insurers must also advise the Bureau upon receiving a notice cancelling such a contract from an independent representative, independent partnership or firm.

Mandatory coverage.

Independent representatives, independent partnerships and firms must, at least 30 days before the date of expiry of their liability insurance contract, either renew the contract or make a contract with another insurer for a period of at least one year beginning on the day following the date of expiry.

Insurance fund.

198. The Bureau may establish an insurance fund and require firms, representatives acting for firms without being employees, independent representatives and independent partnerships to subscribe to it.

Premiums.

The Bureau shall fix, by regulation, the premium to be paid by each firm, independent representative or independent partnership on the basis of the number of representatives involved, the risk presented by each sector or class of sectors, the fact that a trust fund is or is not maintained and any other criteria determined in the regulation.

Approval.

The regulation shall be submitted to the Government for approval with or without amendment.

Provisions applicable.

Sections 174.1 to 174.11 and 174.13 to 174.18 of the Act respecting insurance, adapted as required, apply to any insurance fund established by the Bureau.

Insurer.

The Bureau is, in such a case, an insurer within the meaning of the Act respecting insurance.

Persons insured.

199. The insurance fund established by the Bureau shall be authorized to offer liability insurance to any person whose activities relate to a sector to which this Act applies.

Regulations.

- **200.** The Bureau, with regard to insurance representatives, claims adjusters and financial planners, and the Commission, with regard to securities representatives, may make regulations to determine, for each sector,
- (1) the minimum qualifications required to obtain a certificate, the courses that an applicant for a certificate must take, and the rules relating to the preparation and passing of prescribed examinations;
 - (2) the cases in which the requirements of paragraph 1 do not apply;
- (3) the rules relating to compulsory training periods, the acts that trainees may perform during training periods, notwithstanding section 12, and the rules relating to the obligations of training supervisors;
 - (4) the cases in which training periods are not compulsory;
 - (5) the other conditions for obtaining a certificate;
- (6) the titles or abbreviations that a representative may use, the rules for obtaining authorization to use such titles and abbreviations, and the rules relating to their use;
 - (7) the various classes of sectors;
- (8) the information that a representative must disclose to a person from whom the representative requires compensation, and the manner of disclosing the information;
- (9) the information and documents that a representative or prospective representative must furnish.

Rules of ethics.

201. The Commission may, after consulting the chamber of financial products, make a regulation to determine the rules of ethics applicable to securities representatives.

Approval.

The regulation shall be submitted to the Government for approval with or without amendment.

Regulations.

- **202.** The Bureau, with regard to insurance representatives, claims adjusters and financial planners, and the Commission, with regard to securities representatives, may make regulations to determine, for each sector,
- (1) the occupations that are incompatible with the pursuit of activities as a representative;
- (2) the conditions and restrictions that apply to the pursuit of activities as a representative;
- (3) the rules applicable to client solicitation and the representations made by representatives;
- (4) the product information that representatives must give to clients, and the manner of giving such information.

Approval.

A regulation made under the first paragraph must be submitted to the Government for approval with or without amendment.

Regulations.

- **203.** The Bureau may, for each sector, make regulations to determine
 - (1) the term of a representative's certificate;
- (2) the fees payable by a representative for the issue and renewal of a certificate;
 - (3) the rules and procedure governing the issue and renewal of certificates;
 - (4) the particulars that a certificate may contain;
- (5) the forms that must be used to meet a requirement prescribed by regulation, the medium of such forms, and the manner in which they are to be used:
- (6) the manner in which and time within which the Bureau must be informed by a representative of any change affecting the information entered in the register in respect of that representative.

Approval.

A regulation made under subparagraph 2 of the first paragraph shall be submitted to the Government for approval with or without amendment.

Exercise of powers.

204. The Bureau and the Commission may exercise the powers conferred on them by sections 200 to 203 according to such classes of sectors as they may determine.

Base outside Québec.

205. The Bureau, with regard to insurance representatives, claims adjusters and financial planners, and the Commission, with regard to securities representatives, may allow representatives in a given sector to pursue activities in Québec from a base in another province or another country, and fix the professional requirements for the pursuit of such activities.

Brokerage operations.

206. The Bureau may, by regulation, determine the conditions to be met by an insurance representative or securities representative before engaging in brokerage operations in connection with loans secured by immovable hypothec.

Business relationship.

207. The Bureau may, by regulation, determine what constitutes a business relationship and the rules relating to the disclosure of business relationships for the purposes of section 26.

Business relationship.

The Commission may, similarly, make a regulation for the purposes of section 53.

Disclosure of information on insurers.

208. The Bureau may, by regulation, determine the information that must be disclosed by representatives in insurance of persons, group insurance representatives and damage insurance brokers to the person with whom they are transacting business concerning the insurers whose products they offer, and the manner in which the information must be disclosed.

Notices and forms.

209. The Bureau may, by regulation, determine the form and content of notices under sections 19 and 22 and the form and the content of forms for seeking specific consent under section 93.

Distribution guides.

210. The Bureau may, by regulation, determine the rules for drafting and presenting distribution guides.

Replacement of insurance policy.

211. The Bureau may, by regulation, determine the formalities, conditions and restrictions that apply to representatives in insurance of persons upon replacing an insurance policy.

Regulations.

212. The Bureau may, by regulation, determine

- (1) the conditions to be met by a damage insurance broker in order to be authorized to act as a special broker, and the documents and reports that the broker must send to the Bureau;
- (2) the amount or method of calculating the security that the firm for which such a broker is acting must furnish to the Bureau to secure the obligations of the outside insurers whose products are distributed by the broker;
- (3) the information that the broker must give to clients in writing before placing a risk.

Authorization to act as a claims adjuster.

213. The Bureau may, by regulation, determine the circumstances under which a damage insurance agent or a damage insurance broker may be authorized to act as a claims adjuster and the conditions of exercise with which the agent or broker must comply.

Rules.

Such a regulation may provide for rules that differ according to whether they apply to a damage insurance agent or a damage insurance broker.

Offering of shares.

214. The Commission may, by regulation, determine the conditions to be met by a securities representative offering permanent shares and preferred shares issued by a credit union, federation or confederation governed by the Savings and Credit Unions Act that are not exempted from the application of Titles II to VIII of the Securities Act.

Titles.

215. The Bureau may, by regulation, determine the titles similar to the title of financial planner or claims adjuster, and the abbreviations, that may not be used.

Regulations.

- **216.** The Bureau may, by regulation,
- (1) determine special rules applicable to a natural person who, in accordance with the legislation of another province or state or of another country, acts as an insurance representative or claims adjuster and applies for a certificate to act as such in Québec;
 - (2) determine the activities that such a person may pursue;
 - (3) set conditions and restrictions applicable to the pursuit of such activities.

Approval.

217. Regulations made under sections 206, 207, 211 to 213, 214, 215 and 216 shall be submitted to the Government for approval with or without amendment.

Cancellation of certificate.

- **218.** The Bureau may cancel, suspend or impose restrictions or conditions on a certificate where the certificate holder
- (1) has made an assignment of property or has been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3);
- (2) has been convicted by a court inside or outside Canada of a criminal act or indictable offence which, in the opinion of the Bureau, is linked to the pursuit of the activity of representative, or has pleaded guilty to such an act or offence;
 - (3) has been assigned a tutor, curator or adviser.

Refusal to issue certificate.

219. The Bureau may, for a given sector, refuse to issue or renew a certificate or impose restrictions or conditions on the certificate

- (1) where the applicant's certificate or right to transact business, in a sector referred to in the second paragraph of section 13, has previously been cancelled or suspended, or where restrictions or conditions have previously been imposed on the applicant's certificate, by the discipline committee or by a body in Québec, another province or another state that is responsible for supervising and monitoring persons acting as representatives;
- (2) where the applicant has previously been convicted by a court inside or outside Canada of an indictable offence or criminal act which, in the opinion of the Bureau, is linked to the pursuit of the activity of representative, or has pleaded guilty to such an offence or act;
 - (3) where the applicant has been assigned a tutor, curator or adviser;
- (4) where the applicant has made an assignment of property or has been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act.

Refusal to issue certificate.

220. The Bureau may, for a given sector, refuse to issue a certificate where in its opinion the applicant does not possess the degree of honesty it considers necessary to pursue activities in that sector, or is in a situation it considers to be incompatible with the pursuit of activities in that sector.

Committees.

221. The Bureau may establish committees consisting of three of its members to rule on the application of sections 218 to 220.

Authorized sectors.

222. A certificate issued by the Bureau must specify each sector or class of sectors for which the holder is authorized to act, together with the conditions and restrictions to which the holder is subject.

Regulations.

- **223.** The Bureau may, by regulation, determine for each sector
- (1) the rules applicable to the registration of firms, independent representatives and independent partnerships;
- (2) the experience required of a representative in order to register as an independent representative or become a partner in or employee of an independent partnership;
- (3) the cases in which the requirements prescribed under subparagraph 2 do not apply;
- (4) the information and documents to be provided by applicants for registration;
 - (5) the rules relating to maintenance of registration;
 - (6) the rules applicable to client solicitation;

- (7) the rules relating to advertisements and representations made by firms, independent representatives and independent partnerships, and the elements they may contain;
- (8) the rules relating to the keeping of records, the register of commissions and the register of complaints;
- (9) the manner in which commissions are to be shared, and the rules relating to their entry in the register;
- (10) the rules to be followed by firms, independent representatives and independent partnerships in dealing with complaints from clients;
- (11) the nature, form and content of the books and other registers to be kept by firms, independent representatives and independent partnerships;
- (12) the rules relating to the use, conservation and destruction of the records, books and registers to be kept by firms, independent representatives and independent partnerships;
- (13) the titles and abbreviations under which a firm, an independent representative or an independent partnership may make itself known;
- (14) the forms that firms, independent representatives and independent partnerships must use to meet a requirement prescribed by regulation, the medium of such forms, and the manner in which they are to be used;
- (15) the procedure by which and time within which firms, independent representatives and independent partnerships must advise the Bureau of any change affecting the information entered in the register in their respect.

Approval.

A regulation made under subparagraph 2, 3 or 6 to 10 of the first paragraph must be submitted to the Government for approval with or without amendment.

Approval.

A regulation made under subparagraph 11 or 12 of the first paragraph must be submitted to the Commission for approval with or without amendment.

Franchisers.

224. The Bureau shall, by regulation, determine the rules applicable to franchisers and franchisees.

Approval.

The regulation shall be submitted to the Government for approval with or without amendment.

Fees.

225. The Bureau shall, by regulation, determine for each sector the fees payable for registration and the annual fees payable to maintain registration. In the case of a firm or an independent partnership, the fees shall be determined on the basis of the number of establishments the firm or partnership maintains or proposes to maintain in Québec, the number of representatives through whom it pursues or proposes to pursue its activities, and any other criteria the Bureau considers relevant.

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Approval.

The regulation shall be submitted to the Government for approval with or without amendment.

Fees and charges.

226. The Bureau shall, by regulation, determine the fees payable for any formality or other measure prescribed by this Act or the regulations, and the charges for the goods and services provided by the Bureau.

Approval.

A regulation made under the first paragraph shall be submitted to the Government for approval with or without amendment.

Regulations.

- 227. The Commission may, by regulation, determine
- (1) the rules relating to the establishment and maintenance of the trust account that must be maintained by a firm acting through a securities representative;
- (2) the rules relating to the financial resources that must be maintained by a firm acting through a securities representative.

Approval.

A regulation made under the first paragraph shall be submitted to the Government for approval with or without amendment.

Regulations.

- **228.** The Bureau shall, by regulation, determine
- (1) the standards, scales and staffing plan applicable to the appointment and remuneration of the employees of the compensation fund;
- (2) the rules of ethics and the disciplinary sanctions applicable to the board members and personnel members of the compensation fund;
 - (3) the rules relating to the administration of the compensation fund;
- (4) the conditions governing the eligibility of a claim presented to the compensation fund and the maximum amount of compensation that may be paid.

Approval.

A regulation made under subparagraph 4 of the first paragraph shall be submitted to the Government for approval with or without amendment.

Injunction.

229. The Bureau may, by motion, apply to a judge of the Superior Court for an injunction in any matter relating to this Act or the regulations.

Motion.

A motion for an injunction constitutes a proceeding.

Applicable procedure.

The procedure provided for in the Code of Civil Procedure applies, except that the Bureau is not required to furnish security.

Prohibition by Court.

230. On application by the Bureau, the Superior Court may prohibit a person from acting as a director or executive officer of a firm where the person has, on more than one occasion, acted as such for a firm while under a sanction imposed under section 115 or 116.

Intervention of Bureau.

231. The Bureau may, on its own initiative and without notice, intervene in any proceeding in which a question relating to this Act or a regulation under it has been raised.

Guidelines.

232. The Minister may request that the Bureau take into account the guidelines and objectives indicated by the Minister in performing its functions.

Report.

The report on activities of the Bureau must indicate the steps it has taken in that respect.

Measure.

233. The Commission may prescribe any measure to be taken by the Bureau where the Commission considers that it is necessary to do so to ensure the proper functioning of the securities market.

Referral to Minister.

If the Bureau fails to take the measure prescribed, the Commission may refer the matter to the Minister. The Minister may, in such a case, exercise the powers conferred on the Minister by Chapter II of Title VII in respect of the Bureau.

CHAPTER III

DOCUMENTS AND REGISTERS

Register.

234. The Bureau shall keep and maintain the register of the representatives to whom it has issued a certificate.

Representative acting for a firm.

The register shall, in the case of a representative acting for a firm, contain the representative's name, the name of each firm for which the representative acts, the address of each establishment to which the representative is attached, each sector or class of sectors for which the representative is authorized to act, the conditions or restrictions appearing on the representative's certificate and the term of the certificate.

Independent representative.

In the case of an independent representative, the register shall contain the representative's name, the address of the representative's establishment, each sector or class of sectors for which the representative is authorized to act, the conditions or restrictions appearing on the representative's certificate and the term of the certificate.

Partner of independent partnership.

In the case of a representative who is a partner in or employee of an independent partnership, the register shall contain the representative's name, the name of the independent partnership for which the representative acts, the address of the establishment to which the representative is attached, each sector or class of sectors for which the representative is authorized to act, the

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conditions or restrictions appearing on the representative's certificate and the term of the certificate.

Register.

235. The Bureau shall keep and maintain a register of the firms, independent representatives and independent partnerships to which it grants registration.

Firm.

The register shall, in the case of a firm, contain its name, the address of its head office and of each establishment it maintains in Québec, the sector or sectors for which registration is granted, and the name of each of the firm's representatives together with each sector or class of sectors in which the representative pursues activities and the establishment to which the representative is attached.

Independent representative.

In the case of an independent representative, the register shall contain the representative's name, the address of the representative's establishment, and the sectors and classes of sectors for which the representative is registered.

Independent partnership.

In the case of an independent partnership, the register shall contain the partnership's name, the address of all the partnership's establishments, and the names of all the partners of and representatives employed by the partnership, together with the sectors or classes of sectors in which they pursue activities and the establishments to which they are attached.

Other information.

236. The registers shall, in addition, contain any other information relating to representatives, firms and independent representatives and independent partnerships that the Bureau considers relevant.

Information to Commission.

237. The Bureau shall make the information entered in the registers in connection with a firm that pursues activities in the securities field available to the Commission.

Notification of changes.

238. Representatives, firms and independent representatives and independent partnerships shall inform the Bureau, in the manner prescribed by regulation, of any change affecting the information contained in the register in their regard.

Public consultation.

239. The Bureau shall keep the registers available for public consultation, except the register referred to in section 240. Any person may obtain copies on payment of the fees prescribed by regulation.

Register.

240. The Bureau may, with the authorization of the Government, keep a register of individual life insurance policies.

Content.

The register shall contain the name and address of each insured, the name and address of the insurer that issued the policy, and any other information determined by government regulation.

Transmission of information.

241. Every insurer in insurance of persons must, within the time and in the manner determined by regulation of the Bureau, send the Bureau the information it requires for the purposes of the register of individual life insurance policies.

Transmission of information.

The insurer must thereafter, in the same manner, send the Bureau the information relating to newly-issued policies and cancelled policies.

Verification.

242. At the request of the Bureau, an insurer in insurance of persons must verify whether a person whose particulars are forwarded to the insurer by the Bureau is covered by an individual life insurance policy or a group insurance policy issued by the insurer.

Transmission of information.

The insurer shall send any relevant information to the Bureau within the time determined by the Bureau.

Access to information.

243. Only the following persons may obtain information from the Bureau concerning the existence of an insurance policy: an heir or successor of a deceased person, the beneficiary of a life insurance policy, a person having parental authority over such an heir, successor or beneficiary, and the liquidator of the succession.

Information.

Upon proof of a person's death, the Bureau shall give such a person the information contained in the register concerning the deceased person or the information obtained by the Bureau from an insurer pursuant to section 242, on payment of the fees prescribed.

Documents required by Minister.

244. The Bureau must, at the request of the Minister, forward any document or information the Minister requires concerning the Bureau's activities.

Minutes.

245. The minutes of the meetings of the board, when approved by the board and certified as true by the president or the secretary, are authentic. Documents and copies of documents emanating from the Bureau or forming part of its records, when signed or certified as true by one of those persons, are also authentic.

Signature.

246. No act, document or writing is binding on the Bureau unless signed by the president or, to the extent determined by regulation, by the secretary.

Automatic device.

The Bureau may, on the conditions and for the documents it determines, allow the required signature to be affixed by means of an automatic device, or allow a facsimile of the signature to be engraved, lithographed or printed. However, the facsimile has the same force as the signature only when the document is countersigned by a person authorized by the Bureau for that purpose.

CHAPTER IV

FINANCIAL PROVISIONS

Financial year.

247. The financial year of the Bureau ends on 31 December.

Financing.

248. The Bureau shall finance its activities.

Expenditure.

249. The expenditure incurred by the Government for the application of this Act, as determined by the Government each year, shall be charged to the Bureau.

Indemnity.

250. The Bureau shall, annually, pay to the Commission the indemnity fixed by the Commission to compensate for the expenditure incurred by the Commission for the administration of this Act.

Indemnity.

The indemnity shall be established on the basis of the rates established by regulation of the Commission. The regulation shall be submitted to the Government for approval with or without amendment.

Financial commitments.

251. The Bureau may not make commitments for terms exceeding five years.

Authorization.

The Bureau may not, without the authorization of the Government, make commitments for an amount that exceeds the limits determined by the Government.

Audit.

252. The Bureau shall, each year, cause its books and accounts to be audited by an auditor, who must be a person referred to in section 293 of the Act respecting insurance. If no such audit is carried out, the Minister may designate an auditor for that purpose; the latter's remuneration shall be paid by the Bureau.

Access to records.

253. The auditor shall have access to all the books, registers, accounts and other accounting records of the Bureau, and to all vouchers. Every person having custody of such documents must facilitate the auditor's examination of them.

Information.

The auditor may require the members, mandataries and employees of the Bureau to provide any information and document necessary for the audit.

Value-for-money audit.

254. At the request of the Minister, the auditor shall, in addition, conduct an audit of the adequacy and proper functioning of the systems and procedures implemented by the Bureau, to ensure that its resources are acquired and utilized with due regard to economy and effectiveness.

Meeting.

255. The auditor may require that a meeting of the board be held concerning any matter relating to the audit.

Financial statements.

256. The Bureau shall file with the Minister its financial statements and report on activities for the preceding financial year not later than 30 April of each year.

Content.

The financial statements and the report on activities must contain all the information required by the Minister.

Protection of personal information.

The report on activities shall contain the Bureau's findings regarding the manner in which firms, independent representatives, independent partnerships and the holders of restricted certificates protect the personal information they hold on their clients.

Tabling.

257. The Minister shall lay the annual report before the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

TITLE IV

FINANCIAL SERVICES COMPENSATION FUND

Establishment.

258. A financial services compensation fund is hereby established under the name "Fonds d'indemnisation des services financiers".

Legal person.

259. The fund is a legal person.

Head office.

260. The head office of the fund shall be in the capital of Québec at the place determined by the Bureau. Notice of the location of the head office, and of any change in its location, shall be published in the Gazette officielle du Québec.

Board.

261. The affairs of the fund shall be administered by a board consisting of seven members appointed by the Bureau for a three-year term, including a president and a vice-president.

Members.

Two of the members of the board shall be appointed from among persons qualified to represent the general public.

Expiry of term.

At the expiry of their term, the members shall continue to serve on the board until reappointed or replaced.

Vacancy.

262. A vacancy occurs, in particular, when a member fails to attend the number of meetings determined by the internal management by-law of the fund, in the cases and circumstances indicated in the by-law.

Remuneration.

263. The members of the board of the fund shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the internal management by-law. They shall, however, be entitled to an attendance

allowance and to the reimbursement of the expenses incurred in the performance of their duties, on the conditions and to the extent determined by the internal management by-law.

President.

264. The board meetings of the fund shall be chaired by the president. The president shall also act as the fund's representative with respect to the Bureau.

Vice-president.

When the president is absent or unable to act, the vice-president shall perform the duties of president.

Meetings.

265. The fund shall hold its board meetings at its head office, or at any other place authorized by the Bureau.

Quorum.

266. The quorum at the fund's board meetings is four members.

Decisions.

267. A decision of the fund is made by a majority vote of the board members present.

Tie-vote.

Where there is a tie-vote, the member chairing the meeting shall have the casting vote.

Means of communication.

The members may take part in a meeting using any means of communication that allows all the participants to communicate orally, such as the telephone.

Designation of chair.

268. Where both the president and the vice-president are absent or unable to act, the members present at a meeting shall designate one of their number to chair the meeting.

Decisions.

269. A decision signed by all the members of the board entitled to vote has the same value as a decision made at a meeting of the board.

Conflict of interest.

270. A board member of the fund who is in a situation of conflict of interest must, on pain of forfeiture of office, disclose the situation, refrain from voting on any question concerning the situation, and avoid influencing any decision relating to the situation. The member must, in addition, withdraw from a meeting during any discussion or vote relating to the situation.

Termination of term of office.

Articles 838 to 840 of the Code of Civil Procedure, adapted as required, apply to a motion to terminate the term of office of a member. The decision of the court becomes executory immediately, is final and may not be appealed.

Internal management by-law.

271. The internal management by-law of the fund shall be made by the Bureau.

Secretary and personnel.

272. The Bureau may designate a secretary and the personnel required for the pursuit of the activities of the fund.

Appointment and remuneration.

The secretary and the other employees shall be appointed and remunerated according to the standards, scales and staffing plan established by regulation of the Bureau.

Rules of ethics.

273. The Bureau shall determine, by regulation, the rules of ethics and the disciplinary sanctions applicable to the board members and personnel members of the fund.

Object.

274. The object of the fund is to administer the sums of money deposited with it to compensate the victims of fraud, fraudulent tactics or embezzlement for which a firm, an independent representative or an independent partnership, is responsible.

Functions.

For such purpose, the fund shall, in accordance with the rules determined by regulation,

- (1) administer the moneys deposited with the fund;
- (2) determine whether the claims presented to the fund are eligible, and the amount of compensation to be paid.

Expenses.

Expenses required for the operation of the fund are authorized by the fund.

Information.

275. The fund may obtain from the Bureau, from a syndic and from the cosyndic, any information or document necessary for the pursuit of its objects.

Eligibility of claim.

276. The fund may determine eligibility of a claim whether or not the perpetrator of the offence has been prosecuted or convicted.

Subrogation.

277. The fund is subrogated in all the rights of a victim it compensates, up to the amount of compensation paid.

Contribution.

278. The fund shall determine, by regulation, the amount of the contribution to be paid by each firm, independent representative and independent partnership.

Contribution.

The fund shall determine the contribution on the basis of the risk presented by each sector or class of sectors and any other criteria it considers relevant.

Approval.

The regulation must be submitted to the Bureau for approval with or without amendment.

Investments.

279. The investments made by the fund must be made in accordance with the rules of the Civil Code concerning investments presumed sound.

Powers of Bureau.

280. The Bureau shall have, with regard to the fund, the powers conferred on it by sections 106 to 112 with regard to a firm.

Audit.

281. The fund shall cause its books and accounts to be audited each year by an auditor, who must be a person referred to in section 293 of the Act

respecting insurance. If no such audit is carried out, the Bureau may designate an auditor for that purpose; the latter's remuneration shall be paid by the fund.

Provisions applicable.

Sections 253 to 255, adapted as required, apply to the audit.

Financial year.

282. The financial year of the fund ends on 31 December.

Financial statements.

283. The fund shall file with the Bureau its financial statements and report on activities for the preceding financial year not later than 30 April each year.

Content.

The financial statements and the report on activities must contain all the information required by the Bureau.

TITLE V

CHAMBRE DE LA SÉCURITÉ FINANCIÈRE AND CHAMBRE DE L'ASSURANCE DE DOMMAGES

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Establishment.

284. Two Chambers are hereby established under the names "Chambre de la sécurité financière" and "Chambre de l'assurance de dommages".

Legal person.

285. Each Chamber is a legal person.

Act applicable.

286. The Chambers and the Bureau are subject to the Act respecting Access to documents held by public bodies and the Protection of personal information.

Head office.

287. Each Chamber shall have its head office in Québec at the place it determines. Notice of the location of the head office, and of any change in its location, shall be published in the *Gazette officielle du Québec*.

Board

288. The affairs of each Chamber shall be administered by a board consisting of eleven members.

Members.

Two members shall be appointed by the Minister to represent the general public, for a term of three years.

Members.

289. The board members of the Chambre de la sécurité financière, except those appointed by the Minister, shall be elected by all representatives in insurance of persons, group insurance representatives, securities representatives and financial planners.

Election of members.

Three members of the board shall be elected by representatives in insurance of persons, one member by group insurance representatives, three members by group savings plan representatives, one member by investment contract

representatives and scholarship plan representatives, and one member by financial planners, from among their number.

Members.

290. The members of the board of the Chambre de l'assurance de dommages, except those appointed by the Minister, shall be elected by damage insurance agents, damage insurance brokers and claims adjusters.

Election of members.

Two members of the board shall be elected by damage insurance agents, five members by damage insurance brokers, and two members by claims adjusters, from among their number.

Election.

291. The election of the members of the board of each Chamber shall be held by mail, in accordance with the internal management by-law of the Chamber.

Election.

The election may also be held by any other means of communication determined by the internal management by-law of the Chamber.

Returning officer.

292. The secretary of the Bureau shall act as the returning officer.

List of electors.

The secretary shall draw up a list of electors for each vacant position, using the information contained in the register of representatives.

Eligible candidates.

293. A representative authorized to act in one sector shall be entitled to stand as a candidate for a vacant position and to vote. However, a representative authorized to act in more than one sector may stand as a candidate for only one position.

Election by region.

294. Except with regard to group insurance representatives, investment contract representatives, scholarship plan representatives and financial planners, elections shall be held on the basis of regions delimited by a by-law of each Chamber.

Delimitation.

If no such delimitation is effected, the regions shall be delimited by the secretary of the Bureau.

Notice of poll.

295. The secretary of the Bureau shall send notice of the poll to all representatives. The secretary shall also draw up the list of candidates, send it to the representatives, and compile the votes.

List of elected candidates.

The secretary shall then forward a list of the candidates declared elected to the Minister and to the Bureau and shall publish the list in the information bulletin of the Bureau.

President.

296. The candidates elected to the Chambre de la sécurité financière shall designate a president from among their number. They shall also designate a vice-president for insurance from among the candidates elected by the representatives in insurance of persons and group insurance representatives, and a vice-president for securities from among the candidates elected by securities representatives.

President and vice-presidents.

The president and vice-presidents are, by virtue of their office, members of the board of the Bureau.

President and vice-president.

297. The candidates elected to the Chambre de l'assurance de dommages shall designate a president from among their number. They shall also designate a vice-president from among the candidates elected by the damage insurance agents or by claims adjusters.

President and vice-president.

The president and vice-president are, by virtue of their office, members of the board of the Bureau

Term of office.

298. The members of the board of each Chamber shall be elected for a term of three years.

Remuneration.

299. The members of the board of a Chamber shall receive no remuneration. They shall, however, be entitled to an attendance allowance and to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the internal management by-law of the Chamber.

Vacancy.

300. Every vacancy, except a vacancy occurring among the positions held by members appointed by the Minister, shall be filled for the unexpired portion of the term of the member to be replaced.

By-election.

If the unexpired portion of the term is one year or more, the position shall be filled by way of a by-election held by the secretary of the Bureau among the representatives of the sector concerned and, where required, the region concerned. If the unexpired portion of the term is less than one year, the Minister shall select the replacement from among the representatives concerned.

Replacement.

301. Where the member to be replaced was a president or vice-president of a Chamber, the members of the Chamber shall designate from their number a member to hold that office, after the replacement member has been elected or appointed.

Vacancy.

302. A vacancy occurs, in particular, when a member fails to attend the number of meetings determined by the internal management by-law of the Chamber, in the cases and circumstances indicated in the by-law.

President.

303. The meetings of the board of the Chamber shall be chaired by the president. The president shall represent the Chamber and supervise its activities.

Vice-president.

When the president is absent or unable to act, the vice-president of the Chambre de l'assurance de dommages or, in the case of the Chambre de la sécurité financière, the vice-president designated by the internal management by-law, shall perform the duties of president.

Meetings.

304. A Chamber may hold its meetings at any place in Québec.

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Quorum.

305. The quorum at board meetings of a Chamber is six members.

Decisions.

306. A decision by a Chamber is made on a majority vote of the members present.

Tie-vote.

Where there is a tie-vote, the member chairing the meeting shall have the casting vote.

Means of communication.

The members may take part in a meeting using any means of communication that allows all the participants to communicate orally, such as the telephone.

Designation of chair.

307. Where both the president and the vice-president are absent or unable to act, the members present at a meeting shall designate one of their number to chair the meeting.

Decisions.

308. A decision signed by all the members of the board has the same value as a decision made at a meeting of the board.

Secretary.

309. Each Chamber shall appoint a secretary.

Personnel.

It may also retain the personnel it needs to pursue its activities.

Appointment and remuneration.

The personnel members of the Chamber shall be appointed according to the staffing plan and standards established by regulation of the Chamber. The regulation shall also determine the standards and scales of remuneration, employment benefits and the other conditions of employment of the personnel members.

Rules of ethics.

310. Each Chamber shall determine, by regulation, the rules of ethics and the sanctions applicable to its personnel.

Special meeting.

311. On the written requisition of three members of the board, the secretary of a Chamber shall convene a special meeting.

CHAPTER II

FUNCTIONS AND POWERS

Mission.

312. The mission of a Chamber shall be to ensure the protection of the public by maintaining discipline among and supervising the training and ethics of its contributors.

Contributors.

The contributors of the Chambre de la sécurité financière are the representatives listed in the first paragraph of section 289, and the contributors of the Chambre de l'assurance de dommages are the representatives listed in the first paragraph of section 290.

Regulations.

313. Each Chamber shall determine, by regulation,

- (1) the rules of ethics applicable to the representatives, other than the securities representatives, of each sector or class of sectors in which its contributors carry on business;
- (2) the rules governing compulsory professional development in each sector or class of sectors other than financial planning in which its contributors carry on business:
- (3) the criteria, including the equivalency criteria, governing the granting or withdrawal of the titles mentioned in sections 317 and 318.

Approval.

A regulation made under the first paragraph shall be submitted to the Government for approval with or without amendment.

Opinion.

314. A Chamber shall give its opinion on any matter submitted to it by the Bureau. It may make recommendations to the Bureau on any matter within the jurisdiction of the Bureau.

Committees.

To that end, a Chamber may establish committees composed of the persons it designates to collect all relevant information and report their findings to the Chamber together with their recommendations.

Services.

315. A Chamber may offer services to its contributors, such as professional development sessions for sectors other than the financial planning sector, and advisory services in quality control and compliance with professional requirements.

Fees.

The Chamber shall determine, by regulation, the fees payable for such services.

Agreement.

316. A Chamber may enter into an agreement concerning the provision of compulsory upgrading and professional development sessions by any person.

Jurisdiction.

317. The Chambre de la sécurité financière has exclusive jurisdiction to authorize a representative in insurance of persons or a group insurance representative to use the title of "chartered life underwriter" and the abbreviation "(C.L.U.)" or the title of "registered life underwriter" and the abbreviation "(R.L.U.)".

Authorization.

No person may use such a title or abbreviation unless the person holds an authorization from the Chamber and is authorized by the Bureau to act as a representative in insurance of persons or a group insurance representative.

Unlawful use of titles.

The Chamber may take all appropriate steps to prevent the unlawful use of such a title or abbreviation.

Jurisdiction.

318. The Chambre de l'assurance de dommages has exclusive jurisdiction to authorize a damage insurance broker to use the title of "chartered insurance broker" and the abbreviation "(C.I.B.)" or the title of "associate insurance broker" and the abbreviation "(A.I.B.)".

Authorization.

No person may use such a title or abbreviation unless the person holds an authorization from the Chamber and is authorized by the Bureau to act as a damage insurance broker.

Unlawful use of titles.

The Chamber may take all appropriate steps to prevent the unlawful use of such a title or abbreviation.

Rules of ethics.

319. The Chambre de la sécurité financière shall make recommendations to the Commission concerning the rules of ethics applicable to each securities sector and class of sectors.

Annual dues.

320. A Chamber shall determine, by regulation, the amount of the annual dues to be collected by the Bureau on its behalf from firms, independent representatives and independent partnerships for each representative authorized to act in a sector in which its contributors carry on business.

Criteria.

The contribution shall be determined on the basis of the number of representatives through whom the firm or independent partnership carries on business in each sector, and any other criteria the Chamber considers relevant.

Approval.

The regulation must be submitted to the Government for approval with or without amendment.

Pooling of resources.

- **321.** Within one year from 20 June 1998, the Bureau and the Chambers shall agree on the pooling of the resources necessary for
- (1) collecting and allocating, according to a method that may vary from the method prescribed by this Act, the fees determined by the Bureau for the issue and renewal of representatives' certificates, the fees determined by the Bureau for registration and for maintaining registration, the contributions determined by the financial services compensation fund, and the dues determined by each Chamber:
- (2) a method, other than the method prescribed by this Act, for managing the register of representatives, firms, independent representatives and independent partnerships.

Failure to agree.

If the Bureau and the Chambers fail to conclude an agreement within the prescribed time, the Government may, by order, impose the terms of an agreement.

Replacement of agreement.

322. The Bureau and the Chambers may, even after the Government has imposed the terms of an agreement pursuant to the second paragraph of section 321, conclude an agreement to replace the agreement imposed by the Government.

Financial year.

323. The financial year of a Chamber ends on 31 December.

Financial commitments.

324. A Chamber may not make commitments for terms exceeding five years.

Authorization.

A Chamber may not, without the authorization of the Government, make commitments for an amount that exceeds the limits determined by the Government.

Audit.

325. Each Chamber shall cause its books and accounts to be audited each year by an auditor, who must be a person referred to in section 293 of the Act respecting insurance. If no such audit is carried out, the Bureau may designate an auditor for that purpose; the latter's remuneration shall be borne by the Chamber.

Provisions applicable.

Sections 253 to 255, adapted as required, apply to the audit.

Financial statements.

326. Each Chamber shall file with the Bureau its financial statements and report on activities for the preceding financial year not later than 30 April each year.

Information.

The financial statements and the report on activities must contain all the information required by the Bureau.

CHAPTER III

SYNDICS

Syndics.

327. The Minister shall appoint a syndic for each Chamber.

Co-syndic.

The Commission shall appoint a co-syndic for the Chambre de la sécurité financière.

Conditions of employment.

328. The Minister shall fix the remuneration, employment benefits and other conditions of employment of each syndic, to be borne by the Chamber concerned.

Remuneration.

The co-syndic shall receive the same remuneration as the syndic of the Chambre de la sécurité financière, to be borne by that Chamber.

Duties.

329. The duties of the syndics and of the co-syndic shall involve inquiring into matters on their own initiative or on receiving information to the effect that a representative has committed an offence under a provision of this Act or the regulations.

Syndic.

330. The duties of the syndic of the Chambre de la sécurité financière shall relate to representatives in insurance of persons, group insurance representatives and financial planners.

Co-syndic.

The duties of the co-syndic shall relate to securities representatives.

Syndic.

The duties of the syndic of the Chambre de l'assurance de dommages shall relate to damage insurance agents and brokers and claims adjusters.

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Jurisdiction.

The syndics and the co-syndic have jurisdiction to act in respect of a representative authorized to act in more than one sector if one such sector falls within their jurisdiction.

Assistants.

331. The Minister may appoint assistants to assist in the performance of the duties of each syndic, and shall fix the remuneration, employment benefits and other conditions of employment of the assistants.

Assistants.

The Commission may appoint assistants to assist in the performance of the duties of the co-syndic. The assistants shall receive the same remuneration as that paid to an assistant of the Chambre de la sécurité financière.

Remuneration.

The remuneration of the assistants shall be borne by the Chamber concerned.

Duties.

332. The assistants to a syndic or co-syndic shall perform their duties under the direction of the syndic or co-syndic.

Powers.

The assistants shall have all the powers conferred on the syndic or co-syndic.

Personnel.

333. Each Chamber shall appoint the personnel required to enable the activities of the syndic or co-syndic to be pursued.

Appointment and remuneration.

The personnel shall be appointed and remunerated in accordance with the standards, scales and staffing plan established by the Chamber by regulation.

Immunity.

334. No syndic, co-syndic or assistant may be prosecuted by reason of acts performed in good faith in the performance of their duties.

Exchange of personal information.

335. The syndics and the co-syndic may exchange personal information with the Bureau and with each other for the purpose of detecting or repressing offences under this Act or the regulations.

Information.

They may also obtain information from the fund.

Complaints.

336. Upon receiving a complaint, a syndic or co-syndic shall immediately advise the Bureau and, where applicable, the syndic or the co-syndic having jurisdiction in respect of the representative concerned.

Transmission to syndic.

337. Insurers, firms and independent partnerships must, at the request of a syndic or the co-syndic, forward any required document or information concerning the activities of a representative.

Inquiries.

338. The syndics and the co-syndic may conduct an inquiry into a firm or the establishment of an independent representative or independent partnership.

Identification.

339. The person conducting the inquiry must produce identification and, on request, show evidence of authority issued by a syndic or by the co-syndic.

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Powers.

340. A person conducting an inquiry may

- (1) have access, at any reasonable time, to any establishment of a firm, independent representative or independent partnership;
- (2) examine and make copies of the books, registers, accounts, records and other documents of the firm, independent representative or independent partnership;
 - (3) require any document relating to their activities.

Examination of documents.

Every person having custody, possession or control of such books, registers, accounts, records and other documents must, at the request of the person conducting the inquiry, produce them and allow them to be examined.

Computer access rights.

341. A person conducting an inquiry may verify access rights for any computer system to ensure that only authorized representatives have access to information.

Hindering prohibited.

342. No person may hinder the work of a person conducting an inquiry, in particular by misleading that person.

Production of documents.

343. The documents, books, registers, accounts and records that a syndic, the co-syndic or the person conducting the inquiry may require must be produced whatever their storage medium and whatever the means by which they may be accessed.

Filing of complaint.

344. Where a syndic or the co-syndic has reasonable grounds to believe that an offence has been committed, a complaint shall be filed before the discipline committee against the representative concerned.

Filing of complaint.

A complaint may also be filed by the Bureau or by the Commission.

Notification.

345. A person who requests the holding of an inquiry shall be informed, in writing, by the syndic or co-syndic if a complaint is filed.

Filing of complaint.

346. A complaint may be filed against a person who is not the holder of a certificate issued by the Bureau if, at the time of the alleged offence, the person was the holder of such a certificate.

Notification.

347. The person who requests the holding of an inquiry shall be informed, in writing, by the syndic or co-syndic of any decision not to file a complaint, and of the reasons for the decision.

Filing of complaint.

In such a case, the complaint may be filed by the person.

Expert.

348. The syndics or the co-syndic may, out of the sums granted for that purpose, retain the services of an expert.

Proceedings.

349. Where a syndic or the co-syndic files a complaint with the discipline committee, the syndic or co-syndic shall conduct the proceedings.

Decision.

350. The syndic or co-syndic shall communicate the decision of the discipline committee to the person who requested the holding of the inquiry.

Report.

351. The syndics and the co-syndic shall report on their activities to the Chambers and the Bureau in the manner determined by the Bureau.

Report.

The Chambre de la sécurité financière shall forward the co-syndic's report to the Commission.

TITLE VI

DISCIPLINE COMMITTEES

CHAPTER I

ESTABLISHMENT

Discipline committee.

352. A discipline committee is hereby established within each Chamber.

Offence by representative.

353. A complaint made against a representative for an offence under the provisions of this Act or the regulations shall be brought before the discipline committee concerned.

Jurisdiction.

354. The discipline committee of the Chambre de la sécurité financière shall decide all complaints filed against representatives in insurance of persons, group insurance representatives, securities representatives and financial planners.

Jurisdiction.

The discipline committee of the Chambre de l'assurance de dommages shall decide all complaints filed against damage insurance agents, damage insurance brokers and claims adjusters.

Composition.

355. Each discipline committee shall be composed of advocates and representatives.

President.

356. The business of each discipline committee shall be directed by a president appointed by the Minister, after consulting the Barreau, from among advocates having at least ten years of practice.

Conditions of employment.

The Minister shall fix the remuneration, employment benefits and other conditions of employment of the president, which shall be borne by the Chamber.

Vice-president.

357. The Minister shall, after consulting the Barreau, appoint the vice-president from among the advocates having at least ten years of practice. The vice-president shall exercise the duties of the president when the latter is absent or unable to act.

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Members.

358. The president of each discipline committee shall, after consulting the Barreau, appoint the members, with the exception of the vice-president, who are to be chosen from among the advocates having at least ten years of practice.

List of members.

The president shall prepare a list of the members and file the list with the Chamber.

Members.

359. Each Chamber shall appoint a sufficient number of members to the discipline committee for each sector in which its contributors pursue activities and according to three marketing sectors, chosen from among the members who are representatives.

First marketing sector.

360. The first marketing sector is formed by the representatives who pursue activities for a firm that is a deposit institution.

Second marketing sector.

361. The second marketing sector is formed by the representatives who pursue activities for a firm that is a financial institution or a person related to a financial institution, other than a deposit institution, that is part of the same financial group or that operates a franchise authorized by such a financial group.

Interpretation.

The expressions "financial institution", "related person" and "financial group" have the meaning assigned in section 147, with the necessary modifications.

Third marketing sector.

362. The third marketing sector is formed by the remaining representatives.

List of members.

363. Each Chamber shall forward the list of the members appointed for each marketing sector to the president of the discipline committee.

Remuneration.

364. Each Chamber shall fix, by regulation, the salary and fees or other remuneration of the members of the discipline committee other than the president. The regulation shall prescribe the remuneration to be received by the vice-president when the latter replaces the president.

Approval.

The regulation shall be submitted to the Government for approval with or without amendment.

Term of office.

365. The term of the president shall not exceed five years and the term of the other members shall not exceed three years.

Continuance in office.

At the expiry of their them, the members of the discipline committee shall continue to serve on the committee until reappointed or replaced.

Secretary.

366. Each Chamber shall appoint a secretary to its discipline committee. It shall also appoint another person to replace the secretary when the latter is absent or unable to act.

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Personnel.

The Chamber shall also appoint the personnel required to ensure the proper functioning of the discipline committee.

Records.

367. The secretary shall, in particular, prepare and keep the records of the committee.

Roll of hearings.

The secretary shall also keep a roll of hearings which shall be made available for public consultation, and which the secretary shall post at least ten days before the date on which a hearing is to be held.

Complaint against representative.

368. A complaint made against a representative shall be served on the representative by the secretary, in the manner provided for in the Code of Civil Procedure, at the establishment to which the representative is attached according to the register of the Bureau.

Executory decisions.

369. The secretary shall forward each executory decision of the discipline committee to the Bureau and to the Chamber concerned.

Annual report.

370. Each discipline committee shall forward an annual report on its activities to the Bureau and to the Chamber concerned, on the date and in the form determined by the Chamber.

CHAPTER II

HEARINGS

Hearing.

371. A complaint shall be heard by three members of the discipline committee designated by the president, including an advocate who shall chair the hearing.

Valid decision.

However, if a member of a discipline committee other than the chair becomes unable to act, the hearing may be validly continued and a valid decision made by the two remaining members.

Impartiality.

372. Where the president considers that, in a given sector, the number of members entered on the list for a marketing sector does not allow the members to be selected in a way that ensures impartiality, the president may correct the situation by designating any other member of the discipline committee to hear the complaint.

Conflict of interest.

373. A member of the discipline committee who is in a situation of conflict of interest must, on pain of forfeiture of office, disclose the situation to the president; that member may not hear a complaint.

Provisions applicable.

Articles 838 to 840 of the Code of Civil Procedure, adapted as required, apply to a motion for termination of a term of office. The judgment of the court is executory and final and may not be appealed.

Non-renewal of term.

374. A member of the discipline committee who has begun the hearing of a complaint but whose term as a member of the discipline committee has not been renewed may validly continue to hear the complaint and take part in the decision.

Immunity.

375. The members of the discipline committee may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

Provisions applicable.

376. The provisions of the Professional Code (R.S.Q., chapter C-26) relating to the filing and hearing of a complaint, and to the decisions and penalties arising from the complaint, adapted as required, apply to the complaints received by the discipline committee.

Preliminary exceptions.

377. The president, or a member of the discipline committee designated by the president who is an advocate, acting alone, may hear and decide any preliminary exception.

Minimum penalty.

378. In no case may the committee, in the event of non-compliance with any of sections 18, 19, 29, 35 and 36, impose a reprimand or a fine of less than \$2,000.

CHAPTER III

APPEALS

Appeal.

379. A decision made by the discipline committee with respect to a representative, except a representative authorized to act in the securities field, may be appealed to the Court of Québec.

Provisions applicable.

Sections 326 to 328 and 330 of the Securities Act, adapted as required, apply to the appeal.

Appeal.

380. A decision made by the committee with respect to a representative authorized to act in the securities field may be appealed to the Commission.

Execution.

381. The appeal shall not suspend the contested decision, unless a judge of the Court of Québec or, as the case may be, the Commission decides otherwise.

Notice of appeal.

382. An appeal under section 379 or 380 is brought within 30 days of the date of service of the decision by filing a notice with the secretary of the discipline committee.

Stenographic record.

In the case of an appeal under section 380, the notice must be accompanied by a transcript of the stenographic record of the hearing.

Extension.

Where the appellant is unable to obtain a transcription of the stenographic record within the prescribed time, the appellant may request an extension from the secretary of the discipline committee.

Transmission of record.

383. The secretary of the discipline committee shall forward the record to the Court of Québec or, as the case may be, to the Commission, without delay.

Provisions applicable.

384. Sections 324 to 330 of the Securities Act apply to a decision made by the Commission.

TITLE VII

SUPERVISION

CHAPTER I

INSPECTION OF THE BUREAU AND OF THE CHAMBERS

Transmission of information.

385. At the request of the Commission, within the time and in the form specified, the Bureau shall forward the statements, statistical data, reports, documents and other information relating to securities representatives that the Commission considers relevant for the purposes of this Act, the Securities Act and the regulations.

Inspections.

386. The Commission may, as often as it considers necessary, designate a person to inspect the Bureau to ensure that it is enforcing the regulations it has adopted with respect to securities representatives.

Identification.

387. Inspectors must produce identification and, on request, show evidence of their authority issued by the Commission.

Powers of inspectors.

388. Inspectors may

- (1) have access, at any reasonable time, to the head office of the Bureau;
- (2) examine and make copies of all books, registers, accounts, records and other documents relating to the Bureau's activities;
- (3) require any information or document relating to the application of this Act and the regulations made by the Commission.

Examination of documents.

Every person having custody, possession or control of such books, registers, accounts, records and other documents must, at the request of the person conducting the inspection, produce them and allow them to be examined.

Hindering prohibited.

389. No person may hinder the work of an inspector, in particular by misleading the inspector.

Production of documents.

390. The books, registers, accounts, records, statements, statistical data, reports and other documents that the Commission or the inspector may request must be provided whatever their storage medium and whatever the means by which they may be accessed.

Report.

391. The inspector shall report on the inspection to the Commission.

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Report.

392. Where the Commission considers that the work of an inspector was hindered, or that information or documents were concealed from the inspector, it may report that fact to the Minister.

Report.

393. Where the Commission is of the opinion that the Bureau is neglecting to ensure compliance with the provisions of this Act and of the regulations made by the Commission, the Commission shall report that fact to the Minister.

Inspection.

394. At the request of the Minister, the Commission, the Inspector General of Financial Institutions or any other person designated by the Minister shall inspect the Bureau or a Chamber. The Bureau may also, at the request of the Minister, inspect a Chamber. Sections 387 to 393, adapted as required, apply to such an inspection.

CHAPTER II

POWERS OF THE MINISTER

Contravention.

395. Where, in the opinion of the Minister, the Bureau or a Chamber is contravening this Act or a regulation, neglecting to exercise the responsibilities entrusted to it, or acting in such a way that the protection of the public is not assured, the Minister may order the Bureau or the Chamber concerned to alter its course of action and remedy the situation.

Order.

An order issued by the Minister shall state the grounds on which it is based.

Advance notice.

396. Before issuing an order, the Minister shall serve notice on the Bureau or the Chamber concerned at least 15 days in advance, stating the grounds that appear to justify the making of the order and the Bureau's or the Chamber's right to present its observations in writing.

Provisional order.

397. Where the Minister considers that the conduct of the Bureau or of a Chamber may cause serious or irreparable harm, or create a situation of fact or law liable to render an order inoperative, the Minister may, without prior notice, issue a provisional order for a period of not more than 30 days.

Provisional order.

The provisional order shall set out the grounds on which it is based. It must be accompanied by an order in the nature of an order described in section 395, and by the notice referred to in section 396.

Amendment.

398. The Minister may, at any time, amend or revoke an order or a provisional order.

Prohibition.

399. No person may contravene an order or provisional order issued by the Minister or authorize, counsel, order or advise a contravention of such an order.

Contestation.

400. The Bureau or the Chamber may, by way of a motion served within 30 days of the taking effect of an order, contest it before the Superior Court. The order shall cease to have effect only if it is quashed by the Superior Court.

Decisions.

401. A decision by the Superior Court is final and may not be appealed.

Suspension of Bureau's functions.

402. Where the Bureau or the Chamber acts in contravention of an order, the Minister may order that some or all of its functions and powers are to be suspended for the period the Minister determines, and appoint an administrator to exercise, at the expense of the Bureau or the Chamber, the functions and powers so suspended.

Administrator.

An administrator appointed by the Minister may retain the services of experts.

Extension.

The Minister may extend a period of suspension.

Cancellation of Bureau's decisions.

The administrator may, subject to the rights of third persons in good faith, cancel any decision made by the Bureau or the Chamber.

CHAPTER III

INQUIRIES

Inquiry.

403. The Minister may order that an inquiry be held into any question relating to the carrying out of this Act.

Appointment.

The Minister shall appoint the person responsible for conducting the inquiry.

Summons.

404. The person responsible for conducting the inquiry may summon any person to appear and order that person to testify on oath and produce any required document.

Testimony.

405. The testimony of a person heard as a witness may not be used against the person in a proceeding, except in the case of perjury, the giving of contradictory evidence or contempt of court.

Non-compliance with s. 404.

406. Any failure to comply with the provisions of section 404 may be referred by way of motion to the Superior Court, which shall rule on the matter in accordance with articles 49 to 54 of the Code of Civil Procedure (R.S.Q., chapter C-25) in order to ensure compliance with this chapter.

Immunity.

407. The persons responsible for conducting an inquiry may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

TITLE VIII

DISTRIBUTION OTHER THAN THROUGH A REPRESENTATIVE

CHAPTER I

INSURERS

Distributor.

408. An insurer may, in accordance with this Title, offer insurance products through a distributor.

Distributor.

A distributor is a person who, in pursuing activities in a field other than insurance, offers, as an accessory, for an insurer, an insurance product which relates solely to goods sold by the person or secures a client's adhesion in respect of such an insurance product.

Distributor.

409. An employee of an insurer whose principal duties consist in offering credit may act as a distributor and secure the adhesion of clients in respect of an insurance product referred to in paragraph 1 of section 426.

Distribution guide.

410. An insurer may not offer a product through a distributor without first preparing a distribution guide and providing the distributor with a copy of the guide.

Content.

411. The distribution guide must describe the product offered, state the nature of the guarantee and state clearly all exclusions from the guarantee.

Content.

The distribution guide shall specify the way in which eventual claims are to be presented, and the time for presenting a claim. The guide shall also indicate the lapse of time available to the insurer, in such a case, to pay the amounts insured, and the steps to be taken by the insured, within the time specified in the guide, if the insurer fails to allow the claim.

Content.

412. Where applicable, the distribution guide shall mention that the insurer is aware that other insurance products offering guarantees similar to those of the product offered are available on the market.

Presentation.

413. A distribution guide must be drafted and presented in accordance with the rules determined by the Bureau.

Transmission to Bureau.

414. The insurer must, before furnishing a distribution guide to distributors, forward a copy of the guide to the Bureau. A copy must also be forwarded following any amendment to the guide.

Content.

The distribution guide must include a copy of the policy related to the products described in the guide.

Content.

In addition, the distribution guide must include a list of the names and addresses of the distributors through whom the product described in the guide is offered by the insurer.

Amended distribution guide.

415. The insurer shall, without delay, send a copy of an amended distribution guide to the distributors, and shall take the necessary steps to ensure that outdated guides are recovered.

Order.

416. The Bureau may, as often as it considers it necessary, order an insurer to amend a distribution guide in the manner and within the time it specifies. The insurer must send a copy of the amended guide to the Bureau within that time.

Extension.

The Bureau may, before the expiry of the time specified, grant an extension.

Termination of distribution.

417. The insurer may, before the expiry of the time for making an amendment, notify the Bureau of its decision to terminate the distribution of the insurance product concerned.

Notification.

The insurer shall, without delay, inform its distributors of its decision and take the necessary steps to ensure that the distribution guides and the blank contract forms relating to the product are recovered.

Notification.

The same applies in all cases where an insurer terminates the distribution of a product.

New distributors.

418. The insurer must, without delay, inform the Bureau of the name and address of every new distributor through whom an insurance product is offered, together with a description of the product.

Cessation of business dealings.

The same applies where the insurer ceases to do business with a distributor.

Non-compliance.

419. Where an insurer fails to comply with an order of the Bureau, the Bureau shall inform the Inspector General of Financial Institutions who may order the insurer to cease distributing the product through distributors.

Obligation of insurer.

420. Depending on the complexity of the product concerned, the insurer must, in addition to preparing a distribution guide, take all other appropriate steps to ensure that its distributors are sufficiently familiar with the product.

Consultation service.

421. The insurer shall maintain a consultation service to answer any inquiries from a distributor or from a client concerning the distribution guide.

Public consultation.

422. The Bureau shall keep the distribution guides received from insurers available for public consultation.

Fees.

423. The Bureau shall, by regulation, fix the fees to be paid to it by an insurer for the examination of each distribution guide sent to the Bureau pursuant to section 414.

Insurance products.

424. For the purposes of this Title, the following types of products are deemed to be insurance products which relate solely to goods:

- (1) travel insurance;
- (2) vehicle rental insurance, where the rental period is less than four months:
 - (3) credit card and debit card insurance.

Travel insurance products.

425. A deposit institution may distribute travel insurance products. In such a case, it is deemed to act as a distributor.

Travel insurance products.

An employee of an insurer may also distribute travel insurance products. In such a case, the employee is deemed to act as a distributor.

Insurance products.

- **426.** For the purposes of this Title, the following insurance products are deemed to be insurance products which relate solely to goods and to which clients adhere:
 - (1) debtor life, health and employment insurance;
 - (2) investor life insurance.

Order.

427. The Government may order that an insurance product it specifies, except a product referred to in section 424 or 426, may not be offered by an insurer through a distributor.

Order.

428. The Government may also order, after consulting the Bureau, that an insurance product that cannot be offered by a distributor may be offered in accordance with Chapters I and II by any person it specifies.

Presumption.

The persons specified in the order are deemed to be distributors for that product.

CHAPTER II

DISTRIBUTORS

Obligation of distributor.

429. A distributor must, before offering an insurance product, take all necessary steps to ensure that every person responsible for distributing the product is sufficiently familiar with the distribution guide relating to the product.

Insurance products.

430. Where the distribution guide so indicates, the person responsible for distributing the product shall inform the client that other insurance products offering coverage similar to that of the product offered are available on the market.

Existing coverage.

The person distributing the product shall also ask if the client is already covered by such an insurance product and, if the client is unsure, encourage the client to look into the matter.

Product description.

431. A person who distributes an insurance product must describe the product to the client and explain the nature of the guarantee.

Product description.

The person distributing the product must clearly explain the exclusions under the guarantee to enable the client to decide whether the situation applying in the client's case constitutes an exclusion under the guarantee.

Disclosure.

The person distributing the product must also, if the remuneration received by the distributor for the sale of the product exceeds 30% of its sale price, disclose that remuneration to the client.

Disclosure.

432. An insurer must, at the request of the Bureau, disclose the remuneration it grants to distributors for the sale of a product.

Disclosure.

433. A distributor offering more than one insurance product for the same goods must disclose to the client the remuneration paid by the insurer for the sale of each insurance product.

Claim procedure.

434. The person distributing a product must inform the client of the procedure and time limits for making a claim. The client must also be informed of the time available to the insurer to pay the insured amounts, and of the steps to be taken within a specified time limit if the insurer fails to allow the claim.

Distribution guide.

435. Before selling or securing a client's adhesion in respect of an insurance product, the person distributing the product must give the client a copy of the distribution guide.

Liability.

436. Where a client of a distributor has not received the information required under section 431, the distributor is liable for any resulting injury to the client.

Provisions applicable.

437. Sections 35 and 36, adapted as required, apply to a distributor who collects personal information of a medical or lifestyle-related nature from a client.

Provisions applicable.

Sections 92 to 94 and 102, adapted as required, apply to distributors.

Termination of distribution.

438. Where a distributor is notified by an insurer of the latter's decision to terminate the distributor's distribution of an insurance product, the distributor must return to the insurer, without delay, all distribution guides and blank contract forms relating to that product.

Liability.

Where a distributor who has received such notification sells an insurance product to a client, the distributor is liable for any injury suffered by the client.

Prohibition.

439. A distributor may not subordinate the making of a contract to the making of an insurance contract with the insurer specified by the distributor.

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Prohibition.

The distributor may not exercise undue pressure on the client or use fraudulent tactics to induce the client to purchase a financial product or service.

Notice.

440. A distributor that, at the time a contract is made, causes the client to make an insurance contract must give the client a notice, drafted in the manner prescribed by regulation of the Bureau, stating that the client may cancel the insurance contract within 10 days of signing it.

Cancellation

44. A client may cancel an insurance contract made at the same time as another contract, within 10 days of signing it, by sending notice by registered or certified mail.

Cancellation.

Where such an insurance contract is cancelled, the first contract retains all its effects.

Amendment prohibited.

442. No contract may contain provisions allowing its amendment in the event of cancellation or termination by the client of an insurance contract made at the same time.

Exception.

However, a contract may provide that the cancellation or termination of the insurance contract will entail, for the remainder of the term, the loss of the favourable conditions extended because more than one contract was made at the same time.

Loan reimbursement insurance.

443. A distributor that offers financing for the purchase of goods or services and that requires the debtor to subscribe for insurance to guarantee the reimbursement of the loan must give the debtor a notice, drawn up in the manner prescribed by regulation of the Bureau, stating that the debtor may subscribe for insurance with the insurer and representative of the debtor's choice provided that the insurance is considered satisfactory by the creditor, who may not refuse it without reasonable grounds. The distributor may not subordinate the making of the contract of credit to the making of an insurance contract with the insurer specified by the distributor.

Prohibition.

No contract of credit may stipulate that it is made subject to the condition that the insurance contract subscribed with such an insurer remain in force until the expiry of the term, or subject to the condition that the expiry of such an insurance contract will entail forfeiture of term or the reduction of the debtor's rights.

Rights of debtor.

The rights of the debtor under the contract of credit shall not be forfeited when the debtor cancels, terminates or withdraws from the insurance contract, provided that the debtor has subscribed for insurance with another insurer that is considered satisfactory by the creditor, who may not refuse it without reasonable grounds.

Confirmation of insurance.

444. A distributor that, on granting a loan, solicits the adhesion of a client to debtor life, health or job loss insurance must provide the client with

confirmation of insurance from the insurer within 30 days of the application for adhesion.

CHAPTER III

RESTRICTED CERTIFICATES

Order.

445. The Government may, by order, provide that an insurance product that may be offered by a distributor may only be offered by a distributor holding a restricted certificate issued by the Bureau for that purpose.

Transmission to Bureau.

A copy of the order shall be forwarded to the Bureau to allow it to adopt the regulation that will govern the distribution of the product.

Regulation.

Upon the coming into force of the regulation, the distributors concerned shall be governed only by the provisions of this chapter for the distribution of that product.

Restriction.

446. No person may undertake to offer a benefit in the event of a loss relating to goods referred to in section 445 unless the person is a distributor holding a restricted certificate and offering only one insurance product.

Order.

447. The Government may, by order, provide that an insurance product that may not be offered by a distributor may be offered by any person holding a restricted certificate issued by the Bureau for that purpose.

Transmission to Bureau.

A copy of the order shall be forwarded to the Bureau to allow it to adopt the regulation that will govern the distribution of the product.

Provisions applicable.

448. Sections 35 and 36, adapted as required, apply to the holder of a restricted certificate who collects personal information of a medical or lifestyle-related nature from a client.

Provisions applicable.

Sections 92 to 94 and 102, adapted as required, apply to the holder of a restricted certificate.

Provisions applicable.

Sections 18 to 22, adapted as required, apply to the holder of a restricted certificate referred to in section 447.

Provisions applicable.

Sections 439 to 444, adapted as required, apply to the holder of a restricted certificate referred to in section 445.

Regulations.

449. The Bureau may, by regulation, determine

- (1) the minimum qualifications required to obtain a restricted certificate and the courses that applicants for a restricted certificate must take;
- (2) the rules relating to the preparation and sitting of prescribed examinations;

- (3) the conditions and procedure applicable to the issuance and renewal of a restricted certificate:
 - (4) the term of a restricted certificate;
- (5) the information and documents to be furnished by a person applying for a restricted certificate;
 - (6) the fees payable for the issuance or renewal of a restricted certificate;
- (7) the nature, form and content of the records, books and registers to be kept by the holder of a restricted certificate;
- (8) the rules relating to the use, conservation and destruction of the records, books and registers to be kept by the holder of a restricted certificate.

Approval.

A regulation under subparagraph 6 of the first paragraph must be submitted to the Government for approval with or without amendment.

Issue of certificate.

450. The Bureau shall issue a restricted certificate, on payment of the prescribed fees, to every person who meets the requirements prescribed by regulation.

Legal person.

451. Where the applicant for a restricted certificate is a legal person, a natural person forming part of its personnel must be designated to meet the requirements of subparagraphs 1 and 2 of the first paragraph of section 449.

Examination.

Where the Bureau issues a restricted certificate to a legal person, only a person who has passed the examination may offer the insurance products offered by the holder.

Fees.

452. The Bureau may, by regulation, prescribe the fees to be paid by every natural person who registers for an examination.

Provisions applicable.

453. Sections 218 and 219, adapted as required, apply to a restricted certificate.

Cancellation of certificate.

454. The Bureau, or a panel of three of its members established for the purpose, may cancel, suspend or impose conditions or restrictions on a restricted certificate, where the holder of the restricted certificate fails to comply with the provisions of this Act or the applicable regulations.

Advance notice.

455. The Bureau shall serve on the holder of a restricted certificate at least 15 days in advance notice of the date on which the holder may present observations.

Appeal.

456. An appeal lies to the Court of Québec from any decision rendered by the Bureau or by a panel of its members under section 454.

Provisions applicable.

The second paragraph of section 119 and sections 121 to 124, adapted as required, apply to the appeal.

Inspection.

457. The Bureau shall have the same powers of inspection with regard to the holder of a restricted certificate as with regard to a firm.

Register.

458. The Bureau shall keep a register of the distributors holding restricted certificates available for public consultation.

Natural persons.

The register shall contain, for the holders of restricted certificates who are natural persons, their name, the address of their establishment, the insurance products they are authorized to offer, the conditions or restrictions affecting their certificate, and its period of validity.

Legal persons.

The register shall contain, for the holders of restricted certificates that are legal persons, their name, the address of their head office and of every establishment they maintain in Québec, the insurance product they are authorized to offer, the name of each natural person qualified to distribute the product and the establishment to which that person is attached, the conditions or restrictions affecting their certificate, and its period of validity.

Other information.

The register shall, in addition, contain any other information relating to the holders of restricted certificates that the Bureau considers appropriate.

Notification of changes.

459. The holders of restricted certificates shall inform the Bureau, in the manner prescribed by regulation, of any change affecting the information contained in the register in their regard.

Cancellation of certificate.

460. The holder of a restricted certificate whose restricted certificate has not been renewed or has been cancelled must return the records, books and registers relating to the insurance policies sold under the restricted certificate to the Bureau.

Disposal of records.

The Bureau shall determine the manner of disposing of such records, books and registers.

Disposal of records.

A person may, with the authorization of the Bureau, dispose of the records, books and registers otherwise, rather than return them to the Bureau.

TITLE IX

PENAL PROVISIONS

Offence.

461. Subject to the provisions of the second paragraph of section 12 and of Title VIII, every person that, without authorization from the Bureau, acts as a representative, uses the title or abbreviated title of a representative, or purports to be a representative is guilty of an offence.

Offence.

462. Every person that, without being registered with the Bureau, acts as a firm in a given sector, or purports to be a registered firm, is guilty of an offence.

Offence.

463. Every person that, without being a representative or the holder of a restricted certificate, subordinates the making of a contract to a requirement that the client make an insurance contract is guilty of an offence.

Offence.

464. Every person that, without being a representative or the holder of a restricted certificate, exercises undue pressure on a client or uses fraudulent tactics to induce the client to purchase a financial product or service is guilty of an offence.

Offence.

465. Every person that, without authorization, uses titles similar to the title of claims adjuster or financial planner, as determined by regulation by the Bureau, or an abbreviation of such a title, is guilty of an offence.

Offence.

466. Every person that, without being a financial planner, an independent partnership or a firm acting through a financial planner, purports to offer financial planning services is guilty of an offence.

Offence.

467. Every person that, not being a person referred to in section 100, receives a commission from a representative, an independent representative, an independent partnership or a firm in connection with the sale of a financial product or the provision of a financial service is guilty of an offence.

Offence.

468. Every person that hinders the work of a person inspecting the establishment of an independent representative, independent partnership, firm or restricted certificate holder pursuant to this Act is guilty of an offence.

Offence.

469. Every person that, without holding a restricted certificate, undertakes to offer a benefit in the event of a loss relating to a type of goods referred to in an order made under section 445 is guilty of an offence.

Offence.

470. Every person that, without being a representative or the holder of a restricted certificate, offers an insurance product that may only be offered by a representative or the holder of a restricted certificate is guilty of an offence.

Offence.

471. Every distributor that receives remuneration for the sale of an insurance product that exceeds 30% of the sale price of the product is guilty of an offence if the remuneration is not disclosed to the client by the distributor or by the person distributing the product.

Offence.

472. Every distributor that offers more than one insurance product for the same goods and that fails, when offering one of those products to a client, to disclose the remuneration paid by the insurer for the sale of each product is guilty of an offence.

Offence.

473. Every distributor that, before selling or securing a client's adhesion in respect of an insurance product, fails to give the client a copy of the distribution guide relating to the insurance product is guilty of an offence.

Offence.

474. Every insurer that offers a product through a distributor without having first sent the distribution guide relating to the product to the Bureau is guilty of an offence.

Offence.

475. Every insurer that offers a product through a distributor without having first given the distribution guide or amended distribution guide relating to the product to the distributor, is guilty of an offence.

Offence.

476. Every insurer that offers a product through a distributor without having amended the distribution guide relating to the product as required by the Bureau within the required time is guilty of an offence.

Offence.

477. Every distributor that fails to comply with the provisions of one of sections 35, 36 and 92 to 94 is guilty of an offence.

Offence.

478. Every distributor that causes a client to make an insurance contract upon making another contract and fails to give the client the notice provided for in section 440 or 443 is guilty of an offence.

Presumption.

479. An offence under any of sections 463, 464, 471, 472, 473, 477 and 478 that is committed by a person entrusted by a distributor with the distribution of an insurance product is deemed to have been committed by the distributor.

Offence.

480. Every insurer that fails to comply with the provisions of section 33, 34 or 37 is guilty of an offence.

Offence.

481. Every insurer that ceases to distribute an insurance product through a distributor and fails to take the necessary steps to ensure that the contract forms relating to that product are withdrawn is guilty of an offence.

Offence.

482. Every insurer that helps or, by encouragement, advice or consent or by an authorization or order, induces a firm or an independent representative or independent partnership through which it offers insurance products or an executive officer, director, partner, employee or representative of such a firm or independent partnership to contravene any provision of this Act or the regulations is guilty of an offence.

Offence.

The same applies to any director, executive officer, employee or mandatary of an insurer.

Offence.

483. Every director, executive officer, employee or mandatary of a legal person who helps or, by encouragement, advice or consent or by an authorization or order, induces a legal person to commit an offence under any of sections 461 to 480 is guilty of an offence.

Offence.

484. Every person that contravenes an order or provisional order issued by the Minister pursuant to section 395 or 397 or that authorizes, encourages, orders or advises such a violation, is guilty of an offence.

Offence and penalty.

485. A natural person convicted of an offence under any of sections 461, 462, 465 to 473 and 484 is liable to a fine of not less than \$500 and not more than \$10,000 and, for every subsequent offence, to a fine of not less than \$1,000 and not more than \$20,000.

Offence and penalty.

486. A natural person convicted of an offence under any of sections 463, 464, 477 and 478 is liable to a fine of not less than \$2,000 and not more than \$20,000 and, for every subsequent offence, to a fine of not less than \$4,000 and not more than \$50,000.

Offence and penalty.

487. A legal person convicted of an offence under any of sections 461, 462, 465 to 473 and 484 is liable to a fine of not less than \$1,000 and not more than \$25,000 and, for every subsequent offence, to a fine of not less than \$2,000 and not more than \$50,000.

Offence and penalty.

488. A legal person convicted of an offence under any of sections 463, 464, 477 and 478 is liable to a fine of not less than \$4,000 and not more than \$40,000 and, for every subsequent offence, to a fine of not less than \$8,000 and not more than \$80,000.

Offence and penalty.

489. An insurer convicted of an offence under any of sections 474 to 476 and 481 is liable to a fine of not less than \$1,000 and not more than \$25,000 and, for every subsequent offence, to a fine of not less than \$2,000 and not more than \$50,000.

Offence and penalty.

490. An insurer convicted of an offence under section 480 or 482 is liable to a fine of not less than \$10,000 and not more than \$50,000 and, for every subsequent offence, to a fine of not less than \$20,000 and not more than \$100,000.

Offence and penalty.

491. A person convicted of an offence under section 483 is liable to the same penalty as that prescribed for the offence the person helped or induced to commit.

Proceedings.

492. Proceedings for an offence under any of sections 461 to 483 may be instituted by the Bureau, if the offence relates to insurance, financial planning and claims adjustment, and by the Commission, if the offence relates to securities.

Powers of Commission.

The Commission has, in that respect, the powers conferred by section 239 of the Securities Act.

Fine.

493. The fine imposed as a penalty for an offence under any of sections 461 to 483 belongs to the Bureau or the Commission according to whether the Bureau or the Commission has taken charge of the prosecution.

Prescription.

494. Penal proceedings for an offence under any of sections 461 to 483 are prescribed one year after the date of the opening of the record of inquiry relating to the offence. However, no proceedings may be instituted if more than five years have elapsed since the date on which the offence was committed.

Proof of date.

A certificate from the secretary of the Bureau or of the Commission stating the date on which the record of inquiry was opened is conclusive proof of that fact in the absence of any evidence to the contrary.

TITLE X

AMENDING PROVISIONS

c. A-25, s. 93, am.

495. Section 93 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the words "to the market intermediary in insurance business" in the third and fourth lines of the first paragraph by the words "to a firm, to an independent partnership or to an independent representative within the meaning of the Act respecting the distribution of financial products and services (1998, chapter 37)" and by replacing the words "by a market intermediary in insurance business" in the fifth line of that paragraph by the words "by a firm, an independent partnership or independent representative".

c. A-30, s. 82, am.

496. Section 82 of the Crop Insurance Act (R.S.Q., chapter A-30) is amended by replacing the words "Act respecting market intermediaries (chapter I-15.1)" by the words "Act respecting the distribution of financial products and services (1998, chapter 37)".

c. A-32, s. 1, am.

- **497.** Section 1 of the Act respecting insurance (R.S.Q., chapter A-32), amended by section 80 of chapter 63 of the statutes of 1996, is again amended
 - (1) by replacing paragraph i by the following paragraph:

"insurance representative".

- "(i) "insurance representative": an insurance representative within the meaning of the Act respecting the distribution of financial products and services (1998, chapter 37);";
- (2) by replacing the words "Act respecting market intermediaries" in paragraph *j* by the words "Act respecting the distribution of financial products and services".

c. A-32, s. 10, am.

498. Section 10 of the said Act is amended by striking out the words "or a market intermediary in insurance business" in the second line of subparagraph 1 of the first paragraph.

c. A-32, s. 57, am.

499. Section 57 of the said Act, amended by section 80 of chapter 63 of the statutes of 1996, is again amended by replacing the words "Market intermediaries in insurance business" in the first line of the first paragraph by the words "Insurance representatives and claims adjusters".

c. A-32, s. 93.79, am.

500. Section 93.79 of the said Act is amended by replacing the words "a market intermediary in insurance business" in subparagraph 2 of the second paragraph by the words "an insurance representative, a claims adjuster, and".

c. A-32, s. 93.86, am.

501. Section 93.86 of the said Act is amended by replacing the words "of market intermediaries in insurance business" by the words "or independent partnership, within the meaning of the Act respecting the distribution of financial products and services, registered to act in a sector of insurance".

c. A-32, s. 93.160.1, added.

502. The said Act is amended by inserting, after section 93.160, the following section:

Registration of member.

"**93.160.1.** A federation may register one of its members as a firm for an insurance sector in accordance with the Act respecting the distribution of financial products and services (1998, chapter 37).

Registration of member.

At the request of the member, the federation may also register it for any other sector."

c. A-32, s. 93.165.1, added.

503. The said Act is amended by inserting, after section 93.165, the following section:

Inspection.

"93.165.1. A federation may, by agreement with the Bureau des services financiers established by section 158 of the Act respecting the distribution of financial products and services, inspect those of its members that are registered as firms, in accordance with the terms of the agreement.

Provisions applicable.

Sections 107 and 113 of the said Act, adapted as required, apply to inspections performed under this section.

Agreement.

An agreement may specify

- (1) the manner in which the federation is required to report to the Bureau;
- (2) the powers of inspection that the Bureau may exercise in respect of the federation;
 - (3) any other measure that the Bureau considers appropriate."

c. A-32, s. 93.214, English text, am. **504.** Section 93.214 of the said Act, amended by section 82 of chapter 63 of the statutes of 1996, is again amended, in the English text, by replacing the word "corporation" in the fourth line by the words "guarantee fund".

c. A-32, s. 93.226, English text, am. **505.** Section 93.226 of the said Act, amended by section 81 of chapter 63 of the statutes of 1996, is again amended, in the English text, by replacing the word "its" in the third line by the word "his".

c. A-32, s. 93.229, English text, am. **506.** Section 93.229 of the said Act, amended by section 82 of chapter 63 of the statutes of 1996, is again amended, in the English text, by replacing the

word "corporation" in the third line of the first paragraph by the words "guarantee fund".

c. A-32, s. 130, am.

507. Section 130 of the said Act, amended by section 80 of chapter 63 of the statutes of 1996, is again amended by replacing the words "market intermediaries in insurance business," in paragraph 2 by the words "insurance representatives, claims adjusters and".

c. A-32, s. 174.8, am.

508. Section 174.8 of the said Act, amended by sections 80 and 87 of chapter 63 of the statutes of 1996, is again amended by replacing the words "a market intermediary in insurance business," in paragraph 1 by the words "an insurance representative, a claims adjuster and".

c. A-32, s. 204, replaced.

509. Section 204 of the said Act, amended by section 85 of chapter 63 of the statutes of 1996, is replaced by the following section:

Insurers having no establishment in Québec.

"204. Damage insurers having no establishment in Québec may nevertheless issue insurance contracts there without a licence, provided such contracts are issued through a firm acting through a special broker referred to in the Act respecting the distribution of financial products and services.

Prohibition.

Such insurers may not, however, advertise or publicize their business in Québec."

c. A-32, s. 222, English text, am. **510.** Section 222 of the said Act, amended by section 80 of chapter 63 of the statutes of 1996, is again amended, in the English text, by replacing the words "business office" in the third line of the first paragraph by the word "establishment", and by replacing the words "business offices" in the second and third lines of the second paragraph by the word "establishments".

c. A-32, s. 303, am.

511. Section 303 of the said Act is amended by striking out the words "or a market intermediary in insurance business" in the first paragraph.

c. A-32, s. 304, am.

512. Section 304 of the said Act is amended by replacing the words "market intermediary in insurance business" in the fifth and sixth lines by the words "firm, independent representative or independent partnership in a sector of insurance".

c. A-32, s. 406.1, am.

513. Section 406.1 of the said Act is amended by replacing the words "a market intermediary in insurance business" in the third line by the words "a person authorized to do so under the Act respecting the distribution of financial products and services".

c. A-32, s. 406.3, repealed.

514. Section 406.3 of the said Act is repealed.

c. A-32, s. 406.4, am.

515. Section 406.4 of the said Act is amended by replacing "to 406.3" by "and 406.2".

c. B-1, s. 136, am.

516. Section 136 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 84 of chapter 2 of the statutes of 1996, is again amended by replacing the words "Act respecting market intermediaries (chapter I-15.1) applicable to insurance agents and brokers in damage insurance or insurance of persons" in paragraph g by the words "Act respecting the distribution of financial products and services (1998, chapter 37) applicable to insurance representatives".

c. C-4.1, s. 213, am.

- **517.** Section 213 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended
 - (1) by inserting, after paragraph 4, the following paragraph:
- "(4.1) pursue activities as a firm, a distributor or a restricted certificate holder in accordance with the Act respecting the distribution of financial products and services (1998, chapter 37);";
 - (2) by adding, at the end, the following paragraphs:

Agreement.

"For the purposes of subparagraph 4.1 of the first paragraph, a credit union may enter into an agreement with another credit union to constitute a legal person or a partnership and entrust it with pursuing the activities authorized under that subparagraph.

Standards.

A credit union, or a legal person or partnership constituted under the second paragraph, must comply with the standards relating to commercial practices regarding the distribution of financial products and services that are applicable to it."

c. C-4.1, s. 367.1, added.

518. The said Act is amended by inserting, after section 367, the following section:

Standards.

****367.1.** A federation that is not affiliated with a confederation may adopt standards relating to commercial practices in the distribution of financial products and services to apply to the credit unions affiliated with that federation, where they pursue the activities referred to in subparagraph 4.1 of the first paragraph of section 213, or to the legal persons or partnerships through which they pursue such activities."

c. C-4.1, s. 378, am.

519. Section 378 of the said Act, amended by section 122 of chapter 69 of the statutes of 1996, is again amended by adding, at the end, the following paragraph:

Purpose.

"A further purpose of the annual inspection shall be to ensure compliance with the standards relating to commercial practices in the distribution of financial products and services by a credit union, where it pursues the activities referred to in subparagraph 4.1 of the first paragraph of section 213, or by the legal person or partnership through which it pursues such activities."

c. C-4.1, s. 451.1, added.

520. The said Act is amended by inserting, after section 451, the following section:

Standards.

"451.1. A confederation may adopt standards relating to commercial practices in the distribution of financial products and services to apply to the federations affiliated with that confederation and the credit unions affiliated with those federations, where they pursue the activities referred to in subparagraph 4.1 of the first paragraph of section 213, or to the legal persons or partnerships through which they pursue such activities."

c. C-4.1, s. 462, am.

521. Section 462 of the said Act, amended by section 154 of chapter 69 of the statutes of 1996, is again amended by adding, at the end, the following paragraph:

Purpose.

"A further purpose of such an inspection shall be to ensure compliance with the standards relating to commercial practices in the distribution of financial products and services by the federation and the credit union affiliated with the federation, where it pursues activities referred to in subparagraph 4.1 of the first paragraph of section 213, or by the legal person or partnership through which it pursues such activities."

c. C-73.1, s. 20, am.

522. Section 20 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is amended

- (1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:
- "(1) the activity of representative within the meaning of the Act respecting the distribution of financial products and services (1998, chapter 37)";
 - (2) by striking out the second paragraph.

c. C-73.1, s. 25, replaced.

523. Section 25 of the said Act is replaced by the following section:

Multi-sector firm.

"25. Notwithstanding sections 3 and 20, a multi-sector firm referred to in section 549 of the Act respecting the distribution of financial products and services may pursue the activity of real estate broker and, if authorized by regulation of the Bureau, use the title of real estate broker."

c. C-73.1, s. 26, am.

524. Section 26 of the said Act is amended by replacing the words "market intermediary" by the words "firm, independent representative or independent partnership within the meaning of the Act respecting the distribution of financial products and services".

c. C-73.1, ss. 27 and 28, am.

525. Sections 27 and 28 of the said Act are amended by replacing the words "market intermediary" by the words "firm, independent representative or independent partnership".

- c. C-73.1, s. 74, am.
- **526.** Section 74 of the said Act is amended by replacing the words "market intermediary" in subparagraph 10 of the first paragraph by the words "firm, independent representative or independent partnership".
- c. C-73.1, s. 155, am.
- **527.** Section 155 of the said Act is amended by striking out paragraphs 3, 4 and 14.
- c. I-11.1, Sched. I, am.
- **528.** Schedule I to the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is amended by striking out the words "Act respecting market intermediaries (chapter I-15.1)".
- c. N-1.1, s. 77, am.
- **529.** Section 77 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph:
- "(5) a representative within the meaning of the Act respecting the distribution of financial products and services (1998, chapter 37) remunerated entirely by commission;".
- c. P-30, s. 62, am.
- **530.** Section 62 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended by replacing the words "Act respecting market intermediaries (chapter I-15.1)" by the words "Act respecting the distribution of financial products and services (1998, chapter 37)".
- c. R-2.2, s. 6, am.
- **531.** Section 6 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended by replacing the words "a market intermediary in insurance business" in paragraph 1 by the words "a claims adjuster, an insurance representative".
- c. S-29.01, s. 170, am.
- **532.** Section 170 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by inserting, after paragraph 5, the following paragraph:
- "(5.1) act as a firm or distributor or hold a restricted certificate in accordance with the Act respecting the distribution of financial products and services (1998, chapter 37);".
- c. V-1.1, s. 148. am.
- **533.** Section 148 of the Securities Act (R.S.Q., chapter V-1.1) is amended by adding, at the end, the following paragraph:

Prohibition.

"A legal person required under the Act respecting the distribution of financial products and services (1998, chapter 37) to register with the Bureau des services financiers to pursue activities through a securities representative governed by that Act may not register with the Commission."

TITLE XI

TRANSITIONAL PROVISIONS

Certificate.

534. A natural person who, on (insert here the date preceding the date of coming into force of section 552), holds a certificate issued under the Act respecting market intermediaries (R.S.Q., chapter I-15.1) is entitled to be issued a certificate corresponding to the certificate previously held.

Certificate

Moreover, a natural person who, on (insert here the date preceding the date of coming into force of section 552), holds a certificate of market intermediary in insurance of persons issued under the Act respecting market intermediaries is entitled to be issued a certificate authorizing the natural person to act both as a representative in insurance of persons and as a group insurance representative.

Certificate.

A natural person who, on (insert here the date preceding the date of coming into force of section 552), is registered as the representative of a restricted practice broker in group savings plans, investment contracts or scholarship plans in accordance with the Securities Act is entitled, subject to the same conditions and restrictions, to be issued a certificate corresponding to that registration.

Requirements.

535. From (insert here the date occurring three years after the date of coming into force of section 552), every group insurance representative must, in order to obtain a certificate authorizing the pursuit of activities as a group insurance representative, possess the skills, schooling and experience determined by a regulation made by the Bureau under paragraphs 1 to 4 of section 200.

Suspension.

536. A person referred to in section 534 who, on (*insert here the date preceding the date of coming into force of section 552*), is under a suspension, shall remain similarly suspended.

Fee reduction.

537. When issuing a first certificate to a natural person referred to in section 534, the Bureau shall grant a reduction in the fees payable, calculated on a monthly basis, to offset the fees previously paid by the person that apply to the period after the certificate takes effect.

Certificate.

538. A natural person referred to in paragraph 1 of section 4 of the Act respecting market intermediaries who, on (*insert here the date preceding the date of coming into force of section 552*), acts as a damage insurance agent is entitled to be issued a certificate authorizing the person to act as a damage insurance agent.

Application for certificate.

539. A damage insurance broker that, on (insert here the date preceding the date of coming into force of section 552), pursues activities as a claims adjuster may, on making a first application for a certificate under this Act, include any document proving that the broker was authorized to pursue such activities on that date.

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Authorization.

Notwithstanding section 534, where the Bureau grants the application, the certificate shall indicate that the broker is authorized to act as a claims adjuster with regard to policies effected by the firm to which the broker is attached.

Certificate.

540. A natural person who, on (insert here the date preceding the date of coming into force of section 552), as part of that person's principal activity, pursues activities as a claims adjuster as the employee of an insurer, and who has a Bachelor's degree in administration with a major in insurance, a diploma of college studies in administrative techniques in the field of insurance, an attestation of college studies in damage insurance, or an attestation establishing passage of the examinations of the Associate of the Insurance Institute of Canada (AIIC) program, is entitled to be issued a certificate authorizing that person to act as a claims adjuster.

Certificate.

An employee of an insurer who, on (insert here the date preceding the date of coming into force of section 552), has pursued activities as a claims adjuster for at least one year but who is not in possession of an attestation or diploma referred to in the first paragraph is entitled, on presenting a statement of his or her employer certifying that the employee has pursued such activities for at least one year, to be issued a certificate authorizing the employee to act as a claims adjuster.

Examination.

An employee of an insurer who has pursued activities as a claims adjuster for less than one year but who is not in possession of such an attestation must, to obtain a certificate, pass the examination prepared by the Bureau for that purpose.

Certificate.

541. A natural person who, on (insert here the date preceding the date of coming into force of section 552), holds a diploma in financial planning issued by the Institut québécois de planification financière is entitled to be issued a certificate authorizing the use of the title of financial planner.

Activities in real estate brokerage.

542. A natural person who, on (insert here the date preceding the date of coming into force of section 552), holds a certificate as a real estate broker or agent restricted to loans secured by immovable hypothec may, if the person is an insurance representative or securities representative, continue to pursue such activities.

Exemption from payment of fees.

543. A natural person who, on 20 June 1998, holds a certificate authorizing the person to pursue activities as a market intermediary under the Act respecting market intermediaries and who, within two years from that date, establishes a legal person in order to act as a firm within the meaning of this Act is exempted from the payment of the fees payable for the filing of articles of constitution and for the related research report.

Registration as an independent representative.

544. Notwithstanding paragraph 2 of section 223, a representative referred to in section 128 who, on (*insert here the date preceding the date of coming into force of section 552*), held a certificate issued under the Act respecting

market intermediaries may register as an independent representative or be a partner in or employee of an independent partnership.

Registration as an independent representative.

545. Notwithstanding section 128 and paragraph 2 of section 223, a natural person who, on 20 June 1998, holds a certificate issued under the Act respecting market intermediaries authorizing that person to act as an agent in insurance of persons or a damage insurance agent may, within two years from (*insert here the date preceding the date of coming into force of section 552*), register as an independent representative.

Exemption.

An insurer whose products are distributed through an independent representative referred to in the first paragraph is not required, by virtue of that fact, to register with the Bureau.

Prohibition.

546. A person referred to in the first paragraph of section 545 whose registration is cancelled or withdrawn may not re-register as an independent representative.

Activities in damage insurance.

547. Persons who were employed by a market intermediary in damage insurance and who were, pursuant to the By-law of the Conseil des assurances de dommages respecting market intermediaries in damage insurance and the Regulation respecting multidisciplinary firms, declared on or before 12 June 1998 on the lists forwarded to the Inspector General of Financial Institutions or the Conseil des assurances de dommages may exercise the activities they were permitted to exercise.

Agreement in force.

548. Notwithstanding section 224 and subject to section 97, an agreement to authorize the operation of a franchise that is in force on 20 June 1998 may continue to apply in its existing form.

Registration as a multi-sector firm.

549. A legal person that, on (insert here the date preceding the date of coming into force of section 552), holds a certificate as a multidisciplinary firm issued by the Inspector General of Financial Institutions authorizing the pursuit of activities in the field of real estate brokerage may register with the Bureau as a multi-sector firm in that field. For the purposes of this Act, that field is deemed, in respect of that person, to be a sector.

Activities in real estate brokerage.

The legal person may, in such a case, pursue that activity through the holder of a real estate agent's certificate or an affiliated real estate broker's certificate issued under the Real Estate Brokerage Act.

Presumption.

For the purposes of Title II, such certificate holders are deemed to be representatives. However, the firm and its executive officers must ensure that the representatives also comply with the Real Estate Brokerage Act and the regulations under it.

Fee reduction.

550. Upon the registration of a firm that, on (insert here the date preceding the date of coming into force of section 552), has paid fees to act as a market

intermediary or restricted practice securities broker, the Bureau shall reduce the fees payable, calculated on a monthly basis, to offset the fees previously paid by the firm that apply to the period after the registration takes effect.

Amounts of fee reductions.

551. The Inspector General of Financial Institutions and the Commission shall remit to the Bureau the amounts corresponding to the fee reductions granted by the Bureau in respect of previously paid fees pursuant to sections 537 and 550.

Consolidated revenue fund.

The sums required to enable the Inspector General to fulfil the requirements of the first paragraph shall be taken out of the consolidated revenue fund.

Certificates and registrations.

552. The Bureau may, before (insert here the date of coming into force of section 582), issue representative's certificates and restricted certificates, and register legal persons as firms, or register representatives or partnerships as independent representatives or independent partnerships. Such certificates, restricted certificates and registrations shall take effect on (insert here the date of coming into force of section 582).

Order.

553. Notwithstanding section 96, an insurance representative may not pursue brokerage activities relating to loans guaranteed by immovable hypothec unless on 20 June 1998, the representative was authorized to pursue such activities or unless the Government, by order, authorizes the pursuit of such activities.

Advance notice.

The Government shall, before making an order under the first paragraph, give the Bureau 60 days' advance notice.

Use of title.

554. Every insurance broker that, on (insert here the date preceding the date of coming into force of section 582), is authorized to use the title of "chartered insurance broker" or "associate insurance broker" may, so long as authorized by the Bureau to act as a damage insurance broker, continue to use such a title.

Use of title.

Every market intermediary in insurance of persons that, on (insert here the date preceding the date of coming into force of section 582), is authorized to use the title of "chartered life underwriter" or the title of "registered life underwriter" may, so long as authorized by the Bureau to act as an insurance representative in insurance of persons, continue to use such a title.

Property and obligations.

555. The property, rights and obligations of the Association des intermédiaires en assurance de personnes du Québec and the Association des courtiers d'assurances de la province de Québec are transferred, respectively, to the Chambre de la sécurité financière and the Chambre de l'assurance de dommages, and the two associations are dissolved.

Property and obligations.

556. The property, rights and obligations of the Conseil des assurances de personnes and the Conseil des assurances de dommages, established under

section 58 of the Act respecting market intermediaries, are transferred to the Bureau and the two councils are dissolved.

Register and documents.

557. Subject to section 562, the register of financial planners and multidisciplinary firms holding a certificate issued by the Inspector General of Financial Institutions, together with the files and other documents concerning them, in whatever the medium they are stored, shall become the register, files and documents of the Bureau.

Register and documents.

The same applies to the register, files and other documents of the Commission relating to restricted practice brokers in group savings, investment contracts and scholarship plans, and their representatives.

Property and obligations.

558. The property, rights and obligations of the Fonds d'indemnisation en assurance de personnes, the Fonds d'indemnisation en assurance de dommages and the Fonds d'indemnisation des planificateurs financiers, established under section 161 of the Act respecting market intermediaries, are transferred to the Fonds d'indemnisation des services financiers, and the funds are dissolved.

Allocation of sums.

The sums of money deriving from the funds shall be kept separate from the other assets of the Fonds d'indemnisation des services financiers and shall be allocated exclusively to the payment of claims arising from acts referred to in section 175 of the Act respecting market intermediaries that occurred between 1 September 1991 and (insert here the date preceding the date of coming into force of section 582) and to the payment of the amounts required for their operation.

Payment of claims.

559. The Fonds d'indemnisation des services financiers shall rule on the admissibility for payment of claims arising from acts occurring between 1 September 1991 and (insert here the date that is one day before the date of coming into force of section 582) in accordance with section 175 and paragraph 2 of section 176 of the Act respecting market intermediaries as those provisions read on (insert here the date that is one day before the date of coming into force of section 582).

Special contribution.

560. Should the sums of money from the Fonds d'indemnisation en assurance de personnes and the Fonds d'indemnisation en assurance de dommages prove insufficient to meet the claims made on them, the Fonds d'indemnisation des services financiers shall impose a special contribution on representatives in insurance of persons or, as the case may be, on damage insurance agents, damage insurance brokers and claims adjusters.

Time limit.

A representative referred to in the first paragraph must, not later than 30 days after the notice of assessment is mailed, pay the special contribution.

Authorization.

561. The Government may, from (insert here the date of the day occurring five years after the coming into force of section 558), authorize the Fonds d'indemnisation des services financiers to integrate the remainder of the amounts from the three separate funds referred to in section 558 into its assets.

Inspector General.

562. The Inspector General may validly pursue the hearing of a case begun before (*insert here the date of coming into force of section 582*) concerning the holder of a certificate issued by the Inspector General, and render a decision.

Commission.

The same applies to the Commission where it has begun to hear a case relating to an offence committed by a restricted practice broker in group savings, investment contracts or scholarship plans, or a representative of such a broker.

Transmission of decision.

563. The Inspector General or the Commission may send the decision to the Bureau which, where necessary, shall implement it in accordance with this Act.

Discipline committee.

564. The discipline committee referred to in section 352 is competent to hear and decide any complaint filed with a disciplinary committee referred to in section 148 of the Act respecting market intermediaries before (*insert here the date that is one day before the date of coming into force of section 582).*

Syndic.

565. The syndic may file a complaint before the discipline committee against a market intermediary who has committed an offence under the Act respecting market intermediaries or a regulation thereunder. The discipline committee has jurisdiction to hear the complaint.

Co-syndic.

The same applies to the co-syndic in connection with an offence under the Securities Act or a regulation thereunder committed by the representative of a restricted practice broker in group savings, investment contracts or scholarship plans. The discipline committee has jurisdiction to hear the complaint.

Cancellation of registration.

566. The Bureau has jurisdiction to cancel, suspend or impose restrictions or conditions on registration in a given sector where it considers that a firm has, before (*insert here the date preceding the date of coming into force of section 582*), infringed a provision of the Act respecting market intermediaries, the Securities Act or the Real Estate Brokerage Act or of a regulation under those Acts.

Provisions applicable.

Sections 117 to 127 apply to such a case heard by the Bureau.

Penal proceedings.

567. The Bureau has jurisdiction to institute or continue proceedings relating to a penal offence under Chapter X of the Act respecting market intermediaries.

Appointment of first directors.

568. The members of the first boards of directors of the Chambre de la sécurité financière and the Chambre de l'assurance de dommages shall be appointed by the Minister. They shall be appointed for a term of two years.

Designation.

The Minister shall designate, from among the members the Minister appoints to the board of directors of the Chambre de la sécurité financière, the members who are to fill the positions of president, of vice-president, insurance, and of vice-president, securities.

Designation.

The Minister shall also designate, from among the members the Minister appoints to the board of the Chambre de l'assurance de dommages, the members who are to fill the positions of president and vice-president.

Amount of first dues.

569. The Minister shall determine the amount of the first dues that firms, independent representatives and independent partnerships must pay to the Bureau for the account of each Chamber. The amount shall remain applicable until a new amount is determined in accordance with section 320.

Special annual contributions.

570. The Chambre de l'assurance de dommages may, during the first two years following 20 June 1998, collect special annual contributions of \$100 from damage insurance brokers for the financing of the broker identification campaign managed by the Insurance Brokers Association of Canada.

Remittance.

The special contributions shall be remitted to the organization having its head office in Québec that has been authorized to receive them by the manager of the broker identification campaign.

Amount of first contribution.

571. The Minister shall determine the amount of the first contribution that firms, independent representatives and independent partnerships must pay to the Bureau for the account of the compensation fund. The amount shall remain applicable until a new amount is determined in accordance with section 278.

Personnel.

572. Notwithstanding section 177, the board of directors of the Bureau may appoint its personnel before adopting a by-law under that section. However, as soon as the by-law is adopted, the remuneration, employment benefits and other conditions of employment of the persons so appointed shall be revised, where necessary, in accordance with the by-law.

Insurance products.

573. In addition to the insurance products referred to in sections 424 and 426, a credit union may, in accordance with the provisions of Title VIII, continue to distribute the insurance products it distributed on 20 June 1998.

Order.

The Government shall, by order, identify those products.

Provisions applicable.

574. The provisions of Chapter III of Title II, adapted as required, apply to a firm acting through a representative in insurance of persons or a group insurance representative during the year following (insert here the date of coming into force of section 582).

Regulation.

During that period, the Bureau may, by regulation, create a class of agents and a class of brokers in the sectors of insurance of persons and group insurance of persons, and determine the requirements of each class.

Approval.

A regulation made under the second paragraph shall be submitted to the Government for approval with or without amendment.

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Regulation under s. 574.

575. When a regulation made under the second paragraph of section 574 is approved, the provisions of the first paragraph of that section shall continue to apply while the regulation remains in force.

Claim of share of surplus.

576. In addition to the amounts to be paid by the Bureau to the Commission pursuant to section 250, the Commission may claim from the Bureau an amount representing a share of the surplus the Commission pays into the consolidated revenue fund pursuant to section 26 of the Act to amend the Securities Act (1997, chapter 36).

Transitional provisions.

577. In addition to the transitional provisions provided for in this Title, the Government may, in a regulation made before 1 July 1999, make any other transitional provision needed to supply any deficiency and ensure the application of this Act.

Publication.

A regulation made pursuant to the first paragraph is not subject to the publication requirements prescribed by section 8 of the Regulations Act.

TITLE XII

MISCELLANEOUS PROVISIONS

Interpretation.

- **578.** In Acts and the statutory instruments under them, and in contracts or other documents, unless otherwise indicated by the context,
- (1) a reference to the Act respecting market intermediaries (R.S.Q., chapter I-15.1) is a reference to this Act;
- (2) the expressions "market intermediary in insurance business", "market intermediary in damage insurance" and "market intermediary in insurance of persons" mean, respectively, "insurance representative", "agent or broker in damage insurance or claims adjuster" and "representative in insurance of persons" within the meaning of this Act.

Guarantee.

579. The Government may, on the conditions and to the extent it determines, guarantee any loan contracted by the Bureau during fiscal years 1998-1999 and 1999-2000.

Information.

Where the Government guarantees such a loan, the Bureau must, at the request of the Minister, either directly or through the financial institutions with which it does business, provide the Minister with any information concerning its financial situation in the manner and within the time indicated by the Minister.

Consolidated revenue fund.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

Report.

580. The Minister must, on or before (insert here the date occurring five years after the coming into force of section 582), and every five years thereafter, report to the Government on the application of this Act and, if need be, on the advisability of maintaining it in force or amending it.

Tabling.

The report shall be tabled in the National Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption.

Minister responsible.

581. The Minister of Finance is responsible for the administration of this Act.

c. I-15.1, replaced.

582. This Act replaces the Act respecting market intermediaries.

Coming into force.

583. The provisions of this Act come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY
Thirty-fifth Legislature, second session

1998, chapter 38 AN ACT TO ESTABLISH THE GRANDE BIBLIOTHÈQUE DU QUÉBEC

Bill 403

Introduced by Madam Louise Beaudoin, Minister of Culture and Communications Introduced 17 December 1997 Passage in principle 24 March 1998 Passage 17 June 1998 Assented to 20 June 1998

Coming into force: on the date or dates to be fixed by the Government

- 1998-08-05:

ss. 1-3, 4 (1st par. (subpar. 1, 3), 2nd par.), 5-22, 24-33

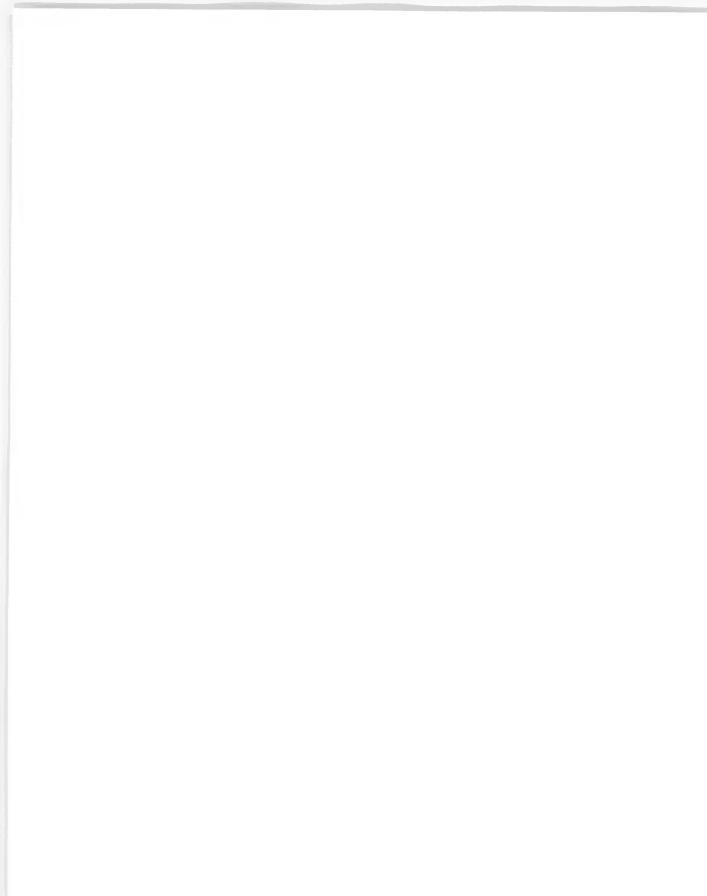
O.C. 998-98

G.O., 1998, Part 2, p. 3669

Legislation amended:

Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1)







Chapter 38

AN ACT TO ESTABLISH THE GRANDE BIBLIOTHÈQUE DU QUÉBEC

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Name.

1. A library is hereby established under the name of "Grande bibliothèque du Québec".

Acronym.

The library may also be designated by the acronym "GBQ" and by any other name determined by the Government.

Legal person.

The library is a legal person.

Mandatary.

2. The library is a mandatary of the State.

Property.

The property of the library forms part of the domain of the State, but the performance of its obligations may be levied against its property other than published documents or the property forming part of its collections.

Liability.

The library binds none but itself when it acts in its own name.

Location.

3. The library and the head office of the library shall be located in the territory of Ville de Montréal at the place determined by the Government.

Change in location.

Notice of the location or of any change in location of the head office shall be published in the *Gazette officielle du Québec*.

Board of governors.

- **4.** The affairs of the library shall be administered by a board of governors composed of the following persons who shall become members of the board upon their appointment or election:
- (1) seven persons, including the chair, appointed by the Government on the recommendation of the Minister of Culture and Communications; at least one of those persons shall be a librarian;
 - (2) two persons appointed by Ville de Montréal;

(3) two users of the library, including one resident of Ville de Montréal, elected by a majority vote of their peers, in accordance with the by-laws of the library.

Members of board of governors.

The chair of the Bibliothèque nationale du Québec and the head librarian of Ville de Montréal shall also be members of the board of the library.

Term of office.

5. The term of office of the board members referred to in the first paragraph of section 4 shall not exceed five years.

Renewal.

The term of office of the members referred to in subparagraphs 1 and 2 of the first paragraph of section 4 may be renewed only once.

Expiry of term.

6. On the expiry of their term, the members of the board shall remain in office until replaced or reappointed.

Chair.

7. The chair shall preside at meetings of the board and be responsible for the administration and direction of the library within the scope of its by-laws and policies.

Chair.

The functions of the chair shall be exercised on a full-time basis.

Vice-chair.

8. The members of the board shall designate a vice-chair from among their number.

Vice-chair.

If the chair is absent or unable to act, the vice-chair shall act as chair of the board.

Quorum.

9. The quorum at meetings of the board is a majority of its members.

Tie-vote.

In the case of a tie-vote, the chair has the casting vote.

Meetings.

The board shall meet at least six times a year.

Remuneration.

10. The Government shall determine the remuneration, employment benefits and other conditions of employment of the chair.

Remuneration.

The other members of the board shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. The members are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

Personnel.

11. The members of the personnel of the library shall be appointed according to the staffing plan and the standards established by by-law of the library. The by-law shall also determine the standards and scales of remuneration, employment benefits and other conditions of employment of the members of the personnel.

CHAP. 38

Approval of by-law.

The by-law must be submitted to the Government for approval.

Conflict of interest.

12. Neither the chair nor any member of the personnel of the library may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing their personal interest to conflict with that of the library. However, forfeiture of office is not incurred where the interest devolves to them by succession or gift, provided they renounce or dispose of it with dispatch.

Disclosure.

Any other member of the board who has a direct or indirect interest in an enterprise causing the member's personal interest to conflict with that of the library must, on pain of forfeiture of office, disclose the interest in writing to the chair, abstain from voting on any matter relating to the enterprise, and avoid influencing any decision relating to the enterprise. The member must also withdraw from a meeting during any discussion or vote on such a matter.

Internal management.

13. The library may make by-laws to provide for its internal management.

By-laws.

Such by-laws may, in particular,

- (1) establish an executive committee composed of not fewer than five members of the board of governors, including the chair and a member appointed by Ville de Montréal, determine its functions and powers and fix the term of office of its members;
- (2) establish such advisory committees as the library considers necessary for the fulfilment of its mission;
- (3) provide that absence from a number of meetings fixed therein, in the cases and circumstances determined therein, constitutes a vacancy.

Remuneration.

The members of the committees formed under subparagraph 2 of the second paragraph shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. The members are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

CHAPTER II

MISSION AND POWERS

Mission.

14. The mission of the library is to offer democratic access to culture and knowledge, and to act as a catalyst in relation to Québec documentary institutions, thus contributing to the personal development of citizens.

Objectives.

More specifically, the library shall pursue the following objectives: to assert the importance of reading, research and acquiring knowledge, promote Québec publishing, facilitate ongoing independent learning, foster the integration of newcomers to Québec, reinforce inter-library cooperation and

exchanges and stimulate Québec's participation in the development of the virtual library.

Powers.

- 15. To fulfil its mission, the library may, in particular,
- (1) make the documents in the collections of the library available for consultation or for loan and afford researchers access to specialized collections;
- (2) facilitate access to those collections throughout the territory of Québec, in particular by the use of computer-generated media;
- (3) offer introductory services in documentary research and in the use of new technology;
- (4) organize informational activities to enhance public awareness with respect to reading and activities to promote Québec publishing;
- (5) offer services adapted to handicapped persons, newcomers to Québec, persons with reading difficulties, workers undergoing career transition, businesses and other special users;
- (6) contribute to enhancing the international influence of Québec's expertise and heritage through active participation in the network of international documentary institutions, particularly those of the French-speaking world;
- (7) encourage cooperation between public libraries and other library networks and act as an auxiliary library for all public libraries in Québec;
- (8) develop support and specialized technical services and make them available to public libraries;
- (9) participate in the elaboration of a virtual union catalogue and encourage the participation of documentary institutions in the development of applications in the virtual library.

Powers.

- **16.** In addition, the library may, in particular,
- (1) acquire, alienate, rent, lend, borrow, exchange, preserve and restore documents;
- (2) enter into agreements or participate in joint projects with any person or body;
- (3) enter into an agreement authorized by law with a government other than the Government of Québec, with a department of such a government, with an international organization or with an agency of such a government or organization;
- (4) receive gifts, bequests, subsidies and other contributions, provided that any attached conditions are consistent with the fulfilment of its mission;

(5) conduct research or studies.

Agreement.

Every agreement entered into with Ville de Montréal pertaining to the Bibliothèque centrale collection, including the Phonothèque collection and the multilingual biblioservice collection, must be submitted to the Government for approval.

Plan of activities.

17. The library shall, on the date fixed by the Minister, submit a three-year plan of its activities to the Minister. The plan must be consistent with the orientations and objectives given to the library by the Minister.

Plan of activities.

The plan shall be established in the form determined by the Minister and contain the information the Minister requires. The plan must be submitted to the Minister for approval.

Tabling.

The Minister shall table the plan in the National Assembly within 30 days of its approval or, if the Assembly is not sitting, within 30 days of resumption.

Examination.

The competent parliamentary committee of the National Assembly shall examine the plan and hear the representatives designated by the library for that purpose.

Authorization.

- 18. The library may not, without the authorization of the Government,
 - (1) build, acquire, alienate or hypothecate an immovable;
- (2) contract a loan that raises the aggregate of the unrepaid borrowings of the library to an amount that exceeds an amount determined by the Government.

Consultation and lending of documents.

19. The library shall offer, free of charge, access to and on-site consultation of the catalogues and collections of the library and, except in the cases provided by by-law of the library, the lending of documents.

Fees.

The library may not charge subscription fees.

Act not applicable.

20. The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) does not apply to a document acquired, rented, received in exchange or borrowed by the library from a person or body other than those to which sections 3 to 7 of that Act apply.

CHAPTER III

FINANCIAL PROVISIONS

Fiscal year.

21. The fiscal year of the library ends on 31 March.

Powers.

22. The Government may, subject to the terms and conditions it determines,

- (1) guarantee the payment of the principal of and interest on any loan contracted by the library as well as the performance of its obligations;
- (2) authorize the Minister of Finance to advance to the library any amount considered necessary for the performance of its obligations or the fulfilment of its mission;
- (3) grant a subsidy to the library to provide for the performance of its obligations.

Consolidated revenue fund.

Sums that the Government may be called upon to pay under subparagraphs 1 and 2 of the first paragraph shall be taken out of the consolidated revenue fund.

Agreement with Ville de Montréal.

23. Ville de Montréal shall contribute on an annual basis towards the operating expenses of the library subject to the terms and conditions agreed by the Minister of Culture and Communications and the city. Such agreement must be submitted to the Government for approval.

Application of sums.

24. The sums received by the library shall be applied to the payment of its obligations. Any surplus shall be retained by the library unless the Government decides otherwise.

CHAPTER IV

DOCUMENTS, ACCOUNTS AND REPORTS

Signature.

25. A deed, document or writing binds the library only if it is signed by the chair of the board or a member of the personnel of the library and, in the latter case, only to the extent determined by by-law of the library.

Automatic device.

The library, subject to the conditions it determines, may allow a required signature to be affixed by means of an automatic device to the documents it determines, or a facsimile of a signature to be engraved, lithographed or printed on such documents. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair of the library.

Minutes.

26. The minutes of the meetings of the board of governors, approved by it and certified by the chair or any other person authorized to do so by the library, are authentic. The same applies to documents or copies of documents emanating from the library or forming part of its records, provided they are signed or certified by any such person.

Financial statements.

27. Not later than 31 July each year, the library must file its financial statements with the Minister together with a report on its activities for the preceding fiscal year.

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Content.

The financial statements and the report must contain all the information prescribed by the Minister.

Tabling.

28. The Minister shall table the report and the financial statements before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

Audit.

29. The books and accounts of the library shall be audited each year by the Auditor General, and whenever so ordered by the Government.

Report of auditor.

The report of the auditor must accompany the activities report and the financial statements of the library.

CHAPTER V

AMENDING AND MISCELLANEOUS PROVISIONS

c. B-2.1, s. 18.1, added.

30. The Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1) is amended by inserting, after section 18, the following section:

Agreement.

"18.1. The library shall enter into an agreement with the Grande bibliothèque du Québec to give the latter library custody of the second copy of the documents referred to in section 36, together with a mandate to promote such documents and make them available to the public. The agreement must be submitted to the Government for approval."

Construction and installation work.

31. The library shall carry out the construction, layout and equipment installation work required for the fulfilment of its mission. The library may take any action to prepare for its opening to the public.

Provisions applicable.

Sections 16 to 18 apply for the purposes of this section.

Appropriations.

32. The appropriations granted for the fiscal year (insert here the fiscal year in which this provision comes into force) to the Ministère de la Culture et des Communications shall, to the extent and according to the procedure determined by the Government, be transferred to the library.

Appropriations.

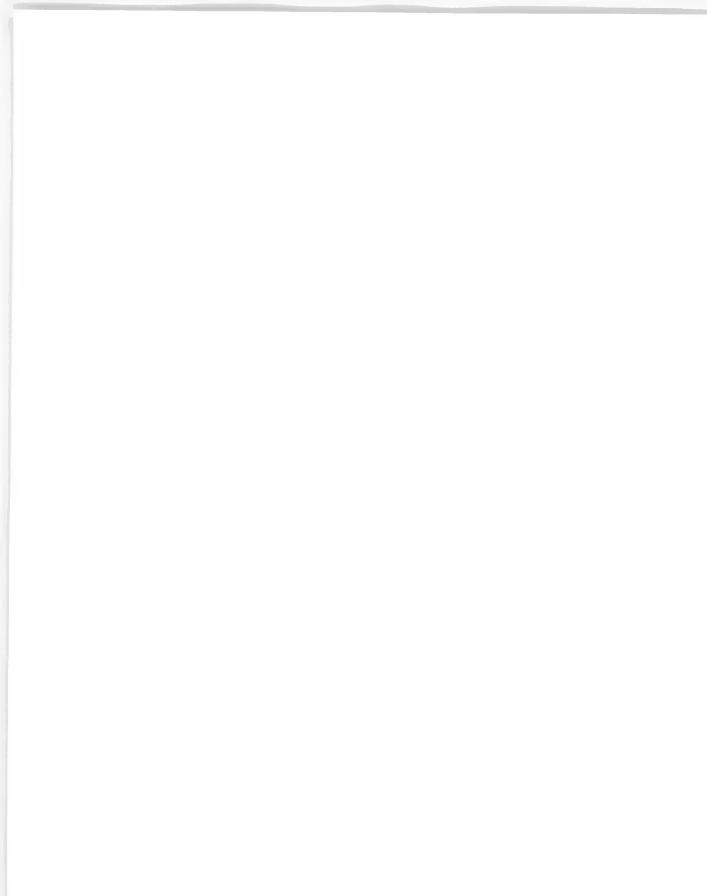
The appropriations granted for the fiscal year (insert here the fiscal year in which this provision comes into force) to the Bibliothèque nationale du Québec shall, to the extent and according to the procedure determined by the Government, be transferred to the library.

Minister responsible.

33. The Minister of Culture and Communications is responsible for the administration of this Act.

Coming into force.

34. The provisions of this Act come into force on the date or dates to be fixed by the Government.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 39
AN ACT TO AMEND THE ACT RESPECTING HEALTH
SERVICES AND SOCIAL SERVICES AND AMENDING
VARIOUS LEGISLATIVE PROVISIONS

Bill 404

Introduced by Mr Jean Rochon, Minister of Health and Social Services Introduced 18 December 1997 Passage in principle 13 May 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998, except the provisions of paragraph 2 of section 63, sections 94 to 97, 139, 141 to 149, 160, 171, 202, 207 and 208, which come into force on the date or dates to be fixed by the Government

Legislation amended:

Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)

Automobile Insurance Act (R.S.Q., chapter A-25)

Hospital Insurance Act (R.S.Q., chapter A-28)

Health Insurance Act (R.S.Q., chapter A-29)

Act respecting the Conseil de la santé et du bien-être (R.S.Q., chapter C-56.3)

Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1)

Public Health Protection Act (R.S.Q., chapter P-35)

Act respecting the determination of the causes and circumstances of death

(R.S.Q., chapter R-0.2)

Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5)

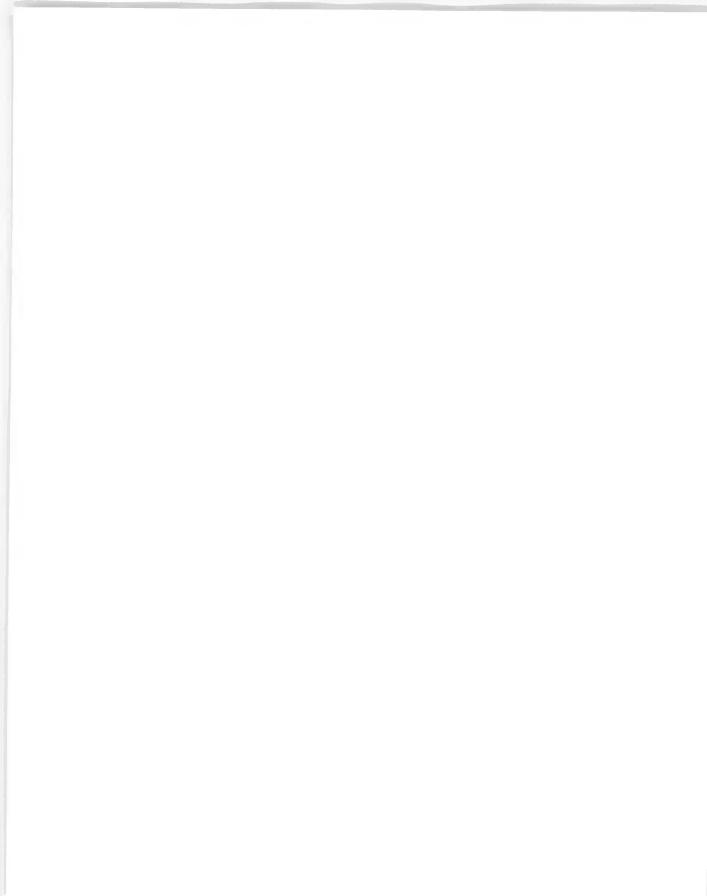
Act respecting occupational health and safety (R.S.Q., chapter S-2.1)

Act respecting health services and social services (R.S.Q., chapter S-4.2)

Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5)

Act respecting administrative justice (1996, chapter 54)







Chapter 39

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. S-4.2, s. 29, replaced.

1. Section 29 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is replaced by the following section:

Examination of users' complaints.

- **"29.** Every institution shall establish a procedure for the examination of the complaints filed by users. The executive director shall designate a member of the institution's personnel as the complaints officer responsible for the application of the complaints examination procedure, and cause the designation to be confirmed by the board of directors."
- c. S-4.2, s. 31, am.
- **2.** Section 31 of the said Act is amended by adding, at the end, the words "or by an intermediate resource or family-type resource whose services are called upon by the institution".
- c. S-4.2, s. 32, am.
- **3.** Section 32 of the said Act is amended by replacing the words "to express his views" by the words "and, where applicable, the intermediate resource or family-type resource to express their views".
- c. S-4.2, s. 33, am.
- 4. Section 33 of the said Act is amended
 - (1) by striking out the second paragraph;
- (2) by replacing the words "senior management officer" in the first line of the third paragraph by the words "complaints officer responsible for the application of the complaints examination procedure".
- c. S-4.2, s. 34, am.
- 5. Section 34 of the said Act is amended
- (1) by replacing the words "senior management officer" in the first line by the words "complaints officer";
 - (2) by striking out the word "written" in the second line.
- c. S-4.2, s. 34.1, added. **6.** The said Act is amended by inserting, after section 34, the following section:

Required information.

"34.1. Users, intermediate resources, family-type resources and the personnel members of an institution must provide the information required by the complaints officer for the examination of the complaint and, unless they have a valid reason, must attend any meeting to which they are called by the complaints officer."

c. S-4.2, s. 35, replaced.

7. Section 35 of the said Act is replaced by the following section:

Time limit.

"35. The complaints officer must examine a complaint within 45 days of receiving it.

Conclusions and recourses.

Before the expiry of the time limit, he must inform the user of his conclusions, giving the reasons on which they are based, and of the terms and conditions governing the remedy available to the user before the regional board. If the complaint is in writing, the information must be given in writing.

Conclusions.

The complaints officer must also, where applicable, inform the intermediate resource or family-type resource of his conclusions without delay, giving reasons."

c. S-4.2, s. 36, am.

- **8.** Section 36 of the said Act is amended
- (1) by replacing "senior management officer" in the first line of the first paragraph by "complaints officer";
- (2) by replacing the words "In the case of a complaint in writing, such" in the first line of the second paragraph by the word "Such".

c. S-4.2, s. 37, am.

- **9.** Section 37 of the said Act is amended
- (1) by replacing the words "senior management officer" in the first line of the first paragraph by the words "complaints officer";
 - (2) by replacing the second paragraph by the following paragraph:

Notification.

"He must inform the user, in writing if the complaint is in writing."

c. S-4.2, s. 42, am.

- 10. Section 42 of the said Act is amended
 - (1) by striking out the words "in writing" in the first line;
- (2) by replacing the words "senior management officer", wherever they occur, by the words "complaints officer".

c. S-4.2, s. 43, replaced.

11. Section 43 of the said Act is replaced by the following section:

Complaint examination procedure.

"43. The regional board shall establish a procedure for the examination of the complaints filed by users. The executive director shall designate a member of the regional board's personnel as the complaints officer responsible

for the application of the complaints examination procedure, and cause the designation to be confirmed by the board of directors."

c. S-4.2, s. 44, am.

12. Section 44 of the said Act is amended by inserting the words ", the intermediate resource, the family-type resource" after the word "user" in the first line.

c. S-4.2, s. 46, replaced.

13. Section 46 of the said Act is replaced by the following section:

Transmission of record.

"46. The complaints officer of the regional board shall send a copy of the complaint submitted to him to the institution, the intermediate resource or the family-type resource concerned and, within five days of receiving the copy, the institution must transmit the complete record of complaint to the complaints officer."

c. S-4.2, s. 47, replaced.

14. Section 47 of the said Act is replaced by the following section:

Required information.

"47. Users, intermediate resources, family-type resources and institutions must provide the information required by the complaints officer of the regional board for the examination of the complaint and, unless they have a valid reason, must attend any meeting to which they are called by the complaints officer."

c. S-4.2, s. 49, am.

15. Section 49 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Time limit.

- "49. The complaints officer of the regional board must examine a complaint within 45 days of receiving it.";
- (2) by adding, at the end of the second paragraph, the following sentence: "He must also inform the institution concerned and, where applicable, the intermediate resource or family-type resource of his conclusions without delay, giving reasons."

c. S-4.2, s. 53, replaced.

16. Section 53 of the said Act is replaced by the following section:

Subject of complaint.

"53. Any natural person may file a complaint with the regional board in connection with any function or activity of the regional board by which the person is affected as regards services that have or should have been provided by an institution, an intermediate resource, a family-type resource or a community organization.

Provisions applicable.

Sections 43, 44 and 47 to 52, adapted as required, apply to such a complaint."

c. S-4.2, s. 53.1, added.

17. The said Act is amended by inserting, after section 53, the following section:

Oral or written complaint.

"53.1. A complaint may be filed under section 53 in oral or written form.

Assistance.

The complaints officer must assist or ensure that assistance is given to any person requiring it for the formulation of a complaint and for any step to be taken in relation to that complaint."

c. S-4.2, s. 54, am.

18. Section 54 of the said Act is amended by replacing the words "the regional board or an institution of the region" in the fourth and fifth lines by the words "an institution in the region, the regional board or the complaints commissioner".

c. S-4.2, s. 56, am.

- 19. Section 56 of the said Act is amended
- (1) by replacing the words "senior management officer of the" in the second line of subparagraph 1 of the first paragraph by the words "complaints officer of a":
- (2) by replacing the words "senior management officer of the" in the second line of subparagraph 2 of the first paragraph by the words "complaints officer of a":
- (3) by replacing subparagraph 3 of the first paragraph by the following subparagraph:
- "(3) from persons who disagree with the conclusions transmitted to them by the complaints officer of a regional board pursuant to section 53."

c. S-4.2, s. 57, am.

20. Section 57 of the said Act is amended by inserting the words "the intermediate resource," after the word "institution," in the second line.

c. S-4.2, s. 58, am.

21. Section 58 of the said Act is amended by replacing the first paragraph by the following paragraph:

Form and content.

"58. The complaint must be in writing and submitted with the conclusions, if any, transmitted by the complaints officer of the regional board."

c. S-4.2, s. 59, replaced.

22. Section 59 of the said Act is replaced by the following section:

Transmission of record.

"59. The complaints commissioner shall transmit a copy of every complaint submitted to him to the institution, intermediate resource, family-type resource, community organization, holder of nursing home accreditation or regional board, as the case may be, and within five days of receiving that copy, the institution and the regional board must transmit the complete record of the complaint to him."

c. S-4.2, s. 60, am.

23. Section 60 of the said Act is amended by inserting the words "intermediate resource," after the word "institution," in the first line.

c. S-4.2, s. 61, replaced.

Frivolous complaints.

24. Section 61 of the said Act is replaced by the following section:

"61. The complaints commissioner may, on summary examination, dismiss any complaint the commissioner judges to be frivolous, vexatious or in bad faith.

Refusal.

The complaints commissioner may also refuse or cease to examine a complaint in either of the following situations:

- (1) where the complaints commissioner has reasonable grounds to believe that an intervention will clearly serve no useful purpose;
- (2) where the time that has elapsed between the events that gave rise to the dissatisfaction of the user or the person and the filing of the complaint makes it impossible to examine the complaint.

Notification.

In such cases, the complaints commissioner shall inform the user or person who transmitted the complaint accordingly."

c. S-4.2, s. 62, replaced.

Conclusions.

25. Section 62 of the said Act is replaced by the following section:

"62. The complaints commissioner must, without delay, transmit the conclusions of the examination and the reasons on which they are based, together with any recommendations made, to the user or the person, to the intermediate resource, family-type resource, institution, community organization or holder of nursing home accreditation concerned, and to the regional board.

Notification.

An intermediate resource, family-type resource, institution, community organization, holder of nursing home accreditation or regional board that receives a recommendation from the complaints commissioner must, within 30 days of reception, inform the complaints commissioner and the user or person who filed the complaint of the action it intends to take in response or, if it intends to take no action, of the reasons for its decision."

c. S-4.2, s. 62.1, added.

26. The said Act is amended by inserting, after section 62, the following section:

Advice.

'62.1. The complaints commissioner may, whenever he considers it necessary, advise the Minister on any matter relating to the respect of users' rights and the subjects of users' complaints."

c. S-4.2, s. 65.1, added.

27. The said Act is amended by inserting, after section 65, the following section:

Written mandates.

"65.1. The complaints commissioner may give a person who is not a member of the complaints commissioner's personnel a written mandate to carry out an inquiry or to seek a settlement between the interested parties, and

require that the person submit a report within the time fixed by the complaints commissioner.

Provision applicable.

The last paragraph of section 56, adapted as required, applies to the person."

c. S-4.2, s. 69, am.

- **28.** Section 69 of the said Act is amended
- (1) by adding, at the end of the second paragraph, the following subparagraph:
 - "(4) the time needed for the examination of complaints.";
- (2) by replacing the words "after a brief examination, or examined by the board or which the board has refused or ceased to examine" in the first, second and third lines of subparagraph 1 of the third paragraph by the words "on summary examination, examined, refused or abandoned".
- c. S-4.2, s. 69.1, added.
- **29.** The said Act is amended by inserting, after section 69, the following section:

Report to the complaints commissioner.

- **'69.1.** Each institution and regional board must send to the complaints commissioner, whenever required by him, a report concerning the complaints under examination."
- c. S-4.2, s. 70, am.
- **30.** Section 70 of the said Act is amended by inserting the words ", intermediate resources" after the word "institutions" in the first line of subparagraph 1 of the third paragraph.
- c. S-4.2, s. 72, am.
- **31.** Section 72 of the said Act is amended in the first paragraph
- (1) by replacing the words "a family-type resource referred to in section 310, or of" in the first line by the word "the";
- (2) by replacing, in the French text, the word "et" in the third line by the word "ou":
 - (3) by striking out the word "resource," in the fifth line.
- c. S-4.2, s. 73, am.
- **32.** Section 73 of the said Act is amended by striking out the words "the resource," in the third line.
- c. S-4.2, s. 74, am.
- **33.** Section 74 of the said Act is amended
 - (1) by striking out the second sentence of the first paragraph;
- (2) by replacing the words "senior management officer" in the first line of the second paragraph by "complaints officer responsible for the application of the complaints examination procedure".

c. S-4.2, s. 75, replaced.

Notice.

34. Section 75 of the said Act is replaced by the following section :

"75. The complaints officer of the regional board must give the person referred to in section 72 who has filed a complaint in writing a written notice indicating the date on which his complaint was received.

Time limit.

The complaints officer must examine the complaint within 45 days of receiving it.

Conclusions and recourses.

Before the expiry of the time limit, he must inform the person of his conclusions and give the reasons on which they are based and of the terms and conditions governing the remedy available to him before the complaints commissioner. If the complaint is in writing, the information must be given in writing. He must also inform the community organization or holder of nursing home accreditation, as the case may be, of his conclusions without delay.

Presumption.

Where the complaints officer fails to inform the person of his conclusions within the time limit prescribed in the second paragraph, he is deemed to have transmitted negative conclusions on the date on which the prescribed time expires. Such a failure shall give rise to an examination by the complaints commissioner."

c. S-4.2, s. 76, am.

35. Section 76 of the said Act is amended

- (1) by replacing the words "senior management officer" in the first line by the words "complaints officer";
- (2) by replacing the words "user in writing" in the third line by the words "person. He must do so in writing if the complaint is in writing."
- c. S-4.2, s. 80, am.
- **36.** Section 80 of the said Act is amended by replacing the first paragraph by the following paragraph:

Local community service centre.

- ****80.** The mission of a local community service centre is to offer, at the primary level of care, basic health and social services, and to offer health and social services of a preventive or curative nature and rehabilitation or reintegration services to the population in the territory served by it."
- c. S-4.2, s. 105, am.
- **37.** Section 105 of the said Act is amended by striking out the words "to achieve the objectives set out in the various programs established by the Minister" in the fifth and sixth lines of the first paragraph.
- c. S-4.2, s. 108, am.
- **38.** Section 108 of the said Act is amended by replacing the last paragraph by the following paragraph:

Transmission.

"The agreement must be transmitted to the regional board."

c. S-4.2, s. 109, am.

39. Section 109 of the said Act is amended by replacing the words "regional board" in the second line of the third paragraph by the word "institution".

c. S-4.2, s. 110, am.

- **40.** Section 110 of the said Act is amended in the second paragraph
- (1) by striking out the words ", after obtaining the authorization of the regional board," in the first line;
- (2) by adding, at the end, the following sentence: "The contract must be transmitted to the regional board."

c. S-4.2, s. 126.4, am.

- **41.** Section 126.4 of the said Act is amended
- (1) by replacing the words "to attend the public meeting" in the first line of the second paragraph by the words "for the purposes of the election";
- (2) by replacing the words "a public meeting is normally" in the fourth and fifth lines of the third paragraph by the words "an election is".
- c. S-4.2, s. 126.5, am.
- **42.** Section 126.5 of the said Act is amended by striking out the last paragraph.
- c. S-4.2, s. 127, am.
- **43.** Section 127 of the said Act is amended by adding, at the end, the following paragraph:

Presumption.

"For the purposes of sections 183 to 208, the institution is deemed to operate only the centre corresponding to the type of board of directors that must be established in accordance with the Minister's decision."

c. S-4.2, s. 129, am.

- **44.** Section 129 of the said Act is amended
- (1) by replacing the words "public meeting" in the first line of paragraph 1 by the word "election";
 - (2) by replacing paragraph 3 by the following paragraph:
- "(3) two persons elected by the users' committees of the institutions or, if there is only one institution with a users' committee, appointed by that committee;";
 - (3) by replacing paragraph 5 by the following paragraph:
- "(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;".
- c. S-4.2, s. 130, am.
- **45.** Section 130 of the said Act is amended

- (1) by replacing the words "public meeting" in the first line of paragraph 1 by the word "election";
 - (2) by replacing paragraph 3 by the following paragraph:
- "(3) one person appointed by the users' committee of the institution operating the child and youth protection centre and another person elected by the users' committees of the other institutions; however, where the institution operating the child and youth protection centre also operates, jointly with other institutions, a rehabilitation centre for young persons with adjustment problems or a rehabilitation centre for mothers with adjustment problems, the two persons must be elected by the users' committees of all those institutions and, where the institution operating the child and youth protection centre is the only institution operating a rehabilitation centre for young persons with adjustment problems or a rehabilitation centre for mothers with adjustment problems, the two persons must be appointed by the users' committee of that institution;";
 - (3) by replacing paragraph 5 by the following paragraph:
- "(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned:"

c. S-4.2, s. 131, am.

- **46.** Section 131 of the said Act is amended
- (1) by replacing the words "public meeting" in the first line of paragraph 1 by the word "election";
 - (2) by replacing paragraph 3 by the following paragraph:
- "(3) where applicable, two persons appointed by the users' committee of the institution;";
 - (3) by replacing paragraph 4 by the following paragraph:
- "(4) where applicable, one person or, if paragraph 3.1 cannot be applied, two persons appointed by the board of directors of the foundation of the institution or, if there is more than one foundation for the institution, elected jointly by the boards of directors of those foundations;".

c. S-4.2, s. 131.1, am.

- **47.** Section 131.1 of the said Act is amended
- (1) by replacing the words "public meeting" in the first line of paragraph 1 by the word "election";
 - (2) by replacing paragraph 3 by the following paragraph:

- "(3) where applicable, two persons elected by the users' committees of the institutions or, if there is only one institution with such a committee, appointed by that committee;";
 - (3) by replacing paragraph 5 by the following paragraph:
- "(5) where applicable, one person appointed by the board of directors of the foundation of the institution operating the local community service centre or, if there is more than one foundation for that institution, elected jointly by the boards of directors of those foundations and, if paragraph 4 cannot be applied, one person appointed by the board of directors of the foundation of one of the other institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned; however, in the case of the institutions referred to in the second paragraph of section 126.1, one person shall be appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned:

c. S-4.2, s. 132, am.

- **48.** Section 132 of the said Act is amended
- (1) by replacing the words "public meeting" in the first line of paragraph 1 by the word "election";
 - (2) by replacing paragraph 3 by the following paragraph:
- "(3) where applicable, two persons appointed by the users' committee of the institution;";
 - (3) by replacing paragraph 5 by the following paragraph:
- "(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of the institution or, if there is more than one foundation for the institution, elected jointly by the boards of directors of those foundations;".

c. S-4.2, s. 132.1, am.

- **49.** Section 132.1 of the said Act is amended
- (1) by replacing the words "public meeting" in the first line of paragraph 1 by the word "election";
 - (2) by replacing paragraph 3 by the following paragraph:
- "(3) where applicable, two persons elected by the users' committees of the institutions or, if there is only one institution with a users' committee, appointed by that committee;";

- (3) by replacing paragraph 5 by the following paragraph:
- "(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned:".

c. S-4.2, s. 132.2, added.

50. The said Act is amended by inserting, after section 132.1, the following section:

"foundation of an institution".

"132.2. For the purposes of paragraph 5 of each of sections 129, 130, 131.1, 132 and 132.1 and paragraph 4 of section 131, a "foundation of an institution" means a legal person established for non-profit purposes whose object is, essentially, to collect contributions made for the benefit of an institution designated by name in the constituting act of the foundation or of a new institution resulting from the amalgamation or conversion of the designated institution, or whose principal object is to collect contributions to be used, for a purpose or purposes corresponding to those mentioned in section 272, in the pursuit of all or part of the mission of such an institution."

c. S-4.2, s. 133.2, am.

- **51.** Section 133.2 of the said Act is amended in the first paragraph
 - (1) by inserting, after subparagraph 2, the following subparagraph:
- "(2.1) a users' committee is established pursuant to the second paragraph of section 209;";
 - (2) by replacing subparagraph 3 by the following subparagraph:
- "(3) a foundation of an institution within the meaning of section 132.2 is established:":
- (3) by replacing the words "further member can be appointed" in the third line of subparagraph 4 by the words "member can be added".

c. S-4.2, s. 134, am.

52. Section 134 of the said Act is amended by adding, at the end, the words ", except if the centre is designated as a university hospital centre, university institute or affiliated university centre".

c. S-4.2, s. 135, am.

- **53.** Section 135 of the said Act is amended
 - (1) by replacing the first paragraph by the following paragraph:

Election.

"**135.** Every institution shall, every three years, on such day in the month of October or November as the Minister determines, invite the population to elect the persons referred to in paragraph 1 of each of sections 129 to 132.1, as the case may be. No minor is entitled to vote.";

- (2) by replacing the words "public meeting" and "a meeting", wherever they occur in the second paragraph, by the words "election" and "an election", respectively, and by replacing the words "public meetings" and "meetings", wherever they occur in that paragraph, by the word "elections";
 - (3) by replacing the third paragraph by the following paragraph:

By-law.

"The mechanisms whereby candidates may address the population before an election, and the election procedure to be followed shall be determined by by-law of the regional board, as well as the standards relating to advertising, financing, the powers and duties of election officers and campaign literature. The by-law must be submitted to the Minister for approval; once approved, it shall come into force on the date of its publication in the Gazette officielle du Québec."

c. S-4.2, s. 136, repealed.

54. Section 136 of the said Act is repealed.

c. S-4.2, s. 137, am.

55. Section 137 of the said Act is amended by replacing the words "a public meeting" wherever they occur in the second paragraph by the words "an election".

c. S-4.2, s. 138, am.

56. Section 138 of the said Act is amended by adding, at the end, the following paragraph:

Approval.

"An appointment made under this section must, to be valid, be submitted to the regional board for approval."

c. S-4.2, s. 147, replaced.

57. Section 147 of the said Act is replaced by the following section:

Person appointed by regional board.

"147. If a position cannot be filled by the application of section 135, 137 or 138, the regional board shall appoint a person to the position within 60 days."

c. S-4.2, s. 151, am.

58. Section 151 of the said Act is amended

- (1) by replacing the words ", any other organization providing services related to the field of health and social services or" in the second and third lines of the first paragraph by the words "or any other organization providing services related to the field of health and social services and receiving subsidies from a regional board or the Minister, or employed by";
- (2) by replacing the words "a public meeting" in the fifth line of the first paragraph by the words "an election";
- (3) by replacing the words "during a public meeting" in the third line of the last paragraph by the words "at an election".

c. S-4.2, s. 152, am.

59. Section 152 of the said Act is amended by replacing the words "at a public meeting held under" in the first line of the second paragraph by the words "pursuant to".

c. S-4.2, s. 161.1, added

60. The said Act is amended by inserting, after section 161, the following section:

Communications equipment.

"161.1. A member of the board of directors may, where a quorum of members is physically present at the place where a meeting of the board of directors is to be held and where a majority of those members have consented thereto, participate in the meeting by means of videoconferencing, telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. In such a case, the member is deemed to have attended the meeting.

Minutes of meeting.

The minutes of such a meeting must mention

- (1) the fact that the meeting was held with the assistance of the communications equipment they indicate;
- (2) the name of the members physically present at the meeting, and the names of the members who agreed to the use of the communications equipment;
- (3) the name of the member who participated in the meeting using the communications equipment."

c. S-4.2, s. 163, French text, am.

61. Section 163 of the said Act is amended, in the French text, by replacing the words "voix des" in the second line of the first paragraph by the words "voix exprimées par les".

c. S-4.2, s. 164, am.

62. Section 164 of the said Act is amended by adding, at the end, the following paragraphs:

Telephone conference call.

"The members of the board of directors may also, in emergencies, if there is a quorum and if all the members have consented thereto, participate in a special meeting by way of a telephone conference call.

Minutes of meeting.

The minutes of such a meeting must mention the fact that the meeting was held by way of a telephone conference call, and that all the members who participated in the meeting agreed to the procedure. The decisions made at the meeting must be tabled at the following public meeting."

c. S-4.2, s. 173, am.

63. Section 173 of the said Act is amended

- (1) by replacing the words "senior management" in the first and second lines of paragraph 2 by the word "complaints";
- (2) by replacing the words "to the" in the second line of paragraph 5 by the words "determine the portion of those financial resources that is to be reserved for the payment of family-type resources and".

c. S-4.2, s. 177, am.

- **64.** Section 177 of the said Act is amended
- (1) by adding, at the end of the first paragraph, the following sentence: "The meeting may be held at the same time as a meeting held pursuant to section 176.":
- (2) by replacing the words "under paragraph 7 of section 505" in the second and third lines of the third paragraph by the words "by the Minister under section 487.1".
- c. S-4.2, s. 178, am.
- **65.** Section 178 of the said Act is amended by adding, at the end, the following sentence: "However, only one such meeting may be held at the same time as a meeting held pursuant to section 176."
- c. S-4.2, s. 183, am.
- **66.** Section 183 of the said Act is amended by replacing the third paragraph by the following paragraph:

Transmission.

"The organization plan must be transmitted on request to the regional board or to the Minister."

c. S-4.2, s. 184, am.

- **67.** Section 184 of the said Act is amended
- (1) by adding, at the end of the second paragraph, the following sentence: "Once approved by the regional board, the said part of the organization plan shall constitute the medical and dental staffing plan of the institution.";
- (2) by replacing the words "This part of the organization plan" in the first line of the third paragraph by the words "The medical and dental staffing plan".
- c. S-4.2, s. 185, am.
- **68.** Section 185 of the said Act is amended by replacing the words "regulation under paragraph 18 of section 505" in the second line by the word "order".
- c. S-4.2, s. 186, am.
- **69.** Section 186 of the said Act is amended
- (1) by adding, at the end of the sixth paragraph, the following sentence: "Once approved by the regional board, the said part of the organization plan shall constitute the medical and dental staffing plan of the institution.";
- (2) by replacing the words "This part of the organization plan" in the first line of the last paragraph by the words "The medical and dental staffing plan".
- c. S-4.2, s. 193, am.
- **70.** Section 193 of the said Act is amended by striking out the second and third paragraphs.
- c. S-4.2, s. 193.1, repealed.
- **71.** Section 193.1 of the said Act is repealed.

- c. S-4.2, s. 204, am.
- **72.** Section 204 of the said Act is amended by inserting, after paragraph 5, the following paragraph:
- "(5.1) discharge the obligations imposed by the Civil Code and the Public Curator Act (chapter C-81) regarding the protective supervision of incapable persons and mandates given by persons in anticipation of their incapacity;".
- c. S-4.2, s. 209, am.
- **73.** Section 209 of the said Act is amended by adding, at the end of the third paragraph, the following sentence: "However, where it is impossible to obtain a majority of users on the committee, the users may elect any other person of their choice, provided the person is not a person working for the institution or practising a profession in a centre operated by the institution."
- c. S-4.2, s. 212, am.
- **74.** Section 212 of the said Act is amended by inserting the words ", on request," after the word "and" in the second line of the second paragraph.
- c. S-4.2, s. 226, am.
- **75.** Section 226 of the said Act is amended by adding, at the end of the first paragraph, the words ", provided the institution operates one or more centres in which at least five people who qualify for membership in the council work".
- c. S-4.2, ss. 234 and 235, replaced.
- **76.** Sections 234 and 235 of the said Act are replaced by the following sections:
- Conflicts of interest.
- "234. The board of directors of a public institution must, by by-law, determine the standards applicable to a senior management officer or a middle management officer as regards conflict of interest as well as the standards applicable to a senior management officer as regards exclusivity of office.

Violation.

No senior management officer or middle management officer may contravene any of the standards prescribed pursuant to the first paragraph, under pain of sanctions which may go as far as dismissal.

Contracts.

- **"235.** The board of directors of a public institution must, by by-law, establish measures to prevent or put an end to the conflicts of interest that may arise from the awarding of a contract by the institution to a person employed by the institution or a person practising a profession in a centre operated by the institution, or from the awarding of a contract by the institution to an enterprise in which such a person has a direct or indirect interest."
- c. S-4.2, s. 238, am.
- **77.** Section 238 of the said Act is amended by replacing the word "organization" in the fourth line of the first paragraph by the words "medical and dental staffing".
- c. S-4.2, s. 239, am.
- **78.** Section 239 of the said Act is amended
 - (1) by inserting the figure ", 243.1" after the figure "240" in the first line;

(2) by replacing the words "organization plan of the institution approved in accordance with section 378" in the third and fourth lines by the words "medical and dental staffing plan of the institution".

c. S-4.2, s. 240, am,

79. Section 240 of the said Act is amended by replacing the words "organization plan of the institution approved in accordance with section 378" in the second line of paragraph 1 by the words "medical and dental staffing plan of the institution".

c. S-4.2, s. 243.1, added.

80. The said Act is amended by inserting, after section 243, the following section:

Temporary replacement.

"243.1. Where the appointment of a physician or dentist is intended solely to provide for the replacement of a physician or dentist whose appointment has been duly accepted by the board of directors but who is absent or temporarily unable to practise, the application for appointment is not subject to the provisions relating to the institution's medical and dental staffing plan.

Validity.

Any appointment made following such an application is valid only for the duration of the absence or inability to practise of the physician or dentist concerned and, notwithstanding any inconsistent provision of this subdivision, may not be the subject of an application for renewal."

c. S-4.2, s. 260, am.

- **81.** Section 260 of the said Act is amended
- (1) by striking out the words "or assign an immovable and give it as security" in the second line of subparagraph 1 of the first paragraph;
 - (2) by inserting, after the first paragraph, the following paragraph:

Exemptions.

- "A public institution is not subject to the first paragraph as regards the disposition of any one of the following immovable real rights:
- (1) a superficiary right and the servitudes of right-of-way or support required by a public utility, a municipality or any other organization working in the general interest for the purposes of a cable telecommunications network, water distribution network, electric power line, petroleum product pipeline or waste water disposal system;
- (2) a superficiary right and the servitudes of water, snow and ice runoff required to legalize an encroachment resulting from the construction of a roof erected in contravention of the prescriptions of article 983 of the Civil Code;
- (3) a superficiary right and the rights of use required to legalize a minor encroachment in accordance with article 992 of the Civil Code;
- (4) a servitude required to legalize an existing view not in conformity with the prescriptions of article 993 of the Civil Code.";

(3) by replacing the words "assign an immovable and give it as security" in the second and third lines of the second paragraph by the words "dispose of one of the immovable real rights mentioned in the second paragraph".

c. S-4.2, s. 262.1, am.

- **82.** Section 262.1 of the said Act is amended
- (1) by replacing the words "or a non-profit legal person" in the third line of the second paragraph by the words "of the institution";
- (2) by replacing the words "or non-profit legal person" in the third line of the fifth paragraph by the words "of the institution".

c. S-4.2, s. 264, am.

83. Section 264 of the said Act is amended by adding, at the end, the following paragraph:

Validity.

"No contract made by an institution before (insert here the date of coming into force of the section that enacts this paragraph), the object of which is to transfer one of the rights mentioned in the second paragraph of section 260, may be invalidated on the ground that such a transfer is an act for which the institution did not obtain the authorization required under this Act, an Act replaced by this Act or any previous Act applicable to the institution."

c. S-4.2, s. 265, am.

84. Section 265 of the said Act is amended by adding, at the end, the following paragraph:

Applicability.

"The prohibition under subparagraph 2 of the first paragraph does not apply where an institution lends money to another institution, if both institutions are administered by the same board of directors."

c. S-4.2, s. 266, am.

- **85.** Section 266 of the said Act is amended
- (1) by replacing the words "it needs to enlarge its facilities or to organize services relating to the general operations of any centre it operates" in the first, second and third lines of the first paragraph by the words "required for its purposes";
- (2) by striking out the words "for the purposes of the institution" in the third line of the second paragraph.

c. S-4.2, s. 268, am.

- **86.** Section 268 of the said Act is amended
- (1) by replacing the word "administered" in the third line of the first paragraph by the word "operated";
- (2) by replacing the words "to which direct or indirect charges for an amount greater than that fixed by regulation of the Minister are attached" in the second, third and fourth lines of the second paragraph by the words "that are paid on the condition that a project having the same particularities as a project mentioned in subparagraph 1 or 2 of the second paragraph of section 272 be carried out";

(3) by replacing the third and fourth paragraphs by the following paragraph:

Budgetary adjustment.

"Where the project whose carrying out is a required condition has the same particularities as a project mentioned in subparagraph 2 of the second paragraph of section 272, the regional board shall grant the prior authorization only if the institution shows that the extra cost can be borne without requiring a budgetary adjustment or a special subsidy from the regional board or the Minister."

c. S-4.2, s. 269, am.

87. Section 269 of the said Act is amended by replacing the words "that are determined by regulation of the Minister" in the fifth line of the first paragraph by the words "prescribed by section 269.1".

c. S-4.2, s. 269.1, added.

88. The said Act is amended by inserting, after section 269, the following section:

Restriction.

"269.1. A public institution's own property may not be used for other purposes than those relating to the carrying out of the mission of a centre it operates.

Evaluation and acceptance.

However, if an intended use involves the carrying out of a project having the same particularities as a project mentioned in subparagraph 1 or 2 of the second paragraph of section 272, the public institution must submit its project to the regional board for evaluation and acceptance in accordance with that section.

Transfer of property.

Notwithstanding subparagraph 4 of the first paragraph of section 265, all or part of the property of a public institution may be transferred to another public institution where both institutions are administered by the same board of directors."

c. S-4.2, s. 271, am.

89. Section 271 of the said Act is amended

- (1) by replacing all that follows the word "foundation" in the first paragraph by the words "of the institution within the meaning of section 132.2, provided that the foundation is established in accordance with the statutes of Québec and that nothing in its constituting act prevents it from administering such a fund.";
- (2) by replacing the words "or non-profit legal person" in the first and second lines of the second paragraph by the words "of the institution";
- (3) by replacing the words "or non-profit legal person" in the first line of the third paragraph by the words "of the institution".

c. S-4.2, s. 272, am.

90. Section 272 of the said Act is amended

(1) by replacing the words "a foundation or legal person referred to in section 271" in the first and second lines of the first paragraph by the words "any foundation or legal person that solicits funds or gifts from the public in the field of health care or social services":

- (2) by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:
- "(1) where the assistance is intended to finance a project for which the prior authorization of the Conseil du trésor, the Minister or the regional board is required under this Act;
- "(2) where the immediate or foreseeable effect of the project is to increase the amount of the annual operating or capitalization expenditures of the institution;";
 - (3) by striking out subparagraph 4 of the second paragraph;
 - (4) by adding, at the end, the following paragraph:

Budgetary adjustment.

"However, the regional board may accept a project referred to in subparagraph 2 of the second paragraph only if the institution shows that the extra cost can be borne without a budgetary adjustment or a special subsidy from the regional board or the Minister."

c. S-4.2, s. 290, am.

91. Section 290 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Call for tenders.

"The institution must issue a call for tenders, at least once every four years and whenever it intends to retain the services of a new auditing firm, to ensure that the services it receives are as cost-effective as possible.

Call for tenders.

A new institution constituted as a legal person under this Act, including an institution resulting from an amalgamation or conversion carried out pursuant to this Act, must apply the tendering procedure mentioned in the second paragraph before engaging the services of an auditing firm."

c. S-4.2, s. 299, am.

- **92.** Section 299 of the said Act is amended in the first paragraph
 - (1) by replacing the word "current" in the third line by the word "ensuing";
- (2) by replacing the word "Minister" in the fourth line by the words "regional board".

c. S-4.2, s. 300, am.

93. Section 300 of the said Act is amended by replacing the word "Minister" in the last line of the second paragraph by the words "regional board".

c. S-4.2, s. 302, replaced.

Interpretation.

- **94.** Section 302 of the said Act is replaced by the following section:
- **"302.** Every resource attached to a public institution through which the institution provides a user registered for the institution's services with a living environment suited to the user's needs, together with the support or assistance services required by the user's condition, in order to maintain the user in or integrate the user into the community, is an intermediate resource.

Immovables.

The immovable or dwelling premises in which the services of an intermediate resource are provided is not deemed to be a facility maintained by the public institution to which the resource is attached, except for the purposes of the Youth Protection Act (chapter P-34.1), in which case it is considered to be a place where foster care is provided by an institution operating a rehabilitation centre."

c. S-4.2, s. 303, am.

95. Section 303 of the said Act is amended by replacing the second paragraph by the following paragraph:

Rates of compensation.

"The Minister shall establish and submit to the Conseil du trésor for approval the general terms and conditions applicable to the determination by regional boards of the rates or the scale of rates of compensation in accordance with paragraph 3 of section 304."

c. S-4.2, s. 304, am.

- **96.** Section 304 of the said Act is amended by replacing paragraph 3 by the following paragraph:
- "(3) determine the rates or the scale of rates of compensation applicable to each type of service listed in the classification established by the Minister pursuant to section 303 and submit them to the Minister for approval;".

c. S-4.2, s. 314, am.

97. Section 314 of the said Act is amended by adding, at the end, the following words ", except with regard to the rates or the scale of rates of compensation applicable to the services provided by the resources, which shall be determined by the Minister".

c. S-4.2, s. 340, am.

- **98.** Section 340 of the said Act is amended
- (1) by replacing the words "health and social services programs prepared by" in the second and third lines of the first paragraph by the words "orientations determined and policies established by";
- (2) by adding, at the end of subparagraph 3 of the second paragraph, the words "and the advice of the regional department of general medicine established pursuant to section 417.1".

c. S-4.2, s. 342.1, added.

99. The said Act is amended by inserting, after section 342, the following section:

By-laws.

"342.1. Each regional board may adopt the by-laws needed to conduct its affairs and exercise its responsibilities. It must adopt by-laws for each matter determined in a regulation made under paragraph 6 of section 505, where the matter falls within the competence of the regional board.

Copies.

A copy of the by-laws adopted by a regional board must be forwarded to the Minister at the Minister's request."

- c. S-4.2, s. 344, am.
- **100.** Section 344 of the said Act is amended by replacing the figure "53" in the second line by the figure "53.1".
- c. S-4.2, s. 346, am.
- **101.** Section 346 of the said Act is amended by striking out the words "and programs" in the third line of subparagraph 3 of the first paragraph.
- c. S-4.2, s. 347, am.
- **102.** Section 347 of the said Act is amended
 - (1) by inserting, after the first paragraph, the following paragraph:

Organization plans.

- "The plans must be consistent with the orientations determined and policies established by the Minister.";
- (2) by replacing the word "These" in the first line of the second paragraph by the words "In addition, the";
 - (3) by striking out subparagraph 1 of the second paragraph;
- (4) by striking out the words "or program" in the third line of the third paragraph;
 - (5) by replacing the last paragraph by the following paragraphs:

Cancellation.

"The Minister may, subject to the rights of third persons, cancel a decision made by a regional board pursuant to a service organization plan that is inconsistent with the Minister's orientations and policies.

Approval.

The part of the plans dealing with the highly specialized services determined by the Minister that are provided by the institutions in the region, and the part dealing with the services for which an institution has been granted a supraregional vocation by the Minister pursuant to paragraph 1 of section 112, must be submitted to the Minister for approval."

c. S-4.2, s. 350, am.

- **103.** Section 350 of the said Act is amended by replacing the words "as well as expenses incurred by that institution for equipment" in the fourth and fifth lines of the fourth paragraph by the words "expenses incurred by such an institution for equipment, and capital expenditure incurred by a private institution under agreement in its region that occupies an immovable belonging to a public institution or to the Corporation d'hébergement du Québec".
- c. S-4.2, s. 355, am.
- **104.** Section 355 of the said Act is amended by replacing the first paragraph by the following paragraph:

Coordination of access to long-term care or rehabilitation centres.

"355. The regional board shall determine the procedure for setting up mechanisms to coordinate access to the services provided by residential and long-term care centres, rehabilitation centres of the class specified by the board, intermediate resources attached to institutions and family-type resources in its region."

c. S-4.2, s. 359, am.

- **105.** Section 359 of the said Act is amended
- (1) by inserting the words "and the regional department of general medicine" after the word "board" in the second line;
 - (2) by inserting, after paragraph 1, the following paragraph:
 - "(1.1) designate the institutions that are to dispense emergency services;";
- (3) by replacing the words "the institutions" in paragraphs 2 and 3 by the words "the institutions designated under paragraph 1.1", and by replacing the words "these institutions" in paragraph 4 by the words "the institutions designated under paragraph 1.1".
- c. S-4.2, s. 361, am.
- **106.** Section 361 of the said Act is amended by replacing the words "proposals as may be made by the regional medical commission" in the second and third lines of the first paragraph by the words "recommendations as may be made by the regional department of general medicine".
- c. S-4.2, s. 365, am.
- **107.** Section 365 of the said Act, amended by section 730 of chapter 43 of the statutes of 1997, is again amended by replacing the words "regional medical commission" in the fourth line by the words "regional department of general medicine".
- c. S-4.2, s. 369, am.
- **108.** Section 369 of the said Act is amended
- (1) by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:
- "(1.1) for advising it on the quality of the medical services organization in the territory, and on the accessibility and coordination of services;";
 - (2) by striking out subparagraph 3 of the first paragraph;
- (3) by replacing the words ", in a non-nominative form, the individual or group practice profiles of the physicians who practise in the region" in the third and fourth lines of the second paragraph by "the practice profiles and information referred to in the third paragraph of section 66.1 of the Health Insurance Act".
- c. S-4.2, s. 371, am.
- **109.** Section 371 of the said Act is amended by striking out the words "in the same manner as the other programs" in the first and second lines of subparagraph 1 of the first paragraph.
- c. S-4.2, s. 373, am.
- **110.** Section 373 of the said Act is amended by striking out the words "to benefit all the programs entrusted to the regional board" in the second and third lines of paragraph 3.
- c. S-4.2, s. 375.1, repealed.
- **111.** Section 375.1 of the said Act is repealed.

c. S-4.2, s. 377, am.

112. Section 377 of the said Act is amended by replacing the first, second and third paragraphs by the following paragraphs:

Regional medical staffing plan.

"377. Each regional board shall prepare a regional medical staffing plan on the basis of the parts of the organization plans of institutions transmitted to it in accordance with sections 184 and 186, the number of physicians required to perform the specific activities referred to in section 361, and the number of general practitioners and medical specialists, listed by speciality, who are remunerated by the Régie de l'assurance-maladie du Québec and practise in the region, including those who practise in a private health facility.

Parameters.

In preparing its regional plan, the regional board shall take into account the expansion or reduction objectives identified by the Minister, the medical activities of the physicians practising in the region who receive remuneration from the Régie de l'assurance-maladie du Québec, and the number of positions determined by the Minister to be reserved for physicians having practised in other regions.

Parameters.

In preparing its regional plan, the regional board must also take into account the recommendations of the regional medical commission, obtained in the manner set out in subparagraph 1 of the first paragraph of section 369, and the recommendations of the regional department of general medicine, obtained in the manner set out in subparagraph 1 of the first paragraph of section 417.2.

Approval.

The regional plan, together with the parts of the organization plans of institutions that were used in preparing the regional plan, must be submitted to the Minister for approval with or without amendment."

c. S-4.2, s. 377.1, added.

113. The said Act is amended by inserting, after section 377, the following section:

Agreements.

"377.1. In order to ensure compliance with the regional medical staffing plan, every physician in the region who is remunerated by the Régie de l'assurance-maladie du Québec and practises in a private health facility shall be bound by an agreement entered into under the seventh paragraph of section 19 of the Health Insurance Act."

c. S-4.2, s. 378, am.

114. Section 378 of the said Act is amended

- (1) by replacing the words "each organization plan submitted to it by an institution" in the second line of the first paragraph by the words "the parts of the organization plans transmitted to it by institutions in accordance with sections 184 and 186";
 - (2) by replacing the second paragraph by the following paragraph:

Consultation.

"However, before approving the parts of the organization plans referred to in the first paragraph that were transmitted to it by institutions which operate a

centre designated as a university hospital centre or university institution, the regional board shall consult the university with which each institution is affiliated. Such consultation shall bear on all the parts of the organization plans of the institutions.";

(3) by inserting the words "part of an" after the word "each" in the first line of the third paragraph.

c. S-4.2, s. 383, am.

115. Section 383 of the said Act is amended by replacing the last paragraph by the following paragraphs:

Provisions applicable.

"The provisions of sections 260 to 265, 278 to 280, 282, 289 to 292, 294 to 297, 436, 485, 486, 489, 499 and 500, adapted as required, apply to a legal person referred to in this section.

Auditor.

The auditor appointed by a legal person pursuant to section 290 must, for the fiscal year of the appointment, audit the financial report of the legal person and perform the other duties included in the audit mandate determined by the legal person, the regional board or the Minister."

c. S-4.2, s. 384, replaced.

116. Section 384 of the said Act is replaced by the following section:

Procedure and intervals.

"384. The regional board shall determine the procedure according to which, and the intervals at which, a public institution, a private institution under agreement, and an accredited private resource must respond to the questions of the regional board concerning their management.

Procedure.

The regional board shall also determine the procedure according to which it must, once a year, account for its management to the population of its territory, more specifically by presenting an annual report on its activities. The procedure must be submitted to the Minister for approval."

c. S-4.2, s. 390, replaced.

117. Section 390 of the said Act is replaced by the following section:

Complementary activities.

"390. A regional board is subject to the provisions of section 115 and the first paragraph of section 269.1, adapted as required, with regard to the complementary activities it organizes and the rules governing the use of its own property."

c. S-4.2, s. 391, replaced.

118. Section 391 of the said Act is replaced by the following section:

Report.

"391. Not later than 30 September each year, a regional board shall submit a report on its activities for the year ending on the preceding 31 March to the Minister.

Content.

The report must contain a description of the role of the regional board and a general statement of its operations for the preceding fiscal year, with a description of the objectives set at the beginning of the fiscal year, the results

obtained, the new orientations adopted, and any changes affecting the activities and the human, material and financial resources of the board for that year.

Content.

The report must include financial statements, consisting of a balance sheet, a statement of revenue and expenditure and a statement of changes in financial position. The statements must be presented in a way that allows each item for the fiscal year just ended to be compared with the corresponding item for the previous fiscal year. The regional board must mention, in its financial statements and in the notes and tables to which the statements refer, if any, all the relevant information needed for a full disclosure of its financial position.

Content.

The report must also mention the activities of the institutions in the region and the community organizations that receive subsidies from the regional board under section 336 for the year ending on the preceding 31 March."

c. S-4.2, s. 393, repealed.

119. Section 393 of the said Act is repealed.

c. S-4.2, s. 395, am.

120. Section 395 of the said Act is amended

- (1) by replacing the words "reports and" in the second line by the words "the reports it must transmit to the Minister and the";
- (2) by replacing the words "that must be made" in the second line by the words "it must cause to be carried out".

c. S-4.2, s. 397, am.

- **121.** Section 397 of the said Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:
- "(4) two persons elected by the public educational institutions having their head offices in the region from among the members of the boards of directors of those institutions;".

c. S-4.2, s. 397.1, repealed.

122. Section 397.1 of the said Act is repealed.

c. S-4.2, s. 397.2, am.

123. Section 397.2 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: "The Minister may also, in determining the composition of each group, take into account the representation of each part of the territory of the regional board."

c. S-4.2, s. 398.0.1, added.

124. The said Act is amended by inserting, after section 398, the following section:

Person appointed by Minister.

"398.0.1. If a position cannot be filled by the application of section 397 or 398, the Minister shall appoint a person to the position within 60 days."

c. S-4.2, s. 398.1, am.

125. Section 398.1 of the said Act is amended by inserting the words "a director of a private institution," after the words "with the exception of" in the first line of the second paragraph.

c. S-4.2, s. 398.2, added.

126. The said Act is amended by inserting, after section 398.1, the following section:

Termination of membership.

"398.2. A person ceases to be a member of a board of directors when the person no longer qualifies for appointment or election to the board of directors.

Exception.

However, a person elected to the board of directors of a public institution under paragraph 1 of one of sections 129 to 132.1 is considered to remain qualified when the institution is amalgamated if the person is a member of the board of directors of the institution resulting from the amalgamation."

c. S-4.2, s. 400, am.

127. Section 400 of the said Act is amended by striking out the figure "152," in the first line.

c. S-4.2, s. 401, am.

128. Section 401 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

Vacancies.

"If the board of directors fails to fill a vacancy within 60 days, the Minister may fill the vacancy."

c. S-4.2, s. 405, am.

129. Section 405 of the said Act is amended by replacing the words "senior management" in the second and third lines of subparagraph 3 of the second paragraph by the word "complaints".

c. S-4.2, s. 407. replaced.

130. Section 407 of the said Act is replaced by the following section:

Provisions applicable.

"407. Sections 175 and 181, adapted as required, apply to the regional board."

c. S-4.2, s. 409, replaced.

131. Section 409 of the said Act is replaced by the following section:

Provisions applicable.

"**409.** Sections 161, 161.1, 162 and 164, adapted as required, apply to meetings of the board of directors."

c. S-4.2, s. 410, am.

132. Section 410 of the said Act is amended by replacing the words "the majority vote of" in the second and third lines of the first paragraph by the words "a majority of the votes cast by".

c. S-4.2, s. 411, repealed.

133. Section 411 of the said Act is repealed.

c. S-4.2, s. 414, am.

134. Section 414 of the said Act is amended by striking out the second and third paragraphs.

c. S-4.2, s. 417, replaced.

135. Section 417 of the said Act is replaced by the following section:

Provisions applicable.

"417. Sections 234 and 235, adapted as required, apply to the board of directors of a regional board."

c. S-4.2, Div. VI, ss. 417.1-417.6, added.

136. The said Act is amended by inserting, after section 417, the following division:

"DIVISION VI

"REGIONAL DEPARTMENT OF GENERAL MEDICINE

Establishment.

"417.1. A regional department of general medicine is hereby established within each regional board.

Composition.

The department shall consist of all the general practitioners who are remunerated by the Régie de l'assurance-maladie du Québec and practise in the region, including those who practise in a private medical facility.

Responsibilities.

- "417.2. Within the framework of the powers conferred on the regional board, the regional department of general medicine shall, while taking account of the responsibilities of the institutions in the territory of the regional board, exercise the following responsibilities under the authority of the executive director:
- (1) making recommendations concerning the part of the regional medical staffing plan relating to general practitioners that must be drawn up in accordance with section 377 and, once the plan has been approved by the Minister, ensuring the implementation and application of the regional board's decision concerning the plan;
- (2) defining and proposing the regional organization plan for general medical care services, and ensuring its implementation and application of the regional board's decision concerning the plan;
- (3) defining and proposing the system of access to general medical care, that may include an integrated duty roster and an on-call duty roster for services dispensed in residential and long-term care centres and under the home-care program and ensuring the implementation and coordination of the regional board's decision concerning the system, the whole within the framework of the regional organization plan for general medical care services;
- (4) making recommendations on the nature of the general medical care services arising from priority programs, and ensuring the implementation of the regional board's decision concerning such matters;
- (5) making recommendations concerning the list of specific medical activities referred to in section 361, and ensuring the implementation of the regional board's decision concerning the list;
- (6) evaluating the degree to which the objectives of the regional organization plan for general medical care services and of the part of the regional medical staffing plan relating to general practitioners have been met;

- (7) giving its opinion on any project concerning the dispensing of general medical care services:
- (8) carrying out any other function assigned to it by the executive director of the regional board in connection with general medical services.

Responsibilities exercised by executive director.

Where the regional department of general medicine fails to exercise its responsibilities under subparagraph 2 or 3 of the first paragraph, the board of directors of the regional board may request that they be exercised by the executive director.

Supervisory committee.

- "417.3. The responsibilities of the regional department of general medicine shall be exercised by a supervisory committee comprising the following members:
- (1) three physicians elected by and from among the physicians who are members of the department;
- (2) two to nine physicians who are members of the department, co-opted by the physicians elected under paragraph 1 in the number fixed in accordance with section 417.4:
- (3) the executive director of the regional board, or a physician designated by the executive director.

By-law.

"417.4. The specific composition of the supervisory committee of the regional department of general medicine, the procedure governing the election and appointment of members under paragraphs 1 and 2 of section 417.3 and their terms of office shall be determined by a by-law made by the physicians who are members of the department and who are present at a general meeting called for that purpose.

By-law.

The by-law must prescribe that a majority of the members of the supervisory committee are to be physicians practising in primary health care, and that the composition of the committee is to ensure equitable representation of each part of the territory of the regional board and each area of medical practice. The by-law shall come into force after being approved by the board of directors of the regional board.

Department head.

"417.5. The regional department of general medicine shall be directed by a department head appointed by the supervisory committee from among the members of the committee referred to in paragraphs 1 and 2 of section 417.3; the appointment must be approved by the board of directors of the regional board.

By-laws.

"417.6. The supervisory committee of the regional department of general medicine may adopt by-laws concerning its internal management, the creation of committees and sub-territorial units together with their mode of operation, and the pursuit of the department's objectives.

By-laws.

Such by-laws may also prescribe the manner in which some or all of the responsibilities assigned to the supervisory committee may be entrusted to the department head of the regional department of general medicine. The by-laws shall come into force after being approved by the board of directors of the regional board."

c. S-4.2, s. 431, am.

- **137.** Section 431 of the said Act, amended by section 50 of chapter 75 of the statutes of 1997, is again amended in the second paragraph
- (1) by striking out the words "and programs" in the first line of subparagraph 1;
- (2) by inserting the words ", in the cases provided for in the last paragraph of section 347, the parts of" after the word "and" in the first line of subparagraph 2;
- (3) by striking out the words "for the implementation of the programs," in the second line of subparagraph 3;
 - (4) by replacing subparagraph 6 by the following subparagraph:
- "(6) establish policies and orientations relating to the workforce in the health and social services network, monitor their implementation and evaluate them;";
 - (5) by replacing subparagraph 8 by the following subparagraph:
- "(8) establish the public health program, take the measures that are best suited to ensure the protection of public health, and ensure inter-regional coordination."

c. S-4.2, s. 433, am.

138. Section 433 of the said Act is amended by striking out the words "concerning the programming of health services and social services" in the first and second lines.

c. S-4.2, Part III, Title II, Chap. II, Div. I, heading, replaced. **139.** The heading of Division I of Chapter II of Title II of Part III of the said Act is replaced by the following heading:

"ISSUE AND MODIFICATION".

c. S-4.2, s. 438, am.

- **140.** Section 438 of the said Act is amended by replacing the words "associated with an institution from using the name of the institution in its corporate name" in the first and second lines of the second paragraph by the words "of an institution within the meaning of section 132.2 from using the name of the institution in its name,".
- c. S-4.2, s. 442, replaced.
- **141.** Section 442 of the said Act is replaced by the following section:

Validity.

- "442. A permit is valid until it is modified, cancelled or withdrawn."
- c. S-4.2, s. 443, repealed.
- **142.** Section 443 of the said Act is repealed.
- c. S-4.2, Part III, Title II, Chap. II, Div. III, heading, replaced.
- **143.** The heading of Division III of Chapter II of Title II of Part III of the said Act is replaced by the following heading:

"SUSPENSION AND CANCELLATION".

- c. S-4.2, s. 446, am.
- **144.** Section 446 of the said Act is amended by replacing the words ", cancel or refuse to renew" in the first line by the words "or cancel".
- c. S-4.2, s. 447, am.
- **145.** Section 447 of the said Act is amended
- (1) by replacing the words ", cancelling or refusing to renew" in the second line of the first paragraph by the words "or cancelling";
- (2) by replacing the words ", cancel or refuse to renew" in the second line of the second paragraph by the words "or cancel".
- c. S-4.2, s. 448, am.
- **146.** Section 448 of the said Act is amended by replacing the words ", cancel or refuse to renew" in the second line of the second paragraph by the words "or cancel".
- c. S-4.2, s. 449, am.
- **147.** Section 449 of the said Act, amended by section 732 of chapter 43 of the statutes of 1997, is again amended
- (1) by replacing the words ", cancelling or refusing to renew" in the first paragraph by the words "or cancelling";
- (2) by replacing the words ", cancels or refuses to renew" in the first line of the second paragraph by the words "or cancels".
- c. S-4.2, s. 450, am.
- **148.** Section 450 of the said Act, amended by section 733 of chapter 43 of the statutes of 1997, is again amended by striking out the words "or whose application for renewal is rejected" in the first and second lines.
- c. S-4.2, s. 451.2, am.
- **149.** Section 451.2 of the said Act is amended by replacing the words "sections 442 and 443" in the first line of the second paragraph by the words "section 442".
- c. S-4.2, s. 453.1, added.
- **150.** The said Act is amended by inserting, after section 453, the following section:
- Delegation.
- "453.1. The Minister may delegate the powers that may be exercised by the Minister pursuant to this division to each regional board."

c. S-4.2, ss. 457, replaced.

151. Section 457 of the said Act is replaced by the following section:

Application.

"457. Every person applying for accreditation must file an application with the regional board.

Transmission to Minister.

The regional board, once it has approved the application, shall send it to the Minister who may grant accreditation on the conditions determined by the Minister."

c. S-4.2, s. 463, am.

152. Section 463 of the said Act is amended

- (1) by striking out the words "implement the programs for which they are responsible and to" in the second and third lines of the second paragraph;
- (2) by replacing the words "regional service organization plans" in the first line of the third paragraph by the words "the part of the regional service organization plans referred to in the last paragraph of section 347".

c. S-4.2, s. 475, am.

153. Section 475 of the said Act is amended

- (1) by replacing the words "After consulting the regional board, the Minister may, if he considers it in the public interest and justified by the needs of a" in the first and second lines by the words "A regional board may, if it considers it in the public interest and justified by the needs of the";
 - (2) by adding, at the end, the following paragraphs:

Financing.

"The terms and conditions of financing set out in an agreement entered into pursuant to the first paragraph are subject to the provisions of section 476. The same applies in the case of the renewal of such an agreement.

Financing.

In case of disagreement between a regional board and a private institution as regards the determination of the terms and conditions of financing applicable under an agreement or upon the renewal of an agreement, the regional board may, six months after the beginning of discussions, apply to the Minister for a determination of such terms and conditions."

c. S-4.2, s. 476, replaced.

154. Section 476 of the said Act is replaced by the following section:

Financing agreements.

"476. The Minister shall determine, with the approval of the Conseil du trésor, the general terms and conditions relating to the financing of the activities of private institutions, and that shall be applicable, subject to the exceptions provided for by the Minister, to all financing agreements entered into pursuant to subparagraph 2 of the first paragraph of section 475.

Financing agreements.

The Minister shall also determine the minimum content, the duration and, where necessary, the form of agreements entered into pursuant to section 475. The content of such agreements may vary according to the region concerned, the nature or scope of the services dispensed by the institutions having a similar mission, or the users served by such institutions."

c. S-4.2, ss. 487.1 and 487.2, added.

155. The said Act is amended by inserting, after section 487, the following sections:

Information.

"487.1. The Minister may, by regulation, determine the information relating to the report on activities and the annual financial report that a public institution must present during its public information session.

Standards and scales.

- "487.2. The Minister may, by regulation, determine the standards and scales which must be used by regional boards, public institutions and private institutions under agreement for
- (1) the selection, appointment and engagement of and the remuneration and other terms of employment applicable to executive directors and senior and middle management personnel;
- (2) the remuneration and other terms of employment applicable to the other staff members, subject to the collective agreements in force.

Appeal.

The Minister may establish by regulation for persons referred to in subparagraphs 1 and 2 of the first paragraph who are not governed by a collective agreement, a procedure of appeal for cases of dismissal, termination of employment or non-renewal of employment, except when arising from forfeiture of office, and for cases of suspension without pay or of demotion. The regulation may also prescribe a procedure for the settlement of disagreements over the interpretation and application of the terms of employment established thereby. Lastly, the regulation may prescribe a method for the designation of an arbitrator, to which sections 100.1 and 139 to 140 of the Labour Code (chapter C-27) apply, and the measures the arbitrator may take after having heard the parties.

Approval.

A regulation under this section must be submitted for approval to the Conseil du trésor."

c. S-4.2, s. 489.1, added.

156. The said Act is amended by inserting, after section 489, the following section:

Delegation.

"489.1. The Minister may delegate the powers exercised by the Minister under this division to each regional board."

c. S-4.2, s. 505, am.

- **157.** Section 505 of the said Act is amended
 - (1) by replacing paragraph 1 by the following paragraph:
- "(1) determine the care and services to be included in the emergency services dispensed by the institutions designated by the regional board pursuant to paragraph 1.1 of section 359, and fix the maximum bed occupation time in emergency services;";
- (2) by replacing the word "in" in the second line of paragraph 5 by the word "by";

- (3) by striking out the words "may or" in the first line of paragraph 6;
- (4) by striking out paragraphs 7, 9, 12, 18 and 20;
- (5) by replacing paragraph 21 by the following paragraph:
- "(21) determine the form and tenor of an application for a permit, the qualifications required of the applicant, and the conditions to be fulfilled and information and documents to be provided by the applicant;";
- (6) by adding, at the end of paragraph 25, the words "and, for the institution to which Part IV.2 applies, the information that it may require from community organizations";
 - (7) by striking out paragraph 29.
- c. S-4.2, s. 506, am.
- **158.** Section 506 of the said Act is amended by inserting, after paragraph 3, the following paragraph:
- "(3.1) determine the procedure to be followed by, and the content of the form to be used by, a physician or dentist practising in a centre operated by an institution in order to receive remuneration from the Régie de l'assurance-maladie du Québec;".
- c. S-4.2, s. 507, repealed.
- **159.** Section 507 of the said Act is repealed.
- c. S-4.2, s. 512, am.
- **160.** Section 512 of the said Act is amended by replacing the words "including any intermediate resource of a public institution, or taken in charge" in the third and fourth lines of the first paragraph by the words "or taken in charge by an intermediate resource of a public institution or".
- c. S-4.2, Part III.1, ss. 520.1-520.4, added.
- **161.** The said Act is amended by inserting, after section 520, the following:

"PART III.1

"EDP ASSETS AND SECURITY OF ELECTRONIC INFORMATION

"EDP asset".

"520.1. In this Part, "EDP asset" means any electronic database, computer system, telecommunications system, information technology, facility, or combination of such; certain components of a piece of specialized or ultraspecialized medical equipment may be considered to be EDP assets, in particular when the equipment is connected electronically to other EDP assets.

Orientations.

"520.2. The Minister shall determine orientations relating to EDP assets, and the regional boards shall be responsible for implementing those orientations within the health and social services network.

Supplier.

"520.3. The Minister may, in accordance with the rules governing the awarding of contracts that apply to government departments and bodies,

select the supplier of the provincial telecommunications network for the health and social services network, and require the regional boards and public institutions to use the services of that supplier.

Security standards.

"520.4. The Minister may, by regulation, prescribe security standards to assure the confidentiality and security of electronic information, that shall apply to regional boards, institutions, and any person who uses the EDP assets of the health and social services network.

Offence.

The regulation shall specify those of its provisions whose contravention constitutes an offence."

c. S-4.2, s. 522, replaced.

162. Section 522 of the said Act is replaced by the following section:

Mandates.

"522. The Centre shall carry out the mandates specified in the regulation made under section 487.2, or that are entrusted to it by the Minister."

c. S-4.2, s. 529, replaced.

163. Section 529 of the said Act is replaced by the following section:

Internal management.

"529. The Centre shall make by-laws for its internal management."

c. S-4.2, s. 530.4, repealed.

164. Section 530.4 of the said Act is repealed.

c. S-4.2, s. 530.5, am.

165. Section 530.5 of the said Act is amended

- (1) by replacing the word "person" in the first line of the second paragraph by the words "complaints officer";
- (2) by replacing the words "senior management" in the third line of the second paragraph by the word "complaints";
- (3) by replacing the words "person responsible" in the sixth line of the second paragraph by the words "complaints officer of the institution referred to in section 530.1";
 - (4) by replacing the third paragraph by the following paragraph:

Complaint to complaints officer.

"In addition, where the complaints officer of the institution whose head office is situated outside the territory to which this Part applies receives a complaint directly from a user whose place of residence is situated in the territory to which this Part applies as regards services that have or should have been provided to the user by that institution, the complaints officer must, after informing the complaints officer of the institution referred to in section 530.1, examine the complaint in the manner set out in sections 32 to 41 and communicate the results to the complaints officer of the institution referred to in section 530.1, who shall inform the user with dispatch of the action taken in response to the complaint."

c. S-4.2, s. 530.6, repealed.

166. Section 530.6 of the said Act is repealed.

c. S-4.2, s. 530.7, am.

167. Section 530.7 of the said Act is amended

- (1) by striking out the words "in writing" in the first line of the first paragraph;
- (2) by replacing the word "person" in the third line of the first paragraph by the words "complaints officer";
 - (3) by replacing the last two paragraphs by the following paragraphs:

Examination of complaint.

"In such a case, the complaints officer must, with dispatch, transmit the complaint to the complaints officer of the regional board concerned, who shall examine the complaint in the manner set out in sections 44 to 52 and communicate the results to the complaints officer of the regional board referred to in section 530.25, who shall inform the user with dispatch of the action taken in response to the complaint.

Complaint to complaints officer.

In addition, where the complaints officer of a regional board established for a different territory from that of the regional board referred to in section 530.25 receives a complaint on the grounds set out in the first paragraph directly from a user whose place of residence is situated in the territory to which this Part applies, the complaints officer must, after informing the complaints officer of the regional board referred to in section 530.25, examine the complaint in the manner set out in sections 44 to 52 and communicate the results to the complaints officer of the institution concerned, who shall inform the user with dispatch of the action taken in response to the complaint."

c. S-4.2, s. 530.8, replaced.

168. Section 530.8 of the said Act is replaced by the following section:

Users of certain services.

****530.8.** A person whose place of residence is situated in the territory to which this Part applies and who uses the services of a community organization referred to in section 334 or is lodged in a nursing home accredited for purposes of subsidies under section 454, may, where the head office of that organization or nursing home is situated outside the territory of the person's residence, file a complaint with the complaints officer responsible for the application of the complaint examination procedure of the regional board referred to in section 530.25 as regards the services that have or should have been provided to the person by the organization or nursing home.

Examination of complaint.

In such a case, the complaints officer of the regional board referred to in section 530.25 must, with dispatch, transmit the complaint to the complaints officer of the regional board established for the territory in which the head office of the organization or nursing home referred to in the first paragraph is situated, who shall examine the complaint in the manner set out in sections 73 to 76 and communicate the results to the complaints officer of the regional board referred to in section 530.25, who must inform the person, with dispatch, of the action taken in response to the complaint.

Complaint to complaints officer.

In addition, where the complaints officer of the regional board established for the territory in which the head office of the organization or nursing home referred to in the first paragraph is situated receives a complaint directly from a person in one or other of the situations referred to in the first paragraph, the complaints officer must, after notifying the complaints officer of the regional board referred to in section 530.25, examine the complaint in the manner set out in sections 73 to 76 and communicate the results to the complaints officer of the regional board referred to in section 530.25, who shall inform the person, with dispatch, of the action taken in response to the complaint."

c. S-4.2, Part IV.1, Title I, Chap. III, Div. IV, s. 530.22, repealed. **169.** Division IV of Chapter III of Title I of Part IV.1 of the said Act, comprising section 530.22, is repealed.

c. S-4.2, Part IV.1, Title I, Chap. IV, Div. IV, s. 530.32, repealed. **170.** Division IV of Chapter IV of Title I of Part IV.1 of the said Act, comprising section 530.32, is repealed.

c. S-4.2, Part IV.2, ss. 530.43-530.88, added.

171. The said Act is amended by inserting, after section 530.42, the following:

"PART IV.2

"SPECIAL PROVISIONS APPLICABLE IN A PART OF THE NORD-DU-QUÉBEC REGION

"TITLE I

"GENERAL PROVISIONS

Scope.

"530.43. This Part applies in the territory of the Nord-du-Québec administrative region described in paragraph 16 of Schedule I to Order in Council 2000-87 dated 22 December 1987, with any present and future amendments, except the territory defined in section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) and the territory delimited by Order in Council 1213-78 dated 20 April 1978 and coming under the jurisdiction of the James Bay Cree health and social services council.

Single public institution.

"530.44. Only one public institution shall have its head office in the territory to which this Part applies.

Regional board.

"530.45. No regional board shall be established in that territory.

Application.

"530.46. The provisions of this Act applicable to public institutions apply to the institution to which this Part applies, subject to any special provisions enacted by this Part.

"TITLE II

"COMPLAINTS

Complaints commissioner.

"530.47. A user having filed a complaint with an institution may address the complaint to the complaints commissioner if the user disagrees with the conclusions sent to the user by the complaints officer responsible for the complaint examination procedure or deemed to have been sent to the user under section 36, or if the complaints officer has refused or ceased to examine the complaint.

Provisions applicable.

The provisions of sections 56 to 62 and 67 apply to the filing of a complaint with the complaints commissioner; for that purpose, the expressions "the regional board" and "regional board" mean the institution. In addition, the remedy available under section 35 or 36 is the remedy available under this section.

Institution.

"530.48. Complaints made under section 72 shall be filed with the institution.

Provisions applicable.

The provisions of sections 67 and 72 to 76 apply to those complaints and the provisions of sections 56 to 62 apply to the filing of a complaint with the complaints commissioner. For such purposes, the expressions "the regional board" and "regional board" mean the institution and a reference to section 43 is a reference to section 29.

Report to the Minister.

"530.49. The institution must send the report referred to in section 68 to the Minister.

Tabling.

The Minister shall table the report before the National Assembly together with the reports referred to in section 71.

"TITLE III

"SPECIAL FUNCTIONS OF THE INSTITUTION

Responsibilities of a regional board.

"530.50. In addition to exercising the functions inherent in the missions of the centres it operates, the object of the institution to which this Part applies is to exercise the responsibilities of a regional board referred to in section 340, except the responsibilities to be exercised in respect of other institutions.

Council of physicians, dentists and pharmacists.

The advice of the regional medical commission required under subparagraph 3 of the second paragraph of section 340 must be obtained from the council of physicians, dentists and pharmacists of the institution.

Information of users.

"530.51. The institution must inform the users in the region of the health services and social services available to them and of their rights, recourses and obligations in that respect.

Health and welfare priorities.

"530.52. The institution shall exercise the functions of a regional board relating to the health and welfare priorities provided for in section 346 and the functions relating to the organization of services provided for in sections 347 to 349.

Organization plans.

The institution shall apply section 105 in accordance with the regional service organization plans referred to in section 347 and shall submit the parameters referred to in the second paragraph of section 105 to the Minister for approval.

Regional coordination.

"530.53. The institution shall exercise the coordination functions of a regional board referred to in section 352 in respect of the activities of community organizations and specific medical activities as well as the functions referred to in section 353.

Access to services.

"530.54. The institution shall determine, within the framework of its regional service organization plans and in accordance with the orientations identified for that purpose by the Minister, the general rules governing access to the services it offers. It shall implement any mechanism of access to services it considers necessary to ensure a prompt and adequate response to users' needs.

Access to services.

The mechanisms of access to services must take the sociocultural and linguistic characteristics of the users into account.

Development of intermediate resources.

"530.55. The institution shall ensure that intermediate resources and family-type resources are developed in harmony with the capacity of the region concerned to accept them.

Emergency services.

"530.56. The institution shall adopt adequate operating standards for its emergency services and apply standards consistent with the principle of an adequate distribution of emergency cases in determining the use and allocation of beds.

Regional information system.

The institution shall develop and implement a regional information system to monitor, on a daily basis, the situation in the centres operated by it as regards the number and nature of registrations and admissions of users and their transfer and transport by ambulance.

Provisions applicable.

"530.57. The provisions of sections 360 to 366 are applicable. For that purpose and according to the rules set out in section 361, the institution shall establish a list of specific medical activities based on regional service organization plans and exercise the other powers and duties of a regional board; in addition, the expression "regional medical commission" means the council of physicians, dentists and pharmacists of the institution.

Interpretation.

"**530.58.** The council of physicians, dentists and pharmacists of the institution shall exercise the powers and duties of the regional medical commission described in the first paragraph of section 369; for the purposes

of that provision, the expressions "the regional board" and "the board" mean the institution.

Public health.

"530.59. The institution shall exercise the functions of a regional board relating to public health provided for in the first paragraph of section 371. The provisions of sections 372 to 375 are applicable to the public health director; for that purpose, the expressions "Each regional board", "A regional board" and "the regional board" mean the institution.

Agreement.

However, instead of creating a public health directorate pursuant to paragraph 2 of section 371, the institution may enter into an agreement with a regional board whereby the responsibilities provided for in sections 373 to 375 are assumed by the public health director of another region.

Public health director.

The public health director of the institution or of the regional board with which the institution has entered into an agreement referred to in the second paragraph shall become a member of the council of physicians, dentists and pharmacists of the institution.

Regional human resources development plan.

"530.60. The institution shall draw up a regional human resources development plan in keeping with the orientations determined and policies established by the Minister and in cooperation with the organizations concerned, and see to its implementation.

Professional development activities.

To that end, the institution shall

- (1) organize professional development activities within the framework of the implementation of the regional service organization plans;
- (2) organize professional development activities for the members of its board of directors;
- (3) assist community organizations with regard to professional development activities for their members.

Powers and duties.

"530.61. The institution shall exercise the powers and duties of a regional board provided for in section 377 concerning the medical staffing plan of the region, the powers and duties provided for in section 380 concerning the advice to be given to the Minister, the powers and duties provided for in section 381 concerning community organizations and the powers and duties provided for in section 384 concerning accredited private resources.

Provision applicable.

Section 377.1 applies in respect of the medical staffing plan developed by the institution.

"TITLE IV

"BOARD OF DIRECTORS OF THE INSTITUTION

"CHAPTER I

"ESTABLISHMENT

Composition.

- "530.62. The board of directors of the institution to which this Part applies shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:
 - (1) five persons elected by the population;
- (2) one person elected by and from among the physicians, dentists and pharmacists who practise their profession in any centre operated by the institution;
- (3) three persons elected by and from among the persons employed by the institution, provided, however, the position titles of the elected persons are different and, where applicable, those persons are members of different professional orders and work in facilities situated in different localities;
 - (4) one person elected by the users' committee of the institution;
- (5) where applicable, one person appointed by the board of directors of the foundation of the institution within the meaning of section 132.2 or, if there is more than one foundation for the institution, elected jointly by the boards of directors of such foundations:
- (6) one person elected by the community organizations designated by the Minister:
 - (7) two persons appointed by the members referred to in paragraphs 1 to 6;
 - (8) the executive director of the institution.

Election.

"530.63. The institution shall, every three years, on such day as the Minister determines, invite the population to elect the persons referred to in paragraph 1 of section 530.62. No minor is entitled to vote.

Regulation.

The mechanisms whereby candidates may address the population before an election, and the election procedure to be followed shall be determined by regulation of the Minister, as well as the standards relating to advertising, financing, the powers and duties of election officers and campaign literature.

Procedure.

"530.64. The Minister shall determine, by regulation, the procedure to be followed for the election or appointment of the persons referred to in paragraphs 2 to 6 of section 530.62.

Date.

The Minister shall fix the date on which each such election is to be held or appointment made.

Cooptation.

"530.65. Once the members referred to in paragraphs 1 to 6 of section 530.62 have been elected or appointed, the members shall, within 30 days, elect two persons to the board of directors by cooptation.

Representation.

The members shall, by means of the election by cooptation, allow for membership on the board of directors of persons whose competence and skills are considered useful to the administration of the institution, and ensure just representation of the parts of the territory of the region, the sectors of activity or the sociocultural, linguistic or demographic groups of the region and the most equitable representation possible of women and men.

Approval.

An appointment made under this section must, to be valid, be submitted to the Minister for approval.

Person appointed by Minister.

"530.66. If a position cannot be filled by the application of section 530.62 or section 530.65, the Minister shall appoint a person to the position within 60 days.

Contestation.

"530.67. Any interested person may present a motion in contestation or annulment of any election held under this chapter before the Administrative Tribunal of Québec.

Provisions applicable.

The provisions of section 148 apply to the proceeding.

"CHAPTER II

"TERM OF OFFICE, QUALIFICATION FOR MEMBERSHIP AND VACANCIES

Term of office.

"530.68. The term of office of a member of the board of directors cannot be renewed more than once.

Limitation.

"530.69. No person employed by a community organization may be elected or appointed as a member of the board of directors of the institution except under paragraph 6 of section 530.62.

Interpretation.

"530.70. In section 156, the expression "the regional board" means the Minister, the reference to paragraph 2 or 3 of sections 129 to 132.1 is a reference to paragraphs 2, 3 and 4 of section 530.62 and the reference to section 135 is a reference to section 530.63.

"CHAPTER III

"OPERATION

Number of meetings.

"530.71. The board of directors of the institution shall meet at least six times a year.

Committees

- "530.72. In addition to the powers provided for in section 181, the board of directors may, by by-law,
 - (1) set up the committees necessary for the pursuit of its objects;
- (2) determine the composition, functions, duties and powers of the committees and their operating procedures, internal management rules and financing;
- (3) determine the mode of appointment, qualifications, functions, duties and powers and the terms of office of committee members and the dismissal procedure.

"TITLE V

"OTHER PROVISIONS SPECIFIC TO THE INSTITUTION

Agreements.

"530.73. Every agreement entered into by the institution to which this Part applies in accordance with section 108 shall become effective 60 days after it is filed with the Minister unless it is disallowed by the Minister.

Authorization.

"530.74. An institution must obtain authorization from the Minister before entering into a contract referred to in the second paragraph of section 110.

Organization plan.

"530.75. The organization plan of the institution shall be transmitted to the Minister.

Elements of plan referred to in s. 184.

The elements of the plan referred to in section 184 must be determined taking into account the regional service organization plans drawn up by the institution. That part of the organization plan of the institution must be transmitted to the Minister for approval. Once approved by the regional board, the said part of the organization plan shall constitute the medical and dental staffing plan of the institution. During a review, the medical and dental staffing plan of the institution shall continue to apply until the Minister makes a decision concerning the review.

Authorization.

"530.76. The authorization referred to in the fourth paragraph of section 199 shall be given to the institution by the Minister.

Report.

"530.77. The copy of the report required under section 212 shall be transmitted to the Minister by the institution.

Approval and notification.

"530.78. The approval required under section 240 shall be given to the institution by the Minister and the notification required under sections 245 and 256 shall be given to the Minister by the institution.

Provision not applicable.

"530.79. Section 263 does not apply to the institution, except for the purposes of section 260.

Exemptions.

The institution is not required to obtain the authorizations or acceptations provided for in sections 268, 269.1, 271 and 272.

Advice and authorizations.

The advice and authorizations provided for in sections 265 and 296 shall be given to the institution by the Minister.

Information.

The Minister may require the institution to furnish the information referred to in section 279.

Annual report.

"530.80. The annual report on activities of the institution, forwarded to the Minister in accordance with section 278, must also include the elements prescribed by the fourth paragraph of section 391 concerning community organizations.

Tabling.

The Minister shall table the report before the National Assembly within 30 days of its receipt or, if the Assembly is not in session, within 30 days after resumption.

Parliamentary Committee.

The National Assembly shall refer the report to the Parliamentary Committee on Social Affairs which shall examine it and hear the institution at least once every three years.

Operating budget estimates.

"530.81. The operating budget estimates for the institution shall be drawn up on the basis of the budgetary parameters transmitted by the Minister.

"the regional board".

In sections 286 to 288, the expression "the regional board" means the Minister.

Report.

The report required under section 295 shall be submitted to the Minister.

Intermediate resources.

"530.82. The institution may call upon the services of an intermediate resource for the purpose of carrying out the mission of a centre operated by the institution. The institution shall exercise the responsibilities of a regional board in respect of such resources.

Family-type resources.

The institution may also call upon the services of a family-type resource for the placement of adults or elderly persons and, if it operates a centre referred to in the second or third paragraph of section 310, for the placement of children. The institution shall exercise the responsibilities of a regional board in respect of such resources.

"the regional board".

In section 307, the expression "the regional board" means the Minister.

Subsidies to community organizations.

"530.83. The institution shall exercise the functions of a regional board referred to in section 336 concerning the granting of subsidies to community organizations. The institution shall notify the Minister within 30 days of any decision concerning the granting of a subsidy.

Control.

The institution must ensure control over the subsidies granted to community organizations.

Applications concerning permit.

"530.84. The institution shall send any application concerning its permit to the Minister.

Financial allowance.

"530.85. The institution may allocate a financial allowance referred to in section 454 to a person operating a private nursing home.

"the regional board".

For the purposes of sections 457 and 459, the expression "the regional board" means the institution.

Funding of services.

"530.86. Sections 463 to 465 relating to the funding of services apply to the institution as if it were a regional board.

Regulation under s. 510.

"530.87. The regulation made under section 510 must prescribe the formation of a regional committee for the territory to which this Part applies; in that section, the expressions "the regional board" and "that board" mean the institution.

Responsibilities under Part III.1.

"530.88. The institution shall exercise the responsibilities entrusted to a regional board under Part III.1."

c. S-4.2, s. 531, am.

172. Section 531 of the said Act, amended by section 49 of chapter 36 of the statutes of 1996, is again amended by adding the words "or in the second paragraph of section 520.4" after the figure "511" in the second line of the first paragraph.

c. S-4.2, words replaced.

173. The said Act is amended by replacing the words "senior management officer", wherever they occur in sections 38 to 41, 45, 48 and 50 to 52, by the words "complaints officer".

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

c. A-3.001, s. 195, am.

174. Section 195 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by adding, at the end, the following paragraph:

Territory to which Part IV.2 of c. S-4.2 applies.

"For the territory to which Part IV.2 of the Act respecting health services and social services applies, the specific agreement shall be made with the institution having its head office in that territory."

AUTOMOBILE INSURANCE ACT

c. A-25, s. 155.5, am.

175. Section 155.5 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by inserting the words ", to the institution to which Part IV.2 of that Act applies" after the words "(chapter S-4.2)" in the second line of the first paragraph.

HOSPITAL INSURANCE ACT

c. A-28, s. 2, am.

176. Section 2 of the Hospital Insurance Act (R.S.Q., chapter A-28) is amended by inserting the words "and to the institution to which Part IV.2 of the Act respecting health services and social services applies" after the word "centre" in the fifth line of the first paragraph.

HEALTH INSURANCE ACT

c. A-29, s. 19, am.

177. Section 19 of the Health Insurance Act (R.S.Q., chapter A-29) is amended

(1) by inserting, after the sixth paragraph, the following paragraph:

Different remuneration.

"An agreement may, to ensure compliance with the regional medical staffing plans referred to in section 377 of the Act respecting health services and social services, provide for different remuneration for certain classes of health care professionals according to the location of their practice or the territory in which they exercise their activities.";

(2) by inserting, after the eighth paragraph, the following paragraph:

Failure to reach an agreement.

"Failing an agreement to determine the different remuneration referred to in the seventh paragraph, the Government may fix the remuneration in a regulation to stand in lieu of the agreement."

c. A-29, s. 19.0.1, am.

178. Section 19.0.1 of the said Act is amended by replacing the word "seventh" in the second line by "eighth".

c. A-29, s. 19.1, am.

179. Section 19.1 of the said Act is amended by replacing the word "eleventh" in the second paragraph by the word "thirteenth".

c. A-29, s. 65, am.

180. Section 65 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by inserting the words "and to the institution to which Part IV.2 of that Act applies" after the words "(chapter S-4.2)" in the second line of the third paragraph.

c. A-29, s. 66.1, am.

181. Section 66.1 of the said Act is amended by adding, at the end of the third paragraph, the following: "together with information, in nominative form concerning the specialty in which general practitioners and medical specialists are classified, the fact that they receive or do not receive remuneration from the Board, and the location of their practice, in other words

the name of the institution concerned if they practise in a centre operated by an institution, or the name of the locality, in other cases. The Board shall also, on request, send the practice profiles to the organization representing general practitioners and the organization representing medical specialists with which the Minister has entered into an agreement within the meaning of section 19, and to the group formed by the regional boards."

c. A-29, s. 69, am.

182. Section 69 of the said Act is amended by inserting the words "or by the institution to which Part IV.2 of the Act respecting health services and social services applies" after the word "board" in the second line of subparagraph x of the first paragraph.

ACT RESPECTING THE CONSEIL DE LA SANTÉ ET DU BIEN-ÊTRE

c. C-56.3, s. 4, am.

183. Section 4 of the Act respecting the Conseil de la santé et du bien-être (R.S.Q., chapter C-56.3) is amended by inserting the words "or from the institution to which Part IV.2 of that Act applies" after the words "(chapter S-4.2)" in the fifth line.

ACT TO ENSURE THAT ESSENTIAL SERVICES ARE MAINTAINED IN THE HEALTH AND SOCIAL SERVICES SECTOR

c. M-1.1, s. 19, am.

184. Section 19 of the Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1) is amended by replacing the words "or regional council" in the first and second lines of the second paragraph by the words ", the regional council or the institution to which Part IV.2 of the Act respecting health services and social services applies".

PUBLIC HEALTH PROTECTION ACT

c. P-35, s. 1, am.

185. Section 1 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by adding the words "and the institution to which Part IV.2 of that Act applies" at the end of paragraph g.1.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

c. R-0.2, s. 33, am.

186. Section 33 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by adding, at the end of the second paragraph, the following sentence: "An agreement entered into with the institution to which Part IV.2 of that Act applies has effect only from the sixtieth day following its filing with the Minister of Health and Social Services, unless the Minister has disallowed the agreement."

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

c. R-5, s. 7, am.

187. Section 7 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended by inserting the words "or of the institution to which Part IV.2 of that Act applies" after the word "Act" in the fourth line of the fifth paragraph.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

c. S-2.1, s. 1, am.

188. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), amended by section 34 of chapter 27 of the statutes of 1997, is again amended by adding the words "and the institution to which Part IV.2 of that Act applies" at the end of the definition of "regional board".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

c. S-5, s. 149.26, am.

- **189.** Section 149.26 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended
- (1) by replacing the words "or regional board" in the first line of the first paragraph by the words ", every regional board or the institution to which Part IV.2 of the Act respecting health services and social services applies";
- (2) by replacing the words "or board" in the third line of the first paragraph by the words ", board or institution".

c. S-5, s. 149.27, am.

- **190.** Section 149.27 of the said Act is amended
- (1) by replacing the words "and every regional board" in the first line of the first paragraph by the words ", every regional board or the institution to which Part IV.2 of the Act respecting health services and social services applies";
- (2) by replacing the words "or regional board" in the sixth and seventh lines of the first paragraph by the words ", the regional board or the institution".

c. S-5, s. 149.28, am.

- **191.** Section 149.28 of the said Act is amended by replacing the words "or regional board" in the first line of the first paragraph by the words ", a regional board or the institution to which Part IV.2 of the Act respecting health services and social services applies where the council, board or institution is".
- c. S-5, s. 149.32.1, am.
- **192.** Section 149.32.1 of the said Act is amended
- (1) by inserting the words "or the institution to which Part IV.2 of the Act respecting health services and social services applies" after the word "board" in the first line of the first paragraph;

- (2) by inserting the words ", adapted as provided in section 530.48 of that Act as concerns the institution to which Part IV.2 of that Act applies," after the words "(chapter S-4.2)" in the second line of the second paragraph;
- (3) by inserting the words "or the institution" after the word "board" in the fourth line of the third paragraph;
- (4) by inserting the words ", adapted as provided in section 530.48 of the said Act as concerns the institution to which Part IV.2 of the said Act applies," after the word "Act" in the fifth line of the third paragraph.
- c. S-5, s. 173.3, added.
- **193.** The said Act is amended by inserting, after section 173.2, the following section:

Security standards.

"173.3. The Minister may, by regulation, prescribe security standards to assure the confidentiality and security of electronic information, that shall apply to the James Bay Cree health and social services council and to any person who, in the region in which the head office of the council is situated, uses the EDP assets of the health and social services network.

Offence.

The regulation shall specify those of its provisions whose contravention constitutes an offence."

c. S-5, s. 179, am.

194. Section 179 of the said Act is amended by adding the words ", and every person who contravenes a regulatory provision referred to in the second paragraph of section 173.3 is guilty of an offence and liable to a fine of \$325 to \$1,150 in the case of a natural person, or a fine of \$700 to \$7,000 in the case of a legal person" at the end of the second paragraph.

ACT RESPECTING ADMINISTRATIVE JUSTICE

1996, c. 54, Sched. I, s. 3, am.

195. Section 3 of Schedule I to the Act respecting administrative justice (1996, chapter 54), amended by section 871 of chapter 43 of the statutes of 1997, is again amended by replacing the words "or 530.16" in the first line of paragraph 11 by the words ", 530.16 or 530.67".

TRANSITIONAL AND FINAL PROVISIONS

Modification of complaint examination procedures.

196. Institutions, regional boards and the complaints commissioner must modify their respective complaint examination procedures to comply with the modifications made by this Act and perform the obligations relating to the implementation of the modified procedures from 20 December 1998.

Complaints filed before 20 December 1998.

Until that date, the following provisions apply to complaints filed by users of family-type resources:

(1) Every complaint filed with a regional board by such a user in accordance with section 72 of the Act respecting health services and social services, as it read before 20 June 1998, shall continue to be heard by the regional board

according to the established procedure. If the examination of such a complaint has not been completed on 20 December 1998, it shall be continued in accordance with that procedure.

(2) The complaints commissioner shall retain authority to examine a complaint filed by such a user, in accordance with the procedure applicable before 20 December 1998, where the user disagrees with the conclusions transmitted by the senior management officer or by the complaints officer of the regional board pursuant to paragraph 1.

Institutions deemed designated.

- **197.** Unless otherwise decided by the Government, the following institutions are deemed to have been designated by a government order made pursuant to section 185 of the Act respecting health services and social services, as amended by section 68:
 - (1) L'Hôpital de Montréal pour enfants;
 - (2) Hôpital neurologique de Montréal;
 - (3) Hôpital Ste-Justine;
 - (4) Institut de cardiologie de Montréal;
 - (5) Hôpital Shriners pour enfants (Québec) Inc.;
 - (6) L'Institut de réadaptation de Montréal.

By-laws.

198. The board of directors of a public institution must discharge its obligation to adopt by-laws under sections 234 and 235 of the Act respecting health services and social services, replaced by section 76 of this Act, on or before 20 December 1998.

First four-year period.

199. For the purposes of the second paragraph of section 290 of the Act respecting health services and social services, replaced by section 91 of this Act, the first period of four years shall be computed from the fiscal year beginning on 1 April 1994.

New institution.

The provisions of the third paragraph of the said section 290, enacted by section 91 of this Act, apply to a new institution established after 20 June 1998.

Rates of compensation.

200. The rates or scale of rates of compensation determined by a regional board pursuant to section 304 of the Act respecting health services and social services, as amended by section 96 of this Act, apply in respect of the services provided by any new intermediate resource granted recognition after the date of coming into force of those rates.

Interim adjustment period.

With regard to the services provided by an intermediate resource granted recognition before that date, if, in the opinion of the regional board, the rates

or scale of rates of compensation determined by the regional board would necessitate major adjustments in relation to the amounts formerly received by the intermediate resource, the regional board may allow an interim period, not exceeding three years, during which the adjustments will be made gradually according to the scope of the corrections required.

Applicability of s. 391 of c. S-4.2.

201. The provisions of section 391 of the Act respecting health services and social services, replaced by section 118 of this Act, apply with regard to the year ending on 31 March 1999 and to all subsequent years.

Validity of permits.

202. A permit issued to an institution under the Act respecting health services and social services that is in force on (*insert here the date of coming into force of this section*) shall remain valid, notwithstanding its date of expiry, until it is amended, cancelled or withdrawn in accordance with the provisions of section 442 of the said Act, as replaced by section 141 of this Act.

Validity of agreements.

203. Any agreement entered into under section 475 of the Act respecting health services and social services as it read before 20 June 1998 shall remain valid and shall be deemed to be an agreement entered into under section 475 of the said Act, as amended by section 153 of this Act.

Terms and conditions of financing.

However, the terms and conditions of financing provided for in such an agreement shall, without further formality, be subordinated to compliance with the provisions of section 476 of the Act respecting health services and social services, as replaced by section 154 of this Act.

Applicability of terms and conditions relating to financing.

204. Nowithstanding any inconsistent provision, the general terms and conditions relating to the financing of the activities of private institutions and the other measures determined in accordance with the provisions of section 476 of the Act respecting health services and social services, as replaced by section 154 of this Act, shall apply with respect to the fiscal year that began on 1 April 1998.

Agreement.

However, provided it is accepted by the Conseil du trésor and signed by the parties not later than 1 September 1998, an agreement entered into for the purpose of accepting the general terms and conditions and the other measures negotiated in accordance with the provisions of section 476 of the Act respecting health services and social services as it read before 20 June 1998 shall stand in lieu of the general terms and conditions and other measures referred to in the first paragraph and shall cease to have effect on 31 March 2003.

Regulation under s. 507 of c. S-4.2.

205. Any regulation made by the Government under section 507 of the Act respecting health services and social services, repealed by section 159 of this Act, shall remain in force and shall be deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services, enacted by section 155 of this Act.

Supplier.

206. The Minister may, upon the coming into force of section 520.3 of the Act respecting health services and social services, enacted by section 161 of this Act, require the regional boards and public institutions to use the services of the supplier of the telecommunications network already selected by the Minister in accordance with the rules governing the awarding of contracts that apply to government departments and bodies.

Centre de santé et de services sociaux de la Radissonie. **207.** The Centre de santé et de services sociaux de la Radissonie is the institution to which Part IV.2 of the Act respecting health services and social services, enacted by section 171 of this Act, applies. To ensure that the composition of the board of directors of that institution meets the requirements of Chapter I of Title IV of the said Part, the Minister shall designate the provisional members of the board of directors of that institution after consulting the institution.

Provisional members.

The provisional members designated by the Minister shall remain in office until they are replaced by persons elected or appointed pursuant to Chapter I of Title IV of Part IV.2 of the Act respecting health services and social services.

Cessation of existence.

208. The Régie régionale de la santé et des services sociaux du Nord-du-Québec, established by Order in Council 1825-91 dated 18 December 1991, shall cease to exist on (*insert here the date of coming into force of this section*) and its rights and obligations become, without other formality, the rights and obligations of the Centre de santé et de services sociaux de la Radissonie.

Proceedings.

The Centre becomes a party to any proceedings to which the Régie was a party, without continuance of suit.

By-laws and resolutions.

The by-laws, resolutions and other acts of the Régie are deemed to be the by-laws, resolutions and acts of the Centre; the same applies to the permits issued by and the recognitions and accreditations granted by the Régie.

Records and documents.

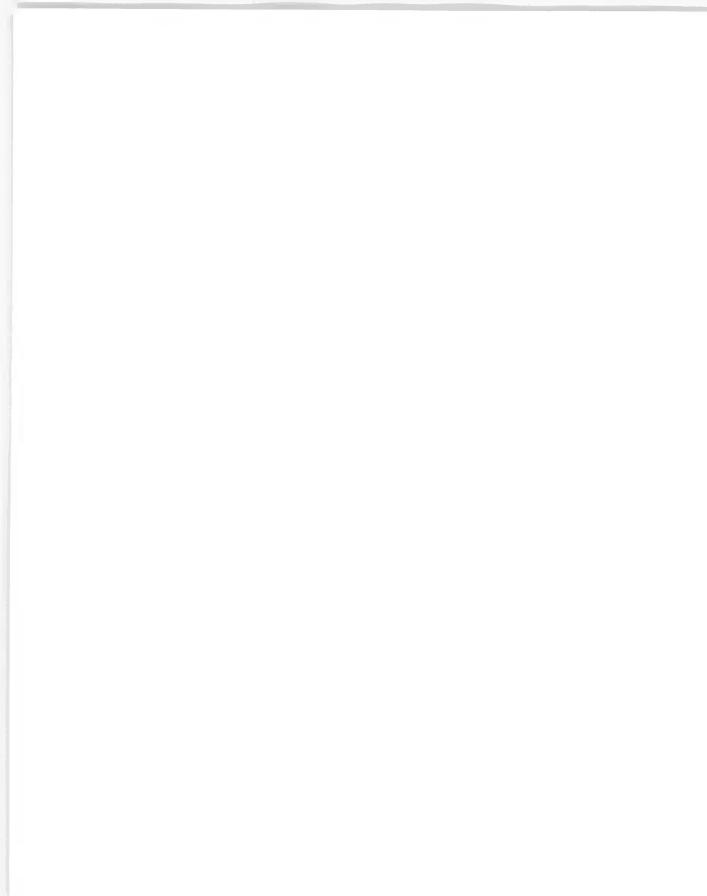
The records and other documents of the Régie become those of the Centre.

Complaints.

Complaints addressed to the Régie pursuant to section 42 of the Act respecting health services and social services are transferred to the complaints commissioner and complaints addressed to the Régie pursuant to section 72 of the said Act are transferred to the Centre.

Coming into force.

209. This Act comes into force on 20 June 1998, except the provisions of paragraph 2 of section 63, sections 94 to 97, 139, 141 to 149, 160, 171, 202, 207 and 208, which come into force on the date or dates to be fixed by the Government.



1998, chapter 40 AN ACT RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

Bill 430

Introduced by Mr Jacques Brassard, Minister of Transport Introduced 14 May 1998 Passage in principle 26 May 1998 Passage 19 June 1998 Assented to 20 June 1998

Coming into force: on the date or dates to be fixed by the Government

- 1998-07-21: ss. 1-4, 6-14, 19, 20, 22-46, 48, 49, 51, 54, 55 (par. 1), 55 (par. 2, as

regards the definition of "tool vehicle"), 58, 59, 62, 65, 66, 69, 71-76, 78, 79, 94, 117, 120-123, 125, 126, 128 (par. 1), 144 (par. 7, 8, 12), 146-148,

150 (par. 1, 2), 154-162, 171, 172, 174-182

O.C. 985-98

G.O., 1998, Part 2, p. 3299

- 1998-11-27: s. 144 (par. 9, 10)

O.C. 1481-98

G.O., 1998, Part 2, p. 4555

- 1998-12-24: ss. 130, 131, 132

O.C. 1481-98

G.O., 1998, Part 2, p. 4555

- 1999-02-24: ss. 15 (1st, 3rd par.), 16 (1st par.), 17, 18

O.C. 159-99

G.O., 1999, Part 2, p. 218

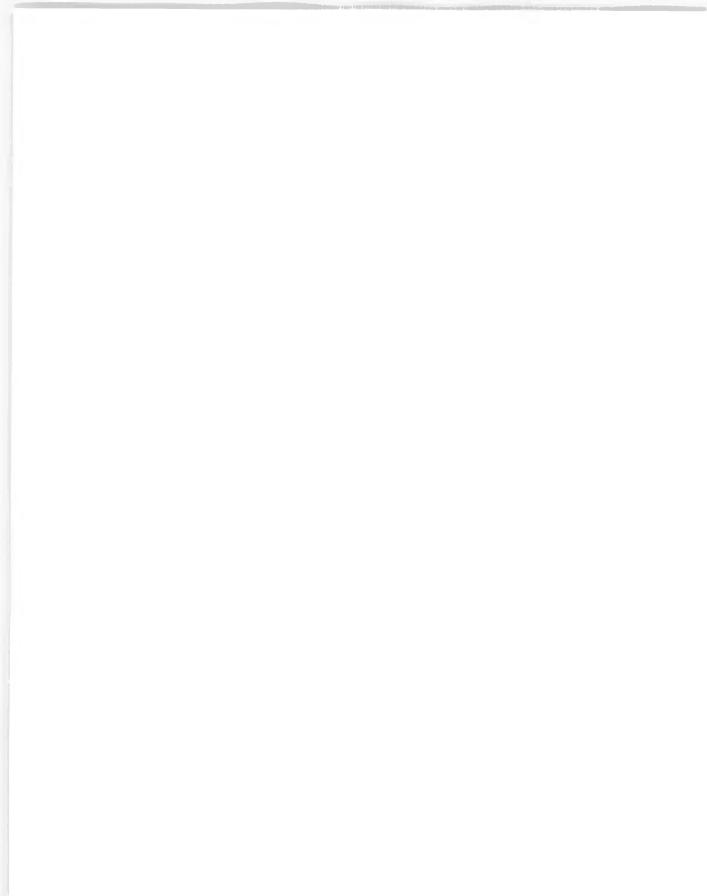
Legislation amended:

Automobile Insurance Act (R.S.Q., chapter A-25) Highway Safety Code (R.S.Q., chapter C-24.2) Code of Penal Procedure (R.S.Q., chapter C-25.1) Transport Act (R.S.Q., chapter T-12) Act respecting administrative justice (1996, chapter 54)

Legislation repealed:

Act respecting truck transportation (R.S.Q., chapter C-5.1)







Chapter 40

AN ACT RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

Rules.

1. This Act establishes special rules applicable to owners and operators of heavy vehicles with a view to increasing the safety of road users on roads open to public vehicular traffic and to preserving the integrity of the road network.

Road open to public vehicular traffic.

Land occupied by shopping centres and other land where public traffic is allowed shall be considered to be a road open to public vehicular traffic.

Interpretation.

- 2. For the purposes of this Act,
- (1) an owner of a heavy vehicle is a person whose name appears on the vehicle's registration certificate or a person who holds, in respect of the vehicle, a right within the meaning of section 2 of the Highway Safety Code (R.S.Q., chapter C-24.2);
- (2) an operator of a heavy vehicle is a person who offers services related to the transportation of persons or goods or to vehicle assistance, or who operates a heavy vehicle for personal purposes or as a tool or equipment, whether the person is the owner of the vehicle or operates the vehicle pursuant to a leasing contract, regardless of whether the services of a driver are supplied by the lessor:

"heavy vehicle".

- (3) "heavy vehicle" means
- (a) a road vehicle or a combination of road vehicles, within the meaning of the Highway Safety Code, having a net mass in excess of 3,000 kg;
- (b) a minibus or a tow truck, within the meaning of that Code, regardless of net mass;
- (c) a road vehicle subject to the Transportation of Dangerous Substances Regulation made by Order in Council 674-88 (1988, G.O. 2, 2082).

"person".

In this Act and the regulations, unless otherwise indicated by the context, "person" means, in addition to a natural person and a legal person, a partnership.

Regulations.

- **3.** The Government may, by regulation and subject to the conditions it determines.
- (1) exempt certain heavy vehicles or certain classes of heavy vehicles from the application of all or part of this Act;
- (2) prescribe, for the purpose of harmonizing this Act with the rules governing persons who operate heavy vehicles mainly outside Québec, a net mass other than the net mass referred to in subparagraph a of subparagraph 3 of the first paragraph of section 2, or determine a total loaded mass applicable to those persons.

CHAPTER II

REGISTER OF OWNERS AND OPERATORS OF HEAVY VEHICLES

Establishment.

4. A register in which owners and operators of heavy vehicles are to be registered and containing the information referred to in sections 7, 12 and 35 is hereby established at the Commission des transports du Québec under the name "Registre des propriétaires et des exploitants de véhicules lourds".

Exemption.

The Government may, by regulation, exempt any group or any class of persons it determines from the requirement to be registered. The exemption may be subject to conditions and be granted for a limited period of time. Persons so exempted are deemed not to be governed by this Act insofar as the persons comply with the conditions, if any, imposed on them.

Compulsory registration.

5. Only owners registered in the Commission's register may put a heavy vehicle into operation on a road open to public vehicular traffic. Only operators registered in the register may operate or offer the services of a heavy vehicle on a road open to public vehicular traffic.

Registration.

A person may register as both an owner and operator.

Application.

6. An application for registration must be in the form and tenor determined by the Commission and be made with payment of the fees fixed by regulation of the Government.

Required information.

- **7.** To register as an owner or operator a person must provide the following information:
- (1) the person's name and address and, where applicable, the names and addresses of the person's directors;
- (2) where heavy vehicles are currently registered or operated outside Québec, the identification number, if any, assigned by another administrative authority having jurisdiction over the operation of heavy vehicles in its territory;

(3) where applicable, the amount of any unpaid fine in respect of which no appeal has been filed, that was imposed under this Act, the Transport Act (R.S.Q., chapter T-12), the Highway Safety Code or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société de l'assurance automobile du Québec.

Additional information.

The Commission may require a person applying for registration to furnish any information it considers relevant, including the number, class, assignment and habitual use made of the heavy vehicles owned or operated as well as a description of the proposed transport services.

Reciprocity agreement.

8. The Minister or the Commission may, in accordance with the law, enter into a reciprocity agreement with another government or a department of that government or with any body, providing, in particular, for the recognition of the registrations granted and the decisions made by the Commission.

Agreement.

The agreement may provide for partial exemptions for any person from the application of this Act, recognize the registration of an owner or operator of heavy vehicles granted by another administrative authority and make applicable any administrative measure imposed as a sanction for conduct materially similar to conduct to which this Act applies.

Implementation.

The Commission is responsible for the implementation of such an agreement.

Refusal.

- **9.** The Commission shall refuse to register a person if
- (1) the person has not furnished the information required under the first paragraph of section 7;
- (2) the person has been convicted of an indictable offence related to the operation of a heavy vehicle in the last five years and for which the person has not been granted a pardon;
- (3) at the time the application is made, the person or any of the person's directors is subject to a decision of the Commission prohibiting the person or director from putting a heavy vehicle into operation or from operating a heavy vehicle;
- (4) at the time the application is made, the person is subject to a decision of an administrative authority that is a party to an agreement under section 8 prohibiting the person from putting a heavy vehicle into operation or from operating a heavy vehicle;
- (5) the person does not hold the licence required under section 50.0.6 of the Fuel Tax Act (R.S.Q., chapter T-1), is not registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) or is not registered under section 290 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001); or

(6) the person has not paid a fine imposed under this Act, the Transport Act, the Highway Safety Code or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société, unless an appeal has been brought or the person's situation is regularized with the Commission.

Refusal.

10. The Commission may refuse an application for registration made by a person who fails or refuses to furnish to the Commission the information it requires under the second paragraph of section 7 or who furnishes inaccurate information.

Agreement.

11. The Commission may enter into any administrative agreement necessary for the purposes of this Act with any minister or body.

Agreement.

The Commission may enter into an administrative agreement with the Minister of Justice to allow the Commission, on the terms and conditions provided for in the agreement, to act in the capacity of mandatary to recover the fines covered by the agreement.

Mandate.

Following an agreement with any other minister or body, the Commission may, in particular, accept a mandate to collect the information required for the registration of a person who is subject to a special obligation imposed by that authority, and to collect the related fees and duties.

Appointment.

The Commission may, with the approval of the Minister and subject to the conditions it establishes, appoint and authorize persons to collect on its behalf the sums referred to in this section and to make any transaction it indicates relating to the application of this Act, and may determine the amount and method of compensation of the persons appointed.

Identification number and initial rating.

12. The Commission shall assign an identification number and an initial rating to every person it registers. An initial rating must bear the word "satisfactory" unless, at the time the Commission is to issue the identification number, the person is subject to a decision of the Commission or of an administrative authority that is a party to an agreement under section 8 imposing conditions regarding the ownership or operation of a heavy vehicle. In such a case, the initial rating must bear the word "conditional".

Notification of changes.

13. A person registered must, to maintain the person's rights as an owner or operator, notify the Commission within 30 days of any change in the information required under the first paragraph of section 7.

Fees.

The person must also pay, each year, to the Commission the registration renewal fees fixed by regulation of the Government, subject to the terms and conditions it fixes.

Updating of register.

14. The Commission shall update, at least once a year, the information in the public register it maintains and in respect of which the Government may, by regulation, fix access fees.

List.

15. The Commission shall establish and maintain a list of transport service intermediaries carrying on business in Québec. The list is public. The Commission shall also establish a file on each transport service intermediary who applies for registration.

Providing of services.

Only intermediaries entered on the list may provide such services.

"transport service intermediary".

The expression "transport service intermediary" means any person who, for remuneration, acts directly or indirectly as an intermediary in a transaction between third persons the object of which is the transportation of persons or property by a heavy vehicle.

Compulsory registration.

16. Every transport service intermediary must register or renew registration by filing an application with the Commission, in the form and tenor determined by the Commission, together with payment of the fees fixed by regulation of the Government.

Failure to register.

Where such a person fails to register or renew registration, any contract entered into by the person is null by operation of law.

Information.

17. The Commission may require any information it considers pertinent from a person applying to be registered on the list of transport service intermediaries. A person who fails to provide such information shall be struck off the list.

Information.

18. The Société shall transmit to the Commission all the information it holds concerning a transport service intermediary. The Commission shall enter that information in the file of the intermediary concerned.

CHAPTER III

OBLIGATIONS

Copy of contracts.

19. An operator of heavy vehicles must, if the operator is not the owner, keep in each vehicle a copy of the leasing contracts or contracts for services.

Notification.

20. An owner of heavy vehicles who is not the operator must, if the owner is subject to an administrative measure prohibiting the putting into operation of all or certain of the owner's heavy vehicles or imposing certain restrictions on their use, notify the operator by supplying the operator with a copy of the decision of the Commission. As well, an operator must notify the owner of the vehicles being operated in the event that the operator is subject to an administrative decision prohibiting or restricting the operation of the vehicles.

Verification.

For the purposes of section 39, the owner is responsible for ascertaining that the operator is not subject to a measure imposing a prohibition or restriction and the operator is responsible for ascertaining that the owner is not subject to a measure imposing a prohibition.

Prohibition.

21. No person shall lease a heavy vehicle to a person who is subject to an administrative measure prohibiting the operation of heavy vehicles or to a person who is not registered under this Act, or entrust such a person with the control of heavy vehicles except, in the latter case, if the person is exempt from the requirement to be registered.

CHAPTER IV

MONITORING AND CONTROL OF HEAVY VEHICLES

DIVISION I

POWERS OF THE SOCIÉTÉ

File.

22. The Société shall maintain, using the information reported to it, in particular the information transmitted by the police forces and the Commission, a file on each owner and each operator of heavy vehicles. The Société shall, in accordance with its administrative policy, identify the owners and operators who require special monitoring because of conduct that presents a risk. For that purpose, the Société shall consider, in particular, contraventions of the provisions of this Act and the Highway Safety Code, reports and statements of offence or convictions in respect of those persons and the drivers of the heavy vehicles owned or operated by those persons, inspections and road check operations concerning them, even those that reveal no irregularity and any accident involving a heavy vehicle owned or operated by those persons.

Reports and convictions.

The Société shall consider only reports and statements of offence or convictions in respect of an act done by a driver of heavy vehicles in performing work as a driver.

Contravention.

23. The Société shall also consider any contravention of a provision of an Act the application of which it is responsible for pursuant to section 519.65 of the Highway Safety Code if such a provision, as determined by the Government by regulation, concerns the safety of the users of roads open to public vehicular traffic or the integrity of the road network and an agreement has been entered into between the Société and the authority responsible for the application of that provision.

Administrative policy.

24. To establish or modify the administrative policy referred to in the first paragraph of section 22, the Société shall, according to the classes of road transport services it determines, consult representatives of the owners and operators of heavy vehicles and take into consideration, where relevant, the factors retained by the Commission in its decisions.

Publicizing of policy.

The Société shall publicize its administrative policy and any modification it makes to the policy in the manner it considers appropriate so that the rules to be used as a guide in assessing the conduct of owners and operators of heavy vehicles are known.

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Assessment of file.

- **25.** The Société may, after assessing the file, propose to the Commission
- (1) that the rating of the person registered be replaced by a more favourable rating or that an additional condition attached to the person's registration be removed, if the person's conduct has improved; or
- (2) that the rating of the person registered be replaced by an unfavourable rating, that the assigned rating be maintained but with an additional condition attached to the maintenance of the person's rights as an owner or operator, or that the person be declared disqualified, if the person's conduct presents a risk.

Report.

In the case of an emergency or a situation which, in the opinion of the Société, endangers the safety of the users of roads open to public vehicular traffic or threatens the integrity of the road network, the Société shall submit to the Commission, after a summary assessment, a report with its recommendations.

DIVISION II

POWERS OF THE COMMISSION

Measures.

- **26.** On its own initiative or after examining a proposal or a request made by the Société or any other person, the Commission may, if it has ascertained a contravention of the provisions of this Act, the Highway Safety Code or any other Act referred to in section 23, promptly take one or more of the following measures:
- (1) prohibit the putting into operation or the operation of all or certain heavy vehicles owned or operated by a person;
- (2) declare an owner or an operator of heavy vehicles totally or partially disqualified;
- (3) make a total disqualification applicable to the partners of a partnership or the directors of a legal person who, in its opinion, had a determining influence:
- (4) impose special conditions concerning, in particular, the class of heavy vehicles that may be used, their capacity and mechanical condition, the qualifications of drivers, hours of driving, loads and dimensions, reports to be filed, security to be furnished and the safety or monitoring equipment to be installed on heavy vehicles, as conditions for maintaining a person's rights as an owner or operator;
- (5) in the case of a person whose activities are considered by the Commission to be in the public interest, appoint, for the period it fixes and at the expense of that person, a director who is deemed to exercise alone all the powers of the board of directors in relation to the operation of any heavy vehicle;

- (6) appoint, for the period it fixes and at the expense of the person concerned, a supervisor who will report to the Commission on the putting into operation or operation of the heavy vehicles by the person concerned;
- (7) identify from among the employees of a person concerned the employees who require training courses, at the expense of that person, within the time and on the conditions determined by the Commission, in various fields of activity related to safety in the transportation of persons or goods or to the protection of the road network;
- (8) strike off transport service intermediaries from the list established under section 15 for a period of not more than five years or impose conditions for the maintenance of their registration if their practices endanger the safety of road users or threaten the integrity of the road network;
 - (9) enter into administrative agreements with any person registered; and
 - (10) take any other measure it considers appropriate and reasonable.

Application.

Owners, operators or transport service intermediaries may apply to the Commission to have the Commission consider their files, in particular for the purposes of an agreement under subparagraph 9 of this section.

Total disqualification.

- **27.** The Commission shall declare totally disqualified any person who
- (1) by actions or omissions has, in the Commission's opinion, placed the safety of the users of the road network at risk or significantly threatened the integrity of the road network;
- (2) has furnished false information with regard to subparagraph 1 or 3 of the first paragraph of section 7;
- (3) has contravened a decision of the Commission to which the person is subject or an administrative agreement entered into with the Commission;
- (4) has been convicted of an indictable offence related to the operation of a heavy vehicle and for which the person has not been granted a pardon;
- (5) has been subject to a decision of another administrative authority that is a party to an agreement under section 8 prohibiting the person from putting a heavy vehicle into operation or from operating a heavy vehicle.

Total disqualification.

28. The Commission shall also declare totally disqualified any person who, in the Commission's opinion, endangers the safety of the users of roads open to public vehicular traffic or threatens the integrity of the road network by repeated and habitual contravention of a provision of this Act, the Highway Safety Code or any other Act referred to in section 23.

Partial disqualification.

29. The Commission shall declare partially disqualified any person who

- (1) by actions or omissions has, in the Commission's opinion, endangered the safety of the users of the road network or threatened the integrity of the road network:
- (2) is no longer the holder of a licence required under section 50.0.6 of the Fuel Tax Act, is not registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons or is not registered under section 290 of the Act respecting industrial accidents and occupational diseases;
- (3) has failed to pay a fine imposed under this Act, the Transport Act, the Highway Safety Code or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société, unless an appeal has been filed;
- (4) has refused to allow an inspection to be conducted by or has hindered the work of a person authorized by law to make an inspection.

Rating of "unsatisfactory".

30. Where the Commission declares a person totally disqualified, the Commission shall assign to the person a rating of "unsatisfactory". Such a declaration operates to prohibit the putting into operation or the operation of heavy vehicles. The Commission shall notify its decision to the person concerned.

Application for registration.

31. A person declared totally disqualified and, where applicable, the person's partners or directors referred to in subparagraph 3 of the first paragraph of section 26 may not apply for registration, personally or on behalf of a partnership or legal person they control or of which they are directors, before the time fixed by the Commission in that respect has expired. That time may not exceed five years.

Rating of "conditional".

32. Where the Commission declares a person partially disqualified, the Commission shall assign to the person a rating of "conditional" and attach such special conditions to the person's registration as it determines. The Commission shall notify its decision to the person concerned.

Disposal of heavy vehicles.

33. A person declared totally or partially disqualified shall not transfer or otherwise dispose of heavy vehicles registered in the person's name except with the consent of the Commission; the Commission shall withhold its consent if it considers that the transfer or disposal is to be made for the purpose of avoiding the imposed administrative measure.

Change of rating.

34. The Commission may, of its own initiative or on request, change a rating it has assigned.

Basis for change.

The Commission may reassess a rating assigned where it is of the opinion that the person registered has taken efficient action or implemented concrete measures that allow the Commission to reasonably believe that the unsafe conduct that was the subject of the administrative measure has been remedied and will not reoccur.

Public ratings.

35. The ratings assigned by the Commission are public. The Commission shall make the ratings and its decisions available to the public in the manner it considers appropriate.

Inspections and corrective measures.

36. The Commission may, in exercising its powers, take into consideration any inspections and road check operations that have revealed no irregularity as well as any corrective measures taken by a person registered.

Prior notice.

37. Before making a decision declaring a person disqualified or prohibiting the person from putting a heavy vehicle into operation or from operating a heavy vehicle, the Commission shall inform the owner or operator in writing as provided in section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the owner or operator at least 10 days to present observations. The same applies where the Commission proposes to strike off a transport service intermediary from the list or impose conditions for the maintenance of the intermediary's registration.

Copy to Société.

The Commission shall transmit a copy of the prior notice referred to in the first paragraph to the Société if the file was proposed or referred to the Commission by the Société, and inform the Société of the date of the meeting, if any, with the owner or operator. The Société must be represented at such a meeting.

Exception.

An exception shall be made to such prior obligations if the decision is made in urgent circumstances or to prevent irreparable harm to users of the roads open to public vehicular traffic or to the integrity of the road network.

Review of decisions.

38. The decisions of the Commission, except decisions refusing a registration under section 9, may be reviewed under sections 17.2 to 17.4 of the Transport Act. Such decisions may also be contested before the Administrative Tribunal of Québec in accordance with sections 51 to 53 of that Act.

DIVISION III

SEIZURE, INSPECTION AND INQUIRY

Seizure.

39. A heavy vehicle being operated on a road open to public vehicular traffic in contravention of a measure prohibiting the putting of a heavy vehicle into operation or the operation of a heavy vehicle may be immediately seized by a peace officer and impounded for a period of 30 days. The seizure, to which the provisions of sections 209.3 to 209.10 of the Highway Safety Code apply, adapted as required and replacing therein, except in section 209.8, "Société" by "Commission", shall be effected on behalf of the Commission and the costs of the seizure shall be chargeable to the person subject to the prohibition.

Release.

Where the owner or the person subject to the prohibition is unaware of the prohibition, or where the seizure was effected by mistake, release may be

obtained in accordance with the provisions of sections 209.11 to 209.16 of the Highway Safety Code, adapted as required and replacing therein, except in sections 209.15 and 209.16, "Société" by "Commission".

Provisions applicable.

The provisions of sections 209.17 to 209.26 of that Code, adapted as required, also apply to a seizure.

Communication of information.

40. The Commission may communicate, to any person who gives the number of a registered person, information about the entitlement of an owner or operator to put into operation or operate a heavy vehicle.

Restriction.

However, the information communicated must not reveal directly or indirectly the name or address of the person concerned.

Communication of documents.

41. An inspector or a peace officer may require that any registration number or any document to which this Act applies be communicated for examination.

Inquiry.

42. The Commission may, of its own initiative or on request, make an inquiry to determine whether a person is contravening this Act or whether the operation of a heavy vehicle or the practices of a transport service intermediary endanger the safety of road users or threaten the integrity of the road network.

CHAPTER V

PENAL PROVISIONS

Offence and penalty.

43. Every person who furnishes false information with regard to the first paragraph of section 7 is guilty of an offence and is liable to a fine of \$500 to \$1,500 and, in the case of a subsequent offence, \$1,500 to \$2,500.

Offence and penalty.

44. Every person who fails to comply with an obligation under any of sections 19 to 21 or section 33, as the case may be, is guilty of an offence and is liable to a fine of \$500 to \$1,500 and, in the case of a subsequent offence, \$1,500 to \$2,500.

Offence and penalty.

45. Every registered person who fails to notify the Commission of a change in the information furnished under the first paragraph of section 7 within 30 days of the event giving rise to the change is guilty of an offence and is liable to a fine of \$250 to \$750 and, in the case of a subsequent offence, \$750 to \$1,500.

Offences and penalties.

46. The following are guilty of an offence and are liable to a fine of \$250 to \$750:

(1) every registered person who claims to have a rating other than the rating assigned under this Act;

(2) every person who falsely claims to be registered in compliance with this Act

Subsequent offence.

In the case of a subsequent offence, the fine is \$750 to \$1,500.

Offences and penalties.

- **47.** The following are guilty of an offence and are liable to a fine of \$350 to \$1,050 and, in the case of a subsequent offence, \$700 to \$2,100:
- (1) every transport service intermediary who falsely claims to be registered in compliance with this Act;
- (2) every transport service intermediary who offers transport services without being registered under this Act;
- (3) every operator who makes a contract to which a transport service intermediary not registered in compliance with this Act is a party.

Offence and penalty.

48. Every non-registered person who contravenes section 5 and every registered person who puts a heavy vehicle into operation or operates a heavy vehicle on a road open to public vehicular traffic while prohibited from doing so following a decision of the Commission is guilty of an offence and is liable to a fine of \$500 to \$1,500 and, in the case of a subsequent offence, \$1,500 to \$2,500.

CHAPTER VI

ACCESS TO INFORMATION AND RETENTION OF INFORMATION

Communication of information.

49. The Société shall make available to the Commission any information the Commission requires to make a decision in a matter that it takes up or that is referred to it under this Act. As well, the Commission shall make available to the Société any information enabling the Société to monitor the operation of heavy vehicles on roads open to public vehicular traffic, whatever the source of the information.

Communication of information.

The Commission may transmit to another administrative authority that is a party to an agreement under section 8 any information concerning a person subject to this Act if communication of the information is necessary for the purposes of such an agreement.

Access to information.

50. On payment of the fees fixed by the Société, a person registered in the Commission's register may have access to the information in a statement of offence or a conviction concerning acts done by drivers employed by the person or a person with whom the person registered is bound by a contract for the use of a heavy vehicle under the control of the person registered, provided that the acts were done in the performance of their work as drivers. However, the information communicated must reveal only the identity of the driver, the nature of the act and the time at which the act was done.

Retention of information.

51. The Commission shall retain all the information concerning a registered person for a period of five years from the date on which the Commission declares the person's total disqualification. The same applies, from the same time, in the case of a person who is not registered but who is declared totally disqualified, from the date of the Commission's refusal in the case of a person who is not registered as a result of a refusal by the Commission, or from the date on which the payment referred to in section 13 became payable in the case of a registered person who ceased to be registered as a result of failure to maintain the person's rights as an owner or operator.

CHAPTER VII

AMENDING, TRANSITIONAL AND MISCELLANEOUS PROVISIONS

c. A-25, s. 87.1, am.

52. Section 87.1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing "a carrier" in the first line of the first paragraph by "an owner or operator".

c. A-25, s. 186, am.

53. Section 186 of the said Act is amended by replacing "a carrier" in the second line of the first paragraph by "an owner or operator".

c. C-5.1, repealed.

54. The Act respecting truck transportation (R.S.Q., chapter C-5.1) is repealed.

c. C-24.2, s. 4, am.

55. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by inserting, after the definition of "taxi", the following definition:

"tow truck".

""tow truck" means a motor vehicle equipped to lift and tow a road vehicle or to load a road vehicle onto its platform.";

(2) by inserting, before the definition of "minibus" and before the definition of "tow truck", respectively, the following definitions:

"heavy vehicle";

""heavy vehicle" means a heavy vehicle within the meaning of the Act respecting owners and operators of heavy vehicles (1998, chapter 40);

"tool vehicle".

""tool vehicle" means a road vehicle, other than a vehicle mounted on a truck chassis, manufactured to perform work and the work station of which is an integral part of the driver's compartment. For the purposes of this definition, a truck chassis is a frame equipped with all the mechanical components required on a road vehicle designed for the transportation of persons, goods or equipment;".

c. C-24.2, s. 21, am.

56. Section 21 of the said Code is amended by adding, at the end of the third paragraph, the following: "or, in the case of an owner or operator of a heavy vehicle, is not a person registered in the Registre des propriétaires et des exploitants de véhicules lourds at the Commission des transports du Québec".

- c. C-24.2, s. 35, am.
- **57.** Section 35 of the said Code is amended by adding, at the end of the third paragraph, the following: "It also applies on highways under the administration of or maintained by the Ministère des Ressources naturelles."
- c. C-24.2, s. 39, am.
- **58.** Section 39 of the said Code is amended
 - (1) by striking out "189," in the third line of the first paragraph;
- (2) by adding, at the end of the first paragraph, the following: "The same applies where the Société acts under section 189."
- c. C-24.2, s. 39.1, am.
- **59.** Section 39.1 of the said Code is amended
 - (1) by striking out "189," in the second line;
- (2) by adding, at the end, the following: "The same applies where the Société acts under section 189."
- c. C-24.2, s. 59, am.
- **60.** Section 59 of the said Code is amended by adding, at the end, the following:
- Offence and penalty.
- "Every owner of a heavy vehicle who knowingly supplies false or misleading information on applying for registration or in respect of a change referred to in section 28 is guilty of an offence and is liable to a fine of \$500 to \$1,500."
- c. C-24.2, s. 65, am.
- **61.** Section 65 of the said Code is amended by inserting ", on a highway under the administration of or maintained by the Ministère des Ressources naturelles," after "highway" in the first line.
- c. C-24.2, s. 80.3, repealed.
- **62.** Section 80.3 of the said Code is repealed.
- c. C-24.2, s. 97, am.
- **63.** Section 97 of the said Code is amended by inserting "on highways under the administration of or maintained by the Ministère des Ressources naturelles," after "applies" in the first line of the second paragraph.
- c. C-24.2, s. 145, am.
- **64.** Section 145 of the said Code is amended by adding, at the end, the following:
- Offence and penalty.
- "Every operator of a heavy vehicle whose driver is liable to a fine under the first paragraph is also guilty of an offence and is liable to a fine of \$700 to \$2,100."
- c. C-24.2, s. 187.2, repealed.
- **65.** Section 187.2 of the said Code is repealed.
- c. C-24.2, s. 188, am.
- **66.** Section 188 of the said Code is amended by inserting, after paragraph 4, the following:

"(4.1) the owner of the road vehicle has not complied, within 10 days, with the request of the Société or a peace officer to furnish a weighing certificate to establish the vehicle's net mass;".

c. C-24.2, s. 189, am.

67. Section 189 of the said Code is amended by inserting, after paragraph 1, the following:

"(1.1) the Commission des transports du Québec, in accordance with the Act respecting owners and operators of heavy vehicles, prohibits the heavy vehicles subject to the administrative measure it has taken from being put into operation;".

c. C-24.2, s. 209.7, am.

68. Section 209.7 of the said Code is amended by replacing "carrier" in the first line by "owner or operator of a heavy vehicle".

c. C-24.2, s. 212.1, added.

69. The said Code is amended by inserting, after section 212, the following:

Removal or repair.

"212.1. The Société may require the removal, repair or modification of any equipment on a road vehicle that has not been installed by the manufacturer of the road vehicle if the equipment presents a risk for road users."

c. C-24.2, s. 213, am.

70. Section 213 of the said Code is amended by adding, at the end, the following:

Applicability.

"This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles."

c. C-24.2, s. 214.1, am.

71. Section 214.1 of the said Code is amended by adding, at the end of the first paragraph: "and the combination of road vehicles does not travel at a rate of speed of less than 40 km/h."

c. C-24.2, s. 216, am.

72. Section 216 of the said Code is amended by striking out "as close as practicable to the top of the vehicle," in the second line of subparagraph 5 of the first paragraph.

c. C-24.2, s. 218, repealed.

73. Section 218 of the said Code is repealed.

c. C-24.2, s. 220.2, am.

74. Section 220.2 of the said Code is amended by replacing "reflective stripe markers" in the first and second lines by "reflective material".

c. C-24.2, s. 220.3, added.

75. The said Code is amended by inserting, after section 220.2, the following:

Reflective material.

"220.3. Except for trailers designed exclusively for dwelling or office purposes, trailers and semi-trailers measuring at least 2.05 m in width and having a net mass in excess of 3,000 kg must be equipped with reflective material in accordance with the Motor Vehicle Safety Act.

Applicability.

The first paragraph applies from 1 January 1999 to every semi-trailer that is not less than 15.5 m and not more than 16.20 m in length and to every trailer or semi-trailer built on or after 1 December 1993. It applies from 1 January 2002 to every other trailer or semi-trailer."

c. C-24.2, s. 226.1, added.

76. The said Code is amended by inserting, after section 226, the following:

Green rotating light.

"226.1. Only emergency vehicles designed to serve as a command and coordination post may be equipped with a green rotating light which may be used solely within the safety perimeter established by the person in charge of the emergency operation."

c. C-24.2, s. 240.1, am.

77. Section 240.1 of the said Code is amended by replacing "prescribed under this chapter for the trailer or semi-trailer being towed" in the second and third lines by "on the road vehicle being towed. Detachable equipment may be used to replace the lights."

c. C-24.2, s. 272.1, added.

78. The said Code is amended by inserting, after section 272, the following:

Exception.

"272.1. A tractor truck is not required to be fitted with detachable mudguards if it is drawing a trailer or semi-trailer providing adequate protection against material being thrown towards the rear."

c. C-24.2, s. 281, am.

79. Section 281 of the said Code is amended by adding, after the first paragraph, the following:

Offence and penalty.

"Every person who uses a green rotating light in contravention of section 226.1 is guilty of an offence and is liable to a fine of \$175 to \$525."

c. C-24.2, s. 284, am.

80. Section 284 of the said Code is amended by adding, at the end, the following:

Offence and penalty.

"Every owner of a heavy vehicle who contravenes section 250 is guilty of an offence and is liable to a fine of \$350 to \$1,050."

c. C-24.2, s. 285, am.

81. Section 285 of the said Code is amended by adding, at the end, the following:

Offence and penalty.

"Every owner or operator of a heavy vehicle that does not comply with section 244 is guilty of an offence and is liable to a fine of \$350 to \$1,050."

c. C-24.2, s. 286, am.

82. Section 286 of the said Code is amended by adding, at the end, the following:

Offence and penalty.

"Every owner of a heavy vehicle who contravenes section 211 is guilty of an offence and is liable to a fine of \$700 to \$2,100."

c. C-24.2, s. 289, replaced.

83. Section 289 of the said Code is replaced by the following:

Meaning of message.

"289. The meaning of a road or traffic sign message, whatever the medium, is the meaning assigned to the sign by the Minister in an order published to that effect in the Gazette officielle du Québec.

Standards.

The manufacturing and installation standards for road signs or signals to be erected on a public highway are determined by the Minister and set out in a traffic control manual.

Compliance.

Every person responsible for the management or maintenance of public highways must comply with standards set out in the manual where a requirement to do so is indicated therein.

Removal.

The Minister may remove, at the expense of the person responsible for the management of the road, any sign or signal that does not conform to the Minister's manual."

c. C-24.2, ss. 291 and 292, replaced.

84. Sections 291 and 292 of the said Code are replaced by the following:

Heavy vehicles.

"291. The person responsible for the maintenance of a public highway may, by means of proper signs or signals, restrict or prohibit the use of the highway by all or certain heavy vehicles, in particular, heavy vehicles having dimensions or a number of axles that exceed the maximum limits authorized. Where that person is responsible for the maintenance of a bridge or viaduct, the person may also restrict or prohibit the use of the bridge or viaduct by heavy vehicles having a mass that exceeds the maximum limits authorized on the infrastructure.

Municipality.

In the case of a municipality, that power is exercised by by-law or, where the law so authorizes, by ordinance, the coming into force of which is subject to the approval of the Minister of Transport under section 627, except in an emergency; in the absence of approval, the Minister may remove the unauthorized sign or signal.

Prohibition.

No person may drive a vehicle referred to in the first paragraph on a public highway on which traffic is restricted or prohibited unless the vehicle is used to maintain the highway or to install or maintain public utilities on the highway.

Partial removal of restriction.

"291.1. A restriction or prohibition under section 291 may, by means of proper signs or signals, be partially removed for vehicles that must travel to a particular place in order to collect or deliver property, provide services, carry out work, be repaired or return to their base, and that cannot do so without entering a zone to which access is prohibited.

Brake verification.

"292. The driver of a heavy vehicle must verify the condition of the vehicle's brakes where the proper sign or signal requires a mandatory stop at a brake verification area.

Slow vehicle lane.

"292.0.1. The person responsible for the maintenance of a public highway may, by means of proper signs or signals, designate a slow vehicle lane. Where such a lane has been designated, the driver of a slow vehicle must use that lane."

c. C-24.2, s. 292.1, am.

85. Section 292.1 of the said Code is amended by replacing the second and third paragraphs by the following:

Municipality.

"In the case of a municipality, that power is exercised by by-law or, where the law so authorizes, by ordinance, the coming into force of which is subject to the approval of the Minister of Transport under section 627, except in an emergency; in the absence of approval, the Minister may remove the unauthorized sign or signal.

Prohibition.

No person may drive a vehicle referred to in the first paragraph on a public highway on which traffic is restricted or prohibited unless the vehicle is used to maintain the highway or to install or maintain public utilities on the highway."

c. C-24.2, s. 293.1, replaced.

86. Section 293.1 of the said Code is replaced by the following:

Closing of highways.

"293.1. The person responsible for the maintenance of a public highway may, by means of proper signs or signals and for reasons of safety, restrict or prohibit the operation on the highway of all road vehicles or certain road vehicles including the vehicles to which the Transportation of Dangerous Substances Regulation applies.

Municipality.

In the case of a municipality, that power is exercised by by-law or, where the law so authorizes, by ordinance, the coming into force of which is subject to the approval of the Minister of Transport under section 627, except in an emergency; in the absence of approval, the Minister may remove the unauthorized sign or signal.

Prohibition.

No person may drive a vehicle referred to in the first paragraph on a public highway on which traffic is prohibited or restricted unless the vehicle is used to maintain the highway or to install or maintain public utilities on the highway."

c. C-24.2, s. 295, am.

87. Section 295 of the said Code is amended by replacing "413" in the second line of paragraph 5 by "519.13".

c. C-24.2, s. 314.1, am.

88. Section 314.1 of the said Code is amended by replacing the second paragraph by the following:

Offence and penalty.

"However, where the traffic of heavy vehicles in transit is regulated by a sign or signal, every driver of a heavy vehicle who contravenes section 310 is guilty of an offence and is liable to a fine of \$175 to \$525."

c. C-24.2, s. 315.1, replaced.

89. Section 315.1 of the said Code is replaced by the following:

"315.1. Every driver of a vehicle who contravenes section 292 or the third paragraph of section 293.1 is guilty of an offence and is liable to a fine of \$350 to \$1.050.

Offence and penalty.

"315.2. Every driver of a heavy vehicle who contravenes the third paragraph of section 291 is guilty of an offence and is liable to a fine of \$175 to \$525.

Offence and penalty.

"315.3. Every driver of a road vehicle who contravenes section 292.0.1 by failing to drive in a mandatory designated lane is guilty of an offence and is liable to a fine of \$90 to \$270."

c. C-24.2, s. 316.1, replaced.

90. Section 316.1 of the said Code is replaced by the following:

Offence and penalty.

"316.1. Every driver of a passenger vehicle who contravenes the third paragraph of section 293.1 is guilty of an offence and is liable to a fine of \$300 to \$600."

c. C-24.2, s. 320, am.

91. Section 320 of the said Code is amended by adding, at the end, the following:

Applicability.

"This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles."

c. C-24.2, s. 327, am.

92. Section 327 of the said Code is amended by inserting "on highways under the administration of or maintained by the Ministère des Ressources naturelles," after "applies" in the first line of the second paragraph.

c. C-24.2, s. 328, am.

93. Section 328 of the said Code is amended by adding, at the end, the following:

Applicability.

"Subparagraph 3 of the first paragraph applies on highways under the administration of or maintained by the Ministère des Ressources naturelles. The Minister, on the recommendation of the Minister of Natural Resources, may by order increase the speed limit to 90 km/h on all or any part of such highways."

c. C-24.2, s. 389, am.

94. Section 389 of the said Code is amended by replacing "a minibus or a commercial vehicle" in the third line by "a motor vehicle".

c. C-24.2, s. 396, am.

95. Section 396 of the said Code is amended by adding, at the end, the following:

Applicability.

"This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles."

c. C-24.2, s. 397, am.

96. Section 397 of the said Code is amended by adding, at the end, the following:

Applicability.

"This section applies, in addition to public highways, to highways under the administration of or maintained by the Ministère des Ressources naturelles."

c. C-24.2, ss. 413 and 414, repealed.

97. Sections 413 and 414 of the said Code are repealed.

c. C-24.2, s. 437.1, replaced.

98. Section 437.1 of the said Code is replaced by the following:

Towing vehicles.

"437.1. No person may draw a trailer or semi-trailer without using an adequate coupling device. Furthermore, the lights, braking system, chains, cables and any other safety device on the trailer or semi-trailer must be connected to the towing vehicle and be in proper working condition.

Exception.

However, the obligations concerning the braking system referred to in the first paragraph do not apply to a tow truck which, on the request of a peace officer or for safety reasons, must move a trailer or semi-trailer that has a damaged braking system to the nearest safe area.

Combination of road vehicles.

"437.2. No person may draw a combination of road vehicles unless, at the request of a peace officer or for safety reasons, the combination of road vehicles must be moved to the nearest safe area."

c. C-24.2, s. 463, am.

99. Section 463 of the said Code is amended by replacing "carrier" in the first line of the first paragraph by "operator".

c. C-24.2, s. 468, am.

100. Section 468 of the said Code is amended by replacing "owner's expense" in the third line of the first paragraph by "expense of the owner, or of the operator in the case of a heavy vehicle,".

c. C-24.2, s. 469, am.

101. Section 469 of the said Code is amended by replacing "carrier" in the second line by "operator of a heavy vehicle".

c. C-24.2, s. 470, repealed.

102. Section 470 of the said Code is repealed.

c. C-24.2, s. 471, am.

103. Section 471 of the said Code is amended

(1) by striking out ", interferes with the stability or handling of the vehicle" in the second line of paragraph 2;

(2) by replacing paragraph 3 by the following:

"(3) that is placed, secured or covered in a manner that interferes with the stability or handling of the vehicle;";

(3) by adding, after paragraph 3, the following:

"(4) that is not placed, secured or covered in accordance with the regulation respecting the securing of loads.";

(4) by adding, at the end, the following:

Applicability.

"Subparagraphs 1, 2 and 3 apply on highways under the administration of or maintained by the Ministère des Ressources naturelles."

c. C-24.2, s. 472, am.

104. Section 472 of the said Code is amended by replacing "owner's expense," in the third line of the first paragraph by "expense of the owner or the operator of a heavy vehicle".

c. C-24.2, s. 473, replaced.

105. Section 473 of the said Code is replaced by the following:

Excessive width or length.

"473. No owner or lessee of a road vehicle or operator of a heavy vehicle shall allow a road vehicle or combination of road vehicles to be operated if its load or equipment exceeds its width, including the width of its mandatory accessories, or exceeds its length by more than 1 metre at the front or 2 metres at the rear.

Special permit.

However, a special permit may be issued

- (1) to authorize equipment or a load of an indivisible nature where the person meets the requirements of a regulation under paragraph 20 of section 621;
- (2) to authorize equipment or any load where the person meets the conditions of an authorization by the Minister under section 633.

Exception.

This section does not apply to road vehicles used to level, clear or mark the roadway when they are being operated for construction or maintenance work on a public highway."

c. C-24.2, ss. 475 and 476, repealed.

106. Sections 475 and 476 of the said Code are repealed.

c. C-24.2, s. 509, am.

107. Section 509 of the said Code is amended by striking out "474," in the fourth line.

c. C-24.2, s. 509.1, added.

108. The said Code is amended by adding, after section 509, the following:

Offence and penalty.

"509.1. Every person who contravenes section 474 is guilty of an offence and is liable to a fine of \$90 to \$270."

c. C-24.2, s. 510, am.

109. Section 510 of the said Code is amended

- (1) by inserting "437.2," after "437.1," in the second line and by striking out "413," and "471,";
- (2) by replacing "section 473, the second paragraph of section 475, or section 497" in the third and fourth lines by "section 473 or 497";
 - (3) by adding, after the first paragraph, the following:

"Every driver of a heavy vehicle who contravenes the second paragraph of section 472 is guilty of an offence and is liable to a fine of \$350 to \$1,050."

c. C-24.2, s. 510.1, added.

110. The said Code is amended by inserting, after section 510, the following:

Offences and penalties.

"510.1. Every person who contravenes section 471 is guilty of an offence and is liable to a fine of

- (1) \$175 to \$525 for an offence under paragraph 2 of that section;
- (2) \$350 to \$1,050 for an offence under paragraph 1 or 3 of that section;
- (3) \$90 to \$270, \$175 to \$525 or \$350 to \$1,050 for an offence under paragraph 4 of that section and according to the seriousness of the offence as specified by regulation."

c. C-24.2, s. 512, replaced.

111. Section 512 of the said Code is replaced by the following:

Offence and penalty.

"512. Every person who contravenes section 327 or 422 or, other than in the case of the driver of a heavy vehicle, the second paragraph of section 468 is guilty of an offence and is liable to a fine of \$300 to \$600.

Offence and penalty.

Every driver of a heavy vehicle who contravenes the second paragraph of section 468 is guilty of an offence and is liable to a fine of \$700 to \$2,100."

c. C-24.2, s. 513, replaced.

112. Section 513 of the said Code is replaced by the following:

Offence and penalty.

"513. Every driver of a heavy vehicle who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 35 of section 621 is guilty of an offence and is liable to a fine of \$90 to \$270, \$175 to \$525 or \$350 to \$1,050 according to the seriousness of the offence as specified by regulation. Every driver who fails to comply with a condition fixed under section 633 is guilty of an offence and is liable to a fine of \$175 to \$525.

Offence and penalty.

Every holder of a special permit who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 35 of section 621 is guilty of an offence and is liable to a fine of \$175 to \$525, \$350 to \$1,050 or \$700 to \$2,100 according to the seriousness of the offence as specified by regulation. Every holder who fails to comply with a condition fixed under section 633 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offences and penalties.

However, the fine is

(1) \$175 plus \$75 per excess metre if the offence is for exceeding the length limit authorized in the special permit;

- (2) \$175 plus \$75 per excess 10 centimetres if the offence is for exceeding the width or height limit authorized in the special permit;
- (3) \$600 plus \$100 per excess 1,000 kg, not counting the first excess 1,000 kg, if the offence is for exceeding the axle load limit or the total loaded mass authorized in the special permit;
- (4) an amount corresponding, under section 517.1, to the nature of the offence if a heavy vehicle is stopped on a public highway on which it is not authorized to travel as provided in the special permit, if the vehicle is being operated during the thaw period without special authorization, if the vehicle's configuration is not the configuration described in the special permit or if the vehicle is travelling on a bridge or viaduct on which the heavy vehicle is not authorized to travel according to a sign or signal specifying the limit on the structure.

Every holder of an escort permit who contravenes a regulatory provision the violation of which constitutes an offence under paragraph 20.3 of section 621 is guilty of an offence and is liable to a fine of \$175 to \$525, \$350 to \$1,050 or \$700 to \$2,100 according to the seriousness of the offence as specified by regulation.

Subsequent offences.

The period of validity of a special permit or escort permit for a heavy vehicle in respect of which an offence was committed is suspended for a period of three months if the holder of the permit commits a second offence while the permit is valid. If a subsequent offence is committed during the same period of validity, the permit is suspended for three months, whether or not the vehicles covered by the permit were the subject of proceedings. The right to obtain a special permit or escort permit, for the same or another heavy vehicle is, for the operator, subject to the rules governing a second or subsequent offence.

Overweight vehicles.

If an offence relating to axle load or total loaded mass is committed while the vehicle is travelling on a bridge or viaduct where a sign or signal prohibits overweight vehicles, the fines prescribed in this section are doubled."

c. C-24.2, s. 515, repealed.

113. Section 515 of the said Code is repealed.

c. C-24.2, s. 517, replaced.

114. Section 517 of the said Code is replaced by the following:

Offence and penalty.

"517. Every driver of a heavy vehicle who contravenes section 464 is guilty of an offence and is liable to a fine of \$175 to \$525."

c. C-24.2, s. 517.1, replaced.

115. Section 517.1 of the said Code is replaced by the following:

Offences and penalties.

- **"517.1.** Every owner or lessee of an outsized vehicle or, where applicable, every owner or operator of a heavy vehicle who contravenes section 463 is guilty of an offence and is liable to a fine of
 - (1) \$175 plus \$75 per excess metre if the vehicle is outsized as to length;

- (2) \$175 plus \$75 per excess 10 centimetres if the vehicle is outsized as to width or height;
- (3) \$150 to \$450 if the vehicle does not conform to its authorized axle load but conforms to its authorized total loaded mass;
- (4) \$300 to \$900 if the vehicle does not conform to its authorized axle load and also does not conform to its authorized total loaded mass:
- (5) \$300 if the vehicle does not conform to its authorized total loaded mass, plus
 - (a) \$50 per excess 1,000 kg, up to 5,000 kg in excess;
- (b) \$75 per excess 1,000 kg, where the excess is between 5,000 kg and 10,000 kg;
 - (c) \$100 per excess 1,000 kg, where the excess is greater than 10,000 kg;
- (6) twice the amount of the fines under this section, if an offence relating to axle load or total loaded mass is committed while the vehicle is travelling on a bridge or viaduct where a sign or signal prohibits overweight vehicles;
- (7) \$600 if the vehicle is travelling on a bridge or viaduct where the heavy vehicle is not authorized to travel according to a sign or signal specifying the limit on the structure, plus
 - (a) \$100 per excess 1,000 kg, up to 5,000 kg in excess;
- (b) \$150 per excess 1,000 kg, where the excess is between 5,000 kg and 10,000 kg;
 - (c) \$200 per excess 1,000 kg where the excess is greater than 10,000 kg."

c C-24.2, s. 517.2, replaced.

Offences and penalties.

- **116.** Section 517.2 of the said Code is replaced by the following:
- "517.2. Where a load considered to be a full load, attributable to a single person who requests transportation of the load, causes a heavy vehicle to be outsized, every person who requested or participated in the arranging of the transportation is guilty of an offence and is liable to a fine of
 - (1) \$175 plus \$75 per excess metre if the vehicle is outsized as to length;
- (2) \$175 plus \$75 per excess 10 centimetres if the vehicle is outsized as to width or height;
- (3) \$300 if the vehicle does not conform to its authorized total loaded mass, plus

- (a) \$50 per excess 1,000 kg, up to 5,000 kg in excess;
- (b) \$75 per excess 1,000 kg, where the excess is between 5,000 kg and 10,000 kg;
 - (c) \$100 per excess 1,000 kg, where the excess is greater than 10,000 kg.

Proof.

Proof of commission of the offence is, in the absence of evidence to the contrary, proof that the offence was committed with the authorization or consent of the person who requested or participated in the arranging of the transportation."

c. C-24.2, s. 518, am.

117. Section 518 of the said Code is amended by adding, at the end, the following:

Weighing certificate.

"An owner of a road vehicle must, at the request of the Société or a peace officer, furnish the weighing certificate within 10 days of the request to establish the net mass of the vehicle."

c. C-24.2, s. 519, am.

118. Section 519 of the said Code is amended by inserting "or the operator of a heavy vehicle" after "vehicle" in the third line.

c. C-24.2, Title VIII.1, replaced.

119. Title VIII.1 of the said Code is replaced by the following:

"TITLE VIII.1

"SPECIAL RULES RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

"CHAPTER I

"SCOPE

Applicability.

"519.1. This Title applies to heavy vehicles and to the owners and operators governed by the Act respecting owners and operators of heavy vehicles.

"CHAPTER II

"OBLIGATIONS OF DRIVERS AND OPERATORS OF HEAVY VEHICLES

"DIVISION I

"OBLIGATIONS OF DRIVERS

Pre-departure inspection.

"519.2. A driver of a heavy vehicle must, in accordance with the standards prescribed by regulation, conduct a pre-departure inspection of the heavy vehicle to be driven and enter all observations of the mechanical condition of the vehicle in the vehicle's inspection report.

Bus.

However, in the case of a bus, the pre-departure inspection may be conducted by a person responsible for maintenance who is deemed to be the driver within the meaning of sections 519.2 to 519.5.

Inspection report.

"519.3. A driver must, in accordance with the standards prescribed by regulation, complete and keep up to date the inspection report of the heavy vehicle being driven.

Inspection report.

"519.4. A driver must keep on board the inspection report of the heavy vehicle being driven.

Examination.

Only one inspection report for the vehicle being driven shall be kept in the driver's possession and must be surrendered for examination by the driver to any peace officer who so requests.

Return.

The report must be returned to the driver after examination.

Mechanical defect.

"519.5. A driver who discovers a mechanical defect must report the defect without delay to the persons determined by regulation in the form, with the particulars and in the manner prescribed therein.

Prohibition.

"519.6. No person shall drive a heavy vehicle which has a major defect discovered during a pre-departure inspection.

Notification of change to licence.

"519.7. A driver whose driver's licence or class authorizing the driving of a heavy vehicle has been modified, suspended or cancelled must without delay inform the operator, the owner and, where required, any person determined by regulation in the manner prescribed therein.

Obligations of bus driver.

- "519.8. A driver of a bus or minibus must distribute and secure freight, express and baggage, other than carry-on baggage, so as to ensure
- (1) unrestricted freedom of movement for the driver and proper operation of the bus or minibus by the driver;
 - (2) unobstructed access by passengers to all exits;
- (3) protection of passengers against injury caused by falling or shifting articles transported in the bus or minibus.

Maximum number of hours of driving.

"519.9. No person shall exceed the number of hours of driving or hours of service prescribed by regulation or the number of hours of driving or hours of service specified in an authorization granted by the Société under section 519.31, or fail to comply with the standards, conditions and procedures established or provided in the regulation or authorization, as the case may be.

Log of hours of driving.

"519.10. A driver, including a relief driver, must keep a daily log of hours of driving and hours of service in accordance with the terms and conditions prescribed by regulation, and enter all required information therein.

Only one log.

No driver or relief driver shall be in possession of more than one daily log of hours of driving and hours of service.

Examination.

A driver or relief driver must keep the daily logs and any other document prescribed by regulation in the vehicle. In addition, the driver or relief driver must surrender the daily logs for examination at the request of a peace officer or an inspector appointed under section 519.69. The daily logs as well as any other documents requested must be returned after examination to the driver or relief driver, as the case may be.

Surrender of contract.

"519.11. A driver must, at the request of a peace officer or an inspector appointed under section 519.69, surrender the leasing contract or the contract for services.

Return.

The peace officer or inspector must return the documents to the driver after examination.

Power of peace officer.

"519.12. A peace officer may, for the period corresponding to the number of hours of rest prescribed by regulation, remove the driver's licence from any driver who has exceeded the number of hours of driving or hours of service prescribed by regulation or authorized by the Société, and take possession of the driver's vehicle to have it driven to an appropriate place.

Compliance.

The driver must comply without delay with the directions of the peace officer and may recover the driver's licence in the manner specified by the peace officer.

Level crossing.

"519.13. A driver of a heavy vehicle must, unless exempted from doing so by regulation or by a sign or signal, stop the heavy vehicle at least five metres from any level crossing and then proceed only after ascertaining that it is safe to proceed.

Exceptions.

The Minister of Transport may, by order published in the Gazette officielle du Québec, designate certain level crossings at which the driver of a heavy vehicle is not required to stop.

Roadside inspection station.

"519.14. A driver of a heavy vehicle shall drive the vehicle to a roadside inspection station and facilitate any inspection under this Code when so required by a peace officer or a sign or signal.

"DIVISION II

"OBLIGATIONS OF OPERATORS AND OWNERS

Good mechanical order.

"519.15. Heavy vehicles must be maintained in good mechanical order by the owner of the vehicles who must comply with the maintenance standards and the inspection frequency and inspection procedure prescribed by regulation.

Inspection by drivers.

An operator must ensure that the driver or person responsible for maintenance conducts the pre-departure inspection of the heavy vehicle for which the operator is responsible.

Only one inspection report.

"519.16. An operator must, subject to the conditions and in the manner prescribed by regulation, place only one inspection report in each heavy vehicle for which the operator is responsible.

Inspection report.

The operator is also required to ensure that the driver keeps the inspection report on board and records all the information in accordance with the standards prescribed by regulation.

Defect.

Where the operator is not the owner of the heavy vehicle, the operator must without delay inform the owner of any defect recorded and must forward a copy of the heavy vehicle's inspection report to the owner.

Repairs.

"519.17. An owner must correct any defect which is reported to the owner. In the case of a minor defect, the owner must make the necessary repairs or have them made within 48 hours to preserve the right to maintain the vehicle in operation. In the case of a major defect, the vehicle may not be operated.

Maintenance standards.

All repairs must be made in compliance with the maintenance standards prescribed by regulation.

Copy of inspection report.

"519.18. The owner of a heavy vehicle that is operated by an operator is responsible for obtaining a copy of the inspection report.

Operation of bus.

"519.19. An operator shall not allow a bus or minibus in which freight, express or baggage has not been distributed or secured in conformity with section 519.8 to be operated.

Documents.

****519.20.** An owner, operator or any other person who supplies the services of a driver must maintain the records, reports, files and other documents prescribed by regulation.

Notice of defect.

"519.21. An owner who is advised that a notice of defect has been issued by a vehicle manufacturer pursuant to the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16) must without delay take the necessary measures to have the defect corrected as specified in the manufacturer's directions or to have the vehicle repaired or modified so as to eliminate the defect.

Defect.

Any minor or major defect listed in the Regulation respecting mechanical inspection and safety standards for road vehicles (R.R.Q., 1981, chapter C-24.1, r.21) constitutes a defect within the meaning of this section.

Logs.

"519.22. An operator is responsible for ensuring that the driver, in accordance with the conditions and in the manner prescribed by regulation,

keeps on board the daily logs of hours of driving and hours of service and any other document prescribed by regulation and that the driver enters therein all the required information.

Document.

"519.23. Where a driver is exempted by regulation from the requirement to maintain a daily log of hours of driving and hours of service, the operator and any person who supplies the services of a driver must maintain a document in which the operator or person must enter all the information required by regulation.

Maximum number of hours of driving.

"519.24. An operator is responsible for ensuring that the driver does not exceed the number of hours of driving or the number of hours of service prescribed by regulation or specified in an authorization granted by the Société under section 519.31, and complies with the standards, conditions and procedures established or set out in the regulation or authorization.

Copy of logs.

The operator is also responsible for ensuring that the driver forwards a copy of the daily logs of hours of driving and hours of service to the operator along with the documents required by regulation in accordance with the standards prescribed by regulation.

Logs.

"519.25. An operator who uses the services of a driver must obtain from the person who supplies the driver the daily logs of the driver's hours of driving and hours of service in the manner prescribed by regulation.

Logs.

"519.26. A person in the business of supplying the services of a driver must transmit to the operator the daily logs of the driver's hours of driving and hours of service in the manner prescribed by regulation.

Roadside inspection station.

"519.27. An operator is responsible for ensuring that the driver complies with the obligation to drive the vehicle to a roadside inspection station as provided in section 519.14.

Transportation of dangerous substances.

"519.28. Where it is found by a peace officer that a regulation relating to the transportation of dangerous substances has been contravened, the peace officer may order that the vehicle be driven to an appropriate place and detained at the expense of the operator until the operator or the owner of the vehicle or of its load complies with the provisions of the regulation.

Compliance.

The driver must immediately comply with that order.

Responsibility.

The vehicle and its load remain the responsibility of the operator, the owner of the vehicle or of the load, as the case may be.

Proof.

"519.29. In a proceeding for an offence under this Title or under the second paragraph of section 145, proof that the offence was committed by an agent, a mandatary or an employee of an owner or operator is sufficient to establish that the offence was also committed by the owner or operator unless it is established by the owner or operator that due care was exercised by the

taking of all necessary measures to ensure compliance with this Act or a regulation.

"CHAPTER III

"POWERS AND OBLIGATIONS OF THE SOCIÉTÉ

Administration of examinations.

"519.30. The Société may appoint, subject to the conditions it determines, an operator or heavy-vehicle driving school to administer the qualification examinations, except medical examinations, required for the issue of a class of licence authorizing the driving of a heavy vehicle.

Number of hours increased.

"519.31. The Société may, within the framework of a fatigue management program prescribed by regulation or in the cases and on the conditions prescribed by any other regulation, grant to an operator who applies therefor an authorization to increase the number of hours of driving or hours of service of drivers to a number that is greater than the number prescribed by regulation, and specify therein standards, conditions and procedures other than those prescribed by regulation.

Restriction.

The Société shall grant such an authorization for a determined number of hours only.

"CHAPTER IV

"PENAL PROVISIONS

Offence and penalty.

"519.32. Every person who contravenes a section of this Code to which a provision of this chapter applies is liable only to the fine imposed under this chapter.

Offence and penalty.

"519.33. Every driver of a heavy vehicle that does not meet the requirements of any of sections 212, 213, 215 to 223, 225, 228, 234, the first paragraph of section 235, any of sections 236, 237, 254, 258, 261 to 265, 269, 270, 272 or 273 is guilty of an offence and is liable to a fine of \$90 to \$270.

Offence and penalty.

Every owner or operator who operates or permits the operation of a heavy vehicle that does not meet the requirements of any of the sections referred to in the first paragraph is guilty of an offence and is liable to a fine of \$175 to \$525.

Offence and penalty.

Every driver of a heavy vehicle that does not meet the requirements of section 441 is guilty of an offence and is liable to a fine of \$150 to \$450.

Offence and penalty.

Every owner or operator who operates or permits the operation of a heavy vehicle that does not meet the requirements of section 441 is guilty of an offence and is liable to a fine of \$300 to \$900.

"**519.34.** Every driver of a heavy vehicle who contravenes any of sections 240.1, 274, 437.1, 437.2 and 519.8 is guilty of an offence and is liable to a fine of \$175 to \$525.

Offence and penalty.

Every driver who contravenes section 519.12 or 519.28 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offence and penalty.

Every operator who contravenes any of sections 274, 437.1, 437.2 and 519.19 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offence and penalty.

****519.35.** Every driver of a heavy vehicle who contravenes section 519.5 is guilty of an offence and is liable to a fine of \$175 to \$525 if the driver fails or refuses to report a minor defect and to a fine of \$350 to \$1,050 if the driver fails or refuses to report a major defect.

Offence and penalty.

****519.36.** Every driver of a heavy vehicle that has not been registered as required under section 6, 7 or 8 is guilty of an offence and is liable to a fine of \$125 to \$375.

Offence and penalty.

Every owner who operates or permits the operation of a heavy vehicle that does not meet the requirements of any of the sections referred to in the first paragraph is guilty of an offence and is liable to a fine of \$250 to \$750.

Offence and penalty.

"**519.37.** Every driver of a heavy vehicle who contravenes section 474 is guilty of an offence and is liable to a fine of \$175 to \$525.

Offence and penalty.

Every operator who contravenes section 474 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offence and penalty.

"519.38. Every driver of a heavy vehicle who contravenes section 248 or 519.3 by failing to maintain a pre-departure inspection report for the driver's vehicle is guilty of an offence and is liable to a fine of \$175 to \$525.

Offence and penalty.

"**519.39.** Every driver of a heavy vehicle and every person responsible for maintenance who contravenes section 519.2 by not making the pre-departure inspection or by not recording observations, section 519.3 by not filling out the pre-departure inspection report, section 519.4 by not keeping the pre-departure inspection report in the vehicle or by being in possession of more than one such report or refusing to surrender it to a peace officer for examination, or section 519.9 or 519.14 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offence and penalty.

"519.40. Every owner who operates or permits the operation of a heavy vehicle carrying a registration plate for a class other than that vehicle's class, or who operates or permits the operation of a heavy vehicle registered for a use other than the use being made of the vehicle, or every driver who drives a heavy vehicle carrying a registration plate issued for another vehicle is guilty of an offence and is liable to a fine of \$250 to \$750.

"519.41. Every owner who contravenes section 266 or 268 is guilty of an offence and is liable to a fine of \$175 to \$525.

Offence and penalty.

Every owner or operator who contravenes any of sections 214, 239, 240.1 and 260 or who permits the operation of a heavy vehicle that does not meet the requirements of section 423 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offence and penalty.

"519.42. Every owner or operator who, notwithstanding proper notification in accordance with section 519.7, permits a heavy vehicle to be operated by a driver to whom that section applies is guilty of an offence and is liable to a fine of \$700 to \$2,100 if the driver of the vehicle is liable to the fine under sections 143 and 144.

Offence and penalty.

"519.43. Every person who supplies the services of a driver and every operator who contravenes section 519.23 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offence and penalty.

Every owner or operator who contravenes the second paragraph of section 531 or section 532 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offence and penalty.

"519.44. Every driver who contravenes section 519.10 or 519.11 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offence and penalty.

Every operator who contravenes section 519.22 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offence and penalty.

Every person who contravenes section 519.26 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offences and penalties.

- "**519.45.** Where false or inaccurate information is entered in a daily log referred to in section 519.10, the following persons are guilty of an offence and are liable to the following fines:
 - (1) \$350 to \$1,050 in the case of a driver of the heavy vehicle;
 - (2) \$700 to \$2,100 in the case of an operator of the heavy vehicle;
- (3) \$700 to \$2,100 in the case of a person referred to in section 519.26 who supplies the services of a driver.

Offence and penalty.

****519.46.** Every owner who contravenes section 519.21 is guilty of an offence and is liable to a fine of \$350 to \$1,050 if the heavy vehicle in respect of which a notice was given has a minor defect, and to a fine of \$700 to \$2,100 if the heavy vehicle has a major defect.

Offences and penalties.

"519.47. Every owner or operator who contravenes section 519.17 is guilty of an offence and is liable to a fine of

- (1) \$350 to \$1,050 if the owner or operator permitted the heavy vehicle to be operated with a minor defect after 48 hours;
- (2) \$700 to \$2,100 if the owner or operator permitted the heavy vehicle to be operated with a major defect.

"519.48. Every owner or operator who operates or permits the operation of a heavy vehicle that does not meet the requirements of section 34 or who operates a vehicle to which a validation sticker issued for another vehicle has been affixed is guilty of an offence and is liable to a fine of \$250 to \$750.

Offence and penalty.

Every owner or operator who attaches to a heavy vehicle a registration plate issued for another vehicle or who operates or permits the operation of a heavy vehicle carrying a registration plate issued for another vehicle is guilty of an offence and is liable to a fine of \$500 to \$1,500.

Offence and penalty.

Every owner or operator who contravenes section 519.15 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offence and penalty.

"519.49. Every driver of a heavy vehicle that does not meet the requirements of section 229 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offence and penalty.

****519.50.** Every driver who contravenes any of sections 519.6, 519.7 or 519.14 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offence and penalty.

"**519.51.** Every operator who contravenes section 519.27 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offence and penalty.

Every owner who contravenes section 519.18 or 534 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offence and penalty.

"519.52. Every operator who contravenes the second paragraph of section 519.16 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

Offence and penalty.

Every operator who contravenes the first or third paragraph of section 519.16 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offences and penalties.

Every owner or operator who operates or permits the operation of a heavy vehicle whose braking system has been modified or altered in such a way as to reduce its effectiveness or who contravenes any of sections 473, 523, 538 and 539 is guilty of an offence and is liable to a fine of \$700 to \$2,100. In the case of an offence under section 471, the fine for which such an owner or operator is liable is

- (1) \$350 to \$1,050 for an offence under paragraph 2 of section 471;
- (2) \$700 to \$2,100 for an offence under paragraph 1 or 3 of that section;
- (3) \$175 to \$525 for an offence under paragraph 4 of that section.

Every person who supplies the services of a driver and every owner or operator who contravenes section 519.20 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offence and penalty.

"519.53. Every operator who contravenes section 519.24 or 519.25 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offence and penalty.

"519.54. In the case of an offence under the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 (1988, G.O. 2, 2082), every person who requested or participated in the arranging of the transportation is guilty of an offence and is liable to a fine of \$700 to \$2,100."

c. C-24.2, s. 519.64, am.

120. Section 519.64 of the said Code is amended by replacing ", under this Title," in the second line by "under this Title, for the application of the Act respecting owners and operators of heavy vehicles and".

c. C-24.2, s. 519.65, am.

121. Section 519.65 of the said Code is amended by striking out paragraph 1.

c. C-24.2, s. 519.67, am.

122. Section 519.67 of the said Code is amended by inserting ", of the Act respecting owners and operators of heavy vehicles" after "Code" in the fourth line.

c. C-24.2, s. 519.69, am.

123. Section 519.69 of the said Code is amended

- (1) by replacing "of Title VIII.1, this Title" in the third line of the first paragraph by "of this Code, the Act respecting owners and operators of heavy vehicles";
- (2) by adding, at the end of the first paragraph, the following: "and sections 96 and 186 of the Automobile Insurance Act".

c. C-24.2, s. 519.70, am.

124. Section 519.70 of the said Code is amended

- (1) by replacing "of a carrier referred to in Title VIII.1" in the first and second lines of subparagraph 1 of the first paragraph by "of a person to whom a legislative provision governing the operation of a heavy vehicle applies or of an owner or operator of a heavy vehicle";
 - (2) by replacing subparagraph 3 of the first paragraph by the following:
- "(3) inspect any heavy vehicle and, for such purpose, order the immobilization of the vehicle if necessary, enter it, examine the registers and records referred to in subparagraph 2, open or cause to be opened any container or recipient and cause, if necessary, a vehicle that is not in storage or waiting to be repaired to be submitted to a mechanical inspection;";
- (3) by replacing "Title VIII.1 and" in the first line of subparagraph 4 of the first paragraph by "this Code and the".

c. C-24.2, s. 519.73,

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125. Section 519.73 of the said Code is amended by inserting "acting under this Code or an Act under the responsibility of the Société pursuant to section 519.64" after "duties" in the second line.

c. C-24.2, s. 519.75, am.

126. Section 519.75 of the said Code is amended by replacing "certificate" in the third line by "permit or certificate for occasional trips".

c. C-24.2, s. 519.77, replaced.

127. Section 519.77 of the said Code is replaced by the following:

Offence and penalty.

"519.77. Every person who contravenes the second paragraph of section 519.67.1, the second paragraph of section 519.70 or section 519.73 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

Offence and penalty.

"519.78. Every person who contravenes section 519.75 is guilty of an offence and is liable to a fine of \$500 to \$1,500."

c. C-24.2, s. 521, am.

128. Section 521 of the said Code is amended

(1) by replacing paragraph 5 by the following:

"(5) vehicles having a net mass in excess of 3,000 kg, except motor homes, house trailers, tool vehicles and farm trailers, farm machinery as well as construction trailers and farm trailers defined by regulation;";

(2) by adding the following:

Applicability.

"Paragraphs 10 and 10.1 apply to vehicles being operated on highways under the administration of or maintained by the Ministère des Ressources naturelles, on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed."

c. C-24.2, s. 532, am.

129. Section 532 of the said Code is amended by striking out the second paragraph.

c. C-24.2, s. 538.0.1, added.

130. The said Code is amended by inserting, after section 538, the following:

Revocation.

"538.0.1. The Société may revoke, for a period of two years, the certificate of competency referred to in section 543.3.1 of any mechanic who issues a certificate of mechanical inspection without being authorized to do so by the Société in accordance with section 520."

c. C-24.2, s. 543.2, am.

131. Section 543.2 of the said Code is amended by inserting "periodic" before "mechanical" in the first line.

c. C-24.2, ss. 543.3.1 and 543.3.2, added.

132. The said Code is amended by inserting, after section 543.3, the following:

Certificate of competency.

"543.3.1. The Société, or a mandatary designated by the Société, shall issue a certificate of competency in the cases determined by regulation to any mechanic assigned to the preventive maintenance of road vehicles who has passed the examination established or recognized by the Société.

Exemption.

"**543.3.2.** The Société may exempt an owner of a road vehicle who files an application pursuant to section 543.2 from the requirement to comply with the minimum standards pertaining to the qualifications of mechanics assigned to the maintenance of road vehicles.

Refusal.

The Société may refuse such an exemption if, in the Société's opinion, mechanics do not have qualifications equivalent to those required for a certificate of competency to be issued."

c. C-24.2, s. 545.2, added.

133. The said Code is amended by inserting, after section 545.1, the following:

Offence and penalty.

"545.2. Every person who contravenes section 543 is guilty of an offence and is liable to a fine of \$250 to \$750."

c. C-24.2, s. 546, replaced.

134. Section 546 of the said Code is replaced by the following:

Offence and penalty.

"546. Every person who contravenes the first paragraph of section 523 or any of sections 534, 538, 538.1 or 539 is guilty of an offence and is liable to a fine of \$300 to \$600.

Offence and penalty.

Every driver of a heavy vehicle who contravenes section 523 or 534 is guilty of an offence and is liable to a fine of \$350 to \$1,050."

c. C-24.2, s. 546.0.1, am.

135. Section 546.0.1 of the said Code is amended by replacing "or to a fine of \$300 to \$600 or of \$600 to \$2,000 if the owner is a carrier within the meaning of section 519.2 of this Code," in the third, fourth and fifth lines by "or to a fine of \$350 to \$1,050 or of \$700 to \$2,100 if Title VIII.1 applies to the owner,".

c. C-24.2, s. 546.0.2, am.

136. Section 546.0.2 of the said Code is amended by replacing "or to a fine of \$300 to \$600 if the owner is a carrier within the meaning of section 519.2" in the third and fourth lines by "or to a fine of \$350 to \$1,050 if Title VIII.1 applies to the owner".

c. C-24.2, s. 546.0.3, replaced.

137. Section 546.0.3 of the said Code is replaced by the following:

Offence and penalty.

"**546.0.3.** Every owner to whom Chapter I.1 of Title IX applies who contravenes section 543.6 is guilty of an offence and is liable to a fine of \$300 to \$600 or, in the case of an owner of a heavy vehicle, to a fine of \$700 to \$2,100."

c. C-24.2, s. 546.0.4, am.

138. Section 546.0.4 of the said Code is amended by replacing "\$600 to \$2,000" in the second and third lines by "\$700 to \$2,100".

- c. C-24.2, s. 550, am.
- **139.** Section 550 of the said Code is amended by replacing "and 519.61" in the first paragraph by ", 519.61 and 538.0.1 or the second paragraph of section 543.3.2".
- c. C-24.2, s. 560, am.
- **140.** Section 560 of the said Code is amended by replacing "and 519.61" in paragraph 2 by ", 519.61 and 538.0.1 or the second paragraph of section 543.3.2".
- c. C-24.2, s. 587.1, am.
- **141.** Section 587.1 of the said Code is amended
- (1) by inserting "every statement issued and of" after "Société of" in the third line;
- (2) by replacing "a carrier or driver relating to the use of a bus or commercial vehicle having a net mass of more than 3,000 kg" in the fourth and fifth lines by "an owner or operator to which Title VIII.1 applies or of a driver in relation to the operation of a heavy vehicle".
- c. C-24.2, s. 596.1, am.
- **142.** Section 596.1 of the said Code is amended by adding, at the end, the following:

Party to an offence.

- "Any person who fails to furnish to an owner or operator of heavy vehicles or who furnishes false or misleading or erroneous information, the knowledge or truth of which would have prevented an offence under this Code is liable to the same fine as the offender, whether or not the offender has been prosecuted or convicted."
- c. C-24.2, s. 609, am.
- **143.** Section 609 of the said Code is amended by replacing "a carrier or a driver working for the carrier under their authority" in the second and third lines of the second paragraph by "an owner or operator of a heavy vehicle or a driver under their responsibility, who is under the authority of those persons, departments or agencies".
- c. C-24.2, s. 621, am.
- **144.** Section 621 of the said Code is amended
- (1) by replacing "bus, a minibus or a commercial vehicle" in the third line of paragraph 12 by "heavy vehicle or of a motor vehicle whose weight is 3,000 kg or less";
- (2) by adding, at the end of paragraph 12.0.1, ", "home base", "sleeper berth" and "daily logs";
- (3) by replacing "a carrier" in the second line of paragraph 12.0.2 by "an operator";
 - (4) by replacing paragraph 12.1 by the following:
- "(12.1) prescribe the manner, the form, the content and the rules for the retention of the daily log of hours of driving and hours of service to be

maintained by a driver of a heavy vehicle or any other document required under a fatigue management program;";

- (5) by replacing paragraph 12.2 by the following:
- "(12.2) determine, subject to the conditions it determines, in what cases a driver of a heavy vehicle is partially or totally exempted from the obligation of keeping a daily log of hours of driving and hours of service and from the obligation of retaining the daily logs as well as any other document concerning the trip in the driver's possession while the driver is operating the vehicle or is at work;";
 - (6) by inserting, after paragraph 12.2, the following:
- "(12.3) determine the standards, conditions and manner of implementing a fatigue management program;";
- (7) by adding, at the end of paragraph 20.3, the following: "and indicate for each offence the minimum and the maximum amounts of the fine to which the offender is liable":
- (8) by inserting, at the end of paragraph 23, the following: "and indicate, for each offence, the minimum and maximum amounts to which the offender is liable, according to the seriousness of the offence, namely \$100 to \$200, or \$300 to \$600 for an owner to whom Chapter I.1 of Title IX applies or \$350 to \$1,050 or \$700 to \$2,100 if Title VIII.1 applies to the owner";
 - (9) by inserting, after paragraph 25, the following:
- "(25.1) define, for the purposes of the safety standards for road vehicles, classes and subclasses of road vehicles other than those provided for in this Code;";
- (10) by adding, at the end of subparagraph d of paragraph 32.1, the following: "and the cases in which they must be holders of a certificate of competency issued pursuant to section 543.3.1;";
- (11) by replacing "namely \$100 to \$200, \$300 to \$600, or \$600 to \$2,000, according to the seriousness of the offence and the identity of the offender" in the fourth and fifth lines of paragraph 32.8 by "according to the seriousness of the offence, namely \$100 to \$200, or \$300 to \$600 for an owner to whom Chapter I.1 of Title IX applies, or \$350 to \$1,050 or \$700 to \$2,100 if Title VIII.1 applies to the owner";
- (12) by adding, at the end of paragraph 35, the following: "and indicate, for each offence, the minimum and the maximum amounts of the fine to which the offender is liable";

- (13) by replacing "motor vehicles that are subject to Title VIII.1" in the first and second lines of paragraph 37 by "heavy vehicles" and by replacing "carriers" in the third line by "owners";
 - (14) by replacing paragraph 38 by the following:
- "(38) prescribe standards for the pre-departure inspection of a heavy vehicle referred to in section 519.2, and exempt certain drivers, owners and operators from making the inspection in the cases it indicates;";
 - (15) by replacing paragraph 39 by the following:
- "(39) determine the form, content and rules for the retention of the reports, daily logs, files or other documents referred to in Title VIII.1 and exempt certain owners, operators or persons who supply the services of a driver from retaining them in the cases it indicates;";
 - (16) by inserting, after paragraph 39, the following:
- "(39.1) fix the manner in which the daily logs must be transmitted to the operator by a person offering the services of a driver;";
 - (17) by replacing paragraph 40 by the following:
- "(40) determine the form, content and rules for the retention of the inspection report referred to in section 519.3 and exempt certain drivers from making the report in the cases it indicates;";
 - (18) by inserting, after paragraph 40, the following:
- "(40.1) determine the persons who must be informed of a mechanical defect found on a heavy vehicle and the form and content of the report referred to in section 519.5 and the manner of making the report;";
 - (19) by striking out paragraph 41;
 - (20) by replacing "motor" in the second line of paragraph 42 by "heavy";
 - (21) by inserting, after paragraph 42, the following:
- "(42.1) exempt certain heavy vehicles from the obligation of stopping at a level crossing;";
 - (22) by striking out paragraph 43;
- (23) by replacing "a carrier" in the first line of paragraph 44 by "an operator or any other person it determines" and by replacing "motor vehicle subject to Title VIII.1" in the third line by "heavy vehicle";

- (24) by striking out paragraph 48.
- c. C-24.2, s. 622, am. **145.** Section 622 of the said Code is amended
 - (1) by replacing "to a person who requests the transportation of dangerous substances" in the second and third lines of subparagraph 7 of the first paragraph by "to a person who offers a dangerous substance for transport, to an owner or operator of a heavy vehicle, to a carrier or to a driver of a vehicle that transports dangerous substances";
 - (2) by replacing subparagraph 8 of the first paragraph by the following:
 - "(8) determine, among the provisions of a regulation under this section, those the violation of which constitutes an offence and prescribe for each offence the minimum and maximum amounts to which the following persons are liable:
 - (a) the person who offers dangerous substances for transport, the owner or the operator of the heavy vehicle or the carrier of dangerous substances, each amount to be from \$175 to \$525, \$350 to \$1,050 or \$700 to \$2,100, according to the seriousness of the offence;
 - (b) the driver of the vehicle that transports dangerous substances, each amount to be from \$90 to \$270, \$175 to \$525 or \$350 to \$1.050, according to the seriousness of the offence."
- c. C-24.2, s. 626, am. **146.** Section 626 of the said Code is amended by inserting where the law so authorizes, by after by by-law or in the first line.
- c. C-24.2, s. 627, am. **147.** Section 627 of the said Code is amended
 - (1) by inserting ", where the law so authorizes, every" after "every by-law, resolution or" in the second line of the first paragraph;
 - (2) by striking out "to by-laws, resolutions or ordinances passed or issued under section 293.1, or" in the first and second lines of the second paragraph.
- c. C-24.2, s. 636, am. **148.** Section 636 of the said Code is amended by inserting "and the Act respecting owners and operators of heavy vehicles" after "Code" in the second line.
- c. C-24.2, s. 636.1, am. **149.** Section 636.1 of the said Code is amended by inserting "on highways under the administration of or maintained by the Ministère des Ressources naturelles," after "applies" in the first line of the second paragraph.
- c. C-24.2, s. 636.2, am. **150.** Section 636.2 of the said Code is amended
 - (1) by inserting "the Act respecting owners and operators of heavy vehicles," after "Code" in the second line;

- (2) by inserting "under the Act respecting owners and operators of heavy vehicles," after "Code" in the fourth line;
- (3) by replacing "its owner's expense" in the seventh and eighth lines by "the expense of the owner or operator of a heavy vehicle, as the case may be".
- c. C-24.2, s. 643.2, am.
- **151.** Section 643.2 of the said Code is amended by adding, after the first paragraph, the following:

"Every driver of a heavy vehicle who contravenes section 636 is guilty of an offence and is liable to a fine of \$700 to \$2,100."

- c. C-24.2, s. 645.1, repealed.
- **152.** Section 645.1 of the said Code is repealed.
- c. C-25.1, a. 158.1, am.
- **153.** Article 158.1 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by replacing "is imputable to the owner or lessee of a commercial vehicle or bus within the meaning of the Highway Safety Code (chapter C-24.2) or to a carrier as defined in article 519.2 of that Code," in the first, second and third lines of the first paragraph by "under the Highway Safety Code (chapter C-24.2) or the Act respecting owners and operators of heavy vehicles (1998, chapter 40) is imputable to the owner or operator of a heavy vehicle within the meaning of that Act,".
- c. T-12, s. 1, am.
- **154.** Section 1 of the Transport Act (R.S.Q., chapter T-12) is amended by inserting "and except where the Commission acts under the Act respecting owners and operators of heavy vehicles (1998, chapter 40)" after "Within the meaning of this Act" in the first line of the second paragraph.
- c. T-12, s. 2, am.
- **155.** Section 2 of the said Act is amended by striking out the third paragraph.
- c. T-12, s. 5, am.
- 156. Section 5 of the said Act is amended
 - (1) by replacing paragraph n by the following:
- "(n) determine the requirements applicable to estimates, contracts, bills of lading and shipping documents in the case of a carrier or any person to whom the Act respecting owners and operators of heavy vehicles applies;";
 - (2) by adding, after paragraph q, the following:
- "(r) determine, among the provisions of a regulation under this section, those the violation of which constitutes an offence and prescribe for each offence the minimum and maximum amounts to which the offender is liable, namely from \$125 to \$375, \$250 to \$750 or \$500 to \$1,500, according to the seriousness of the offence and, where applicable, whether the offender is an owner or operator of heavy vehicles, a transport service intermediary, a carrier, a driver or a broker;

"(s) determine the offences under this Act or a regulation thereunder for which a 72-hour notice may be issued."

c. T-12, s. 17.2, am.

157. Section 17.2 of the said Act is amended by adding, at the end, the following:

Clerical error.

"A decision containing an error in writing or in calculation or any other clerical error may be corrected by the Commission."

c. T-12, s. 34.1, am.

158. Section 34.1 of the said Act is amended by striking out the second paragraph.

c. T-12, s. 35, am.

159. Section 35 of the said Act is amended by inserting, at the end, the following:

Exception.

"This section does not apply to a person subject to the Act respecting owners and operators of heavy vehicles."

c. T-12, s. 36, am.

160. Section 36 of the said Act is amended by adding, at the end, the following:

Exception.

"In addition, this section does not operate to require an owner or operator of heavy vehicles, within the meaning of the Act respecting owners and operators of heavy vehicles, to obtain a permit under this Act except to the extent provided for therein."

c. T-12, s. 48, am.

161. Section 48 of the said Act is amended by adding, at the end, the following:

Powers of Commission.

"The Commission has all the powers necessary to publish, cause to be published at the expense of the person it designates or make public by any other means any decision or notice required under this Act or the Act respecting owners and operators of heavy vehicles."

c. T-12, s. 49.2, am.

162. Section 49.2 of the said Act is amended

- (1) by inserting "and on public highways as well as roads open to public vehicular traffic" after "duties," in the second line of the second paragraph;
- (2) by striking out "operated on a public highway" in the first and second lines of subparagraph 3 of the second paragraph.

c. T-12, s. 73, am.

163. Section 73 of the said Act is amended by replacing "\$325" and "\$1 400" in the second line by "\$700" and "\$2,100", respectively.

c. T-12, s. 74, am.

164. Section 74 of the said Act is amended

(1) by inserting "section 42, the second paragraph of section 47.4 or" in the first line after "contravenes";

(2) by replacing "\$75 nor more than \$700 in the case of a natural person, and of not less than \$75 nor more than \$1 400 in the case of an artificial person, for a first offence, and of not less than \$325 nor more than \$1 400 in the case of a natural person, and of not less than \$1 125 nor more than \$7 000 in the case of an artificial person for each second or subsequent conviction" in the sixth, seventh, eighth, ninth, tenth and eleventh lines by "\$125 nor more than \$375 for a first offence, and of not less than \$250 nor more than \$750 for a second or subsequent offence".

c. T-12, s. 74.1, replaced.

165. Section 74.1 of the said Act is replaced by the following:

Offence and penalty.

"74.1. Every person who contravenes section 36, the first paragraph of section 36.1 or section 43 is guilty of an offence and is liable for each day or part of a day during which the offence continues, to a fine of not less than \$500 nor more than \$1,500 for a first offence, and of not less than \$1,500 nor more than \$2,500 for a second or subsequent offence.

Offence and penalty.

"74.1.1. Every person who contravenes any of sections 36.2, 42 and 47.3 or the first paragraph of section 47.4 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine of not less than \$250 nor more than \$750 for a first offence, and of not less than \$750 nor more than \$2,250 for a second or subsequent offence."

c. T-12, s. 74.2, am.

166. Section 74.2 of the said Act, amended by chapter 8 of the statutes of 1998, is again amended by replacing "74" by "74.1.1".

c. T-12, s. 74.2.1, am.

167. Section 74.2.1 of the said Act is amended by replacing "\$200 nor more than \$300" in the second line by "\$250 nor more than \$750".

c. T-12, s. 74.2.2, am.

168. Section 74.2.2 of the said Act is amended by replacing "\$30 nor more than \$60" in the second line by "\$250 nor more than \$750".

c. T-12, s. 74.2.3, am.

169. Section 74.2.3 of the said Act is amended by replacing "\$100 nor more than \$200" in the second and third lines by "\$250 nor more than \$750".

c. T-12, s. 74.2.4, am.

170. Section 74.2.4 of the said Act is amended by replacing "\$300 nor more than \$600" in the second line by "\$250 nor more than \$750".

c. T-12, s. 80, am.

171. Section 80 of the said Act is amended by adding, at the end of the second paragraph, the following: ", at the owner's expense".

1996, c. 54, Sched. IV, am.

172. Schedule IV to the Act respecting administrative justice (1996, chapter 54) is amended by adding, at the end, the following:

"(29) section 26 of the Act respecting owners and operators of heavy vehicles."

Preventive maintenance programs.

173. The experimental preventive maintenance programs certified by the Société de l'assurance automobile before 24 December 1998 are exempted

from the certification under Chapter I.1 of Title IX of the Highway Safety Code but are subject to the other provisions of that chapter and to the regulatory provisions made for the application of the programs.

Provisions applicable.

Programs in respect of which no decision on an application for certification has been made before the date mentioned in the first paragraph are subject to the provisions of that chapter.

Notification of rules.

174. The Commission shall, beginning on 1 August 1998 and on the basis of the information held by it as well as the information held by the Société, notify owners and operators of the rules prescribed by this Act.

Rating of "satisfactory".

Where the Commission is of the opinion that the information held by it is sufficient for it to make a decision and assign a rating of "satisfactory", the Commission shall notify the person concerned that the person will be registered accordingly as of 1 April 1999 and that the person will be assigned a rating of "satisfactory" so long as the person's situation remains unchanged.

Insufficient information.

Where the Commission is of the opinion that the information held by it is insufficient or would lead to a refusal or a declaration of disqualification, the Commission shall notify the person concerned and invite the person to make an application or to appear for a meeting before 1 April 1999.

Registration fees.

175. Within 30 days of the date of a notice under the second paragraph of section 174, the person concerned must pay the registration fees fixed and send to the Commission the information required under the second paragraph of section 7 of the Act respecting owners and operators of heavy vehicles. Where the person fails to do so, the registration under section 174 is without effect.

Demerit points.

176. For the purposes of section 174, the Commission may consider the information entered in a carrier's file under the Regulation respecting carriers' demerit points made by Order in Council 672-88 (1988, G.O. 2, 1988).

Regulations in force.

177. Every regulation made under a provision of the Highway Safety Code or the Transport Act that is replaced or amended by a provision of this Act shall remain in force until it is replaced, amended or repealed.

First regulations.

178. The first regulations made under section 3, the second paragraph of section 4, section 6, the second paragraph of section 13 and sections 14 and 23 of the Act respecting the owners and operators of heavy vehicles, the new provisions of the Highway Safety Code and of the Transport Act enacted by this Act are not subject to the publication requirement in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

Privilege.

179. Notwithstanding section 54 and until the Government, by order, prohibits the privilege or imposes terms and conditions for the maintenance of the privilege, a person who, on the date of coming into force of this section,

- (1) was a person to whom section 124 of the repealed Act applied, may continue, where applicable, to benefit from the privilege conferred by sections 12.77 and 12.78 of Regulation 12 respecting bulk trucking continued by section 68 of the Regulation respecting bulk trucking (R.R.Q., c. T-12, r.3);
- (2) was the holder of a trucking licence under the repealed Act continues to be authorized to transport, throughout Québec, wood for veneer and timber sawn across the grain or along the grain.

Interpretation.

Section 54 shall not be construed as prohibiting a person from transporting a matter the person would have been authorized to transport under the repealed Act on the date of its repeal.

Provisions in force.

180. Sections 19 to 30 and Schedule II to the Trucking Regulation made by Order in Council 47-88 (1988, G.O. 2, 659), notwithstanding section 54 of this Act, shall remain in force until they are replaced by a regulation made under paragraph n of section 5 of the Transport Act. Contravention of a provision of that regulation is punishable as provided in section 74 of the Transport Act.

Report.

181. The Minister shall, on or before 20 June 2001, make a report to the Government on the implementation of this Act and the advisability of maintaining it in force and, if necessary, of amending it.

Tabling.

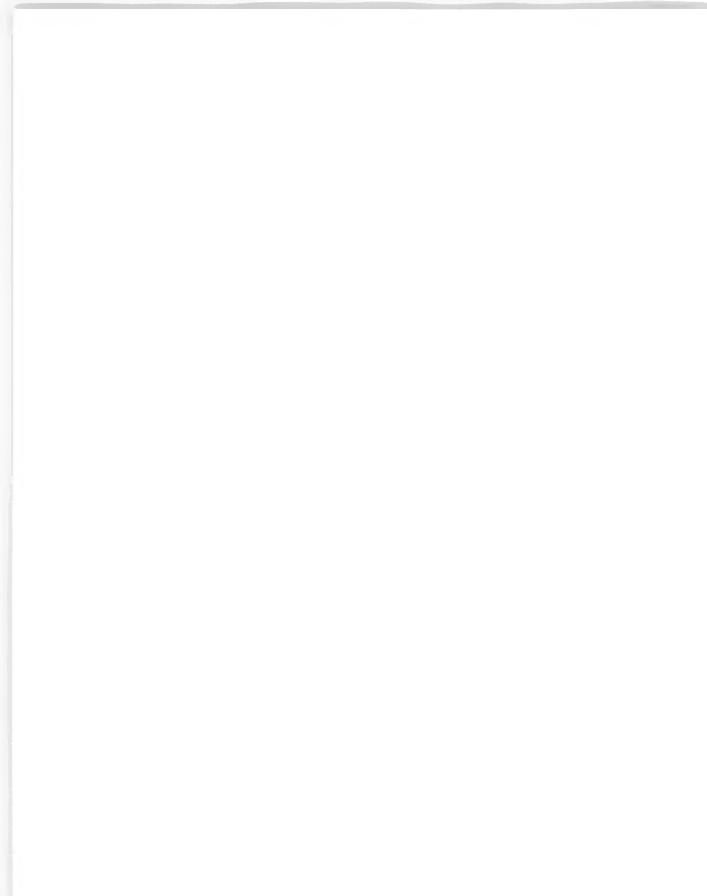
The report shall be tabled before the National Assembly within the following 15 days or, if the Assembly is not sitting, within 15 days of resumption.

Minister responsible.

182. The Minister of Transport is responsible for the administration of this Act.

Coming into force.

183. The provisions of this Act come into force on the date or dates to be fixed by the Government.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 41 AN ACT RESPECTING HÉMA-QUÉBEC AND THE HAEMOVIGILANCE COMMITTEE

Bill 438

Introduced by Mr Jean Rochon, Minister of Health and Social Services Introduced 12 May 1998
Passage in principle 26 May 1998
Passage 19 June 1998
Assented to 20 June 1998

Coming into force: on the date or dates to be fixed by the Government

-- 1998-07-08:

ss. 1, 2, 4-54, 56-75

O.C. 942-98

G.O., 1998, Part 2, p. 3037

- 1998-09-28:

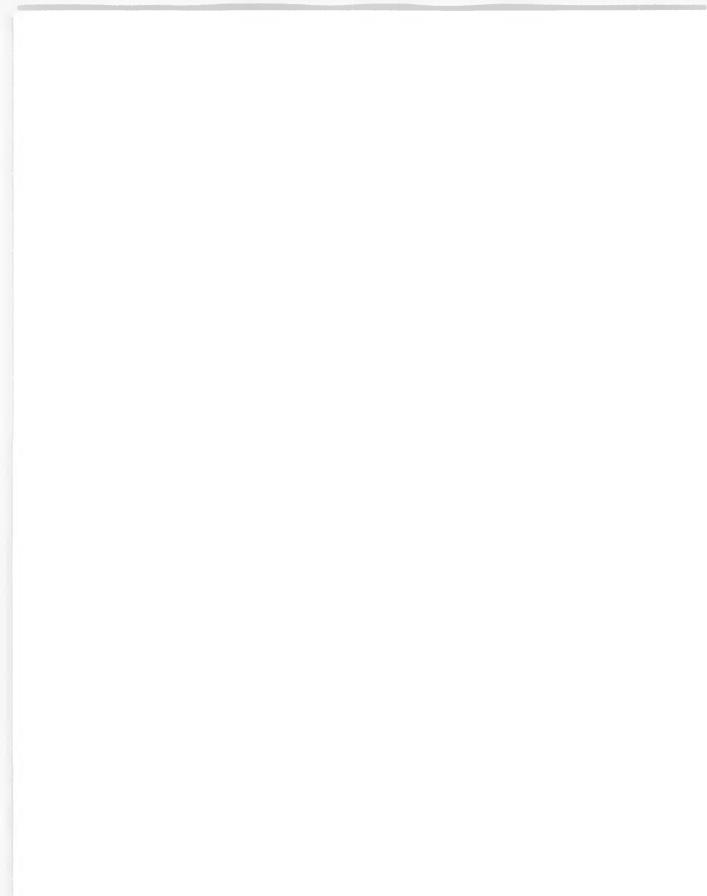
ss. 3, 55 O.C. 1233-98

G.O., 1998, Part 2, p. 4045

Legislation amended:

Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2)







Chapter 41

AN ACT RESPECTING HÉMA-QUÉBEC AND THE HAEMOVIGILANCE COMMITTEE

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

HÉMA-QUÉBEC

DIVISION I

CONTINUATION AND NATURE

Continuance.

1. Héma-Québec, constituted on 26 March 1998 by letters patent issued under Part III of the Companies Act (R.S.Q., chapter C-38), is continued in accordance with the provisions of this Act.

Legal person.

2. Héma-Québec is a legal person not established for pecuniary gain.

Mandatary of the State.

Héma-Québec is not a mandatary of the State.

DIVISION II

MISSION

Mission.

3. The mission of Héma-Québec is to provide the health and social services institutions in Québec and the population with a sufficient supply of blood, blood products and blood components.

Functions.

In the pursuit of its mission Héma-Québec shall, in particular,

- (1) develop and enforce strict quality and safety standards in order to earn the trust of the general public and of the recipients of the products it distributes;
- (2) recruit blood and plasma donors and work in partnership with those donors and volunteer blood donor clinic organizers;
 - (3) assume responsibility for the collection of blood and plasma;
- (4) manage the records of blood and plasma donors in accordance with strict standards of accuracy, security and confidentiality;
 - (5) process the products collected;

- (6) assume responsibility for the storage, distribution and management of provincial stocks;
- (7) supply, in particular to health and social services institutions, the blood, blood products and blood components required by those institutions;
- (8) at the request of a body managing joint supplies to institutions that has been designated by the Minister of Health and Social Services, obtain, store and supply to the institutions the fractionated products or substitute products required by those institutions;
- (9) engage in research and development for the purpose of developing new methods, new technologies and new products that meet the needs of Québec's health system;
- (10) maintain links to ensure collaboration and the exchange of information with counterpart organizations in Canada and elsewhere, in order to be informed of and share expertise;
- (11) work in close collaboration with the authorities of the Canadian supply service so as to enable each system to benefit from the services and products of the other if necessary;
- (12) exercise any other function related to the supply system that is entrusted to it by the Minister of Health and Social Services.

Other human tissue.

The Minister may also entrust similar duties or functions to Héma-Québec in connection with bone marrow or any other human tissue.

Agreements.

4. Héma-Québec may, in exercising its functions, enter into an agreement according to law with a government other than the Government of Québec, a department of such a government, an international organization, or an agency or body of such a government or organization.

Contributions.

Héma-Québec may also accept gifts, bequests, subsidies or other contributions, provided that any attached condition is compatible with the exercise of its functions.

Exchange of information.

5. Héma-Québec must enter into an agreement with the Canadian supply service to exchange information on blood or plasma donors with a view to reducing the risk of product contamination.

DIVISION III

ORGANIZATION

Head office.

6. The head office of Héma-Québec shall be located at the place determined by the Government. Notice of the location and of any change in location of the head office shall be published in the *Gazette officielle du Québec*.

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Meetings.

Héma-Québec may hold its meetings at any place in Québec.

Governing board.

- **7.** The governing board of Héma-Québec shall be composed of the following persons who shall become members of the board as and when they are appointed by the Government:
- (1) one person selected from among the persons proposed by associations representing recipients of blood components or blood products;
- (2) two persons selected from among the persons proposed by the association of Québec hospitals known as Association des hôpitaux du Québec;
- (3) one person selected from among the persons proposed by blood or plasma donors and volunteer blood donor clinic organizers;
- (4) two members selected from among the persons proposed by the Québec specialists' federation known as Fédération des médecins spécialistes du Québec;
- (5) two members from the university biotechnology sector, selected from among the persons proposed by university-level teaching institutions;
- (6) one member selected from among the persons proposed by the public health directors appointed under the Act respecting health services and social services (R.S.Q., chapter S-4.2);
- (7) two members from the private enterprise sector selected from among the persons proposed by various socio-economic groups.

Director general.

The director general, appointed by the members in office, is also a member of the governing board of Héma-Québec.

Incompatibility.

8. No public servant within the meaning of section 1 of the Public Service Act (R.S.Q., chapter F-3.1.1) may be a member of the board.

Terms of office.

9. The director general is appointed for a term of not more than five years and the other members of the governing board are appointed for a term of not more than three years.

Continuance in office.

Upon the expiry of their term, the members of the board shall remain in office until reappointed or replaced.

Chair and vice-chair.

10. The members of the governing board shall designate a chair and a vice-chair from among their number; the vice-chair shall chair the board when the chair is absent or unable to act.

Secretary.

The director general shall act as the secretary of Héma-Québec.

Functions of chair.

11. The chair shall preside at meetings of the board, oversee its operation and assume the other functions conferred on the chair by Héma-Québec.

Quorum.

12. The quorum at meetings of the governing board is a majority of its members, including the chair or, as the case may be, the vice-chair.

Casting vote.

In the case of a tie-vote, the chair has the casting vote.

Delegate from supply service.

13. A member of the governing board of the Canadian supply service, or a person delegated by such a member, may attend and is entitled to speak at the meetings of the governing board.

Delegate from haemovigilance committee.

The same rule applies to a member of the haemovigilance committee established pursuant to this Act designated by the Minister.

Functions of director general.

14. The director general is responsible for the administration and direction of Héma-Québec within the scope of its by-laws and policies.

Exclusivity.

The function of director general must be exercised on a full-time basis.

Conflict of interest.

15. The director general may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing the director general's personal interest to conflict with that of Héma-Québec. However, forfeiture of office is not incurred where the interest devolves to the director general by succession or gift, provided it is renounced or disposed of with dispatch.

Disclosure of interest.

Every other member of the governing board having such an interest must, on pain of forfeiture of office, disclose the interest in writing to the board and withdraw from meetings while any matter relating to the enterprise in which the interest is held is being discussed or voted upon.

Conditions of employment.

16. The governing board shall fix the remuneration, employment benefits and other conditions of employment of the director general. The remuneration and employment benefits of the director general shall be submitted to the Government for approval.

Board members.

The other members of the governing board shall receive no remuneration, except in such cases, on such conditions and to such extent as the Government may determine. They are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

Executive committee.

17. The governing board may establish an executive committee composed of not fewer than five members of the board, including the chair and the director general, determine its functions and powers and fix the term of office of its members.

By-laws.

18. Héma-Québec may make by-laws concerning the exercise of its powers and its internal management.

Deemed vacancy.

The by-laws may, in particular, provide that absence from a specified number of meetings, in the cases and circumstances determined in the by-law, constitutes a vacancy.

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Personnel.

19. The members of the personnel shall be appointed in accordance with the staffing plan and standards established by Héma-Québec by by-law. The by-law shall, in addition, determine the standards and scales governing the remuneration, employment benefits and conditions of employment of the personnel members.

Approval.

The by-law shall be submitted to the Government for approval.

Advisory committees.

20. Héma-Québec may establish advisory committees to facilitate the execution of its mission, and determine the terms of reference of each committee and its rules of operation.

Committee members.

The members of such a committee shall receive no remuneration, except in such cases, on such conditions and to such extent as the Government may determine. They are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

Meetings.

The committees may hold their meetings at any place in Québec.

DIVISION IV

FINANCIAL PROVISIONS AND REPORTS

Fiscal year.

21. The fiscal year of Héma-Québec ends on 31 March.

Annual report.

22. Not later than 30 June each year, Héma-Québec must file its financial statements with the Minister together with a report of its operations for the preceding fiscal year.

Contents.

The financial statements and the report of operations must contain all the information prescribed by the Minister.

Tabling.

23. The Minister shall table the financial statements and the report of operations in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

Audit.

24. The books and accounts of Héma-Québec shall be audited each year by the Auditor General, and whenever so ordered by the Government.

Submission with report.

The report of the Auditor General must be submitted with Héma-Québec's financial statements.

Financing of operations.

25. The operations of Héma-Québec shall be financed out of the gifts, subsidies and other contributions it receives, out of the revenues deriving, in particular, from the supply of its products to health and social services institutions and other bodies, and, where applicable, out of the proceeds of the sale of its assets.

Government guarantee.

26. The Government may, on the terms and conditions it determines, guarantee the payment of the capital of and interest on any loan made by Héma-Québec and the performance of any of the obligations of Héma-Québec.

Advances.

27. The Government may, on the terms and conditions it determines, authorize the Minister of Finance to advance to Héma-Québec any amount considered necessary for the pursuit of its mission.

Source of funds

28. The sums paid under section 26 or 27 shall be taken out of the consolidated revenue fund.

Budgetary forecasts.

29. Héma-Québec must prepare three-year budgetary forecasts and forward them to the Minister annually on the date and in the form determined by the Minister.

Immovables.

30. Héma-Québec may not construct, acquire or dispose of an immovable except with the authorization of the Minister.

Equipment.

The same rule applies to any purchase of equipment for an amount exceeding the amount fixed by the Government, where the equipment is not required to ensure product safety.

Provision of information.

31. Héma-Québec must provide any information required by the Minister concerning its operations within the time and in the form specified by the Minister.

DIVISION V

POWERS OF THE MINISTER

Provisional administration.

- **32.** The Minister may assume the provisional administration of Héma-Québec in the following cases:
- (1) if a permit that is necessary to the operations of Héma-Québec has been or is likely to be suspended or revoked, or has not been or is unlikely to be renewed;
- (2) if the Minister considers that Héma-Québec is engaging in practices or is tolerating a situation that may compromise the safety, quality or quantity of the products it distributes;
- (3) if the Minister considers that one or more of the members of the governing board have committed a gross fault such as malfeasance, breach of trust or other misconduct, or if the board has been seriously remiss in the performance of the obligations imposed on it by law.

Suspension of powers.

Where the Minister assumes the provisional administration of Héma-Québec, the powers of the members of the governing board are suspended, and the Minister shall exercise all the powers of the governing board.

Preliminary report.

33. After assuming the provisional administration of Héma-Québec, the Minister must file a preliminary report containing observations and recommendations with the Government as soon as possible.

Observations.

Before filing the report, the Minister must give Héma-Québec an opportunity to present observations, and the Minister must append a summary of the observations to the report.

Continuance or termination.

34. After receiving the Minister's preliminary report, the Government may request that the Minister continue the provisional administration of Héma-Québec for a period not exceeding three months, or that the Minister terminate the provisional administration within the time it indicates.

Powers of board.

Where the Government requests that the Minister continue the provisional administration, it shall indicate whether all or any of the powers normally exercised by the governing board will be suspended and exercised by the Minister.

Minister's report.

35. The Minister shall file a report with the Government as soon as the Minister finds that the situation referred to in section 32 has been corrected, or that it cannot be corrected before the end of the provisional administration.

Government's response.

After receiving a report from the Minister, the Government may take either of the steps provided for in section 34.

Immunity.

36. No person who assumes the provisional administration of Héma-Québec under the authority of the Minister may be prosecuted for anything done in good faith in exercising the person's functions.

Safety of products.

37. On the advice of the haemovigilance committee, the Minister may require that Héma-Québec take certain specific steps to ensure the quality and safety of the products it distributes.

Withdrawal of products.

In the same manner, the Minister may, for the same reasons, require that Héma-Québec withdraw certain products and notify any persons to whom such products have been distributed as well as the Canadian supply service and any other counterpart organization with which Héma-Québec has business dealings, of the risk of contamination they present.

DIVISION VI

DETERMINATION OF THE CONDITIONS GOVERNING THE SUPPLY OF PRODUCTS

Joint supplies.

38. The Minister may designate a body to manage joint supplies to institutions and require Héma-Québec to reach an agreement with that body concerning the conditions governing the supply of its products to health and social services institutions in Québec.

Products concerned.

The Minister may subject all or only certain of the products supplied by Héma-Québec to such a procedure.

Uniform conditions.

The Minister may in addition require that the conditions governing the supply of a product be the same for all health and social services institutions, whatever the conditions governing, in particular, the delivery of the product or the quantity of product supplied.

Mediation.

39. If, one month before the date fixed for the forwarding of the budgetary forecasts of Héma-Québec to the Minister, Héma-Québec and the designated body have not reached agreement, they must appoint a mediator to assist them in settling their dispute.

Arbitration.

If, on the date fixed for the forwarding of the budgetary forecasts, the parties have not agreed on a mediator, or if they have not settled their dispute three months after that date, the Minister may require the parties to submit their dispute to arbitration.

Start of proceedings.

The arbitration proceedings shall commence on the date of the Minister's decision.

Arbitrators.

40. Each party must appoint an arbitrator within ten days after the Minister's decision, and such arbitrators must appoint a third arbitrator within ten days after their appointment. Failing the making of such appointments by the parties or the arbitrators within the time limits stipulated, the Minister may apply to a judge of the Court of Québec to make the appointments, and the judge's decision may not be appealed.

Provisions applicable.

41. Articles 944.1 to 945.8 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply to the arbitration, with the necessary modifications.

Award.

The arbitration award must be rendered within two months after the appointment of the third arbitrator.

Supply conditions.

42. All the conditions governing the supply of products, including the price of the products, must be fair and reasonable.

Price dispute.

Where a dispute pertains to the price of a product, the arbitrators must have regard in particular to

- (1) the expenditure which they consider necessary to pay the costs of production, in particular costs relating to the recruitment of donors, product collection, analysis, processing, storage and distribution and an allowance for the depreciation of the equipment and capital property used;
 - (2) the undepreciated research and development expenditures;
- (3) the fact that the objects of Héma-Québec do not include the making of a profit and that it must finance its operations in accordance with section 25.

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Award final.

43. The arbitration award may not be appealed, and Héma-Québec cannot impose different conditions on the health and social services institutions for the acquisition of its products.

CHAPTER II

HAEMOVIGILANCE COMMITTEE

Establishment.

44. A haemovigilance committee is hereby established under the name "Comité d'hémovigilance".

Function.

45. The function of the haemovigilance committee is to advise the Minister, as considered necessary by the Minister and not less than once yearly, on current risks relating to the use of blood, blood products and blood components and the use of substitute products.

Mandate.

The mandate of the haemovigilance committee shall include examining any matter submitted to it by the Minister in connection with the blood supply system and giving the Minister its opinion within the time indicated by the Minister.

Other human tissue.

The Minister may assign the haemovigilance committee similar functions with regard to bone marrow or any other human tissue.

Members.

- **46.** The haemovigilance committee shall be composed of the following persons, appointed by the Minister:
- (1) one person from the public health laboratory known as Laboratoire de santé publique du Québec;
- (2) two persons working in the public health departments of the regional boards established pursuant to section 371 of the Act respecting health services and social services (R.S.Q., chapter S-4.2);
 - (3) one medical epidemiologist;
 - (4) one ethicist;
- (5) four medical haematologists practising in a health and social services institution:
- (6) three users of the health and social services system having an interest in the blood supply system.

Supplementary members.

The Minister may also appoint two other members to the committee where the Minister considers that their expertise would advance the work of the committee. Delegate from Héma-Québec.

47. One person designated by Héma-Québec and two persons designated by the Deputy Minister of Health and Social Services shall attend the meetings of the haemovigilance committee and shall be entitled to speak at the meetings.

Term of office.

48. The members of the haemovigilance committee shall be appointed for a term not exceeding two years.

Continuance in office.

At the end of their term, the members of the haemovigilance committee shall remain in office until reappointed or replaced.

Chair and vice-chair.

49. The Minister shall designate a chair and a vice-chair of the haemovigilance committee from among the members; the vice-chair shall chair the haemovigilance committee when the chair is absent or unable to act.

Secretary.

One of the persons designated by the Deputy Minister of Health and Social Services to attend the meetings of the committee shall act as the secretary of the committee.

Quorum.

50. The quorum at meetings of the haemovigilance committee is a majority of its members, including the chair or, where applicable, the vice-chair.

Casting vote.

In the case of a tie-vote, the chair has the casting vote.

By-laws.

51. The haemovigilance committee may make by-laws concerning its internal management.

Fees.

52. The fees and allowances of the members of the haemovigilance committee shall be fixed by the Government, as shall the fees of the consultants and experts consulted by the haemovigilance committee.

Payment by department.

53. The Ministère de la Santé et des Services Sociaux shall pay the fees and allowances referred to in section 52. It shall also, within the scope of its resources, pay for the administrative support needed by the haemovigilance committee to carry out its work.

Provision of information.

54. The haemovigilance committee shall provide the Minister with any information required by the Minister concerning its operations, within the time and in the form indicated by the Minister.

CHAPTER III

MISCELLANEOUS AND FINAL PROVISIONS

Exclusivity of supply.

55. Except after obtaining the authorization of the Minister of Health and Social Services, no health and social services institution may use any blood, blood products or blood components, including fractionated products, except those supplied by Héma-Québec. However, the Minister may, in respect of the products determined by the Minister, grant such an exclusivity to another supplier.

Substitute products.

The same rule may apply to substitute products or to any other product supplied by Héma-Québec, where so decided by the Minister.

Minister responsible.

56. The Minister of Health and Social Services is responsible for the administration of this Act.

Board members.

57. The members of the governing board of Héma-Québec in office on 8 July 1998 shall remain in office until the date determined by the Government.

Preparatory steps.

58. From now until the date of coming into force of the provisions of section 3, the Government, the Minister, Héma-Québec and the other bodies concerned shall take the steps provided for in this Act to ensure, from that date, the accomplishment of the mission of Héma-Québec.

Invoicing problems.

59. If, at the beginning of Héma-Québec's product distribution operations, an effective invoicing of the products distributed to health and social services institutions proves impossible, the Minister may temporarily, with the authorization of the Conseil du trésor, pay the cost of the products to Héma-Québec directly on the terms and conditions determined by the latter.

Supply conditions.

If, at that time, the conditions governing the supply of products to which a decision of the Minister under section 38 applies have not been fixed in the manner set out in Division VI, those conditions shall be determined by an agreement entered into by Héma-Québec and the Minister; the agreement must be approved by the Conseil du trésor or, where no agreement is reached, by the Government. In both cases, the conditions governing the supply of products are valid for a period not exceeding two years.

Expropriation.

60. The Minister may, with the authorization of the Government, expropriate any property of the Canadian Red Cross Society which the Minister considers necessary for the pursuit of the mission of Héma-Québec.

Expropriation proceedings.

61. Expropriation proceedings commence by the deposit at the office of the Superior Court of the judicial district of Montréal, for the benefit of the Canadian Red Cross Society, of a provisional indemnity in an amount considered appropriate by the Minister for the movable property to be expropriated and, if immovables are to be expropriated, a provisional indemnity of not less than 70% of their total municipal assessment.

Notice.

The Minister shall forward to the Canadian Red Cross Society a notice of expropriation containing a summary description of the expropriated property or of the non-expropriated property and mentioning the amounts of the deposits made. A copy of the notice shall be published in the *Gazette officielle du Québec*.

Transfer of ownership.

62. The State becomes the owner of the movable property upon receipt of the notice of expropriation by the Canadian Red Cross Society. It becomes the owner of an immovable upon the registration of a notice of transfer of

ownership in the land register of the registry office of the division in which the immovable is situated.

Taking of possession.

63. Héma-Québec shall take possession of the expropriated property upon receipt of the notice of expropriation by the Canadian Red Cross Society. In case of resistance to the taking of possession, section 56 of the Expropriation Act (R.S.Q., chapter E-24) applies.

Red Cross employees.

64. The employees of the Canadian Red Cross Society working in Québec whose services relate exclusively to the operations of the blood, blood product and blood component supply system become employees of Héma-Québec upon receipt of the notice of expropriation by the Canadian Red Cross Society.

Transfer of registers.

65. The Canadian Red Cross Society must furnish to Héma-Québec the registers, processes and other information necessary for the operation of the supply system by Héma-Québec, upon receipt of the notice of expropriation or, where the information is not immediately available, within 72 hours.

Access to information.

66. If, for reasons relating to the safety of products supplied in Canada, certain registers, processes or information must be used jointly by Héma-Québec and the Canadian supply service, Héma-Québec must give access thereto to the Canadian supply service with the least possible delay.

Agreement.

The terms and conditions governing the use of such property shall then be determined by agreement between Héma-Québec and the Canadian supply service.

Titles to property.

67. The Canadian Red Cross Society must furnish to the Minister a copy of the titles relating to the expropriated property together with a copy of any lease granted on the property.

Expropriated immovables.

68. The Minister may transfer ownership of the expropriated property to Héma-Québec on the conditions determined by the Minister. The Minister may also lease the expropriated immovables to Héma-Québec or otherwise commit their use to Héma-Québec, or transfer ownership of the immovables to the Corporation d'hébergement du Québec for the purpose of leasing them to Héma-Québec or otherwise committing their use to Héma-Québec.

Real rights.

69. Where the expropriated property is encumbered with real rights registered in the land register or in the register of personal and movable real rights, such rights shall be discharged by registration of the notice of transfer of ownership in the land register and by registration in the register of personal and movable real rights of a notice to that effect.

Conversion of actions.

The same applies in respect of actions in dissolution, in revendication and other real actions which shall be converted into personal claims against the expropriated party. The effects of any forfeiture of term clause, including a resolutive clause, are extinguished and discharged by such registration.

Cancellation of rights.

Before cancelling *ex officio* the rights discharged, the registrar is required to issue to the clerk of the Superior Court of the district of Montréal a certified statement of the rights registered in the land register in accordance with articles 703 to 707 of the Code of Civil Procedure (R.S.Q., chapter C-25) and a certified statement of the rights granted by the Canadian Red Cross Society and registered in the register of personal and movable real rights.

Creditors.

70. The clerk of the Superior Court of the judicial district of Montréal must call in the creditors of the Canadian Red Cross Society by public notice and request that they file their claims in the manner set out in article 578 of the Code of Civil Procedure.

Distribution of indemnity.

The provisional indemnity shall be distributed to the creditors according to the rules provided for seizures in execution of movable or immovable property, including the formality of a collocation scheme but without a collocation of law costs.

Notice.

When distribution has been completed, the clerk shall notify the Minister and the Canadian Red Cross Society, and the latter may withdraw the surplus, if any.

Arbitration.

71. Failing agreement on the amount of the final indemnity within 60 days after receipt of the notice of expropriation by the Canadian Red Cross Society, the Canadian Red Cross Society or the Minister may require that the amount be determined by arbitration conducted in accordance with the rules of the Code of Civil Procedure, by notifying the other party to appoint its own arbitrator.

Indemnity.

The indemnity shall be fixed by the arbitrators on the basis of the value of the property expropriated.

Review.

Notwithstanding articles 945.4, 946.2 and 947 of the Code of Civil Procedure, the Superior Court may, on the application of any interested person presented within 30 days after the arbitration award, review the decision of the arbitrators on the ground of a manifest error of law or fact and fix the amount of the final indemnity. The decision of the court may not be appealed.

Supplementary amount.

72. The Minister shall deposit the supplementary amount of the indemnity at the office of the Superior Court of the judicial district of Montréal. The clerk shall continue the distribution in the manner set out in section 70.

Expropriation remedy.

73. The indemnity is in lieu of any right or remedy of the Canadian Red Cross Society resulting from the expropriation.

Source of sums.

74. The sums paid by the Minister under sections 61 and 72 shall be taken out of the consolidated revenue fund.

c. R-8.2, Sched. C, am.

75. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter

R-8.2), amended by section 120 of chapter 63 of the statutes of 1997, is again amended by inserting the expression "Héma-Québec", which is to be ordered alphabetically.

Coming into force.

76. The provisions of this Act come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 42 AN ACT RESPECTING INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC

Bill 439

Introduced by Mr Jean Rochon, Minister of Health and Social Services Introduced 12 May 1998 Passage in principle 19 May 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: on the date or dates to be fixed by the Government

- 1998-10-08: ss. 1-3, 4 (1st par. (subpar. 5), 2nd par.), 5-48

O.C. 1267-98

G.O., 1998, Part 2, p. 4212

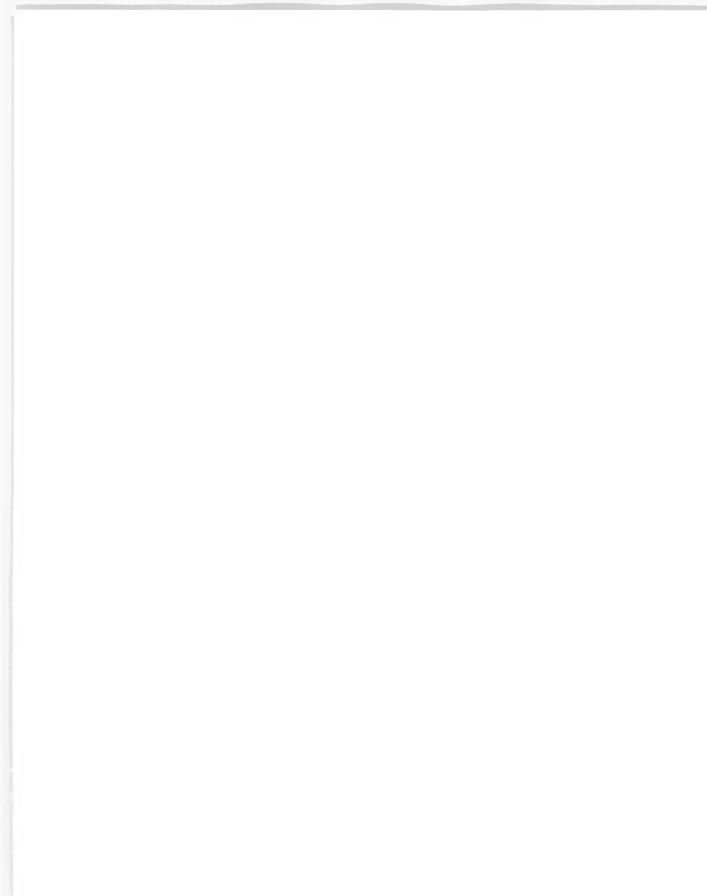
Legislation amended:

Public Health Protection Act (R.S.Q., chapter P-35)

Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2)

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)







Chapter 42

AN ACT RESPECTING INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND NATURE

Name.

1. A public health institute, to be known as "Institut national de santé public du Québec", is hereby established.

Legal person.

2. The institute is a legal person and a mandatary of the State.

Public domain.

The property of the institute forms part of the domain of the State, but the execution of its obligations may be levied against its property.

Liability.

The institute binds only itself when acting in its own name.

CHAPTER II

MISSION AND FUNCTIONS

Mission.

3. The mission of the institute is to provide support to the Minister of Health and Social Services and to the regional boards established under the Act respecting health services and social services (R.S.Q., chapter S-4.2) in connection with their responsibilities in the field of public health.

Mission.

More specifically, the mission of the institute shall involve

- (1) contributing to the development, consolidation, dissemination and application of knowledge in the field of public health;
- (2) informing the Minister of the impact of public policies on the health and well-being of the population of Québec;
- (3) informing the population of the state of public health and well-being, and of emerging problems, their causes, and the most effective means of preventing or resolving them;
- (4) collaborating with universities in designing and updating undergraduate, graduate and postgraduate programs in the field of public health;

- (5) in collaboration with universities and the professional orders concerned, designing and implementing continuing education programs in the field of public health;
- (6) in collaboration with the various research organizations and funding bodies, developing and promoting research in the field of public health;
- (7) establishing channels of communication with various organizations, both within Canada and at the international level, to promote cooperation and the exchange of information;
- (8) carrying out any other expert task in the field of public health that is entrusted to it by the Minister.

Functions.

- **4.** The functions of the institute shall also include
- (1) administering the Québec public health laboratory known as "Laboratoire de santé publique du Québec", whose main function is to provide specialized laboratory services in the field of microbiology;
- (2) administering the Québec toxicology centre known as "Centre de toxicologie du Québec", whose main function is to provide specialized laboratory services in the field of toxicology;
- (3) administering the provincial laboratory screening service known as "Service provincial de dépistage par laboratoire", whose main function is to provide audiological and radiological screening services;
- (4) administering the poison centre known as "Centre antipoison", whose main function is to provide expert assistance in the area of intoxication;
- (5) administering any other laboratory performing a public health function for all of Québec that the Minister places under the institute's management.

Power of Minister.

The Minister may require the institute to terminate the operations of any such organization, or to redefine its mission.

Directives.

5. The Minister may issue directives to the institute concerning its objectives and policy.

Approval.

Each directive must be submitted to the Government for approval and, once approved, must be complied with by the institute.

National Assembly.

Each such directive must be laid before the National Assembly within 15 days of being approved. If the Assembly is not sitting, it must be tabled within 15 days of resumption.

Agreements.

6. The institute may enter into an agreement, in accordance with the law, with a government other than the Government of Québec, a department of

such a government, an international organization, or an agency of such a government or organization, in the pursuit of its mission or the exercise of its functions.

Contracts.

7. The institute may enter into a contract with a university in Québec to enable it to participate in university-level training and internship programs, but the contract must be approved by the Minister of Health and Social Services and the Minister of Education.

CHAPTER III

ORGANIZATION

Head office.

8. The head office of the institute shall be located within the territory of the Communauté urbaine de Québec, at the place determined by the Government. Notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

Meetings.

The institute may hold its meetings at any place in Québec.

Board of governors.

- **9.** The board of governors of the institute shall be composed of the following persons, who shall become members of the board upon their appointment by the Government, after consultation by the Minister with the sectors concerned in the case of the persons referred to in subparagraphs 3 and 4:
 - (1) one person appointed to act as the chief executive officer of the institute;
- (2) five persons from the health and social services system, including two public health directors appointed under the Act respecting health services and social services (R.S.Q., chapter S-4.2);
 - (3) four persons from the education sector;
 - (4) four persons from various socio-economic sectors.

Departmental representation.

The Deputy Minister of Health and Social Services or the representative of the Deputy Minister shall also be a member of the board.

Terms of members.

10. The chief executive officer of the institute shall be appointed for a term of not more than five years, and the other members of the board of governors appointed under the first paragraph of section 9 shall be appointed for a term of not more than four years.

Expiry of term.

On the expiry of their term, they shall remain in office until replaced or reappointed.

Chief executive officer.

11. The chief executive officer shall preside at meetings of the board of governors and see to the proper functioning of the board.

Chief executive officer.

The chief executive officer is also responsible for the administration and direction of the institute within the scope of its regulations, by-laws and policies.

Vice-chair.

12. The members of the board of governors shall designate a vice-chair from among their number, who shall chair the board when the chief executive officer is absent or unable to act.

Office of chief executive officer.

13. The office of chief executive officer is a full-time position and the attention of the chief executive officer must, except with the authorization of the Government, be devoted exclusively to the affairs of the institute and the duties of chief executive officer.

Absence.

If the chief executive officer is absent or unable to act, the Minister of Health and Social Services may appoint an acting chief executive officer

Conflict of interest.

14. The chief executive officer may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise that would conflict with the interest of the institute. However, forfeiture of office is not incurred where the interest devolves to the chief executive officer by succession or gift, provided it is renounced or disposed of with dispatch.

Conflict of interest.

Any other member of the board having such an interest must, on pain of forfeiture of office, disclose the interest in writing to the board and withdraw from meetings while any matter relating to the enterprise in which the interest is held is being discussed or voted upon.

Remuneration.

15. The Government shall fix the remuneration, employment benefits and other conditions of employment of the chief executive officer.

Remuneration.

The other members of the board shall receive no remuneration, except in such cases, on such conditions and to such extent as the Government may determine. They are entitled, however, to the reimbursement of the expenses they incur in the exercise of their functions, on the conditions and to the extent determined by the Government.

Ouorum.

16. The quorum at meetings of the board is a majority of its members, including the chief executive officer or, where applicable, the vice-chair of the board.

Tie-vote.

In the case of a tie-vote, the chief executive officer has the casting vote.

Executive committee.

17. The board of governors may establish an executive committee composed of not fewer than five members of the board, including the chief executive officer, and a public health director, determine its functions and powers and fix the term of office of its members.

By-laws.

18. The institute may make by-laws concerning the exercise of its powers and its internal management.

By-laws.

The by-laws may, in particular, provide that absence from a specified number of meetings, in the cases and circumstances determined in the bylaws, constitutes a vacancy.

Personnel.

19. The members of the personnel of the institute shall be appointed in accordance with the staffing plan and the standards established by regulation by the institute. The pay scales and rates, the employment benefits and the other conditions of employment of the members of the personnel shall also be determined by regulation.

Approval.

Regulations under this section must be approved by the Government.

CHAPTER IV

TASKS ASSIGNED BY THE MINISTER IN EMERGENCY SITUATIONS

Emergency.

20. Where public health is endangered by an event or a particular situation that creates an emergency, the Minister may order the institute to perform, as part of its mission, the tasks assigned by the Minister with priority over its other tasks.

Information.

In such a case, all regional boards and institutions to which the legislation respecting health services and social services applies must, unless otherwise provided, furnish all the information required by the institute. They must also, to the extent possible, provide the institute with all the assistance it needs to perform the tasks expressly assigned by the Minister.

CHAPTER V

MEDICAL STAFF

Staffing plan.

21. The institute must prepare and forward to the Minister a medical staffing plan setting out the medical staff needed for the pursuit of its mission. The plan must specify the number of general practitioners, medical specialists by specialty, and dentists in general practice or specialized practice who may practise their profession for the institute. The plan must also specify where such staff will practise.

Preparation.

In preparing the plan, the institute shall have regard to any growth or reduction objectives notified by the Minister.

Approval.

22. The Minister shall approve the institute's medical staffing plan with or without amendment, having regard to regional medical staffing plans prepared under the Act respecting health services and social services (R.S.Q., chapter S-4.2).

Revision.

23. The plan must be revised every three years, and shall continue to have effect until the Minister has ruled on its revision.

CHAPTER VI

FINANCIAL PROVISIONS AND REPORTS

Fiscal year.

24. The fiscal year of the institute shall end on 31 March.

Annual report.

25. Not later than 31 August each year, the institute shall file its financial statements with the Minister together with a report of its operations for the preceding fiscal year.

Information.

The financial statements and the report must contain all the information required by the Minister.

Tabling.

26. The Minister shall lay the report and the financial statements before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

Examination.

The competent committee of the National Assembly shall examine the financial statements and the report.

Audit.

27. The books and accounts of the institute shall be audited by the Auditor General each year and whenever so ordered by the Government.

Audit report.

The report of the Auditor General must be submitted with the institute's financial statements.

Estimates.

28. The institute shall, each year, submit its budgetary estimates for the ensuing fiscal year to the Minister for approval, on the date and in the form determined by the Minister.

Powers.

- **29.** The Government may, subject to the terms and conditions it determines,
- (1) guarantee the payment of the capital of and interest on any loan contracted by the institute, and the performance of its obligations;
- (2) authorize the Minister of Finance to advance to the institute any amount considered necessary for the performance of its obligations or the pursuit of its mission.

Consolidated revenue fund.

The sums paid under this section shall be taken out of the consolidated revenue fund.

Prohibition.

- **30.** The institute may not, without the authorization of the Minister,
 - (1) acquire, construct or dispose of immovable property;
- (2) acquire material and equipment the cost of which exceeds the amount determined by the Minister;

- (3) accept gifts, bequests, subsidies or other contributions to which charges or conditions are attached that occasion expenditures exceeding the amount determined by the Minister;
- (4) contract loans or make financial commitments in an amount exceeding the amount determined by the Minister or in the cases determined by the Minister:
 - (5) grant loans or make gifts.

Delegation.

The Minister's powers of authorization under this section may be delegated to the Deputy Minister of Health and Social Services.

Information.

31. The institute must provide the Minister with all the information required by the latter concerning its operations, within the time and in the form specified by the Minister.

CHAPTER VII

MISCELLANEOUS AND FINAL PROVISIONS

Collaboration.

32. In the pursuit of its mission to inform the population of the state of public health and well-being, the institute shall act in collaboration with the public health directors and, where possible, forward in advance to the Minister the information it intends to make public.

Intellectual property rights.

33. The institute must adopt a policy concerning intellectual property rights, including, in particular, the copyright and patent rights connected with any invention, discovery, process, apparatus, text, research or report produced by a person at the request of the institute.

Services.

The institute must also adopt a policy concerning the services it provides to regional boards and health and social services institutions.

Approval.

The policies must be approved by the Minister, with or without amendment, before being implemented.

Records.

34. Sections 17 to 27 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), with the necessary modifications, apply to the records kept by the institute in relation to the tests, examinations and consultations provided by the laboratories and organizations referred to in section 4, to the extent that the records contain personal medical information.

Exclusion.

This section applies notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Transfer of operations.

35. Upon the coming into force of this section, the institute and each institution currently operating one of the laboratories or organizations listed in subparagraphs 1 to 4 of the first paragraph of section 4 shall take the necessary steps to transfer operations to the institute.

Transfer of operations.

The same applies to any laboratory referred to in subparagraph 5 of the first paragraph of section 4 upon its being placed by the Minister under the management of the institute.

Agreement.

36. The terms and conditions of each transfer of operations shall be fixed by agreement between the parties, and must receive the prior approval of the Government.

Content.

Each agreement must, in particular, contain the necessary provisions

- (1) to effect a transfer of the employees affected by the transfer of operations;
- (2) to effect a transfer of the equipment and movable property needed by the institute to operate the laboratory or organization concerned;
- (3) to effect a transfer of any subsidies, contributions or other monies relating to the transferred operations.

Government order.

37. If the institute and an institution are unable to conclude an agreement under section 36 within six months, the terms and conditions of the transfer of operations may be fixed by an order of the Government.

Transfer of assets.

If the order provides for a transfer of assets, the Government may order that the transfer be made gratuitously. The Government must, in particular, take into account public subscriptions for, and government subsidies paid in relation to, the acquisition and maintenance of those assets.

Terms and conditions.

The parties must proceed with the transfer of assets within the time and in accordance with the terms and conditions determined by the Government.

Minister responsible.

38. The Minister of Health and Social Services is responsible for the administration of this Act.

Personnel.

39. The employees, including the senior management officers, of the Ministère de la Santé et des Services sociaux whose principal or secondary tasks are likely to come under the responsibility of the institute shall, subject to the provisions of a collective agreement that are applicable to them, become employees of the institute to the extent that an order in council providing for their transfer is made before 8 October 1999.

Functions.

Such employees shall occupy the positions and exercise the functions assigned to them by the institute, subject to the provisions of a collective agreement that are applicable to them.

Application for a transfer.

40. Every employee transferred under section 39 who, on 8 October 1998, was a public servant with permanent tenure within the meaning of the Public Service Act (R.S.Q., chapter F-3.1.1), and whose transfer or appointment to the institute occurred within 12 months after that date, may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act.

Provisions applicable.

41. Section 35 of the Public Service Act (R.S.Q., chapter F-3.1.1) applies to an employee referred to in section 39 who enters a competition for promotion to a position in the public service.

Assessment of classification.

42. Every employee referred to in section 39 who applies for a transfer or enters a competition for promotion may apply to the chairman of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take account of the classification that the employee had in the public service on the date on which the employee left the public service, as well as the years of experience and the formal training acquired in the course of employment with the institute.

Transfer.

If the employee is transferred following an application under the first paragraph, the deputy minister of the department or chief executive officer of the body shall assign to the employee a classification compatible with the assessment provided for in the first paragraph.

Promotion.

Where an employee of the institute is promoted pursuant to section 41, the employee's classification must take account of the criteria set out in the first paragraph.

Employee placed on reserve.

43. Where some or all of the operations of the institute are discontinued or if there is a shortage of work, an employee of the institute referred to in section 39 is entitled to be placed on reserve in the public service with the classification the employee had on the date on which the employee left the public service.

Classification.

In such a case, the chairman of the Conseil du trésor shall, where applicable, establish the employee's classification on the basis of the criteria set out in the first paragraph of section 42.

Person placed on reserve.

44. A person placed on reserve pursuant to section 43 shall remain in the employ of the institute until the chairman of the Conseil du trésor is able to assign the person a position.

Appeal.

45. Subject to any remedy available under a collective agreement, an employee referred to in section 39 who is dismissed may bring an appeal under section 33 of the Public Service Act (R.S.O., chapter F-3.1.1).

c. P-35, s. 31, am.

46. Section 31 of the Public Health Protection Act (R.S.Q., chapter P-35), amended by section 2 of chapter 77 of the statutes of 1997, is again amended by inserting, at the beginning, "With the exception of the Institut national de santé publique du Québec,".

c. R-8.2, Sched. C, am.

47. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2), amended by section 120 of chapter 63 of the statutes of 1997, is again amended by inserting "The Institut national de santé publique du Québec" at the place determined by the alphabetical order of the French text.

c. R-10, Sched. I, am.

48. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by orders in council 1493-96 dated 4 December 1996, 629-97 dated 13 May 1997, 788-97 dated 18 June 1997, 1105-97 dated 28 August 1997, 1652-97 dated 17 December 1997, and 296-98 and 297-98 dated 18 March 1998, and by sections 35 of chapter 26, 33 of chapter 27, 13 of chapter 36, 631 of chapter 43, 57 of chapter 50, 121 of chapter 63, 52 of chapter 79 and 37 of chapter 83 of the statutes of 1997, is again amended by inserting "the Institut national de santé publique du Québec" in paragraph 1 at the place determined by the alphabetical order of the French text.

Coming into force.

49. The provisions of this Act come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 43 AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL TAXATION

Bill 440

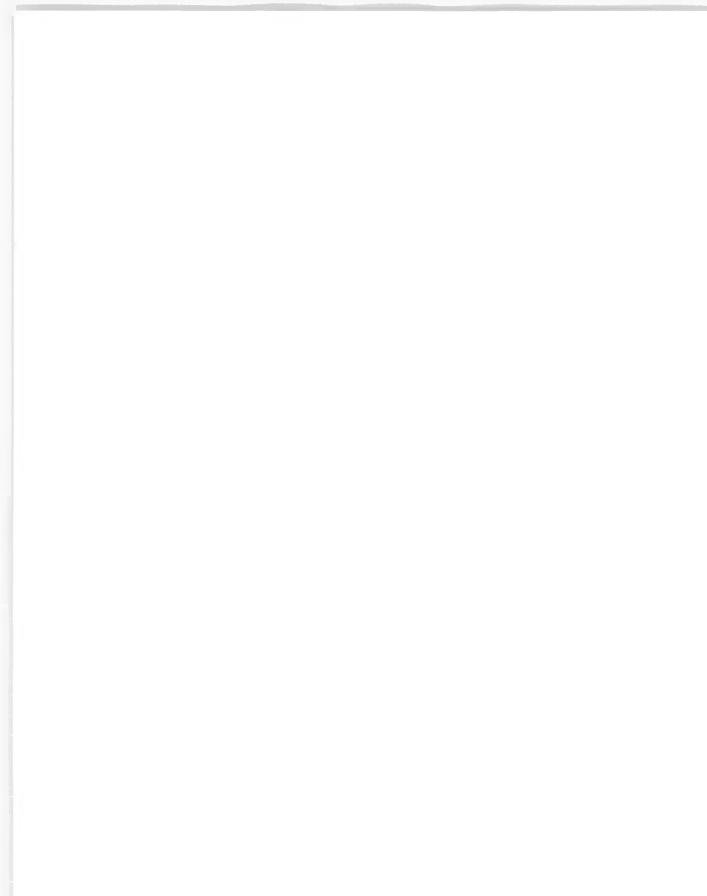
Introduced by Mr Rémy Trudel, Minister of Municipal Affairs Introduced 14 May 1998 Passage in principle 29 May 1998 Passage 19 June 1998 Assented to 20 June 1998

Coming into force: 20 June 1998

Legislation amended:

Act respecting municipal taxation (R.S.Q., chapter F-2.1)







Chapter 43

AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL TAXATION

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. F-2.1, Chap. III.1, heading, am.

1. The heading of Chapter III.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by inserting "AND OBLIGATIONS" after "POWERS".

c. F-2.1, ss. 18.1-18.5, added.

2. The said Act is amended by inserting, after section 18, the following:

Duty of assessor.

- "18.1. Before 1 September of the second fiscal year that precedes the first of the fiscal years for which the real estate assessment roll is drawn up, the assessor must give notice by registered mail to the owner of any immovable to which a regulation under paragraph 10 of section 262 applies, stating
- (1) that the immovable mentioned in the notice is an immovable to which the regulation applies;
 - (2) the method of assessment prescribed by the regulation;
 - (3) the tenor of sections 18.2 to 18.5.

Method of assessment.

Failing such notification, the method of assessment prescribed by the regulation is not mandatory.

Duty of assessor.

- "18.2. Before I January of the first fiscal year that precedes the first of the fiscal years for which the real estate assessment roll is drawn up, the assessor must communicate by registered mail to the owner to whom the notice under section 18.1 was given,
- (1) the cost new of the structures that are part of the immovable, which the assessor determines in accordance with the regulation under paragraph 10 of section 262;
 - (2) the depreciation the assessor subtracts from that cost new.

Calculation.

The notice must break down the depreciation by specifying, where applicable, any amount resulting from physical deterioration, functional obsolescence or economic obsolescence. It must also state the quantification method used to determine each amount.

Disagreement.

"18.3. In the case of disagreement concerning information communicated by the assessor pursuant to section 18.2, the owner must, before 1 June of the first fiscal year that precedes the first of the fiscal years for which the real estate assessment roll is drawn up, communicate by registered mail to the assessor the information that is required under section 18.2 and that the owner wishes to have acknowledged.

Determination of value.

"**18.4.** Unless the owner has notified disagreement in accordance with section 18.3, only the information communicated by the assessor pursuant to section 18.2 shall be used for the purpose of determining the value of the structures that are part of an immovable in respect of which the method of assessment prescribed by a regulation under paragraph 10 of section 262 is mandatory.

Determination of value.

Where the owner has notified disagreement in accordance with section 18.3, the following rules apply for the purpose of determining the value of the structures:

- (1) the assessor cannot determine a cost new greater than the cost new that was communicated or subtract an amount less than the amount specified in the breakdown communicated under section 18.2;
- (2) the owner cannot have acknowledged a cost new that is less than the cost new communicated or an amount greater than the amount specified in the breakdown.

Exception.

The first and second paragraphs do not apply where, after the communication required under section 18.2 and referred to in the first paragraph, an event referred to in the second paragraph of section 46 occurs.

Duty of assessor.

"18.5. Before the deposit of the real estate assessment roll, the assessor must meet the owner to whom notice was given pursuant to section 18.1, or the owner's mandatary, where a request to that effect is made by the owner to the assessor by registered mail before 1 June of the first fiscal year that precedes the first of the fiscal years for which the roll is drawn up."

c. F-2.1, s. 232, am.

- **3.** Section 232 of the said Act is amended
 - (1) by inserting "either" after "was" in the third line of the third paragraph;
- (2) by inserting "or a yard of VIA Rail Canada Inc. situated in the territory of Ville de Montréal" after "(C.P. Rail)" in the fourth line of the third paragraph.

c. F-2.1, s. 233, am.

- **4.** Section 233 of the said Act is amended by replacing "1.24 and 7.3" in the second line of subparagraph 1 of the second paragraph by "1.50 and 9.0".
- c. F-2.1, s. 237, replaced.
- **5.** Section 237 of the said Act is replaced by the following:

Business tax credit.

"237. The local municipality may provide for the granting of a business tax credit, in accordance with the second and third paragraphs, to the occupants of certain places of business of lesser rental value. It must, in such a case, fix the coefficient referred to in the second paragraph, which shall not exceed 2, and the reference rate referred to in the third paragraph, which shall be lesser than the rate of the tax.

Amount.

The amount of the credit in respect of a place of business is the product obtained by multiplying the difference established in accordance with the third paragraph by the coefficient.

Calculation.

That difference is established by subtracting, from the amount referred to in subparagraph 1, the amount referred to in subparagraph 2:

- (1) the amount from which the amount referred to in subparagraph 2 is subtracted is the lesser of
- (a) the quotient obtained by dividing, by the factor established for the roll pursuant to section 264, the product obtained by multiplying \$10,000 by the reference rate; and
- (b) the product obtained by multiplying the value of the place of business, entered on the roll of rental values, by the difference obtained by subtracting, from the rate of the tax, two thirds of the reference rate;
- (2) the amount subtracted from the amount referred to in subparagraph 1 is the product obtained by multiplying, by one third of the reference rate, the value of the place of business entered on the roll of rental values."

c. F-2.1, s. 244.13, am.

- **6.** Section 244.13 of the said Act is amended
 - (1) by inserting "either" after "was" in the second line of the third paragraph;
- (2) by inserting "or a yard of VIA Rail Canada Inc. situated in the territory of Ville de Montréal" after "(C.P. Rail)" in the fourth line of the third paragraph.

c. F-2.1, s. 244.25, am.

- 7. Section 244.25 of the said Act is amended
 - (1) by inserting "either" after "was" in the second line of the third paragraph;
- (2) by inserting "or a yard of VIA Rail Canada Inc. situated in the territory of Ville de Montréal" after "(C.P. Rail)" in the fourth line of the third paragraph.

c. F-2.1, s. 253.27, am.

8. Section 253.27 of the said Act is amended by replacing the second sentence of the second paragraph by the following: "The resolution shall specify whether it applies only to the real estate assessment roll, only to the roll of rental values, or to both; it shall apply to the taxes based on the taxable values entered on any roll to which it applies."

c. F-2.1, Chap. XVIII, Div. IV.4, heading, am.

c. F-2.1, Chap. XVIII, Div. IV.4, heading, added. **9.** The heading of Division IV.4 of Chapter XVIII of the said Act is amended by inserting "OR SURCHARGE" after "ABATEMENT".

10. The said Act is amended by inserting, after the heading of Division IV.4 of Chapter XVIII, the following:

"§1. — Abatement".

c. F-2.1, s. 253.36, am.

- 11. Section 253.36 of the said Act is amended
- (1) by replacing "division" in the second line of the first paragraph by "subdivision";
- (2) by inserting ", except if the resolution applies only to the roll of rental values" after "applies" at the end of the second paragraph;
- (3) by replacing "division" in the first line of the third paragraph by "subdivision".
- c. F-2.1, s. 253.37, am.

12. Section 253.37 of the said Act is amended by replacing the second paragraph by the following:

Abatement.

"An abatement may be granted for any tax that is

- (1) the general real estate tax;
- (2) any other real estate tax imposed, on the basis of taxable value, on every taxable unit of assessment on the roll;
 - (3) the surtax or the tax on non-residential immovables."
- c. F-2.1, s. 253.38, am.

13. Section 253.38 of the said Act is amended by adding, after the fourth paragraph, the following:

Interpretation.

"For the purposes of this subdivision in respect of the surtax or the tax on non-residential immovables imposed on a unit of assessment to which any of sections 244.13, 244.25 and 244.27 applies, any reference to the rate of the tax is a reference to that part of the rate applicable to the unit under the section that applies to the unit."

c. F-2.1, subsect. 2, ss. 253.51-253.53, added.

14. The said Act is amended by inserting, after section 253.50, the following:

"§2. — Surcharge

Surcharge.

"253.51. Any local municipality may, by by-law, provide for a surcharge on the amount of a real estate tax payable for a fiscal year in respect of a unit of assessment in order to limit the percentage of the reduction, in relation to the amount of the tax payable in respect of the unit for the preceding fiscal year, resulting from the coming into force of the real estate assessment roll of the municipality.

Applicability of by-law.

The by-law passed under the first paragraph has effect for the purposes of a single fiscal year. The municipality shall not pass such a by-law for the purposes of the third fiscal year for which its roll applies; it may pass such a by-law for the purposes of the second fiscal year only if it passed such a by-law for the purposes of the first fiscal year. The municipality shall not pass such a by-law for the purposes of any fiscal year for which a resolution it passed under section 253.27 applies, except if the resolution applies only to the roll of rental values.

Tax and percentage to be specified.

"253.52. The municipality must, in the by-law passed under section 253.51, specify any tax, from among those referred to in the second paragraph, for which a surcharge may be imposed and fix the percentage that the reduction in the amount of the tax must exceed for the surcharge to apply.

Tax.

A surcharge may be imposed in respect of any tax that is

- (1) the general real estate tax;
- (2) any other real estate tax imposed, on the basis of taxable value, on every taxable unit of assessment on the roll;
 - (3) the surtax or the tax on non-residential immovables.

Percentage.

The percentage fixed by the municipality shall not be less than 10%.

Rules.

- **"253.53.** The municipality must, in the by-law passed under section 253.51, prescribe
- (1) the rules permitting the establishment of the amount, before the surcharge, of the tax payable in respect of the unit for the fiscal year for the purposes of which the by-law has effect and the amount of the tax payable in respect of the unit for the preceding fiscal year;
- (2) the rules allowing only the reduction in the amount of the tax that is due to the reduction in the taxable value of the unit resulting from changes in the real estate market reflected on the coming into force of the roll to be taken into consideration:
- (3) the rules permitting the application of the surcharge in respect of a unit that results from the combination of whole units;
- (4) the rules applicable in the case of an alteration to the taxable value of the unit, by reference to the date on which it takes effect;
 - (5) the manner in which the surcharge is to be applied.

Rules.

The municipality may, in the by-law, prescribe other rules relevant for the application of the surcharge."

c. F-2.1, Chap. XVIII, Div. IV.5, ss. 253.54-253.62, added. **15.** The said Act is amended by inserting, after Division IV.4 of Chapter XVIII, the following:

"DIVISION IV.5

"TRANSITIONAL DIVERSIFICATION OF THE RATES OF CERTAIN REAL ESTATE TAXES

Fixing of rates.

"253.54. Every local municipality may, instead of fixing a single rate for the purpose of computing the amount of a tax payable for a fiscal year, fix three rates in accordance with the rules set out in this division.

Applicability.

The municipality shall designate one or more taxes in respect of which it avails itself of the first paragraph from among the following taxes:

- (1) the general real estate tax;
- (2) any other real estate tax imposed, on the basis of taxable value, on every taxable unit of assessment on its real estate assessment roll;
 - (3) the surtax or the tax on non-residential immovables.

Exceptions.

The municipality may not avail itself of the first paragraph in respect of such a tax payable for the third fiscal year for which its roll applies, nor for any other fiscal year for the purposes of which a resolution or by-law passed by the municipality under any of sections 253.27, 253.36 and 253.51 has effect, except if the resolution applies only to the roll of rental values. The municipality may not avail itself of the first paragraph in respect of such a tax payable for the second fiscal year for which its roll applies if it did not avail itself of the first paragraph in respect of the same tax payable for the first fiscal year.

"tax".

For the purposes of this division, "tax" means each tax, considered individually, in respect of which the municipality avails itself of the first paragraph.

Levels of variations.

"253.55. The municipality shall determine three levels, expressed as percentages, on the scale of possible variations in taxable value that may, because of section 253.56, affect the units of assessment subject to the tax.

Scale.

The scale shall comprise, in order, reductions, from the highest to the lowest, variation nil, and increases, from the lowest to the highest.

Applicability.

The levels determined for the purpose of computing the tax payable for the first fiscal year of the roll also apply for the purpose of computing the amount of the tax payable for the second fiscal year, where applicable.

Variation.

"253.56. The variation in the taxable value of a unit of assessment is established by comparing the value entered on the roll on the day of coming into force of the roll with the value that was entered on the preceding roll on the preceding day.

Alterations.

For the purposes of the first paragraph, the value subtracted or added pursuant to an alteration made to the roll, on or before its coming into force, under any of paragraphs 6 to 8, 12, 18 and 19 of section 174 shall not be taken into account, except if a corresponding alteration was made to the preceding roll.

Taxable value.

Where a unit, on the roll coming into force, results from the combination of several whole units that appeared on the preceding roll on the preceding day, the sum of the taxable values of the units shall be considered to be the taxable value entered on the preceding roll of the unit resulting from the combination.

Classes of units.

"253.57. The units of assessment subject to the tax shall, for the purposes of the establishment of the rates, be divided into three classes.

Median class.

The median class is composed of the units affected by a variation in taxable value that falls within the median level determined under section 253.55, and of the units, not referred to in the third paragraph of section 253.56, that appear on the roll coming into force and that did not appear on the preceding roll on the preceding day.

Lower class.

The lower class is composed of the units affected by a variation in taxable value that falls within the level containing reductions greater or increases smaller than those in the median level.

Higher class.

The higher class is composed of the units affected by a variation in taxable value that falls within the level containing reductions smaller or increases greater than those in the median level.

Variation nil.

For the purposes of the third and fourth paragraphs, variation nil shall be considered to be the smallest reduction or smallest increase.

Composition of classes.

"253.58. The composition of the classes shall not be changed by any alteration to the roll, even an alteration retroactive to the date of the coming into force of the roll and made after that date.

Exceptions.

However,

- (1) a unit that such an alteration causes to disappear otherwise than in the manner described in subparagraph 3 shall be excluded from the class to which it belonged;
- (2) a unit that such an alteration causes to appear otherwise than in the manner described in subparagraph 3 shall be included in the median class;

(3) a unit that such an alteration causes to appear as a result of the combination of several whole units comprised in the same class shall be included in that class.

Rate fixing.

"253.59. The municipality shall fix, for the tax,

- (1) a rate applicable to the median class;
- (2) a rate, greater than the rate under subparagraph 1, applicable to the lower class:
- (3) a rate, lower than the rate under subparagraph 1, applicable to the higher class.

Interpretation.

In any legislative or regulatory provision, except in this division, any reference to the rate of the tax is a reference to the rate applicable to the class to which the unit of assessment in respect of which the provision applies belongs.

Provisions applicable.

"**253.60.** Sections 253.54 to 253.59 apply in respect of any unit of assessment whose taxable value is established pursuant to any of sections 211, 231.1, 231.2 and 231.4 of this Act or section 33 of the Cultural Property Act (chapter B-4).

Variation to be considered.

However, if the taxable value of such a unit increases or decreases, on the coming into force of the roll, because a provision referred to in the first paragraph ceases to apply thereto or begins to apply thereto, the variation in the total value of the unit shall be considered, regardless of whether the value is totally or partially taxable. That variation shall be considered to be the variation in the taxable value of the unit.

Provisions applicable.

"253.61. Sections 253.54 to 253.59 apply, to the extent provided in the second paragraph and having regard to the adaptations provided for in the third paragraph, to every non-taxable unit of assessment in respect of which the real estate taxes are payable under the first paragraph of section 208 or in respect of which an amount must be paid under the second paragraph of section 210 or the first paragraph of section 254.

Calculation.

For sections 253.54 to 253.59 to apply to a unit in respect of which such an amount must be paid, the amount must be an amount paid in lieu of the tax and be computed in the same manner as if the unit were taxable, by multiplying the non-taxable value of the unit by the rate of the tax or, where applicable, by the part of the rate provided for in the second paragraph of section 244.13, the second paragraph of section 244.25 or the first paragraph of section 244.27. If only part of the amount meets those conditions, that part must be distinctly identifiable within the amount for sections 253.54 to 253.59 to apply to the unit.

Calculation.

The adaptations to which the first paragraph refers are the following:

- (1) the non-taxable value of the unit shall be considered to be its taxable value;
- (2) the amount payable in lieu of the tax, or its distinctly identifiable part, shall be considered to be the tax.

Value becoming non-taxable.

"253.62. Sections 253.54 to 253.59 do not apply in respect of a unit of assessment whose value becomes non-taxable on the date of the coming into force of the roll, except in the case of a unit in respect of which those sections apply under section 253.61.

Value becoming taxable.

Sections 253.54 to 253.59 apply in respect of a unit whose value becomes taxable on the date of the coming into force of the roll. In such a case, the variation in the total value of the unit shall be considered, regardless of whether the value is taxable or not. The variation shall be considered to be the variation in the taxable value of the unit."

c. F-2.1, s. 263.0.1, added.

16. The said Act is amended by inserting, after section 263, the following:

Cost approach.

"263.0.1. Every person who establishes the value of a unit of assessment using the cost approach must use the most appropriate technique or techniques, having regard to the nature of the unit, in particular, the techniques among those applicable under this Act and the manual referred to in the regulation made under paragraph 1 of section 263, including any adjustments those techniques entail."

Date of application.

17. Sections 18.1 to 18.5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 2 of this Act, apply to every real estate assessment roll that comes into force after 31 December 2000.

Date of effect.

18. Sections 3, 6 and 7 have effect for the purposes of every fiscal year from the fiscal year 1998.

M.U.C.

19. The Communauté urbaine de Montréal may order that the real estate assessment roll and the roll of rental values of Ville de Montréal, in force since 1 January 1995, remain in force until the end of 1999. It may make the same decision in respect of all of the municipalities mentioned in Schedule B to chapter 67 of the statutes of 1996.

M.U.C.

If the Community avails itself of the first paragraph in respect of Ville de Montréal, the next real estate assessment roll of the city and, where applicable, its next roll of rental values shall be drawn up for the fiscal years 2000 and 2001 and shall apply thereto. The fiscal year 2001 shall, in respect of those biennial rolls, be considered to be the third fiscal year for which a roll applies.

M.U.C.

If the Community avails itself of the first paragraph in respect of all of the municipalities mentioned in Schedule B to chapter 67 of the statutes of 1996, the next real estate assessment roll for each municipality and, where applicable,

its next roll of rental values, shall be drawn up for the fiscal year 2000 and shall apply thereto. The fiscal year 2000 shall, in respect of the annual rolls, be considered to be the third fiscal year for which a roll applies.

M.U.C.

For the purpose of determining for which fiscal years the rolls subsequent to the biennial and annual rolls referred to in the second and third paragraphs must, in accordance with sections 14 and 14.1 of the Act respecting municipal taxation, be drawn up, the former are deemed to have been drawn up for the fiscal years 1999, 2000 and 2001, and the latter for the fiscal years 1998, 1999 and 2000.

M.U.C.

The Community shall act through its executive committee.

M.U.C.

20. If the Communauté urbaine de Montréal does not avail itself of the first paragraph of section 19 of this Act in respect of a municipality mentioned in Schedule B to chapter 67 of the statutes of 1996, such a municipality, where it avails itself of section 253.54 of the Act respecting municipal taxation, enacted by section 15 of this Act, in respect of a tax payable for the fiscal year 1999 may, notwithstanding that, pursuant to section 69 of that chapter, the fiscal year 2000 is considered to be the third fiscal year for which its real estate assessment roll applies, avail itself of the said section 253.54 in respect of the same tax payable for that fiscal year.

M.U.C.

If the Community avails itself of the first paragraph of section 19 of this Act in respect of such a municipality, the municipality may, notwithstanding that, pursuant to the third paragraph of that section, the fiscal year 2000 is considered to be the third fiscal year for which its real estate assessment roll applies, avail itself of section 253.54 of the Act respecting municipal taxation, enacted by section 15 of this Act, in respect of a tax payable for that fiscal year.

M.U.C.

In either of the aforementioned cases, if the municipality subsequently avails itself of the said section in respect of the same tax payable for the fiscal year 2001, or for the fiscal years 2001 and 2002, the municipality shall apply section 253.56 of the Act respecting municipal taxation, enacted by section 15 of this Act, and shall use, instead of the taxable value entered on the roll on 31 December 2000 of a unit of assessment belonging on that date to the lower or higher class, the value increased or reduced, as the case may be, by the application of a coefficient.

Coefficient.

The coefficient is the quotient obtained by dividing, by the rate of the tax applicable for the fiscal year 2000 to the median class, its rate for that fiscal year applicable to the lower or higher class, as the case may be.

Interpretation.

For the purposes of the third and fourth paragraphs, a total value or a non-taxable value that is considered to be a taxable value pursuant to sections 253.60 to 253.62 of the Act respecting municipal taxation, enacted by section 15 of this Act, applies.

Provisions applicable.

If the Community avails itself of the first paragraph of section 19 of this Act in respect of Ville de Montréal, and if Ville de Montréal avails itself of

section 253.54 of the Act respecting municipal taxation, enacted by section 15 of this Act, in respect of a tax payable for the fiscal year 2000, Ville de Montréal may, notwithstanding that, pursuant to the second paragraph of the said section 19, the fiscal year 2001 is considered to be the third fiscal year for which its real estate assessment roll applies, avail itself of the said section 253.54 in respect of the same tax payable for that fiscal year. In that case, the third, fourth and fifth paragraphs of this section apply to Ville de Montréal as if the years "2000", "2001" and "2002" were replaced by the years "2001", "2002" and "2003", respectively.

Mitigation.

21. Every local municipality must, for the purpose of mitigating the annual variation in the amounts payable as taxes based on the values entered on its real estate assessment roll or roll of rental values, and for the purpose of mitigating shifts in the fiscal burden among taxpayers resulting from the coming into force of such a roll, use the maximum of the appropriate measures, in addition to tariffing, among the measures modified or established by sections 4, 5 and 8 to 15.

Judicial proceedings.

No judicial proceedings may be instituted on the basis of the obligation under the first paragraph.

"La Champenoise".

22. The immovable of the Corporation Notre-Dame de Bon-Secours, situated at 990 rue Gérard-Morisset in the city of Québec and known by the name of "La Champenoise", is deemed to be, from 1 January 1999, an immovable referred to in subparagraph b of paragraph 14 of section 204 of the Act respecting municipal taxation, as if the entire immovable were specified on a permit referred to in that subparagraph.

Applicability.

The first paragraph ceases to apply if the immovable is transferred. It ceases to apply to any part of the immovable in the case of a cessation in that part of activities inherent in the mission of a centre referred to in subparagraph b of paragraph 14 of section 204 of the Act respecting municipal taxation, or activities exercised by a public charitable institution referred to in Order in Council 199 dated 24 January 1969 which recognizes the Corporation Notre-Dame de Bon-Secours as a public charitable institution.

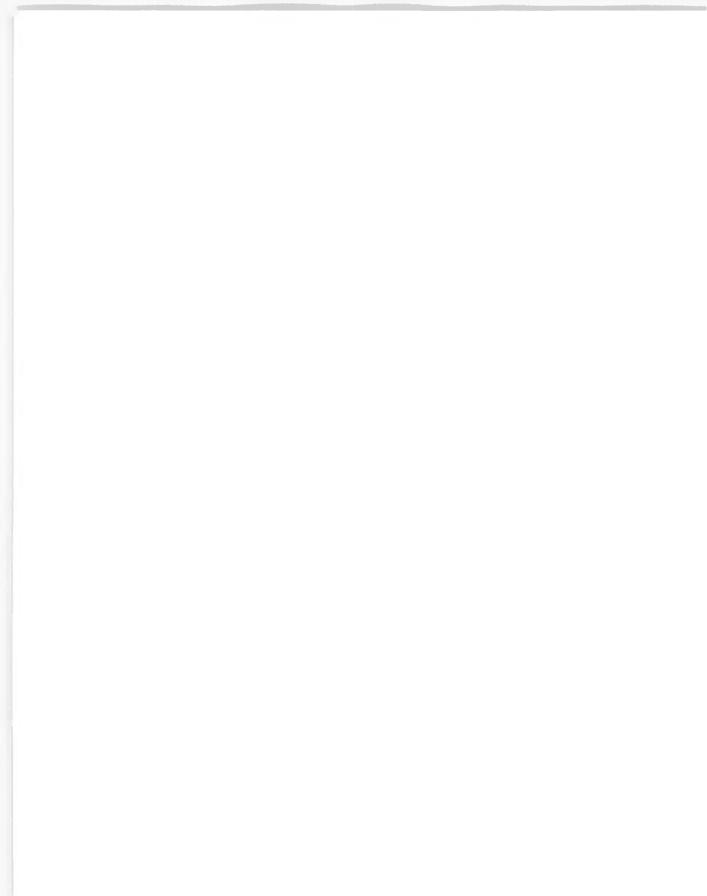
Presumption.

As long as the first paragraph applies to the entire immovable or to a part thereof, the Corporation Notre-Dame de Bon-Secours is deemed to be an institution that is

- (1) referred to in subparagraph b of paragraph 14 of section 204 of the Act respecting municipal taxation and in subparagraph f of paragraph 1 of section 236 of that Act;
- (2) the holder of a permit referred to in those provisions on which, as the case may be, the entire immovable or the part thereof to which the first paragraph applies is specified.

Coming into force.

23. This Act comes into force on 20 June 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 44

AN ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

Bill 441

Introduced by Mr Jacques Léonard, Minister for Administration and the Public Service and Chairman of the Conseil du trésor

Introduced 14 May 1998

Passage in principle 26 May 1998

Passage 19 June 1998

Assented to 20 June 1998

Coming into force: on the date or dates to be fixed by the Government

- 1998-10-14:

ss. 1, 14-19, 21-24, 63

O.C. 1307-98

G.O., 1998, Part 2, p. 4277

Legislation amended:

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

Health Insurance Act (R.S.Q., chapter A-29)

Labour Code (R.S.Q., chapter C-27)

Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)

Act respecting municipal territorial organization (R.S.Q., chapter O-9)

Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2)

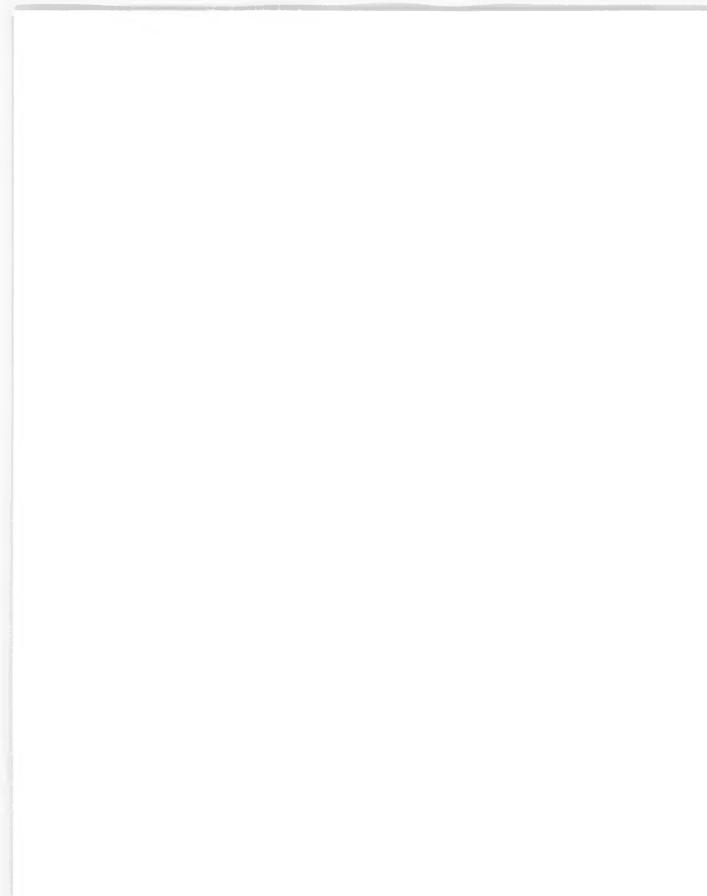
Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)

Legislation replaced:

Act respecting the Bureau de la statistique (R.S.Q., chapter B-8)







Chapter 44

AN ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT, MISSION AND FUNCTIONS

Establishment.

1. A body to be known as the "Institut de la statistique du Québec" is hereby established.

Name.

The Institut may also be designated under the name "Statistique Québec".

Mission.

2. The mission of the Institut is to provide reliable and objective statistical information on the situation of Québec as regards all aspects of Québec society for which such information is pertinent.

Central authority.

The Institut shall be the central authority for the production and dissemination of statistical information for the government departments and bodies, except information produced for administrative purposes. The Institut shall be responsible for the carrying out of statistical surveys of general interest.

Population record.

3. The Institut shall establish and keep up to date a Québec population record.

Compilation of data.

The Institut shall, for that purpose, collect and compile data on births, marriages and deaths, immigration and emigration.

Population estimate.

The Institut shall also prepare each year an estimate of the population of municipalities.

Remuneration statistics.

4. The Institut shall inform the public on the comparative state and evolution of the total remuneration of the employees governed by a collective agreement of the Government and of the school boards, colleges and institutions, and the total remuneration of other Québec employees of any category it determines.

Report.

Not later than 30 November each year, the Institut shall publish a report of its findings.

Interpretation.

The terms "school boards", "colleges" and "institutions" shall, for the purposes of the first paragraph, have the same meaning as in section 1 of the

Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2).

Powers.

- 5. In the pursuit of its mission, the Institut may
- (1) collect, compile, integrate, analyse and disseminate information and process the information in such a manner that comparisons in and outside Québec may be made;
- (2) collaborate with the government departments and bodies in the use of administrative data for statistical purposes;
- (3) facilitate, as required, the coordination of the statistical activities of the government departments and bodies, in particular to avoid duplication;
- (4) recommend definitions, codes or concepts to facilitate the production of statistics and ensure the comparability of statistics;
- (5) provide scientific or technical services in the field of statistics to government departments and bodies and to its other clients;
- (6) take any initiative to foster cooperation between government departments and bodies in the use of new information and communication technologies to facilitate the production and dissemination of government statistical information;
- (7) develop methodologies, integration frameworks and other necessary tools.

Committees.

6. The Institut may form committees to allow for the participation of persons who do not form part of the personnel of the Institut in the pursuit of the mission and functions of the Institut.

Agreements.

7. The Minister may, in accordance with the law, enter into an agreement with a government other than the Government of Québec or a department of such a government, with an international organization or with a body of such a government or organization providing for the carrying out of this Act.

Recommendation.

8. The entering into of an agreement in the field of statistics referred to in subdivision 2 of Division II of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) or Chapter III of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1), by a minister or a government body and a statistics body must be recommended in advance by the minister responsible for the administration of this Act.

Agreements.

9. The Institut may enter into an agreement with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) providing for the collection, exchange, transmission, analysis and dissemination of information.

Capacity.

For the purposes of this section, any public body may enter into an agreement with the Institut.

Content of agreements.

- 10. An agreement under section 7 or 9 must provide that
- (1) the person who provides information is informed, at the time the information is collected, that the information is being collected for use both by the Institut and by the other party to the agreement;
- (2) the information provided by a person will not be transmitted to the other party to the agreement if the person gives written notice to the Institut that the person is opposed to the transmission.

Exception.

However, subparagraph 2 shall be without effect if the other party to the agreement is authorized by law to require the person to comply with the request for information, under pain of penalty.

Obligation to inform.

- **11.** Where the Institut collects information from a person, it must first provide identification and inform the person
 - (1) of the purpose of the survey;
 - (2) that the request is a request for which a reply is obligatory or optional;
- (3) of any data-sharing agreement and of the right to oppose in writing, in accordance with section 10, the communication of the information to the other party to the agreement.

Mandatory request.

The director general shall determine that a request is a request for which a reply is obligatory if, in the opinion of the director general, it is necessary to ensure the reliability of the statistics produced.

Obligation to comply.

Every request for information by the Institut for the purposes of this Act for which a reply is obligatory must be complied with and the information must be transmitted within the time and on the form prescribed by the Institut.

Access to records.

12. A person having custody of records, registers or other documents of a public body must allow the Institut to have access to them for the purposes of this Act.

Mandate.

13. The Government may confer on the Institut any mandate related to the pursuit of its mission.

Annual report.

The Institut must indicate in its annual report any mandate received under the first paragraph.

CHAPTER II

ORGANIZATION

Director general.

14. The Institut shall be directed by a director general appointed by the Government.

Term.

15. The director general shall be appointed for a term of five years. At the end of that term, the director general shall remain in office until replaced or reappointed.

Absence.

16. If the director general is absent or unable to act, the minister responsible for the administration of this Act may appoint an acting director general.

Conditions of employment.

17. The Government shall determine the remuneration, employment benefits and other conditions of employment of the director general.

Duties.

18. The director general shall be responsible for the administration of the Institut and the supervision of its personnel.

Exclusivity.

The office of director general is a full-time position, and the attention of the director general, except where authorized by the Government, must be devoted exclusively to the duties of the office of director general.

Conflict of interest.

19. The director general shall not, under pain of forfeiture of office, have any direct or indirect interest in an enterprise that puts the director general's interest in conflict with that of the Institut.

Succession or gift.

However, forfeiture is not incurred if such an interest devolves to the director general by succession or gift, provided the director general renounces or disposes of it with dispatch.

Personnel.

20. The members of the personnel of the Institut shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Documents.

21. No act, document or writing is binding on or may be attributed to the Institut unless it is signed by the director general, a member of the personnel of the Institut or the holder of a position and, in the latter two cases, only so far as determined by the director general.

Signature.

22. The director general may, on the conditions the director general determines, allow the director general's signature to be affixed by means of an automatic device to the documents the director general determines.

Facsimile.

The director general may also allow a facsimile of the signature of the director general to be engraved, lithographed or printed on the documents the director general determines. The facsimile must be countersigned by a person authorized for that purpose by the director general.

Authenticity.

23. Any document or copy of a document emanating from the Institut or forming part of its records, signed or certified by a person referred to in section 21, is authentic.

Secretariat.

24. The secretariat of the Institut shall be established in the territoy of the national capital, at any place determined by the Government. Notice of the location or of any change of the location of the secretariat shall be published in the *Gazette officielle du Québec*.

CHAPTER III

CONFIDENTIALITY

Confidentiality.

25. The director general, public servants and any other person whose services are used by the director general in the exercise of the director general's functions shall not disclose or cause to be disclosed, by any means whatsoever, any information obtained under this Act if disclosure would allow information to be associated with a specific person, enterprise, body or association.

Consent to disclosure.

26. Notwithstanding section 25, information may be disclosed with prior consent in writing from the person, enterprise, body or association concerned.

Disclosure without consent.

Information may also be disclosed without such prior consent in the following cases:

- (1) an agreement entered into under section 10 so provides;
- (2) disclosure of the information is required for the purposes of a prosecution under this Act;
- (3) communication of the information is authorized by the director general in accordance with sections 27 to 29.

Nominative information.

27. The director general may, except in respect of nominative information, authorize in writing the communication of information collected by public bodies for their own purposes and communicated to the Institut; however, such information is subject, when communicated to the Institut, to the confidentiality requirements to which it was subject when gathered and shall not be disclosed by the Institut except to the extent and in the manner agreed upon with the respondents by those who gathered it or the director general.

Index or list.

- **28.** The director general may authorize in writing the communication of information obtained for the purposes of this Act in the form of an index or list
- (1) of the names and addresses of legal persons, enterprises, associations or establishments according to sectors of economic activity;
- (2) of the names and addresses of legal persons, enterprises, associations or establishments that fall within given classes according to the number of employees;

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(3) of products extracted, obtained, processed, manufactured, transported, stored, purchased, sold or shipped or of services provided by legal persons, enterprises, associations or establishments in the course of their operations.

Business operator.

Notwithstanding section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information, an index or list provided for in the first paragraph may contain information relating to a natural person who operates an enterprise or an establishment.

Public information.

29. The director general may authorize in writing the communication of information defined by any Act as public information.

Non-compellability.

30. Except for the purposes of a prosecution under this Act, a person referred to in section 25 may not be compelled to reveal what was disclosed to that person or what that person learned in the exercise of the functions described in paragraphs 1 and 5 of section 5 or to produce a document prepared or obtained in the exercise of those functions before a court or before a body or a person exercising an adjudicative function.

Access prohibited.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person may have access to such a document.

Applicability.

This section also applies to any person who is in possession of a copy of any document used in the collection of information for the purposes of this Act.

CHAPTER IV

FINANCIAL PROVISIONS AND REPORTS

Fiscal year.

31. The fiscal year of the Institut shall end on 31 March.

Annual report.

32. The Institut shall file with the Minister, on or before 30 June each year, its financial statements and a report of its operations for the preceding fiscal year. The report shall contain a list of the statistical surveys carried out during that period.

Required information.

The financial statements and the report of operations shall contain any information required by the Minister.

Tabling.

33. The Minister shall table the financial statements and the report of operations in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

Parliamentary committee.

The competent parliamentary committee of the National Assembly shall examine the financial statements and the report of operations and shall, where required, hear for that purpose the representatives of the Institut.

Budget estimates.

34. The Institut shall, each year, transmit to the Minister for approval its budget estimates for the following fiscal year, at the time and according to the form and content determined by the Minister.

Audit.

35. Each year, and whenever so ordered by the Government, the books and accounts of the Institut shall be audited by the Auditor General.

Transmission.

The auditor's report must be transmitted with the report of operations and the financial statements of the Institut.

Loans and advances.

- **36.** The Government may, on the terms and conditions it determines,
 - (1) authorize the Institut to contract loans by notes, bonds or otherwise;
- (2) guarantee the payment of the capital of and interest on any loan contracted by the Institut and the performance of any of its obligations;
- (3) authorize the Minister of Finance to advance to the Institut any amount considered necessary for the performance of its obligations or the exercise of its functions and powers.

Source of sums.

The sums required for the purposes of subparagraphs 2 and 3 shall be taken out of the consolidated revenue fund.

Use of sums.

37. The sums received by the Institut shall be applied to the financing of its operations and the performance of its obligations.

Deficit prohibited.

38. The Institut may not make payments or assume obligations, except those provided for in section 36, for an amount that exceeds, in the same fiscal year, the sums at its disposal for the year in which the payments are made or the obligations assumed.

Commitments.

This section shall not operate to prevent the Institut from making commitments for more than one fiscal year.

Investments.

- **39.** The Institut may invest the sums at its disposal for its administration under this Act
- (1) in demand deposits or term deposits of less than one year with the Caisse de dépôt et placement du Québec, a bank or a savings and credit union;
- (2) in securities for a term of less than one year issued or guaranteed by the Government of Québec or of Canada.

Provision of information.

40. Subject to the confidentiality requirements imposed by Chapter III, the Institut must furnish to the Minister any information the Minister requires on its operations.

CHAPTER V

PENAL PROVISIONS

Offences.

- **41.** A person is guilty of an offence where the person
- (1) discloses, contrary to this Act and without reasonable excuse, information obtained for the purposes of this Act;
- (2) makes use of information obtained in the exercise of the person's functions to obtain undue advantage for the person or any other person;
- (3) obtains or attempts to obtain, under the pretence of the exercise of the person's functions, information that the person is not authorized to obtain;
- (4) provides false identification or pretends to be a person referred to in section 25 to obtain information;
- (5) incites or encourages a person referred to in section 25 to disclose, contrary to this Act, information obtained for the purposes of this Act;
- (6) refuses or neglects, without reasonable excuse, in the case of a request for which a reply is obligatory, to comply with a request for information, to fill out a request for information or to transmit the reply to a request for information within the time and in the form prescribed;
- (7) knowingly provides false information in reply to a request for information made under this Act;
- (8) having custody of records, registers or documents of a public body, an enterprise or an association, does not allow a person referred to in section 25 to have access thereto for the purposes of this Act.

Fines.

42. Any person who contravenes section 41 is liable to a fine of \$200 to \$1,000 and, for any subsequent offence, to a fine of \$500 to \$2,500.

CHAPTER VI

AMENDING PROVISIONS

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

c. A-2.1, s. 79, am,

- **43.** Section 79 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended
- (1) by replacing "Bureau" in the second line of the second paragraph by "Institut";

- (2) by replacing "the Bureau de la statistique (chapter B-8)" in the third line of the second paragraph by "the Institut de la statistique du Québec (1998, chapter 44)".
- c. A-2.1, Sched. A, am. 44. Schedule A to the said Act is amended by striking out the following:

"An Act respecting the Bureau de la statistique (chapter B-8)

Sections 16 to 18".

HEALTH INSURANCE ACT

c. A-29, s. 67, am.

45. Section 67 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing "to the Bureau de la statistique du Québec constituted under the Act respecting the Bureau de la statistique (chapter B-8)" in the second and third lines of the fifth paragraph by "to the Institut de la statistique du Québec established under the Act respecting the Institut de la statistique du Québec (1998, chapter 44)".

LABOUR CODE

- c. C-27, s. 1, am. 46. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended
 - (1) by striking out ", of the Institut de recherche et d'information sur la rémunération" in the fourteenth line of subparagraph 3 of paragraph l;
 - (2) by adding, after subparagraph 3.2 of paragraph l, the following:
 - "(3.3) a public servant of the Institut de la statistique du Québec assigned to functions referred to in section 4 of the Act respecting the Institut de la statistique du Québec (1998, chapter 44);".
- c. C-27, s. 111.8, am.

 47. Section 111.8 of the said Code is amended by replacing "the Institut de recherche et d'information sur la rémunération provided for in section 19 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors" in the fifth, sixth and seventh lines of subsection 4 by "the Institut de la statistique du Québec provided for in section 4 of the Act respecting the Institut de la statistique du Québec (1998, chapter 44)".

ACT RESPECTING THE MINISTÈRE DU REVENU

c. M-31, s. 69.1, am. **48.** Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 43 of chapter 57 of the statutes of 1997, by section 119 of chapter 63 of the statutes of 1997 and by section 355 of chapter 85 of the statutes of 1997, is again amended by replacing subparagraph k of the second paragraph by the following:

- "(k) the Institut de la statistique du Québec, solely to the extent that the information is necessary for the purposes of the Act respecting the Institut de la statistique du Québec (1998, chapter 44);".
- c. M-31, s. 71, am.
- **49.** Section 71 of the said Act is amended by adding, at the end of the second paragraph, the following: "Moreover, the first paragraph does not apply to information held by the Institut de la statistique du Québec."

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

c. O-9, s. 29, am.

50. Section 29 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by adding, at the end of the first paragraph, "based on the estimate of the Institut de la statistique du Québec".

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

- c. R-8.2, Chap. II, repealed.
- **51.** Chapter II of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is repealed.
- c. R-8.2, s. 53, am.
- **52.** Section 53 of the said Act is amended by replacing "by the Institut of the report contemplated in section 19" in the first line by "by the Institut de la statistique du Québec of the report provided for in section 4 of the Act respecting the Institut de la statistique du Québec (1998, chapter 44)".

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10, Sched. I, am.

53. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by orders in council 1493-96 dated 4 December 1996, 629-97 dated 13 May 1997, 788-97 dated 18 June 1997, 1105-97 dated 28 August 1997, 1652-97 dated 17 December 1997, 296-98 and 297-98 dated 18 March 1998, by section 35 of chapter 26 of the statutes of 1997, section 33 of chapter 27 of the statutes of 1997, section 13 of chapter 36 of the statutes of 1997, section 57 of chapter 50 of the statutes of 1997, section 121 of chapter 63 of the statutes of 1997, section 52 of chapter 79 of the statutes of 1997 and by section 37 of chapter 83 of the statutes of 1997, is again amended by striking out "the Institut de recherche et d'information sur la rémunération" in paragraph 1.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

c. V-6.1, s. 3, am.

54. Section 3 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by adding, at the end of the first paragraph, "based on the estimate of the Institut de la statistique du Québec".

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

Rights and obligations.

55. The Institut de la statistique du Québec acquires the rights and assumes the obligations of the Bureau de la statistique du Québec, the Institut de recherche et d'information sur la rémunération and Santé Québec and of the Ministère du Travail to the extent, in the case of the Ministère du Travail, that such rights and obligations relate to surveys regarding total remuneration.

Physical resources and records.

56. The physical resources, records and documents of the bodies referred to in section 55 become the resources, records and documents of the Institut de la statistique du Québec insofar as the Institut succeeds to the rights and obligations of those bodies.

I.R.I.R. members.

57. The term of office of the members of the Institut de recherche et d'information sur la rémunération ends on (*insert here the date of coming into force of this section*).

Employees.

58. The employees of the Institut de recherche et d'information sur la rémunération and the employees of Santé Québec who are in office on (insert here the date preceding the date of coming into force of this section) and who are designated by an order of the Government shall become employees of the Institut de la statistique du Québec, on the terms and conditions provided in such order. Employees so transferred are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) and shall be remunerated accordingly.

Conditions of employment.

The Conseil du trésor may establish any rule, standard or policy relating to the classification, rate of remuneration, tenure or any other condition of employment applicable to the employees referred to in the first paragraph.

Personnel.

59. The members of the personnel of the Ministère du Travail assigned to the carrying out of surveys regarding total remuneration and designated by an order of the Government and the members of the personnel of the Bureau de la statistique du Québec shall become, without further formality, the members of the personnel of the Institut de la statistique du Québec.

Interpretation.

60. In any text, a reference to the Bureau de la statistique du Québec, to the Institut de recherche et d'information sur la rémunération or to Santé Québec shall, unless the context indicates otherwise, be a reference to the Institut de la statistique du Québec.

Appropriations.

61. The appropriations granted for the fiscal year (insert here the fiscal year in which this section comes into force) to the Institut de recherche et d'information sur la rémunération and to the Bureau de la statistique, the sums in a fund managed by the Bureau de la statistique on (insert here the date preceding the date of coming into force of section 55) and the appropriations relating to the members of the personnel of the Ministère du Travail referred

to in section 59 shall be transferred to the Institut de la statistique du Québec as well as, to the extent provided by the Government, any other appropriations from the Ministère des Finances and the Ministère du Travail.

Sums and appropriations.

The sums held by or on behalf of Santé Québec and any appropriations from the Ministère de la Santé et des Services sociaux for the fiscal year (insert here the fiscal year in which this section comes into force) shall be transferred to the Institut de la statistique du Québec to the extent provided by the Government.

c. B-8, replaced.

62. This Act replaces the Act respecting the Bureau de la statistique (R.S.Q., chapter B-8).

Minister responsible.

63. The minister designated by the Government is responsible for the administration of this Act.

Coming into force.

64. This Act comes into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 45 AN ACT RESPECTING THE COMBINATION OF CERTAIN STATE ENTERPRISES

Bill 442

Introduced by Mr Bernard Landry, Minister of Finance Introduced 14 May 1998 Passage in principle 27 May 1998 Passage 19 June 1998 Assented to 20 June 1998

Coming into force: 20 June 1998

Legislation amended:

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17)

Legislation repealed:

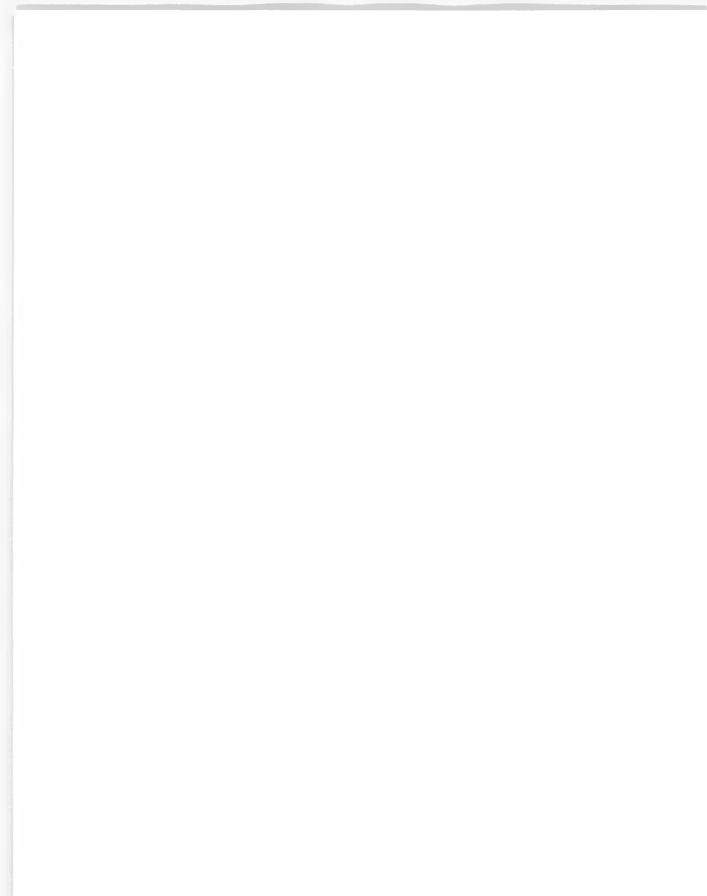
Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12)

Act respecting the Société québécoise d'exploration minière (R.S.Q., chapter S-19)

Act respecting the Société québécoise d'initiatives agro-alimentaires (R.S.Q., chapter S-21)

Act respecting the Société québécoise d'initiatives pétrolières (R.S.Q., chapter S-22)







Chapter 45

AN ACT RESPECTING THE COMBINATION OF CERTAIN STATE ENTERPRISES

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SOCIÉTÉ DE RÉCUPÉRATION, D'EXPLOITATION ET DE DÉVELOPPEMENT FORESTIERS DU QUÉBEC

Continuance of Rexfor under Part IA of c. C-38.

1. The Société de récupération, d'exploitation et de développement forestiers du Québec, constituted under the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12), also known as "Rexfor", may be continued under Part IA of the Companies Act (R.S.Q., chapter C-38), and sections 123.133 to 123.139 of that Act apply to the continuance.

By-law.

The directors of Rexfor must, not later than 20 July 1998, make a by-law for the continuance of Rexfor under Part IA of the Companies Act.

By-law.

If the by-law is not made within the prescribed time, the by-law may be made by the Minister of Finance. In such a case, the first paragraph of section 123.133 of the Companies Act does not apply.

Transfer of shares.

2. As soon as Rexfor becomes a company governed by Part IA of the Companies Act, the Minister of Finance is authorized to transfer all the shares of Rexfor to the Société générale de financement du Québec, at book value as at 31 March 1998. In return, fully paid common shares of the Société générale de financement du Québec, representing an equivalent value, shall be allotted to the Minister of Finance.

Head office.

3. The head office of Rexfor may not be transferred outside the territory of the Communauté urbaine de Québec except with the approval of the Government.

c. R-10, Sched. II, am.

4. Schedule II to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 58 of chapter 50 of the statutes of 1997, is again amended by replacing, according to alphabetical order, "the Société de récupération, d'exploitation et de développement forestiers du Québec, subject to section 27.1 of the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (chapter S-12)" in paragraph 1 by "the Société de récupération, d'exploitation

et de développement forestiers du Québec, but only with respect to its regular employees".

c. S-12, repealed.

5. The Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec is repealed on the date indicated on the certificate of continuance of Rexfor.

Notice.

Notice to that effect shall be published by the Minister of Industry, Trade, Science and Technology in the *Gazette officielle du Québec*.

By-laws in force.

6. The by-laws made by Rexfor under the authority of the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec shall remain in force until they are replaced or repealed.

CHAPTER II

SOCIÉTÉ QUÉBÉCOISE D'EXPLORATION MINIÈRE

Continuance of Soquem under Part IA of c. C-38.

7. The Société québécoise d'exploration minière, constituted under the Act respecting the Société québécoise d'exploration minière (R.S.Q., chapter S-19), also known as "Soquem", may be continued under Part IA of the Companies Act, and sections 123.133 to 123.139 of that Act apply to the continuance.

By-law.

The directors of Soquem must, not later than 20 July 1998, make a by-law for the continuance of Soquem under Part IA of the Companies Act.

By-law.

If the by-law is not made within the prescribed time, the by-law may be made by the Minister of Finance. In such a case, the first paragraph of section 123.133 of the Companies Act does not apply.

Transfer of shares.

8. As soon as Soquem becomes a company governed by Part IA of the Companies Act, the Minister of Finance is authorized to transfer all the shares of Soquem to the Société générale de financement du Québec, at book value as at 31 March 1998. In return, fully paid common shares of the Société générale de financement du Québec, representing an equivalent value, shall be allotted to the Minister of Finance.

Head office.

9. The head office of Soquem may not be transferred outside the territory of the Communauté urbaine de Québec except with the approval of the Government.

c. S-19, repealed.

10. The Act respecting the Société québécoise d'exploration minière is repealed on the date indicated on the certificate of continuance of Soquem.

Notice.

Notice to that effect shall be published by the Minister of Industry, Trade, Science and Technology in the Gazette officielle du Québec.

By-laws in force.

11. The by-laws made by Soquem under the authority of the Act respecting the Société québécoise d'exploration minière shall remain in force until they are replaced or repealed.

CHAPTER III

SOCIÉTÉ QUÉBÉCOISE D'INITIATIVES AGRO-ALIMENTAIRES

Continuance of Soquia under Part IA of c. C-38.

12. The Société québécoise d'initiatives agro-alimentaires, constituted under the Act respecting the Société québécoise d'initiatives agro-alimentaires (R.S.Q., chapter S-21), also known as "Soquia", may be continued under Part IA of the Companies Act, and sections 123.133 to 123.139 of that Act apply to the continuance.

By-law.

The directors of Soquia must, not later than 20 July 1998, make a by-law for the continuance of Soquia under Part IA of the Companies Act.

By-law.

If the by-law is not made within the prescribed time, the by-law may be made by the Minister of Finance. In such a case, the first paragraph of section 123.133 of the Companies Act does not apply.

Transfer of shares.

13. As soon as Soquia becomes a company governed by Part IA of the Companies Act, the Minister of Finance is authorized to transfer all the shares of Soquia to the Société générale de financement du Québec, at book value as at 31 March 1998. In return, fully paid common shares of the Société générale de financement du Québec, representing an equivalent value, shall be allotted to the Minister of Finance.

Head office.

14. The head office of Soquia may not be transferred outside the territory of the Communauté urbaine de Québec except with the approval of the Government.

c. S-21, repealed.

15. The Act respecting the Société québécoise d'initiatives agro-alimentaires is repealed on the date indicated on the certificate of continuance of Soquia.

Notice.

Notice to that effect shall be published by the Minister of Industry, Trade, Science and Technology in the Gazette officielle du Québec.

Personnel.

16. The members of the personnel of Soquia who were in its employ on 31 May 1983 may not be dismissed except in accordance with section 33 of the Public Service Act (R.S.Q., chapter F-3.1.1).

By-laws in force.

17. The by-laws made by Soquia under the authority of the Act respecting the Société québécoise d'initiatives agro-alimentaires shall remain in force until they are replaced or repealed.

CHAPTER IV

SOCIÉTÉ QUÉBÉCOISE D'INITIATIVES PÉTROLIÈRES

Continuance of Soquip under Part IA of c. C-38.

18. The Société québécoise d'initiatives pétrolières, constituted under the Act respecting the Société québécoise d'initiatives pétrolières (R.S.Q., chapter S-22), also known as "Soquip", may be continued under Part IA of the Companies Act, and sections 123.133 to 123.139 of that Act apply to the continuance.

By-law.

The directors of Soquip must, not later than 20 July 1998, make a by-law for the continuance of Soquip under Part IA of the Companies Act.

By-law.

If the by-law is not made within the prescribed time, the by-law may be made by the Minister of Finance. In such a case, the first paragraph of section 123.133 of the Companies Act does not apply.

Transfer of shares.

19. As soon as Soquip becomes a company governed by Part IA of the Companies Act, the Minister of Finance is authorized to transfer all the shares of Soquip to the Société générale de financement du Québec, at book value as at 31 March 1998. In return, fully paid common shares of the Société générale de financement du Québec, representing an equivalent value, shall be allotted to the Minister of Finance.

Head office.

- **20.** The head office of Soquip may not be transferred outside the territory of the Communauté urbaine de Québec except with the approval of the Government.
- c. S-22, repealed.
- **21.** The Act respecting the Société québécoise d'initiatives pétrolières is repealed on the date indicated on the certificate of continuance of Soquip.

Notice.

Notice to that effect shall be published by the Minister of Industry, Trade, Science and Technology in the Gazette officielle du Québec.

By-laws in force.

22. The by-laws made by Soquip under the authority of the Act respecting the Société québécoise d'initiatives pétrolières shall remain in force until they are replaced or repealed.

CHAPTER V

SOCIÉTÉ GÉNÉRALE DE FINANCEMENT DU QUÉBEC

c. S-17, s. 6, replaced.

23. Section 6 of the Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17) is replaced by the following:

Authorized capital.

"6. The authorized capital of the company is \$2,925,000,000, divided into 292,500,000 common shares of a par value of \$10 each."

c. S-17, s. 7, replaced.

24. Section 7 of the said Act is replaced by the following:

Allotment of shares.

"7. The shares of the company shall form part of the domain of the State and shall be allotted to the Minister of Finance."

c. S-17, s. 8, am.

25. Section 8 of the said Act is amended by replacing "not more than 50,250,000" in the first paragraph by "after 20 July 1998, not more than 244,750,000".

c. S-17, s. 9.1, added.

26. The said Act is amended by inserting, after section 9, the following:

Acquisition of shares.

"9.1. The company is authorized to acquire at book value as at 31 March 1998 the shares of Rexfor, Soquem, Soquia and Soquip that are transferred to the company by the Minister of Finance. In return, the company shall issue to the Minister a certificate for a number of fully paid common shares representing an equivalent value."

c. S-17, ss. 14.0.1 and 14.0.2, added.

27. The said Act is amended by inserting, after section 14, the following:

Chief executive officer.

"14.0.1. The chief executive officer of the company shall be appointed by the Government for a period of not more than five years. The chief executive officer shall be responsible for the administration and direction of the company within the scope of its by-laws and policies.

Chief executive officer.

The office of chief executive officer is a full-time position.

Conditions of employment.

"14.0.2. The Government shall determine the remuneration, the benefits and the other conditions of employment of the chief executive officer."

c. S-17, s. 14.6, added.

28. The said Act is amended by inserting, after section 14.5, the following:

Means of communication.

"14.6. The directors of the company may, if they all agree, participate in a meeting of the board using any means which allows them to communicate with each other orally, such as the telephone."

c. S-17, s. 15.1, am.

29. Section 15.1 of the said Act is amended by replacing the first paragraph by the following:

Development plan.

"15.1. The company shall establish a five-year development plan to be submitted for approval to the Government by the Minister of Industry, Trade, Science and Technology, after consulting with the Minister of Natural Resources and the Minister of Agriculture, Fisheries and Food as regards the sectors of activity under each Minister's responsibility.

Operational plan.

The company shall also establish an annual operational plan to be submitted for approval to the Minister of Industry, Trade, Science and Technology who shall, before approving it, consult with the Minister of Natural Resources and the Minister of Agriculture, Fisheries and Food as regards the sectors of activity under their respective responsibilities. The company shall also submit

the financial provisions of its operational plan to the Minister of Finance for approval."

c. S-17, s. 15.2, added.

30. The said Act is amended by inserting, after section 15.1, the following:

Tabling of development plan.

"15.2. The Minister shall lay the five-year development plan referred to in the first paragraph of section 15.1 before the National Assembly within 30 days after approval of the plan or, if the National Assembly is not sitting, within 30 days after resumption.

Examination.

The competent parliamentary committee of the National Assembly shall examine the plan and for that purpose shall hear the representatives designated by the company."

Provisions applicable.

31. Sections 14.0.1 and 14.0.2 of the Act respecting the Société générale de financement du Québec, enacted by section 27 of this Act, apply to the appointment of a president of the Société générale de financement du Québec occurring after 20 June 1998 or, where applicable, to the renewal of the term of office of the president in office on that date.

Coming into force.

32. This Act comes into force on 20 June 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 46 AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RELATING TO BUILDING AND THE CONSTRUCTION **INDUSTRY**

Bill 445

Introduced by Mr Matthias Rioux, Minister of Labour Introduced 14 May 1998 Passage in principle 2 June 1998 Passage 19 June 1998 Assented to 20 June 1998

Coming into force: 20 June 1998, except the provisions of section 18 which come into force on 20 June 1999 and the provisions of sections 1, 3 to 13, 25 and 29 to 32, paragraph 1 of section 35, sections 36 to 39, section 40 to the extent that they do not apply to the vocational qualification of contractors and owner-builders, section 41, paragraph 1 of section 42, sections 43 to 50, section 55 to the extent that they do not apply to the vocational qualification of contractors and owner-builders, sections 58, 60 to 63, 68 to 71, 73, 75, 76, 78, 80 to 82, 84 to 86, 88 to 100, 110 to 113 and 120, paragraph 8.4 of section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry, enacted by paragraph 1 of section 122, paragraph 2 of section 122 and sections 125 to 135, which come into force on the date or dates to be fixed by the Government

- 1998-09-08:

ss. 1, 3, 25, 41, 42 (par. 1), 43-50, 58, 60-63, 68-70, 81, 82, 84-86, 88-100, 110-113, 120, 122 (par. 1) [which enacts s. 123 (par. 8.4) of the Act respecting labour relations, vocational training and manpower management in the construction industry], 122 (par. 2), 125-135

O.C. 1149-98

G.O., 1998, Part 2, p. 3763

(Cont'd on next page)



Legislation amended:

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)

Building Act (R.S.Q., chapter B-1.1)

Labour Code (R.S.Q., chapter C-27)

Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5)

Taxation Act (R.S.Q., chapter I-3)

Act respecting piping installations (R.S.Q., chapter I-12.1)

Act respecting electrical installations (R.S.Q., chapter I-13.01)

Master Electricians Act (R.S.Q., chapter M-3)

Master Pipe-Mechanics Act (R.S.Q., chapter M-4)

Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)

Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)

Act to amend the Building Act and other legislation (1991, chapter 74)



Chapter 46

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RELATING TO BUILDING AND THE CONSTRUCTION INDUSTRY

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE BARREAU DU QUÉBEC

c. B-1, s. 128, am.

1. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 and by section 86 of chapter 43 of the statutes of 1997, is again amended by replacing "the building commissioner, the building deputy-commissioner, the placement commissioner, a placement deputy-commissioner" in the first, second and third lines of subparagraph 6 of paragraph a of subsection 2 by "the construction industry commissioner, a construction industry deputy-commissioner".

BUILDING ACT

c. B-1.1, s. 4.1, am.

- 2. Section 4.1 of the Building Act (R.S.Q., chapter B-1.1) is amended
- (1) by replacing "pressure vessel manufacturers" in the third line by "manufacturers of pressure installations";
- (2) by replacing "pressure vessels" in the fifth line by "pressure installations".
- c. B-1.1, s. 11.1, am.
- **3.** Section 11.1 of the said Act is amended by replacing "The" in the first line by "Subject to section 164.1, the".
- c. B-1.1, ss. 16-17.3, replaced.
- **4.** Sections 16 to 17.3 of the said Act, enacted by section 12 of chapter 74 of the statutes of 1991, are replaced by the following:

Certificate of conformity.

"**16.** Every contractor or owner-builder shall, in the cases determined by regulation of the Board, furnish to the Board a certificate of the construction work's conformity with the Building Code produced by a person recognized by the Board in accordance with a regulation of the Board.

Prohibition.

- "17. No contractor may claim any amount for the production of a certificate of conformity under section 16."
- c. B-1.1, s. 18, am.
- **5.** Section 18 of the said Act is amended by striking out the second paragraph.

- c. B-1.1, s. 20, repealed.
- **6.** Section 20 of the said Act, amended by section 14 of chapter 74 of the statutes of 1991, is repealed.
- c. B-1.1, s. 21, am.
- **7.** Section 21 of the said Act, enacted by section 15 of chapter 74 of the statutes of 1991, is amended by striking out "a denial of conformity or to" in the fourth and fifth lines.
- c. B-1.1, s. 35, am.
- **8.** Section 35 of the said Act, enacted by section 23 of chapter 74 of the statutes of 1991, is amended by striking out the second paragraph.
- c. B-1.1, s. 36, am.
- **9.** Section 36 of the said Act is amended by replacing the first paragraph by the following:

Change of use.

- **"36.** The owner of a building may not change the use or intended purpose of the building without bringing it into conformity with the Building Code where, according to that Code, the new use or new intended purpose would necessitate more stringent safety requirements for persons having access to the building."
- c. B-1.1, s. 37, am.
- **10.** Section 37 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is amended by replacing "pressure vessel" in the third line by "pressure installation".
- c. B-1.1, s. 37.1, am.
- **11.** Section 37.1 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is amended by replacing "pressure vessel" in the first paragraph by "pressure installation".
- c. B-1.1, s. 37.3, repealed.
- **12.** Section 37.3 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is repealed.
- c. B-1.1, s. 37.4, replaced.
- **13.** Section 37.4 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is replaced by the following:

Pressure installation.

"37.4. No person may market a pressure installation or put back into service a pressure installation that has been repaired, modified or reconditioned, unless it has been approved by the Board in the cases and in accordance with the terms and conditions prescribed by the regulations of the Board.

Prohibition.

Moreover, no person may market or put back into service any pressure installation where it is to be used for a purpose other than that for which it was originally intended."

c. B-1.1, s. 41, am.

14. Section 41 of the said Act is amended by replacing "for building work on a building or" in the first and second lines by "in respect of construction work on a building, on facilities or installations referred to in paragraph 2 or 3 of section 2 or on".

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c. B-1.1, s. 46, French text, am.

15. Section 46 of the said Act is amended, in the French text, by replacing "en construction" in the first paragraph by "de construction".

c. B-1.1, s. 50, French text, am.

16. Section 50 of the said Act is amended, in the French text, by replacing "détenteur" by "titulaire".

c. B-1.1, s. 56, am.

17. Section 56 of the said Act is amended by adding "and shall return the licence to the Board when no longer entitled to it; failing that, the Board shall confiscate the licence" after "it" at the end of the second paragraph.

c. B-1.1, s. 57.1, added.

18. The said Act is amended by inserting, after section 57, the following:

Publicity.

"57.1. The holder of a licence shall mention, in any form of publicity made by the holder, the number of the licence issued under this Act and the words "holder of a licence issued under the Building Act" on the holder's estimates, tender bids, contracts, statements of account and any other document determined by regulation of the Board."

c. B-1.1, s. 58, am.

- 19. Section 58 of the said Act is amended
 - (1) by replacing subparagraph 8 of the first paragraph by the following:
- "(8) he has not, in the five years preceding the application, been convicted of an offence under a fiscal law or an indictable offence triable only on indictment and connected with the business that the person intends to carry on in the construction industry or, if convicted of such an act or offence, he has obtained a pardon;";
 - (2) by adding, after the second paragraph, the following:

Fiscal offence.

"For the purposes of subparagraph 8 of the first paragraph in respect of an offence under a fiscal law, the Board shall refuse to issue a licence where it considers that the serious nature of the offence or the frequency of offences justifies the refusal."

c. B-1.1, s. 59.1, added.

20. The said Act is amended by inserting, after section 59, the following:

Refusal.

"59.1. The Board may refuse to issue a licence to a natural person who applies for a licence for himself or herself or on behalf of a partnership or a legal person where, in the 12 months preceding the cessation of the partnership's or legal person's activities as a contractor, the person was an officer of a partnership or of a legal person, if the Board considers that the cessation is due to other causes than the death of one of its officers, the attainment of its object or any other legitimate cause."

c. B-1.1, s. 60, am.

- 21. Section 60 of the said Act is amended
- (1) by replacing "of an indictable offence triable only on indictment and connected" in the first line of subparagraph 6 of the first paragraph by "of an

offence under a fiscal law or of an indictable offence triable only on indictment and connected":

- (2) by replacing "of an offence contemplated in paragraph 6 and has obtained" in the second line of subparagraph 6.1 of the first paragraph by "of an offence or an indictable offence referred to in subparagraph 6 and has obtained":
 - (3) by adding, after the second paragraph, the following:

Fiscal offence.

"For the purposes of subparagraphs 6 and 6.1 of the first paragraph in respect of an offence under a fiscal law, the Board shall refuse to issue a licence where it considers that the serious nature of the offence or the frequency of offences justifies the refusal."

c. B-1.1, s. 61, am.

- **22.** Section 61 of the said Act is amended
- (1) by inserting "of an offence under a fiscal law or" after "convicted" in the second line of subparagraph 2 of the first paragraph;
- (2) by replacing, in the French text, "en ait obtenu" in the last line of subparagraph 2 of the first paragraph by "ait obtenu la réhabilitation ou";
 - (3) by adding, at the end of the first paragraph, the following:
- "(5) was an officer of a partnership or of a legal person in the 12 months preceding the cessation of the partnership's or legal person's activities as a contractor, if the Board considers that the cessation is due to other causes than the death of one of its officers, the attainment of its object or any other legitimate cause.";
 - (4) by adding, after the second paragraph, the following:

Fiscal offence.

"For the purposes of subparagraph 2 of the first paragraph in respect of an offence under a fiscal law, the Board shall refuse to issue a licence where it considers that the serious nature of the offence or the frequency of offences justifies the refusal."

c. B-1.1, s. 66, am.

- **23.** Section 66 of the said Act, amended by section 6 of chapter 85 of the statutes of 1997, is again amended by replacing "52, and the classes or subclasses of such licences and any restriction under section 65.1 are entered" by "52, the licence numbers and the classes or subclasses of such licences and any restriction under section 65.1 are entered".
- c. B-1.1, s. 70, am.
- **24.** Section 70 of the said Act is amended by adding, at the end, the following:

Cessation of activities.

"The Board may also suspend, cancel or refuse to renew a licence issued to a partnership or a legal person where any of the officers of the partnership or legal person was an officer of a partnership or of a legal person in the 12 months preceding the cessation of the partnership's or legal person's activities as a contractor, if the Board considers that the cessation is due to other causes than the death of one of its officers, the attainment of its object or any other legitimate cause."

- c. B-1.1, s. 70.2, am.
- **25.** Section 70.2 of the said Act, amended by section 7 of chapter 85 of the statutes of 1997, is again amended by replacing "building commissioner or building deputy-commissioner" in the fourth line of the second paragraph by "construction industry commissioner".
- c. B-1.1, s. 78, am.
- **26.** Section 78 of the said Act is amended by inserting ", on facilities or installations referred to in paragraph 2 or 3 of section 2" after "building" in the fifth line of the first paragraph.
- c. B-1.1, s. 85, am.
- **27.** Section 85 of the said Act is amended by replacing "or" in the eighth line of the first paragraph by ", to facilities or installations referred to in paragraph 2 or 3 of section 2 or to a".
- c. B-1.1, s. 86.2, am.
- **28.** Section 86.2 of the said Act is amended
- (1) by replacing "and civil engineering structures" in paragraph 3 by ", civil engineering structures, facilities and installations";
- (2) by replacing "and civil engineering structures" in paragraph 4 by ", civil engineering structures, facilities and installations covered".
- c. B-1.1, s. 111, am.
- **29.** Section 111 of the said Act is amended by adding ", contractors' associations and groups of contractors' associations" after "municipalities" at the end of paragraph 4.
- c. B-1.1, s. 128.1, repealed.
- **30.** Section 128.1 of the said Act is repealed.
- c. B-1.1, s. 128.4, am.
- **31.** Section 128.4 of the said Act is amended by replacing "17.1, 17.2, 35 and 128.1" in the first and second lines by "16 and 35".
- c. B-1.1, s. 128.6, repealed.
- **32.** Section 128.6 of the said Act is repealed.
- c. B-1.1, Chap. VI, Div. III, heading, replaced.
- **33.** The heading of Division III of Chapter VI of the said Act is replaced by the following:
- "MANDATE AND DELEGATION OF POWERS".
- c. B-1.1, subdiv. 1 and 2, ss. 129.3-129.19, added.
- **34.** The said Act is amended by inserting, after the heading of Division III of Chapter VI, the following:

"§1. — Mandate given by the Government

"1. AGREEMENT

Administration of Act.

"129.3. Notwithstanding section 110, the Government may give to the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec, to the extent indicated by the Government, a mandate to supervise the administration of this Act or to see to its application with respect to the vocational qualification of their members.

Mandate agreement.

The terms and conditions governing the carrying out of the mandate by the Corporation, the powers and duties conferred on the Corporation and the obligations of the Board under sections 66, 75, 147 and 148 to be assumed by the Corporation shall be determined in an agreement.

Exercise of powers.

The agreement may also set out the terms and conditions governing the exercise by the employees of the mandatary Corporation of the powers and duties entrusted to the Corporation.

Publication.

"129.4. The agreement shall be published in the Gazette officielle du Québec. It becomes effective on the date of publication or on any later date set out therein.

Effective date.

From that date, the mandatary Corporation shall exercise the powers and duties so entrusted to it and assume the obligations of the Board specified in the mandate.

Public body.

From the same date and for those purposes, the mandatary Corporation shall be considered to be a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and shall be subject to the provisions of that Act.

Access to information.

"129.5. Only those officers of the mandatary Corporation, committee members or office holders identified in the agreement may have access to information relating to the solvency of a contractor.

Immunity.

"129.6. No proceedings may be brought against the mandatary Corporation, its directors, the members of its committees or its personnel for an official act done in good faith in carrying out the mandate given to the Corporation under section 129.3.

Records.

"129.7. The records and other documents of the Board become, to the extent set out in the agreement, the records and other documents of the mandatary Corporation.

Licences.

"129.8. A licence issued by the Board remains in force until the date on which it expires or until it is altered, suspended or cancelled by the mandatary Corporation.

Regulations.

"129.9. The provisions of the regulations made by the Board that concern matters forming the subject of the mandate continue to apply until amended or replaced by a regulation made by the mandatary Corporation.

Approval.

Any regulation made by the Corporation shall be submitted to the Government for approval with or without amendment.

Failure to act.

Where the Corporation does not adopt or amend a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation.

Accounts.

"129.10. Separate accounts shall be kept for the sums collected pursuant to the regulations and the expenses incurred for the purpose of carrying out the mandate.

Use of sums.

The sums collected shall be applied exclusively to activities covered by the mandate.

Ministerial appointees.

"129.11. The Minister may at any time, on the conditions and for the term considered expedient by the Minister, designate one or more persons to participate, without voting rights, in meetings of the board of directors and, where applicable, of the executive committee and of any committee of the mandatary Corporation carrying out the mandate entrusted to the mandatary Corporation under section 129.3.

Selection.

The persons may be chosen by the Minister, in particular from associations representing consumers, from among persons who reside in or frequent buildings and from among owners of buildings.

"2. VERIFICATION AND INQUIRY

Verifier.

"129.12. The Minister may, generally or specially, designate a person to verify the documents and information transmitted by the mandatary Corporation in accordance with the agreement.

Powers.

For such purpose, the verifier may, at any reasonable time, enter any place where the verifier has reason to believe operations or activities are carried on by or on behalf of a mandatary Corporation and require any information or document, and examine and make copies of any document.

Compliance.

The person required to provide the information or documents must comply within the allotted time.

Immunity.

"129.13. No proceedings may be brought against the verifier for any act done in good faith in the exercise of the verifier's functions.

Certificate of capacity.

"129.14. The verifier shall, on request, identify himself or herself and produce the document signed by the Minister attesting the verifier's capacity.

Prohibition.

"129.15. No person may hinder the verifier in the exercise of the verifier's functions.

Investigator.

"129.16. The Minister may direct a person designated by the Minister to make an inquiry into any matter relating to the administration or operation of a mandatary Corporation or to the conduct of the directors of the Corporation, with respect to the mandate given to the Corporation under section 129.3. The investigator so designated has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

"3. CORRECTIVE ACTION

Minister's powers.

- "129.17. The Minister may, even before the conclusion of a verification or inquiry under section 129.12 or 129.16,
- (1) order a mandatary Corporation to take the necessary corrective action within a specified time;
- (2) accept a voluntary undertaking by the Corporation to take the appropriate corrective action.

"4. REVOCATION OF THE MANDATE

Revocation.

"**129.18.** The Government may at any time revoke a mandate given under section 129.3. The revocation becomes effective on the date fixed by the Government.

Decision.

The decision of the Government must be communicated forthwith to the Corporation concerned.

Effect.

"129.19. From the effective date of the revocation,

- (1) matters before the Corporation that relate to the mandate given under section 129.3 are continued and decided by the Board without other formality;
- (2) proceedings to which the Corporation is a party and that relate to the mandate so given are continued by the Board without continuance of suit;
- (3) a licence issued by the Corporation remains in force until the date on which it expires or until it is altered, suspended or cancelled by the Board;
- (4) any regulations made by the Corporation pursuant to the regulatory powers entrusted under section 129.3 are deemed to be regulations of the Board;
- (5) any regulations made by the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec pursuant to the powers provided for in section 12.02 of the Master Electricians

Act (chapter M-3) and section 10.2 of the Master Pipe-Mechanics Act (chapter M-4), respectively, cease to have effect; and

- (6) the records and other documents of the Corporation that relate to the mandate given under section 129.3 become, to the extent determined by the Government, the records and other documents of the Board.
- "§2. Delegation of powers by the Board".

c. B-1.1, s. 130, am.

- **35.** Section 130 of the said Act is amended
- (1) by inserting "130.1," after "sections" in the third line of the first paragraph;
- (2) by replacing "sections 17.2, 70, 123, 128.1, 128.3, 128.4, 132, 173 to 179 and 185" in the second line of subparagraph 1 of the third paragraph by "those conferred by the third paragraphs of sections 58, 60 and 61, sections 123, 128.3, 128.4, 130.1, 132, 173 to 179 and 185 and those described in section 70 that do not pertain to the payable security referred to in section 297.2, the entrance dues and the annual assessment referred to in subparagraph 8.1 of the first paragraph of section 58 and subparagraph 6.2 of the first paragraph of section 60 and those referred to in subparagraphs 7 to 10 of the first paragraph of section 70";
- (3) by striking out "exceptionally," at the beginning of subparagraph 2 of the third paragraph.

c. B-1.1, s. 130.1, added.

Contractors'

36. The said Act is amended by inserting, after section 130, the following:

"130.1. The Board may enter into a written agreement with a contractors' association or a group of contractors' associations to delegate to it, to the extent indicated by the Board, the exercise of the powers and duties of the Board under sections 46, 47, 51, 53 to 55, 57 to 58.1, 60, 63, 64, 67, 69 and 72, for the purpose of assuring the qualification of the members of that association or of any of the associations in that group. The agreement may not, however, provide for the delegation of the power to rule on the issue, renewal or alteration of a licence.

Access to information.

Only those officers of the association or group of associations or office holders identified in the agreement may have access to information relating to the solvency of a contractor.

Expenses.

The agreement may provide for the financing of the expenses incurred by the association or group of associations for the purposes of this Act and allow the association or group of associations to collect and use for such purposes any of the amounts collected under section 151.

Content of agreement.

In addition, the agreement may determine, from among the powers and obligations referred to in sections 112 to 122, the powers that may be exercised

by the association or the group of associations and the obligations to which the association or group of associations is subject, as well as the conditions governing the subdelegation of those powers to its employees and the other terms and conditions governing the exercise of such powers."

- c. B-1.1, s. 132, am.
- **37.** Section 132 of the said Act, amended by section 60 of chapter 74 of the statutes of 1991 and by section 53 of chapter 8 of the statutes of 1995, is again amended by replacing "14 to 23 and 32 to 36" in the third line of the first paragraph by "14 to 19, 21, 22, 24 to 27, 32 to 37.2 and 37.4 to 39".
- c. B-1.1, s. 135, am.
- **38.** Section 135 of the said Act, amended by section 61 of chapter 74 of the statutes of 1991, is again amended by inserting ", an association or a group of associations" after "municipality" in the first line.
- c. B-1.1, s. 145, am.
- **39.** Section 145 of the said Act is amended by replacing "section 132" in the second line by "sections 130.1 and 132".
- c. B-1.1, s. 153, am.
- **40.** Section 153 of the said Act is amended by replacing "pressure vessels" in the third line of the first paragraph by "pressure installations".
- c. B-1.1, Chap. VII, heading, am.
- **41.** The heading of Chapter VII of the said Act, amended by section 89 of chapter 43 of the statutes of 1997, is again amended by striking out "BEFORE THE LABOUR COURT".
- c. B-1.1, s. 160, am.
- **42.** Section 160 of the said Act, amended by section 90 of chapter 43 of the statutes of 1997, is again amended
 - (1) by replacing the portion before paragraph 1 by the following:

Review.

- "**160.** Any interested person may apply for review of a ruling of the Board, of a mandatary Corporation referred to in section 129.3 or of a municipality referred to in section 132, where such ruling, in respect of which no proceeding has been brought before the construction industry commissioner or the Labour Court,";
 - (2) by replacing paragraph 1 by the following:
 - "(1) was delivered under section 58.1, 123, 124, 127, 128, 128.3 or 128.4;".
- c. B-1.1, s. 161, am.
- **43.** Section 161 of the said Act is amended by inserting ", the Corporation" after "Board" in the first line.
- c. B-1.1, s. 162, am.
- **44.** Section 162 of the said Act, amended by section 91 of chapter 43 of the statutes of 1997, is again amended by inserting ", the Corporation" after "Board" in the first line.
- c. B-1.1, s. 163, am.
- **45.** Section 163 of the said Act is amended by replacing "or of" in the second line by ", a Corporation or".

c. B-1.1, s. 164, am.

46. Section 164 of the said Act is amended by inserting ", the Corporation" after "Board" in the first line.

c. B-1.1, Chap. VII, Div. II, heading, am.

47. The heading of Division II of Chapter VII of the said Act, enacted by section 92 of chapter 43 of the statutes of 1997, is amended by striking out "BEFORE THE LABOUR COURT".

c. B-1.1, subdiv. 1 and 2, ss. 164.1-164.5, added.

48. The said Act is amended by inserting, immediately before section 165, the following:

"§1. — Before the construction industry commissioner

Commissioner.

"164.1. Any interested person may contest any ruling of the Board or of a mandatary Corporation referred to in section 129.3 before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20), where such ruling pertains to the issue, renewal, alteration, suspension or cancellation of a licence or is made under section 58.1.

Decision.

During such a proceeding, the commissioner may decide any matter relating to the application of this Act.

Motion.

"**164.2.** The proceeding shall be brought by a motion served on the Board or the Corporation.

Time for appeal.

The motion shall be filed with the construction industry commissioner within 30 days following receipt by the applicant of the initial ruling or, as the case may be, of the ruling under review of the Board or the Corporation.

File.

"164.3. Upon service of the motion, the Board or the Corporation shall send the file relating to the contested ruling to the construction industry commissioner.

Hearing.

"164.4. The construction industry commissioner shall deliver a ruling on the file sent by the Board or the Corporation after giving the parties the opportunity to be heard.

Ruling enforced.

"164.5. The proceedings shall not stay enforcement of the ruling of the Board or the Corporation.

Exception.

The construction industry commissioner may, however, on a motion, rule otherwise by reason of urgency or of the risk of serious and irreparable harm.

"§2. — Before the Labour Court".

c. B-1.1, s. 165, replaced.

49. Section 165 of the said Act is replaced by the following:

Labour Court.

- "**165.** Any interested person may contest a ruling of the Board or of a municipality referred to in section 132 before the Labour Court where the ruling is delivered under section 123, 124, 127, 128, 128.3 or 128.4."
- c. B-1.1, s. 170, am.
- **50.** Section 170 of the said Act, amended by section 96 of chapter 43 of the statutes of 1997, is again amended by striking out the second sentence.
- c. B-1.1, s. 176.1, added.
- **51.** The said Act is amended by inserting, after section 176, the following:

Content.

- **"176.1.** A code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185."
- c. B-1.1, s. 182, am.
- **52.** Section 182 of the said Act is amended
- (1) by replacing "pressure vessel manufacturers" in the second and third lines of subparagraph 1 of the first paragraph by "manufacturers of pressure installations";
- (2) by replacing "pressure vessels" in the fifth line of subparagraph 1 of the first paragraph by "pressure installations";
 - (3) by inserting, after subparagraph 6 of the first paragraph, the following:
- "(6.1) determine a procedure for the apportionment, between the Board and the mandatary Corporation referred to in section 129.3, of the dues and fees payable by a contractor that is required to transmit to the Board, and to the mandatary Corporation, an application for the issue or alteration of a licence to be authorized to perform or cause to be performed construction work which requires, owing to its purpose and scope, more than one class or subclass of licence, for the renewal of the licence, for an examination or any other means of evaluation and for the review of a ruling that pertains to the issue, alteration, suspension or cancellation of a licence;
- "(6.2) determine the administrative and financial procedures applicable to the Board and to the mandatary Corporation for the management, administration, transfer and updating of the records of a contractor holding licences authorizing the contractor to perform or cause to be performed construction work which requires, owing to its purpose and scope, more than one class or subclass of licence;";
- (4) by replacing, in the French text, "en construction" in the fourth and fifth lines of the second paragraph by "de construction".
- c. B-1.1, s. 185, am.
- **53.** Section 185 of the said Act, amended by section 15 of chapter 64 of the statutes of 1997, is again amended
- (1) by replacing subparagraphs 1 and 2 of the first paragraph by the following:

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- "(1) determine the cases in which, by reason of problems related to performance in the carrying out of construction work, the particular, complex or exceptional nature of the construction work carried out or its impact on safety, the contractor or the owner-builder must furnish a certificate of conformity with the Building Code to the Board, and the form and content of such a certificate;";
- (2) by replacing "17.1, 17.2, 35 and 128.1" in the second line of subparagraph 2.1 of the first paragraph by "16 and 35";
 - (3) by striking out subparagraph 2.3 of the first paragraph;
- (4) by replacing "pressure vessel" in the second line of subparagraph 5.3 of the first paragraph by "pressure installation";
- (5) by replacing "pressure vessel" in the second line of subparagraph 5.4 of the first paragraph by "pressure installation" and by replacing "such a vessel" in the third line of that subparagraph by "such an installation";
 - (6) by replacing subparagraph 5.5 of the first paragraph by the following:
- "(5.5) determine the cases in which and the terms and conditions according to which the Board may approve a pressure installation before it is marketed or put back into service or a pressure installation that is to be used for other purposes than those for which it was originally intended;";
 - (7) by inserting, after subparagraph 17 of the first paragraph, the following:
- "(17.1) determine the other documents on which the licence number of a contractor and the words "holder of a licence issued under the Building Act" are required to appear;";
 - (8) by striking out subparagraph 19.2 of the first paragraph;
- (9) by replacing "or civil engineering structure" in the third and fourth lines of subparagraph 19.3 of the first paragraph by ", on a civil engineering structure, on facilities or on installations";
- (10) by replacing "or use" in the third line of subparagraph 23 of the first paragraph by ", use or real estate assessment";
- (11) by inserting "18.1," after "18," in the third line of subparagraph 37 of the first paragraph.
- c. B-1.1, s. 192, am. **54.** Section 192 of the said Act is amended
 - (1) by replacing the expression "pressure vessels" wherever it appears in the first paragraph by "pressure installations";

- (2) by replacing, in the French text, "en construction" in the second and third lines of the second paragraph by "de construction".
- c. B-1.1, s. 194, am.
- **55.** Section 194 of the said Act, amended by section 93 of chapter 74 of the statutes of 1991, is again amended by replacing paragraph 7 by the following:
- "(7) contravene any of the provisions of sections 14, 15, 18, 19, 22, the first paragraphs of sections 24 and 25, sections 26, 27, 32 to 35, the third paragraph of section 35.2, sections 36, 37, the second paragraph of section 37.1, sections 37.2, 37.4, the first paragraph of section 38, sections 38.1, 39, the second paragraph of paragraph 2 of section 49, section 53, the second paragraph of section 56, section 57.1, 67, 69, 79 or 82, or a regulatory provision determined under section 179 or subparagraph 37 of the first paragraph of section 185."
- c. B-1.1, s. 215, am.
- **56.** Section 215 of the said Act is amended by adding, after the first paragraph, the following:

Coming into force of Codes.

"The Building Code and the Safety Code may be adopted by the Board and come into force in respect of categories of buildings, pressure installations and facilities or installations referred to in each Act mentioned in section 214 or 282 or referred to in this Act."

c. B-1.1, s. 297.5, added.

57. The said Act is amended by inserting, after section 297.4, the following:

Application of s. 193.

"297.5. Until such time as an agreement is entered into under section 132, section 193 does not apply in respect of a by-law respecting piping installations passed by a local municipality that is exempt from the application of a plumbing code pursuant to paragraph f of section 24 of the Act respecting piping installations (chapter I-12.1), and the conditions of exemption provided for in that code continue to apply to such a municipality."

LABOUR CODE

c. C-27, s. 1, am.

- **58.** Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing "building commissioner or the placement commissioner" in the ninth line of subparagraph 3 of paragraph l by "construction industry commissioner".
- c. C-27, s. 139, am.
- **59.** Section 139 of the said Code is amended by replacing "850" in the third line by "846".

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

c. F-5, s. 1, am.

60. Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5), amended by section 107 of chapter 63 of the statutes of 1997, is again amended by striking out paragraph *j*.

- c. F-5, Chap. IV, heading, am.
- **61.** The heading of Chapter IV of the said Act is amended by replacing "COUNCIL OF ARBITRATION" by "ADVISORY COMMITTEES".
- c. F-5, s. 41, am.
- **62.** Section 41 of the said Act is amended
 - (1) by striking out subparagraph c of the first paragraph;
 - (2) by striking out the second paragraph.
- c. F-5, s. 41.1, added.
- **63.** The said Act is amended by inserting, immediately before section 42, the following:

Contestation before commissioner.

"41.1. Any person aggrieved by a decision made pursuant to a regulation under the first paragraph of section 30 may, where such a remedy is provided for in the regulation, contest the decision before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20).

Experience certificate.

The construction industry commissioner may also make any decision in respect of the experience certificate of an employee or skilled tradesman where a regulation under the first paragraph of section 30 confers that function on the construction industry commissioner."

c. F-5, s. 43, am.

64. Section 43 of the said Act is amended by inserting "of the Commission de la construction du Québec" after "committee" in the first line of the second paragraph.

TAXATION ACT

c. I-3, ss. 944.6, 955, 1029.8.83 and 1029.8.87, am.

- **65.** The Taxation Act (R.S.Q., chapter I-3) is amended by replacing "by the Régie du bâtiment du Québec" by "under the Building Act (chapter B-1.1)" in the following provisions:
 - (1) subparagraph i of subparagraph c of the first paragraph of section 944.6;
 - (2) subparagraph i of paragraph m of section 955;
 - (3) subparagraph i of paragraph n of section 955;
- (4) paragraph f of the definition of "eligible housing unit" in the first paragraph of section 1029.8.83;
 - (5) subparagraph b of the first paragraph of section 1029.8.87.

ACT RESPECTING PIPING INSTALLATIONS

c. I-12.1, s. 12, am.

66. Section 12 of the Act respecting piping installations (R.S.Q., chapter I-12.1), amended by section 9 of chapter 83 of the statutes of 1997, is again amended by adding, at the end, the following:

Suspension by Corporation.

"Such power shall be exercised by the Corporation des maîtres mécaniciens en tuyauterie du Québec where it has entered into an agreement under section 129.3 of the Building Act (chapter B-1.1)."

ACT RESPECTING ELECTRICAL INSTALLATIONS

c. I-13.01, s. 35, am.

67. Section 35 of the Act respecting electrical installations (R.S.Q., chapter I-13.01), amended by section 310 of chapter 43 and by section 19 of chapter 83 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: "Such power shall be exercised by the Corporation des maîtres électriciens du Québec where it has entered into an agreement under section 129.3 of the Building Act (chapter B-1.1)".

c. I-13.01, s. 35.1, am.

68. Section 35.1 of the said Act, amended by section 311 of chapter 43 and by section 20 of chapter 83 of the statutes of 1997, is again amended by replacing "court" in the third line of the first paragraph by "commissioner".

c. I-13.01, s. 35.2, am.

69. Section 35.2 of the said Act, amended by section 312 of chapter 43 and by section 20 of chapter 83 of the statutes of 1997, is again amended by replacing "contest the decision before the Labour Court established by the Labour Code" in the first paragraph by "contest before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)".

c. I-13.01, s. 35.3, am.

70. Section 35.3 of the said Act, amended by section 313 of chapter 43 of the statutes of 1997, is again amended by replacing "Labour Court" in the first and second paragraphs by "construction industry commissioner", and by replacing "submitted to it and render the decision that, in its opinion" in the second line of the first paragraph by "submitted and render the decision that, in the commissioner's opinion".

MASTER ELECTRICIANS ACT

c. M-3, s. 9.1, added.

71. The Master Electricians Act (R.S.Q., chapter M-3) is amended by adding, after section 9, the following:

Other objects.

'9.1. The other objects of the Corporation are,

- (1) to the extent and on the conditions set out in the agreement referred to in section 129.3 of the Building Act (chapter B-1.1), to supervise the administration of that Act and see to its application as regards the vocational qualification of its members;
- (2) where an agreement is entered into under section 129.3 of the Building Act, to promote and facilitate the vocational qualification of master electricians."

c. M-3, s. 11.1, added.

72. The said Act is amended by inserting, after section 11, the following:

Administration of Act.

"11.1. The Corporation may enter into an agreement referred to in section 129.3 of the Building Act (chapter B-1.1) under which the Corporation is entrusted by the Government with powers and functions of the Régie du bâtiment du Québec for the purpose of supervising the administration of the Building Act or seeing to its application as regards the vocational qualification of its members.

Powers and functions.

The Corporation shall, in such a case, exercise all the powers and functions entrusted to it and assume all the duties specified in the agreement."

c. M-3, ss. 12.0.1-12.0.3, added.

73. The said Act is amended by adding, after section 12, the following:

Regulations.

"12.0.1. The council of the Corporation may make any regulation concerning the matters to which the regulatory powers conferred on the council under section 129.3 of the Building Act (chapter B-1.1) apply.

Vocational training.

"12.0.2. Where an agreement is entered into under section 129.3 of the Building Act (chapter B-1.1), the council of the Corporation may plan, develop and implement a mandatory or optional vocational training program which shall be submitted to the Minister for approval.

Other regulations.

The council may also, by regulation,

- (1) make training mandatory for the issue or renewal of a licence covering work coming under the exclusive competence of master electricians;
- (2) determine the cases in which a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the scope of a person's licence while the person is undergoing vocational retraining, prescribe a period of time for undergoing required further vocational training, and determine the conditions of cancellation and reinstatement of a contractor's licence;
- (3) determine, subject to the provisions of a regulation made by the Government under paragraph 6.1 of section 182 of the Building Act, the fees and dues payable for admission to a competency evaluation examination, the training provided by the training body and the fees and dues payable for the issue, alteration, renewal or reinstatement of a licence within the framework of the vocational training program;
- (4) organize and administer any fund necessary for the purposes of the vocational training of master electricians;
- (5) establish a training body and entrust it with the development of a vocational training program and determine the responsibilities of the training body in respect of that program.

Approval.

"12.0.3. Any regulation made under sections 12.0.1 and 12.0.2 shall be submitted to the Government for approval with or without amendment.

Failure to act.

Where the council does not adopt or amend such a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation."

c. M-3, s. 12.1, am.

74. Section 12.1 of the said Act is amended by adding, at the end, the following:

Applicability.

"The same applies to a natural person referred to in section 58.1 of that Act for the same activities."

c. M-3, s. 12.2, am.

75. Section 12.2 of the said Act is amended by replacing the first paragraph by the following:

Examinations.

"12.2. Where the corporation has not entered into an agreement under section 129.3 of the Building Act (chapter B-1.1), the corporation shall prepare, administer and hold, except with regard to persons exempted therefrom by a regulation under section 182 of that Act, the examinations referred to in section 58 of that Act whose subject matter pertains to administrative and technical knowledge and is determined by regulation made by the Régie du bâtiment du Québec under paragraph 9 of section 185 of that Act, except examinations pertaining to the Building Code referred to in section 13 of that Act."

MASTER PIPE-MECHANICS ACT

c. M-4, s. 8.1, added.

76. The Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is amended by adding, after section 8, the following:

Other objects.

- ****8.1.** The other objects of the Corporation are,
- (1) to the extent and subject to the conditions set out in the agreement referred to in section 129.3 of the Building Act (chapter B-1.1), to supervise the administration of that Act or to see to its application as regards the vocational qualification of its members;
- (2) where an agreement is entered into under section 129.3 of the Building Act, to promote and facilitate the vocational qualification of master pipemechanics."

c. M-4, s. 9.2, added.

77. The said Act is amended by inserting, after section 9.1, the following:

Administration of Act.

"9.2. The Corporation may enter into an agreement referred to in section 129.3 of the Building Act (chapter B-1.1) under which the Corporation is entrusted by the Government with the powers and functions of the Régie du bâtiment du Québec for the purpose of supervising the administration of the Building Act or seeing to its application as regards the vocational qualification of its members.

Powers and functions.

The Corporation may in such a case exercise all the powers and functions entrusted to it and shall assume all the duties specified in the agreement."

c. M-4, ss. 10.1-10.3, added.

78. The said Act is amended by inserting, after section 10, the following:

Regulations.

"10.1. The council of the Corporation may make any regulation concerning the matters to which the regulatory powers conferred on the council under section 129.3 of the Building Act (chapter B-1.1) apply.

Vocational training.

"10.2. Where an agreement is entered into under section 129.3 of the Building Act (chapter B-1.1), the council may plan, develop and implement a mandatory or optional vocational training program which shall be submitted to the Minister for approval.

Other regulations.

The council may also, by regulation,

- (1) make training mandatory for the issue or renewal of a licence covering work coming under the exclusive competence of master pipe-mechanics;
- (2) determine the cases in which a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the scope of a person's licence while the person is undergoing vocational retraining, prescribe a period of time for undergoing required further vocational training, and determine the conditions of cancellation and reinstatement of a contractor's licence;
- (3) determine, subject to the provisions of a regulation made by the Government under paragraph 6.1 of section 182 of the Building Act, the fees and dues payable for admission to a competency evaluation examination, the training provided by the training body and the fees and dues payable for the issue, alteration, renewal or reinstatement of a licence within the framework of the vocational training program;
- (4) organize and administer any fund necessary for the purposes of the vocational training of master pipe-mechanics;
- (5) establish a training body and entrust it with the development of a vocational training program and determine the responsibilities of the training body in respect of that program.

Approval.

"**10.3.** Any regulation made under sections 10.1 and 10.2 shall be submitted to the Government for approval with or without amendment.

Failure to act.

Where the council does not adopt or amend such a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation.

Provisions not applicable.

The provisions of paragraph 4 of section 11 do not apply to such a regulation."

c. M-4, s. 11.1, am.

79. Section 11.1 of the said Act is amended by adding, at the end, the following:

Applicability.

"The same applies to a natural person referred to in section 58.1 of that Act for the same activities."

c. M-4, s. 11.2, am.

80. Section 11.2 of the said Act is amended by replacing the first paragraph by the following:

Examinations.

"11.2. Where the corporation has not entered into an agreement under section 129.3 of the Building Act (chapter B-1.1), the corporation shall prepare, administer and hold, except with regard to persons exempted therefrom by a regulation under section 182 of that Act, the examinations referred to in section 58 of that Act whose subject matter pertains to administrative and technical knowledge and is determined by regulation made by the Régie du bâtiment du Québec under paragraph 9 of section 185 of that Act, except examinations pertaining to the Building Code referred to in section 13 of that Act."

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

c. R-12, Sched. II, am.

81. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 15 of chapter 35 and by section 635 of chapter 43 of the statutes of 1997, is again amended by striking out "the Council of arbitration appointed under section 41 of the Act respecting manpower vocational training and qualification (chapter F-5)" in paragraph 3.

c. R-12, Sched. III, am.

82. Schedule III to the said Act is amended by striking out "the Council of arbitration appointed under section 41 of the Act respecting manpower vocational training and qualification (chapter F-5)" in paragraph 2.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

c. R-20, s. 7.4.1, added.

83. The Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by inserting, after section 7.4, the following:

Prohibition.

"7.4.1. No person may carry out or cause to be carried out construction work in contravention of a decision rendered under section 7.4."

c. R-20, s. 7.7, am.

84. Section 7.7 of the said Act is amended

- (1) by replacing "building commissioner" in the third line of the first paragraph by "construction industry commissioner";
- (2) by striking out ", who may refer the case to a building deputy-commissioner" at the end of the first paragraph.

c. R-20, s. 7.8, am.

85. Section 7.8 of the said Act is amended by replacing "building commissioner or building deputy-commissioner" in the third and fourth lines of the first paragraph by "construction industry commissioner or construction industry deputy-commissioner".

c. R-20, Chap. III, heading, replaced, headings, added

- **86.** The said Act is amended
 - (1) by replacing the heading of Chapter III by the following:

"SCOPE AND CONSTRUCTION INDUSTRY COMMISSIONER";

(2) by adding, after the said heading, the following:

"DIVISION I

"SCOPE AND CARRYING OUT OF CONSTRUCTION WORK".

c. R-20, s. 19, am.

87. Section 19 of the said Act is amended by striking out subparagraph 7 of the first paragraph.

c. R-20, Chap. III, headings, added.

88. The said Act is amended by inserting, after section 20, the following:

"DIVISION II

"CONSTRUCTION INDUSTRY COMMISSIONER

"§1. — Jurisdiction and conciliation".

c. R-20, ss. 21 and 21.1, replaced.

89. Sections 21 and 21.1 of the said Act are replaced by the following:

Construction industry commissioner.

"21. Any difficulty in the interpretation or application of section 19 or of the regulations made under section 20 must be referred to the construction industry commissioner.

Jurisdictional conflicts.

The construction industry commissioner shall also, on the application of any interested party, hear and settle jurisdictional conflicts which relate to the practice of a trade or occupation.

Other matters.

In addition, the construction industry commissioner shall rule on

- (1) proceedings instituted under section 164.1 of the Building Act (chapter B-1.1);
- (2) proceedings instituted under section 41.1 of the Act respecting manpower vocational training and qualification (chapter F-5);
- (3) proceedings instituted under section 35.2 of the Act respecting electrical installations (chapter I-13.01).

Deputy-commissioner.

"21.0.1. The construction industry commissioner to whom any proceeding, application or matter is referred under this Act or any other Act may refer the proceeding, application or matter to a construction industry deputy-commissioner.

Head office.

"21.0.2. The head office of the construction industry commissioner shall be situated in the territory of the Communauté urbaine de Québec at any place determined by the Government; notice of the address of the head office shall be published in the *Gazette officielle du Québec*.

Sittings.

The construction industry commissioner or a construction industry deputy-commissioner may sit at any other place in Québec.

Conciliation.

"21.0.3. Where the parties to a contestation referred to in the first or second paragraph of section 21 consent thereto, the construction industry commissioner may designate a person to meet the parties for conciliation purposes.

Evidence.

"21.0.4. Unless the parties consent thereto, nothing said or written in the course of conciliation is admissible as evidence.

Agreement.

"21.0.5. Every agreement shall be recorded in writing and any documents to which it refers shall be attached thereto. The agreement shall be signed by the conciliator and the parties; the parties are bound by the agreement.

Ratification.

The agreement shall be ratified by the construction industry commissioner to the extent that it is in conformity with the law. If that is the case, the agreement shall constitute the decision of the construction industry commissioner and shall terminate the proceedings.

Binding force.

The decision is mandatory and binds the parties.

Hearing.

"21.0.6. Where no agreement is reached or the construction industry commissioner refuses to ratify the agreement, a hearing shall be held by the construction industry commissioner as soon as possible.

Disclosure prohibited.

"21.0.7. No conciliator may disclose or produce before a court, a body or a person exercising judicial or quasi judicial functions anything made known to or learned by the conciliator, or any personal notes or document prepared or obtained, in the performance of the conciliator's duties.

Access to information.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have access to such a document unless the document is used to support the agreement and the decision ratifying it.

"§2. — Appointment and duties

Appointment.

"21.1. The Government shall appoint a construction industry commissioner and construction industry deputy-commissioners for a fixed term of not more than five years.

Oath

"21.1.0.1. Before taking office, the construction industry commissioner and every construction industry deputy-commissioner shall take the following oath: "I (...) swear that I will exercise the powers and fulfill the duties of my office impartially and honestly and to the best of my knowledge."

Taking of oath.

The oath shall be taken before the commissioner. The commissioner shall take the oath before a judge of the Court of Québec.

Writing.

The writing evidencing the oath shall be sent to the Minister."

c. R-20, ss. 21.1.1 and 21.1.2, am,

90. Sections 21.1.1 and 21.1.2 of the said Act are amended by replacing "building commissioner", "building deputy-commissioner" and "building deputy-commissioner" by "construction industry commissioner", "construction industry deputy-commissioner" and "construction industry deputy-commissioners", respectively.

c. R-20, s. 21.1.3, am.

91. Section 21.1.3 of the said Act is amended by replacing the first paragraph by the following:

Conflict of interest.

"21.1.3. The construction industry commissioner or a construction industry deputy-commissioner may not, on pain of forfeiture of office, carry on an activity or put himself or herself in a situation incompatible with the exercise of the duties of commissioner or deputy-commissioner."

c. R-20, s. 21.1.4, added.

92. The said Act is amended by inserting, after section 21.1.3, the following:

Exclusivity.

"21.1.4. The commissioner and a deputy-commissioner appointed on a full-time basis are required to devote themselves exclusively to their duties.

Mandate

However, they may carry out any mandate entrusted to them by order of the Government.

"§3.—Decisions, immunity and powers".

c. R-20, s. 21.2, am.

93. Section 21.2 of the said Act is amended by replacing "building commissioner or the building deputy-commissioner" in the first and second lines by "construction industry commissioner or the construction industry deputy-commissioner".

c. R-20, s. 22, am.

94. Section 22 of the said Act is amended by replacing "building commissioner or the building deputy-commissioner" in the first and second lines by "construction industry commissioner or the construction industry deputy-commissioner".

c. R-20, s. 23, am.

95. Section 23 of the said Act is amended by replacing "building commissioner and building deputy-commissioners" in the first line by "construction industry commissioner and construction industry deputy-commissioners".

c. R-20, s. 23.1, am.

96. Section 23.1 of the said Act is amended by replacing "building commissioner and building deputy-commissioners" in the first line by "construction industry commissioner and construction industry deputy-commissioners".

c. R-20, s. 23.2, am.

97. Section 23.2 of the said Act is amended

- (1) by replacing "building commissioner or a building deputy-commissioner" in the first line of the first paragraph by "construction industry commissioner or a construction industry deputy-commissioner";
- (2) in the French text, by replacing "ou le" in the first line of the second paragraph by "ou un".

c. R-20, ss. 23.3 and 23.4, added.

98. The said Act is amended by inserting, after section 23.2, the following:

Prohibition.

"23.3. No person may, in any manner, hinder or impede the work of the construction industry commissioner or a construction industry deputy-commissioner in the performance of his or her duties.

Rules of procedure.

"23.4. The construction industry commissioner may, by regulation, prescribe rules of procedure and practice which may vary according to the matters, proceedings or applications referred to, brought before or filed with the construction industry commissioner.

Approval.

The regulation shall be submitted to the Government for approval."

c. R-20, s. 24, am.

99. Section 24 of the said Act is amended

- (1) by replacing "building commissioner or the building deputy-commissioner" in the first line by "construction industry commissioner or a construction industry deputy-commissioner";
 - (2) by adding, at the end, the following:

Advice.

"The commissioner or deputy-commissioner shall, in such a case, inform the parties and allow them to be heard regarding the advice of the committee."

c. R-20, subdiv. 4, ss. 25.1-25.10 and heading, added.

100. The said Act is amended by inserting, after section 25, the following:

"§4. — Personnel and material and financial resources

Personnel.

"25.1. The members of the personnel of the construction industry commissioner shall be appointed and remunerated in accordance with the Public Service Act (chapter F-3.1.1).

Immunity.

No proceedings may be brought against the personnel of the construction industry commissioner by reason of an act performed in good faith in the exercise of their duties.

Documents.

"25.2. Documents emanating from the construction industry commissioner are authentic if they are signed or, in the case of copies, if they are certified by the construction industry commissioner or a construction industry deputy-commissioner or, as the case may be, by a member of the commissioner's personnel designated by the commissioner.

Exhibits.

"25.3. Once proceedings have been completed, the parties shall take back the exhibits they produced and the documents they filed.

Destruction.

Where such exhibits and documents are not taken back, they may be destroyed after the expiry of one year from the date of the decision of the construction industry commissioner or a construction industry deputy-commissioner or of the proceeding terminating the proceedings, unless the commissioner decides otherwise.

Fiscal year.

"25.4. The fiscal year of the construction industry commissioner ends on 31 March.

Budget estimates.

"25.5. Each year, the construction industry commissioner shall submit budget estimates for the next fiscal year to the Minister, the form, tenor and period of which shall be determined by the Minister.

Approval.

The budget estimates shall be submitted to the Government for approval.

Audit.

"25.6. The books and accounts of the construction industry commissioner must be audited each year by the Auditor General and whenever the Government so orders.

Fund.

"25.7. The sums required for the administration of this division shall be taken out of the fund of the construction industry commissioner.

Source of funds.

The fund shall be made up of the following:

(1) the sums paid into it by the Minister out of the appropriations granted each year for that purpose by the National Assembly;

- (2) the sums paid into it by the Commission, the Régie du bâtiment du Québec, the Minister of Employment and Solidarity and a mandatary corporation referred to in section 129.3 of the Building Act (chapter B-1.1) the amount and the terms and conditions of payment of which shall be determined, for each, by the Government;
- (3) the sums collected in accordance with the tariff of administrative fees, professional fees and other charges attached to the matters referred to the construction industry commissioner and the proceedings before and the applications filed with the commissioner.

Advances.

"25.8. The Government may, on the conditions it determines, authorize the Minister of Finance to advance to the fund of the construction industry commissioner sums taken out of the consolidated revenue fund. Any advance paid shall be repayable out of the fund of the construction industry commissioner.

Agreements.

"25.9. The construction industry commissioner may enter into an agreement with any person, association, partnership or body and with the Government or any of its departments or agencies.

Report.

"25.10. The construction industry commissioner shall send to the Minister, not later than 30 June each year, a report of activities for the preceding fiscal year.

Tabling.

The Minister shall table the report before the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.

Omission of names.

The report shall not designate by name any person implicated in the matters brought before the commissioner.

Other information.

The commissioner shall also furnish the Minister with any information the Minister may require on the activities of the commissioner.

"DIVISION III

"MISCELLANEOUS PROVISIONS".

c. R-20, s. 28, am.

101. Section 28 of the said Act is amended by replacing "Syndicat de la construction Côte-Nord Inc. (SCCN)" in the fourth and fifth lines by "Syndicat québécois de la construction".

c. R-20, s. 45, am.

102. Section 45 of the said Act is amended

(1) by replacing the first paragraph by the following:

Arbitration.

- "45. Where the parties agree thereto in writing, a dispute is referred to an arbitrator or a council of arbitration composed of three members, including a chairman.";
- (2) by replacing "the application must be made" in the second paragraph by "the agreement relating to arbitration must be made";
 - (3) by replacing the third paragraph by the following:

Agreement.

"The agreement may provide for the appointment of the arbitrator or of the members of the council of arbitration, determine the fees and expenses to which they are entitled and provide for the apportionment of those fees and expenses among the parties to the agreement. A copy of the agreement shall be sent to the Minister without delay.

Other matters.

The Minister may decide any matter referred to in the third paragraph that has not been settled by the agreement and shall inform the parties without delay. The Minister's decision binds the parties and shall be executed as if it formed part of the agreement."

c. R-20, ss. 45.0.1-45.0.3, added.

103. The said Act is amended by inserting, after section 45, the following:

Function of arbitrator.

"45.0.1. The arbitrator or the council of arbitration may, where considered appropriate, attempt to bring the parties to settle all or part of their dispute by agreement.

Majority decision.

"**45.0.2.** Every decision of the council of arbitration shall be made by a majority of its members, including the chairman.

Provisions applicable.

"45.0.3. Subject to section 45.0.2 of this Act, sections 76, 79 to 91.1, the second sentence of section 92 and sections 93 and 139 to 140 of the Labour Code (chapter C-27), adapted as required, apply to the arbitration of a dispute and in respect of the arbitrator, the council of arbitration and its members, and section 78 of that Code applies to arbitration by an arbitrator.

Copies of award.

The arbitrator or the chairman of the council of arbitration shall, however, send to the clerk of the office of the labour commissioner general three originals or three certified copies of the original of the arbitration award and the schedules thereto."

c. R-20, s. 45.1, am.

104. Section 45.1 of the said Act is amended by inserting "or the council of arbitration" after "arbitrator" in the first line of the second paragraph and by replacing "he" in the second line of that paragraph by "the arbitrator or the council".

c. R-20, s. 45.2, am.

105. Section 45.2 of the said Act is amended

- (1) by inserting "or the council of arbitration" after "arbitrator" in the first line of the first paragraph and by replacing "his award" in the first line of that paragraph by "award";
- (2) by replacing "by the arbitrator in the award" in the third line of the second paragraph by "in the arbitration award";
- (3) by inserting "or the council of arbitration" after "arbitrator" in the first line of the fourth paragraph.
- c. R-20, s. 45.3, am.
- **106.** Section 45.3 of the said Act is amended by replacing "arbitrator's" by "arbitration".
- c. R-20, s. 45.4, am.
- **107.** Section 45.4 of the said Act is amended by replacing the fourth paragraph by the following:

Strikes and lock-outs prohibited.

"However, strikes and lock-outs are prohibited in a sector from the day after the day on which the parties to a dispute in that sector agree to refer the dispute to arbitration."

c. R-20, s. 48, am.

- **108.** Section 48 of the said Act is amended
 - (1) by replacing "two" in the second line of the first paragraph by "three";
 - (2) by inserting, after the first paragraph, the following:

Transmission to Commission.

"The labour commissioner general shall, without delay, transmit to the Commission one of the originals or of the certified copies of every collective agreement and the schedules thereto filed under the first paragraph, together with a certificate attesting the filing."

c. R-20, s. 48.1, added.

109. The said Act is amended by inserting, after section 48, the following:

Printed copy of agreement.

"48.1. In any suit under this Act, a copy of a collective agreement printed under the authority of the Commission and certified as a true copy of the original or certified copy received by the Commission under section 48 by the chairman or a person designated by the chairman shall be admissible in evidence and shall have the same probative force as the original."

c. R-20, s. 61, am.

110. Section 61 of the said Act is amended by adding, at the end of the third paragraph, the following: "The collective agreement may also contain clauses establishing a procedure to prevent or settle jurisdictional conflicts which relate to the practice of a trade or occupation before the conflict is referred to the construction industry commissioner."

c. R-20, s. 80,1, am.

III. Section 80.1 of the said Act is amended

(1) by replacing the portion of the first paragraph before subparagraph 1 by the following:

Ruling by commissioner.

- ****80.1.** The construction industry commissioner shall rule on any proceeding brought against a decision of the Commission";
- (2) by replacing "appeal from a decision referred to in subparagraphs 4 and 5 of the first paragraph" in the first and second lines of the second paragraph by "contest a decision referred to in subparagraphs 4 and 5 of the first paragraph before the construction industry commissioner".

c. R-20, s. 80.2, am.

112. Section 80.2 of the said Act, enacted by section 397 of chapter 85 of the statutes of 1997, is amended by replacing "building commissioner" in the fifth line of the first paragraph by "construction industry commissioner".

c. R-20, s. 80.3, added.

113. The said Act is amended by inserting, after section 80.2 enacted by section 397 of chapter 85 of the statutes of 1997, the following:

Contestation of decision.

"80.3. A person aggrieved by a decision of the Commission rendered pursuant to a regulation made under the first paragraph of section 123.1 may, where such a remedy is provided for in the regulation, contest the decision before the construction industry commissioner."

c. R-20, s. 81, am.

- 114. Section 81 of the said Act is amended
- (1) by inserting "of this Act or out" after "arising out" in the first line of subparagraph a of the first paragraph;
 - (2) by inserting, after subparagraph a of the first paragraph, the following:
- "(a.1) exercise against the directors of a legal person those of the recourses arising out of this Act or a collective agreement in favour of the employees and that may be exercised against them;";
- (3) by adding, at the end of subparagraph c.2 of the first paragraph, "or by any other means of proof establishing the number of hours necessary for the carrying out of the work;".

c. R-20, s. 82, am.

115. Section 82 of the said Act is amended by replacing "in the form prescribed by the Commission giving, among others, the following particulars" in the first and second lines of subparagraph b of the first paragraph by "in the manner prescribed by the Commission, containing, in particular, the following information".

c. R-20, s. 109, am.

116. Section 109 of the said Act is amended by adding, at the end, the following: "For the purposes of this section, sections 44, 45, 47 and 48 of that Act shall be read by striking out "professional" before "employer"."

c. R-20, s. 111.1, added.

117. The said Act is amended by inserting, immediately before section 112, the following:

Offence and penalty.

"Ill... Every person who contravenes section 7.4.1 is guilty of an offence and liable, for each day or part of a day during which the offence continues, to a fine of \$1,000 to \$2,000 in the case of an individual and \$2,000 to \$4,000 in the case of any other person.

Subsequent conviction.

For every subsequent conviction, the fines shall be doubled."

c. R-20, s. 119.1, am.

118. Section 119.1 of the said Act is amended by adding, at the end, the following:

Further proceedings.

"Penal proceedings instituted against a member of a partnership deemed, under the third paragraph of section 19.1, to be an employee of that partnership, shall not preclude the institution of penal proceedings, in relation to the same facts, against any other member of that partnership as an employer of the member deemed to be an employee."

c. R-20, s. 119.2, am.

119. Section 119.2 of the said Act is amended by replacing "section 83.1" in the first line of the first paragraph by "any of sections 83, 83.1, 83.2, 84 and 111.1".

c. R-20, s. 119.6, added.

120. The said Act is amended by inserting, after section 119.5, the following:

Offence and penalty.

"119.6. Every person who contravenes the third paragraph of section 23.2 or section 23.3 is guilty of an offence and liable to a fine of \$500 to \$1,000 in the case of a natural person and \$1,000 to \$2,000 in the case of a legal person.

Subsequent conviction.

For any subsequent conviction, the fines shall be doubled."

c. R-20, s. 122, am.

- **121.** Section 122 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended
- (1) by replacing "damages, the equivalent of one month's" in the fourth line of subsection 3 by "punitive damages, the equivalent of three months";
 - (2) by replacing the first paragraph of subsection 7 by the following:

Liability.

- "(7) In the case of a bankruptcy of or a winding-up order in respect of a legal person, or in the case of the legal person's dissolution pursuant to the second paragraph of section 50 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45), the directors of the legal person shall be personally and solidarily liable for the payment of the wages payable to the employees of the legal person, up to six months' wages, provided that a claim is filed for that debt within one year of the bankruptcy, winding-up order or dissolution.";
- (3) by replacing "company" in the first line of the second paragraph of subsection 7 by "legal person";

(4) by striking out "and by the sole fact of such reimbursement, it shall be subrogated in the rights of such employee" in the first paragraph of subsection 8.

c. R-20, s. 123, am.

122. Section 123 of the said Act is amended

- (1) by inserting, after subparagraph 8.3 of the first paragraph, enacted by section 398 of chapter 85 of the statutes of 1997, the following:
- "(8.4) determine the tariff of dues, fees and other costs relating to the matters, proceedings and applications referred to, brought before or filed with the construction industry commissioner, fix the amounts thereof and determine the categories of persons that may be exempted therefrom;
- "(8.5) determine, after consultation with the Conseil consultatif du travail et de la main-d'oeuvre, the remuneration, allowances and expenses to which the arbitrators of grievances and the arbitrators appointed under section 105 are entitled. The regulation may also determine who is to assume the payment of the remuneration, allowances and expenses and, where applicable, in which cases and in what proportion, as well as the cases where an agreement on different remuneration, allowances or expenses may be made, and the conditions governing such an agreement;";
 - (2) by adding, at the end, the following:

Variable fees.

"The provisions of the regulations made under subparagraph 8.4 of the first paragraph may vary according to the matter, proceeding or application referred to, brought before or filed with the construction industry commissioner."

c. R-20, s. 123.4.4, am.

123. Section 123.4.4 of the said Act, enacted by section 399 of chapter 85 of the statutes of 1997, is amended by inserting "and a mandatary corporation referred to in section 129.3 of the Building Act" after "Québec" in the first line.

c. R-20, s. 126.0.3, added.

124. The said Act is amended by inserting, after section 126.0.2, the following:

Delegation.

"126.0.3. The Minister may generally or specially delegate to a member of the personnel of the Minister's department or to a person designated by the Minister the exercise of the powers conferred on the Minister by this Act."

ACT TO AMEND THE BUILDING ACT AND OTHER LEGISLATION

1991, c. 74, s. 78, replaced.

125. Section 78 of the Act to amend the Building Act and other legislation (1991, chapter 74) is replaced by the following:

c. B-1.1, s. 170, am.

"78. Section 170 of the said Act, amended by section 50 of the Act to amend various legislative provisions relating to building and the construction industry (1998, chapter 46), is again amended by adding, at the end, the

following sentence: "In the matter of a permit or recognition of a person, the court may, however, decide otherwise."

TRANSITIONAL AND FINAL PROVISIONS

Bringing of proceedings.

126. Proceedings before the construction industry commissioner under section 164.1 of the Building Act (R.S.Q., chapter B-1.1), enacted by section 48 of this Act, may be brought in respect of rulings delivered before the effective date of the proceedings where the time prescribed for bringing the proceedings under section 164.2 of the Building Act enacted by section 48 of this Act has not expired. The time prescribed runs from the date of the ruling.

Continuation of proceedings.

127. Proceedings before the Labour Court under paragraph 2 of section 165 of the Building Act (R.S.Q., chapter B-1.1), as it read before the coming into force of section 49 of this Act, shall be continued according to the provisions applicable to them.

Bringing of proceedings.

128. Proceedings before the construction industry commissioner under section 35.2 of the Act respecting electrical installations (R.S.Q., chapter I-13.01), amended by section 69 of this Act, may be brought in respect of rulings delivered before the effective date of the proceedings where the time prescribed for bringing the proceedings has not expired. The time prescribed runs from the date of the ruling.

Continuation of proceedings.

129. Proceedings instituted before the Labour Court under section 35.2 of the Act respecting electrical installations, as it read before the coming into force of section 69 of this Act, shall be continued according to the provisions applicable to them.

Proceedings in progress.

130. Subject to section 131 of this Act, proceedings in progress before the building commissioner or the council of arbitration shall be continued and decided by the construction industry commissioner.

Terms of office.

131. The term of office of the building commissioner and of the building deputy-commissioner shall end on 8 September 1998.

Matters pending.

Where the parties consent thereto, the building commissioner and the building deputy-commissioner may, notwithstanding the end of their term, conclude matters they have begun to hear and on which they have yet to rule. For such purpose, they are entitled, for a maximum period of six months, to the conditions of employment that are applicable to them on 7 September 1998.

Personnel.

132. The members of the personnel of the Ministère du Travail placed at the disposal of the building commissioner and of the council of arbitration become members of the personnel of the construction industry commissioner.

Records.

133. The files, documents and records of the building commissioner and of the council of arbitration become the files, documents and records of the construction industry commissioner.

Appropriations.

134. The appropriations granted to the Ministère du Travail for the building commissioner and the council of arbitration are transferred to the fund of the construction industry commissioner.

Interpretation.

- **135.** Unless the context indicates otherwise, in any text,
- (1) a reference to the building commissioner is a reference to the construction industry commissioner;
- (2) a reference to the council of arbitration established under section 41 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5), as it read before being amended by this Act, is a reference to the construction industry commissioner.

Arbitration expenses.

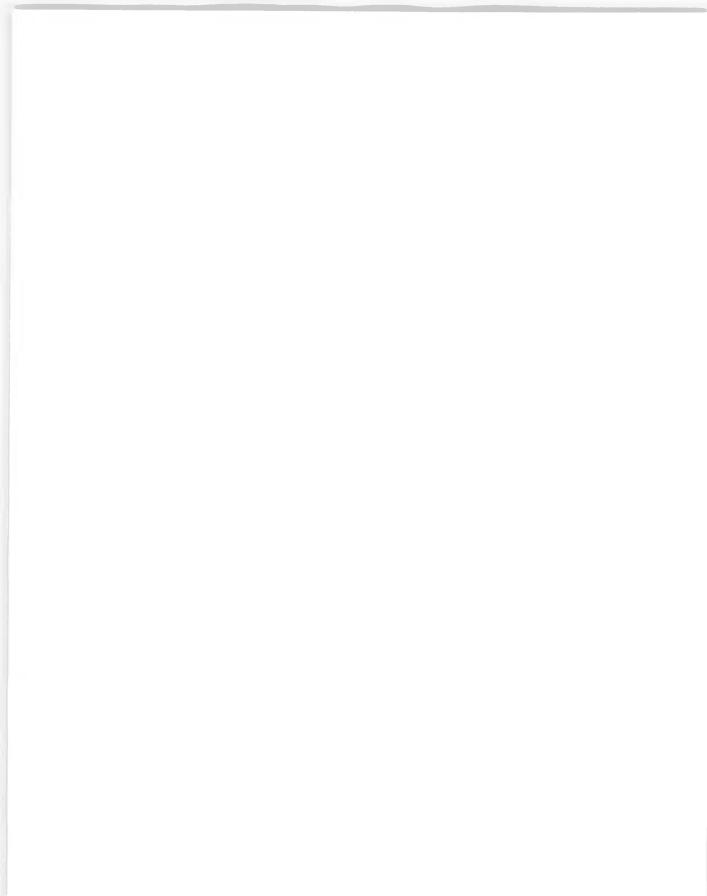
136. The Minister of Labour may assume the payment of part of the fees and expenses incurred for the arbitration of a dispute on the negotiation of a first collective agreement for a sector of the construction industry.

Effect.

137. Sections 102 to 107 and 136 of this Act have effect from 20 April 1998.

Coming into force.

138. The provisions of this Act come into force on 20 June 1998, except the provisions of section 18 which come into force on 20 June 1999 and the provisions of sections 1, 3 to 13, 25 and 29 to 32, paragraph 1 of section 35, sections 36 to 39, section 40 to the extent that they do not apply to the vocational qualification of contractors and owner-builders, section 41, paragraph 1 of section 42, sections 43 to 50, section 55 to the extent that they do not apply to the vocational qualification of contractors and owner-builders, sections 58, 60 to 63, 68 to 71, 73, 75, 76, 78, 80 to 82, 84 to 86, 88 to 100, 110 to 113 and 120, paragraph 8.4 of section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry, enacted by paragraph 1 of section 122, paragraph 2 of section 122 and sections 125 to 135, which come into force on the date or dates to be fixed by the Government.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 47 AN ACT RESPECTING CERTAIN FACILITIES OF VILLE DE MONTRÉAL

Bill 447

Introduced by Mr Robert Perreault, Minister of State for Greater Montréal Introduced 29 May 1998
Passage in principle 5 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Coming into force: not later than 31 December 1998.

However, the Government may, before that date, bring into force on the date or dates it fixes the provisions it indicates.

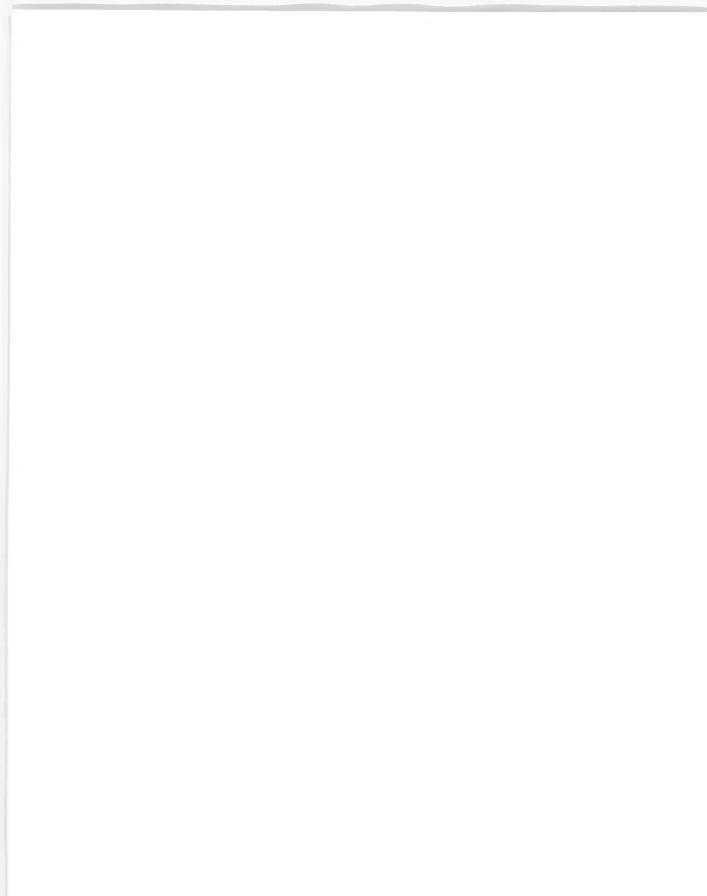
- 1998-09-25:

ss. 1-42

O.C. 1237-98

G.O., 1998, Part 2, p. 4211

Legislation amended: None





Chapter 47

AN ACT RESPECTING CERTAIN FACILITIES OF VILLE DE MONTRÉAL

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Establishment.

1. A legal person with share capital is hereby established under the name "Société de gestion Marie-Victorin".

Head office.

2. The head office of the Société shall be situated in the territory of Ville de Montréal. Notice of any change of location shall be published in the *Gazette* officielle du Québec.

Board of directors.

3. The board of directors of the Société shall be composed of seven members, including four appointed by the executive committee of Ville de Montréal and three appointed by the Government.

Chair.

4. The members of the board of directors shall designate the chair from among their number. The chair shall preside at meetings of the board, oversee its operation and assume all other functions assigned to the chair by by-law of the Société.

Vice-chair.

5. The members of the board of directors shall designate a vice-chair from among their number. The vice-chair shall exercise the functions of the chair when the latter is absent or unable to act.

Director.

6. The board of directors shall appoint a director and fix the director's remuneration, employment benefits and other conditions of employment. The director shall be responsible for the management of the Société within the scope of its by-laws and policies.

Powers of director.

7. The director is not a member of the board of directors, but is entitled to be called to, attend and speak at meetings of the board.

Term of office.

8. The term of office of the members of the board of directors shall not exceed three years.

Expiry.

On the expiry of their term, the board members shall remain in office until replaced or reappointed.

Vacancy.

9. Any vacancy occurring in the course of the term of office of a member of the board of directors shall be filled in accordance with the rules governing appointment set out in section 3.

Absence.

Absence from the number of board meetings determined by the internal management rules of the Société, in the cases and circumstances specified, constitutes a vacancy.

Remuneration.

10. The members of the board of directors shall receive no remuneration. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Société.

Ouorum.

11. The quorum at meetings of the board is the majority of its members, including the chair or, as the case may be, the vice-chair and at least one member appointed by the Government.

Decisions.

12. Decisions of the board of directors are made by a majority vote of the members present.

Tie-vote.

In the case of a tie-vote, the person chairing the meeting has a casting vote.

Means of communication.

13. The board members and the director may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone. In such a case, the participating members are deemed to have attended the meeting.

Immunity.

14. The members of the board of directors may not be prosecuted for any official act performed in good faith in the exercise of their functions.

Disclosure of interest.

15. A member of the board of directors who has a direct or indirect interest in an enterprise causing the member's personal interest to conflict with that of the Société must, on pain of forfeiture of office, disclose the interest and withdraw from a meeting during a discussion or vote concerning any matter relating to the enterprise in which the interest is held.

Conflict of interest.

16. The director may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing the director's personal interest to conflict with that of the Société. However, forfeiture of office is not incurred if the interest devolves by succession or gift, provided it is renounced or disposed of with dispatch.

Internal management.

17. The Société may, by by-law, determine the exercise of its powers and the other aspects of its internal management.

Ratification of bylaws. **18.** The by-laws of the Société are not subject to ratification by the shareholder.

CHAPTER II

MISSION AND POWERS

Mission

- 19. The mission of the Société is
 - (1) to operate the facilities acquired from Ville de Montréal;
- (2) to pursue commercial and such other activities as may contribute to the operation, development and exposure of such facilities.

Acquisitions.

20. In the pursuit of its mission, the Société shall acquire the Biodôme, the Jardin botanique and the Planétarium of Ville de Montréal, as well as any other property needed for the operation of those facilities, without warranty of quality, on the date and subject to the conditions determined by the Government.

Technical description.

The Government may, for the purposes of this Act, draw up the technical description of the immovable property referred to in this section, and an inventory of the other property the ownership of which is to be transferred.

Valuation of property.

21. For the purposes of the transaction provided for in the first paragraph of section 20, the property is valued at \$65,000,000.

Claim.

As consideration for such acquisition, the city shall hold a claim in the amount of \$65,000,000 against the Société, which shall become due on the date determined by the Government but not later than five years from the date of acquisition. If the claim is not settled by the due date, the property of the Société shall devolve to the city.

Contribution.

The amount of the claim shall be increased by the amount of any contribution made by the city to the Société to finance capitalizable capital expenditure relating to the property referred to in the first paragraph of section 20.

Accounts receivable.

22. The accounts receivable and accounts payable on the date of acquisition of the property referred to in section 20 shall be received or, as the case may be, paid by the Société.

CHAPTER III

FINANCIAL PROVISIONS

Authorized capital.

23. The authorized capital of the Société shall be \$450,000,000, divided into shares without par value.

Attribution of shares.

24. All the shares of the Société shall be attributed to Ville de Montréal for \$1.

Powers.

25. Ville de Montréal may, subject to the conditions and in the manner it determines.

- (1) guarantee the payment of the capital of and interest on any loan contracted by the Société;
 - (2) guarantee the performance of any other obligation of the Société;
- (3) advance to the Société any amount considered necessary for the pursuit of its mission.

Balanced budget.

Ville de Montréal shall pay to the Société the amounts needed to ensure that it has a balanced budget.

Authorization.

- **26.** The Société may not, without the authorization of Ville de Montréal,
- (1) acquire or transfer assets in excess of the limits or in contravention of the terms and conditions determined by the city;
- (2) make a financial commitment in excess of the limits or in contravention of the terms and conditions determined by the city;
- (3) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the city;
 - (4) acquire or hold shares issued by a legal person or a share in a partnership.

Agreement.

27. The Société may enter into an agreement with any person or body. or with the Government, a government department or a government body.

Agreement.

The Société may also enter into an agreement according to law with a government in Canada or elsewhere, a department or body of such a government, an international organization or a body of such an organization.

Agreement.

28. The Société and Ville de Montréal may enter into any agreement.

Agreement.

The Société and Ville de Montréal shall enter into an agreement for the purpose of conferring on the city the exclusive authority to operate the facilities owned by the Société.

Exception.

Any agreement entered into pursuant to this section may depart from the provisions of the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

CHAPTER IV

ACCOUNTS AND REPORTS

Fiscal year.

29. The fiscal year of the Société shall end on 31 December.

Budgetary estimates.

30. The Société shall, before 30 September each year, submit its budgetary estimates for the following fiscal year to Ville de Montréal for approval, together with a statement of its financial commitments.

Financial statements.

31. On or before 31 March each year, the Société shall produce its financial statements and its annual report for the preceding fiscal year.

Audit.

32. Every year the books and accounts of the Société shall be audited by an auditor designated by the Société.

Auditor's report.

The auditor's report must be submitted with the report of operations and the financial statements of the Société.

Signature.

33. No act, document or writing shall bind the Société or be attributed to it unless it is signed by the chair, the director or, to the extent determined by bylaw of the Société, by a member of its personnel.

Automatic device.

The by-law may allow, subject to the conditions and on the documents it determines, that a signature be affixed by means of an automatic device. It may also allow that a facsimile of a signature be engraved, lithographed or printed on the documents it determines. Such a facsimile shall have the same force as the signature itself.

Minutes.

34. The minutes of the meetings of the board of directors, approved by the board and signed by the chair, by the secretary or by any other person so authorized by the Société, are authentic, as are documents and copies emanating from the Société or forming part of its records if so certified by any such person.

CHAPTER V

FINAL PROVISIONS

Names.

35. The names "Jardin botanique de Montréal" and "Planétarium de Montréal" may not be used to designate any immovable property, enterprise or body without the written authorization of the Société.

Société not a mandatary body, municipal body.

36. The Société is not a mandatary body of Ville de Montréal for the purposes of Division XIII.1 of the Cities and Towns Act (R.S.Q., chapter C-19), the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) or the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001). The Société is not a municipal body for the purposes of sections 304 to 306 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or Division II of Chapter XII of Title I of that Act.

Transfer pursuant to s. 20.

37. A transfer pursuant to section 20 shall be registered in the land register on presentation of the order in council authorizing the transfer, containing a description of the immovable property and the effective date of the transfer. The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to such a transfer.

Exemption from municipal, school taxes.

38. The Société is exempted from any municipal and school tax.

Loan.

- **39.** A legal person not established for pecuniary gain may agree with the Government to borrow \$160,800,000 for the purpose of acquiring from Ville de Montréal fully paid shares of the capital of the Société, as follows:
 - (1) for the year 1998, \$53,600,000;
 - (2) for the year 1999, \$53,600,000;
 - (3) for the year 2000, \$53,600,000.

Subsidy.

The Government may, on the terms and conditions it determines, grant a subsidy to the legal person for the payment, in whole or in part, out of the funds voted for such purpose by the Parliament, of the capital of or interest on such loan.

Term of office.

40. Notwithstanding section 8, the first members of the board of directors and the first director shall be appointed for a term of six months.

Dissolution.

41. The Société shall cease its operations and be dissolved on the dates and subject to the conditions determined by the Government by agreement with Ville de Montréal.

Minister responsible.

42. The Minister of State for Greater Montréal is responsible for the administration of this Act.

Coming into force.

43. This Act comes into force not later than 31 December 1998.

Coming into force.

However, the Government may, before that date, bring into force on the date or dates it fixes the provisions it indicates.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 48 AN ACT TO AMEND THE ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS AS REGARDS THE MARKETING OF WILD FUR

Bill 448

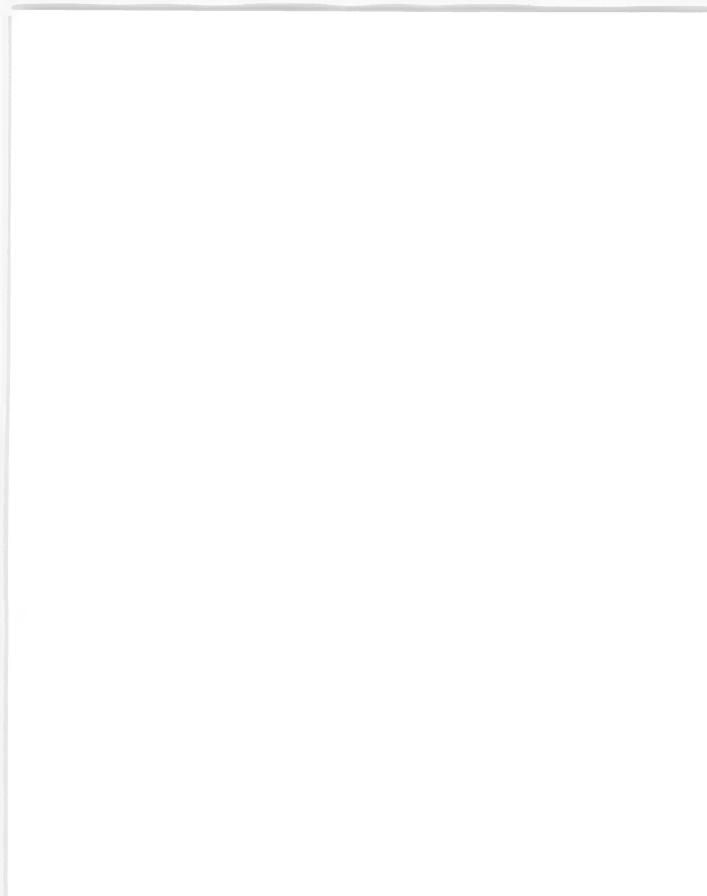
Introduced by Mr Guy Julien, Minister of Agriculture, Fisheries and Food Introduced 10 June 1998
Passage in principle 17 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Coming into force: 20 June 1998

Legislation amended:

Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1)







Chapter 48

AN ACT TO AMEND THE ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS AS REGARDS THE MARKETING OF WILD FUR

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. M-35.1, s. 1, am.

- **1.** Section 1 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by inserting "and of wild fur" after "fish products" in the second and third lines.
- c. M-35.1, Title IV.0.1, ss. 191.0.1-191.0.7, added.
- **2.** The said Act is amended by inserting, after section 191, the following Title:

"TITLE IV.0.1

"MARKETING OF WILD FUR

Application.

"191.0.1. This Title applies to the marketing of wild fur.

"wild fur".

"191.0.2. The expression "wild fur" means the pelt of an animal that may be hunted or trapped under a regulation made pursuant to section 56 of the Act respecting the conservation and development of wildlife (chapter C-61.1).

Provisions applicable.

"191.0.3. The provisions of Titles I to III and of Title V of this Act apply, adapted as required, to the marketing of wild fur.

Marketing board.

"191.0.4. The body responsible for the administration of a joint plan for the marketing of wild fur is a marketing board. It has the same powers in respect of the product and assumes the same obligations as the producers' board in respect of the marketing of the agricultural product it administers.

Coordination and development chamber.

"191.0.5. The coordination and development chamber established for the marketing of wild fur has the same powers and exercises the same functions as a coordination and development chamber in respect of the marketing of an agricultural or food product.

Restriction.

"191.0.6. No person or body may engage in the marketing of wild fur while holding himself, herself or itself out as a marketing board referred to in this Title unless that person or body is such a marketing board.

CHAP. **48**

Marketing of agricultural, food and fish products

1998

Interpretation.

"191.0.7. Where Titles II and III provide that a notice must be published in a farm journal, the notice must be published, for the purposes of this Title, in a journal having general circulation in the territory covered by the notice."

c. M-35.1, s. 193, am.

3. Section 193 of the said Act is amended by replacing "and 189" in the first and second lines by ", 189 and 191.0.6".

Coming into force.

4. This Act comes into force on 20 June 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 49 AN ACT RESPECTING THE PENSION PLAN OF CERTAIN EMPLOYEES OF THE COMMISSION DES ÉCOLES CATHOLIQUES DE QUÉBEC

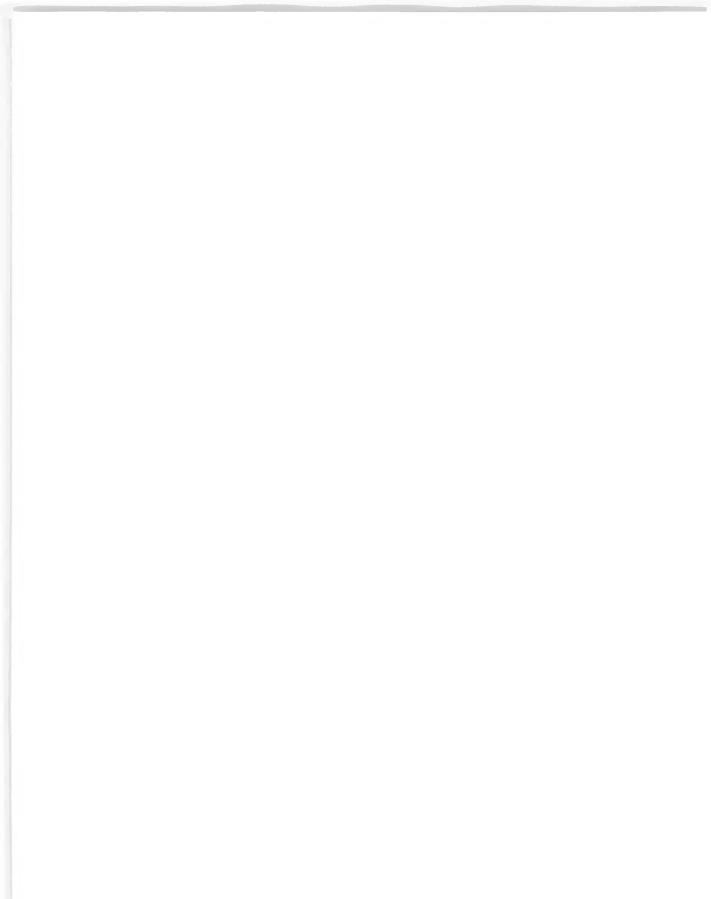
Bill 394

Introduced by Mr André Gaulin, Member for Taschereau Introduced 9 June 1998 Passage in principle 16 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998

Legislation amended: None







Chapter 49

AN ACT RESPECTING THE PENSION PLAN OF CERTAIN EMPLOYEES OF THE COMMISSION DES ÉCOLES CATHOLIQUES DE QUÉBEC

[Assented to 20 June 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Amendment authorized.

1. Notwithstanding section 125 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), the pension plan of certain employees of the Commission des écoles catholiques de Québec may be amended to the extent provided by this Act without increasing the member contributions, and the additional costs resulting therefrom shall be paid out of the actuarial surplus of the plan.

Plan, s. 7.01, am.

2. Section 7.01 of the plan is amended by replacing "0.33%" by "0.25%". (Translation)

Plan, s. 8.01, am.

3. Section 8.01 of the plan is amended by replacing "seventy-one" by "sixty-nine". (Translation)

Plan, s. 14.07, replaced.

4. Section 14.07 of the plan is replaced by the following:

"14.07 Administration costs

The administration costs of the plan shall be paid by the pension fund. The costs include, in particular, the fees of the actuary, the trustee and every other adviser or expert appointed by the pension committee." (Translation)

Temporary additional pension.

5. Every member who, during the period extending from 1 July 1997 to 30 June 2002, retires before the normal retirement date is entitled, if the member has ten years of service or more and is receiving an early retirement pension, to a temporary additional pension which ceases to be payable to the member on the first day of the month following the month in which the member reaches 65 years of age.

Amount.

The amount of the additional pension shall be equal to the maximum pension payable under the Old Age Security Act (Revised Statutes of Canada, 1985, chapter O-9) on the date of retirement. The amount shall, however, be reduced so that the total of that amount and the amount of the early retirement pension does not exceed 70% of the average final income.

Indexing.

The amount of the additional pension shall be indexed annually in the same manner as the early retirement pension.

CHAP. 49

Pension plan of certain employees of the Commission des écoles catholiques de Québec

1998

Actuarial surplus.

- **6.** The employer may, after determining a reserve sufficient to provide for the various risks covered by the plan, use any actuarial surplus determined in the report on the actuarial valuation required under the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) as follows:
- (1) to apply any early retirement measure for any period not exceeding three years;
- (2) to bring the provisions of the plan into conformity with the Supplemental Pension Plans Act and the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

Approval.

However, such measures must first be approved by the Government and an actuarial valuation of the plan must show the existence of a surplus sufficient to cover the total cost thereof.

Effect.

7. Sections 2, 3 and 5 have effect from 1 July 1997.

Coming into force.

8. This Act comes into force on 20 June 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 50 AN ACT TO AMEND THE ACT RESPECTING THE PENSION PLAN OF THE NON-TEACHING STAFF OF THE COMMISSION DES ÉCOLES CATHOLIQUES DE MONTRÉAL

Bill 395

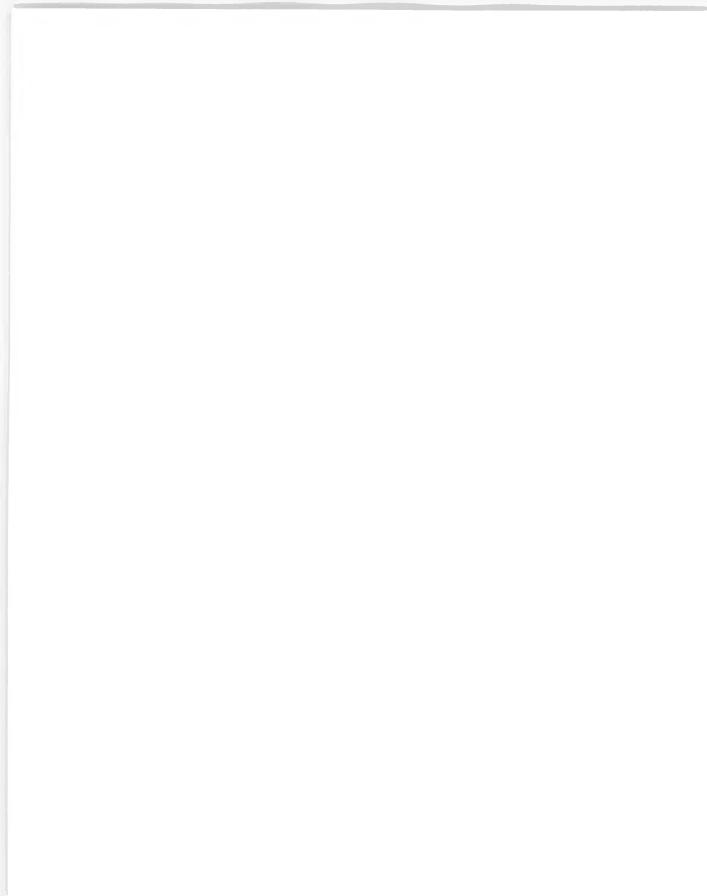
Introduced by Madam Nicole Léger, Member for Pointe-aux-Trembles Introduced 9 June 1998
Passage in principle 16 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Coming into force: 20 June 1998

Legislation amended:

Act respecting the pension plan of the non-teaching staff of the Commission des écoles catholiques de Montréal (1994, chapter 50)







Chapter 50

AN ACT TO AMEND THE ACT RESPECTING THE PENSION PLAN OF THE NON-TEACHING STAFF OF THE COMMISSION DES ÉCOLES CATHOLIQUES DE MONTRÉAL

[Assented to 20 June 1998]

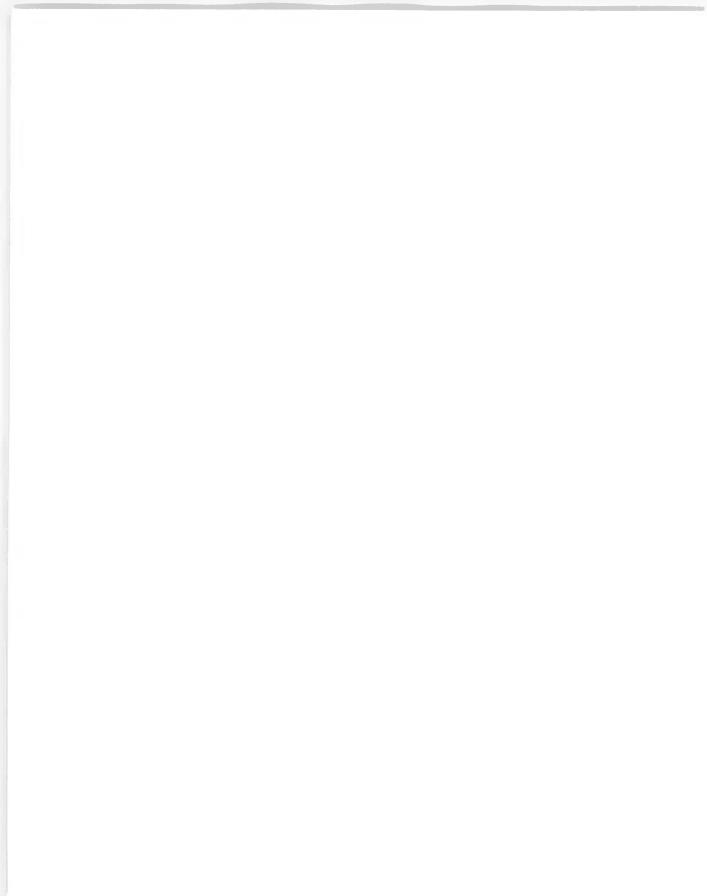
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1994, c. 50, s. 7, am.

- 1. Section 7 of the Act respecting the pension plan of the non-teaching staff of the Commission des écoles catholiques de Montréal (1994, chapter 50) is amended by replacing subparagraph 1 of the first paragraph by the following:
- "(1) to index the pension of the classes of active and non-active members designated by the committee, according to an indexing formula that does not exceed the rate of increase in the Pension Index established under the Act respecting the Québec Pension Plan;".

Coming into force.

2. This Act comes into force on 20 June 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 51 AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE AND OTHER LEGISLATIVE PROVISIONS IN RELATION TO NOTARIAL MATTERS

Bill 443

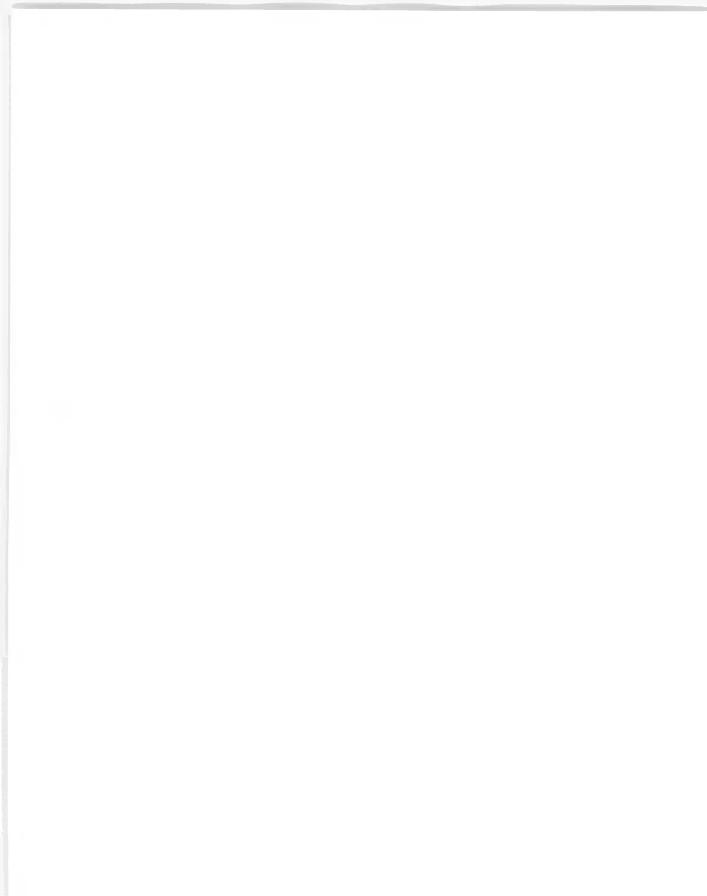
Introduced by Mr Serge Ménard, Minister of Justice Introduced 27 May 1998 Passage in principle 5 June 1998 Passage 20 October 1998 **Assented to 21 October 1998**

Coming into force: on the date or dates to be fixed by the Government, except section 28 which comes into force on 21 October 1998

Legislation amended:

Civil Code of Québec (1991, chapter 64) Code of Civil Procedure (R.S.Q., chapter C-25) Notarial Act (R.S.Q., chapter N-2)







Chapter 51

AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE AND OTHER LEGISLATIVE PROVISIONS IN RELATION TO NOTARIAL MATTERS

[Assented to 21 October 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-25, a. 135.1, am.

1. Article 135.1 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by adding, at the end, the following:

"Where there is a risk that personal service may worsen the physical or psychological condition of the person concerned by the application, the judge may, on a motion and insofar as the initial application was served personally, authorize that service be effected by means of a sealed envelope, speaking to a reasonable person having custody of the person."

c. C-25, Book VI, Chap. I, heading, replaced. **2.** The said Code is amended by replacing the heading of Chapter I of Book VI by the following:

"CHAPTER I

"GENERAL PROVISIONS

"SECTION I

"RULES APPLICABLE BEFORE THE COURT".

c. C-25, Sect. II, aa. 863.4-863.12, added.

3. The said Code is amended by adding, after article 863.3, the following:

"SECTION II

"RULES APPLICABLE BEFORE THE NOTARY

- **"863.4.** An application relating to a tutorship council, to the appointment or replacement of a tutor to a minor, to the institution or review of protective supervision, to a mandate given in anticipation of the mandator's incapacity, to the probate of a will or to letters of verification may also be presented to a notary in accordance with the special rules contained in this Book.
- **"863.5.** The notary must notify the application to the interested persons and provide them with all information relevant to the object and causes of the application. However, the application must be served on the person concerned in accordance with article 135.1.

The application must be accompanied with a notice clearly stating the time and place at which the notarial operations are to begin as well as the object of the application and the nature of the rights of the interested persons, including their right to present any observations or make any representations they see fit or to oppose the application.

A copy of the notice is deposited by the notary at the office of the competent court; the deposit is effected free of charge and solely for publication purposes. The clerk must inform the notary without delay of any observation, representation or opposition relating to the notice.

- **"863.6.** In exercising notarial functions under this section, the notary must act in the interest of the person concerned by the application. In the case of protective supervision or a mandate in anticipation of incapacity, the notary must also act in such a manner as to protect the rights and autonomy of the person concerned.
- **"863.7.** Minutes that identify the interested persons, including the person who presented the application, and that set out the facts on which the application is based are drawn up by the notary; the minutes contain a complete and detailed report of the notarial operations and of the notary's conclusions, in particular concerning the testimony that the notary is required to take and the deliberations of the tutorship council or of the meeting of relatives, persons connected by marriage or friends.
- "863.8. Where observations or representations made constitute actual contestation of the merits of the application examined by a notary, the notary must relinquish the matter and inform the interested persons; in such a case, the notary draws up the minutes of the operations that have taken place and transfers the matter to the competent court, which is seized of the matter upon the deposit of the notary's minutes.

The court may, if it considers it expedient, assign to the notary the mission of taking all evidence necessary for the pursuit of the matter, and fix the time within which the notary must report on the notarial operations to enable the court to make its own assessment of the facts.

****863.9.** In matters pertaining to the tutorship to a minor, the protective supervision of a person of full age or a mandate in anticipation of incapacity, the notary must deposit without delay at the office of the court of the domicile or residence of the minor or the incapable person of full age an authentic copy of the minutes, accompanied with all supporting documents.

The notary must notify a copy of the minutes to the interested persons, including, according to the case, the minor if the minor is 14 years of age or over or the person of full age, the tutor or curator, the mandator, the mandatary and the Public Curator; the minutes must be accompanied with a notice of at least 10 days of the date of deposit of the minutes at the office of the court. The

notice must also mention that in the absence of opposition within 10 days of the deposit of the minutes, the judge or the clerk may accept the conclusions without further delay.

"863.10. The court is seized of the matter upon the deposit of the notary's minutes, subject to article 863.11.

In the absence of opposition within 10 days of the deposit of the minutes, the judge or the clerk may accept or reject the conclusions set out in the notary's minutes and make all orders necessary to protect the rights of the parties for the period and on the conditions determined by the judge or clerk.

The clerk must give notice without delay to the interested persons of any order so made or judgment so rendered.

- ****863.11.** The minutes of the probate of a holograph will or a will made in the presence of witnesses are deposited solely for publication purposes.
- ****863.12.** The original or a copy of the application, of the notice and of the notary's minutes must be notified to the interested persons in accordance with articles 146.1 and 146.2."
- c. C-25, a. 872, am.
- **4.** Article 872 of the said Code is amended by replacing "and" in the second line by "may be presented to the judge or clerk or to a notary;".
- c. C-25, a. 874, am.
- **5.** Article 874 of the said Code is amended by striking out the second sentence.
- c. C-25, Chap. VI.1, a. 876.2, added.
- **6.** The said Code is amended by inserting, after article 876.1, the following:

"CHAPTER VI.1

"TUTORSHIP TO MINORS

- "876.2. Where an application relating to the appointment or replacement of a tutor, a tutor ad hoc or a tutor to property is presented to a notary, the notary must serve the application on the minor, if the minor is 14 years of age or over, and notify the application to the persons mentioned in the first paragraph of article 226 of the Civil Code, and call the latter persons to a meeting of relatives, persons connected by marriage or friends to establish tutorship to the minor and form the tutorship council. If the tutor, the tutor ad hoc or the tutor to property is being replaced, the notary must also notify the application to the Public Curator."
- c. C-25, a. 877.0.1, added.
- **7.** The said Code is amended by inserting, after article 877, the following:

****877.0.1.** Where an application for the institution or review of protective supervision of a person of full age is presented to a notary, the notary must prepare a declaration stating the facts on which the application for the institution or review of protective supervision of a person of full age is based, and must serve the declaration on the person of full age and notify the declaration to a reasonable member of the person's family, to the Public Curator and to one of the persons mentioned in article 15 of the Civil Code; the declaration must be accompanied with a notice of a meeting of relatives, persons connected by marriage or friends."

c. C-25, a. 878, am.

- **8.** Article 878 of the said Code is amended
- (1) by replacing "or clerk" in the second line of the first paragraph by ", clerk or notary";
- (2) by moving the second sentence of the first paragraph to the beginning of the second paragraph and by adding, at the end, the following: "If no examination takes place, the judgment mentions that fact and indicates the reason why the person was not examined.";
 - (3) by inserting, after the second paragraph, the following:

"Where the application is presented to a notary, the notary may not delegate responsibility for the examination to another notary except to avoid expense of travel arising from the distance at which the person of full age is residing. In all cases, the notary draws up the minutes of the examination of the person of full age or the reasons why the person was not examined."

c. C-25, a. 878.0.1, added.

- **9.** The said Code is amended by inserting, after article 878, the following:
- "878.0.1. The notary must obtain the medical and psychosocial assessment, the examination of the person of full age and the other relevant documents and report thereon to the meeting of relatives, persons connected by marriage and friends."

c. C-25, a. 878.1, am.

10. Article 878.1 of the said Code is amended by adding the following:

"Upon ascertaining the necessity of providing representation to the incapable person of full age, the notary must relinquish the application, inform the interested persons and transfer the matter to the competent court, which is seized of the matter upon the deposit of the notary's minutes."

c. C-25, a. 878.2, am.

- **11.** Article 878.2 of the said Code is amended by inserting "to the court" after "application".
- c. C-25, a. 880, am.
- **12.** Article 880 of the said Code is amended by inserting "by the notary to whom the application is presented or" after "are called" in the second line.

c. C-25, aa. 884.7 and 884.8, added.

- **13.** The said Code is amended by inserting, after article 884.6, the following:
- ****884.7.** An application for the recording of the coming into effect of a mandate given in anticipation of the mandator's incapacity or of the declaration of the cessation of the effects or the revocation of such a mandate may also be presented to a notary.

The application is served by the notary on the mandator and notified by the notary to the mandatary and, where applicable, to the substitute mandatary designated by the mandator, the Public Curator and one of the persons mentioned in article 15 of the Civil Code.

"**884.8.** The notary must obtain a medical and psychosocial assessment ascertaining the mandator's incapacity and the original or an authentic copy of the mandate. Where the mandate was given before witnesses, the existence and validity of the mandate are verified by the notary.

In all cases, the notary must, in accordance with article 878, examine the mandator and determine whether the mandator is capable or incapable of taking care of himself or herself or of administering his or her property. The minutes of the examination of the mandator are drawn up by the notary."

c. C-25, a. 885, am.

14. Article 885 of the said Code is amended by replacing "of Québec" in the second line by "or in this Book".

c. C-25, a. 887.1, added.

15. The said Code is amended by inserting, after article 887, the following:

****887.1.** Where a holograph will or a will made in the presence of witnesses is probated by a notary, on the application of any interested person, the notary notifies to the known heirs and successors a notice of probate to which a copy of the will is attached. Any observations or representations which those persons wish to make must be made, orally or by any other means of communication, within 10 days after notification of the notice of probate."

c. C-25, a. 888, am.

16. Article 888 of the said Code is amended by adding the following:

"Where an application is presented to a notary, the clerk may exempt the notary from notifying all of the known successors if it would be impractical or too onerous to call all of them to the probate of the will, and may determine the persons who will be notified."

c. C-25, a. 889, replaced.

- **17.** Article 889 of the said Code is replaced by the following:
- ****889.** The original of the will is examined by the clerk or by the notary. If the will is deposited with a notary, the clerk may order the notary to file the will at the office of the court or to deliver it to the notary designated by the clerk. However, a will deposited with a notary may not be probated by that notary or by a member of that notary's firm of notaries."

- c. C-25, a. 890, am.
- **18.** Article 890 of the said Code is amended by adding the following:

"The will probated by a notary together with the minutes of the probate are kept in the records of the notary; the latter must issue certified copies of the will and of the minutes of the probate to any interested person who so requests.

The notary is also required to file a certified copy of the will and minutes at the office of the court of the district in which the testator was domiciled or, if the testator was not domiciled in Québec, at the office of the court of the district in which the testator died or in which the testator left any property."

- c. C-25, a. 892, am.
- **19.** Article 892 of the said Code is amended by inserting "or from a notary" after "domicile".
- c. C-25, a. 894, am.
- **20.** Article 894 of the said Code is amended by adding the following:

"Where an application is presented to a notary, the notary notifies the application to the liquidator of the succession, if that person is known, and to all of the known heirs or legatees by particular title residing in Québec."

- c. C-25, a. 896, am.
- **21.** Article 896 of the said Code is amended by replacing the second sentence of the first paragraph by the following: "The notary is also required to issue certified copies to any person who so requests. However, if the letters of verification are contested, no copy may be issued before the application is disposed of."
- 1991, c. 64, a. 200, am.
- **22.** Article 200 of the Civil Code of Québec (1991, chapter 64) is amended by inserting ", by a mandate given in anticipation of the mandator's incapacity" after "will" in the second line.
- 1991, c. 64, a. 201, am.
- 23. Article 201 of the said Code is amended
- (1) by replacing "if he" in the first paragraph by "or to the last parent who is able to exercise tutorship, as the case may be, if that parent";
- (2) by inserting "or lose the ability to exercise tutorship during the same event" after "simultaneously" in the second paragraph.
- 1991, c. 64, a. 202, am.
- **24.** Article 202 of the said Code is amended by striking out ", after the death of the last surviving parent" at the end of the first paragraph.
- 1991, c. 64, a. 266, am.
- **25.** Article 266 of the said Code is amended by replacing "tutorship council" in the second line of the second paragraph by "meeting of relatives, persons connected by marriage or friends".

1991, c. 64, a. 777, am.

26. Article 777 of the said Code is amended by adding the following:

"The designation or replacement of the liquidator of the succession is published in the register of personal and movable real rights and, where applicable, in the land register."

c. N-2, s. 31, am.

27. Section 31 of the Notarial Act (R.S.Q., chapter N-2) is amended by striking out subsection 1.

Regulations.

28. The Bureau of the Chambre des notaires du Québec shall make regulations approved by the Government determining the conditions that a notary must meet to be certified as regards the institution and review of protective supervision and mandates in anticipation of incapacity.

Adoption.

No such regulation may be adopted unless all members of the order were forwarded a copy of the proposed regulation by the secretary of the professional order at least 30 days before its adoption.

Publication.

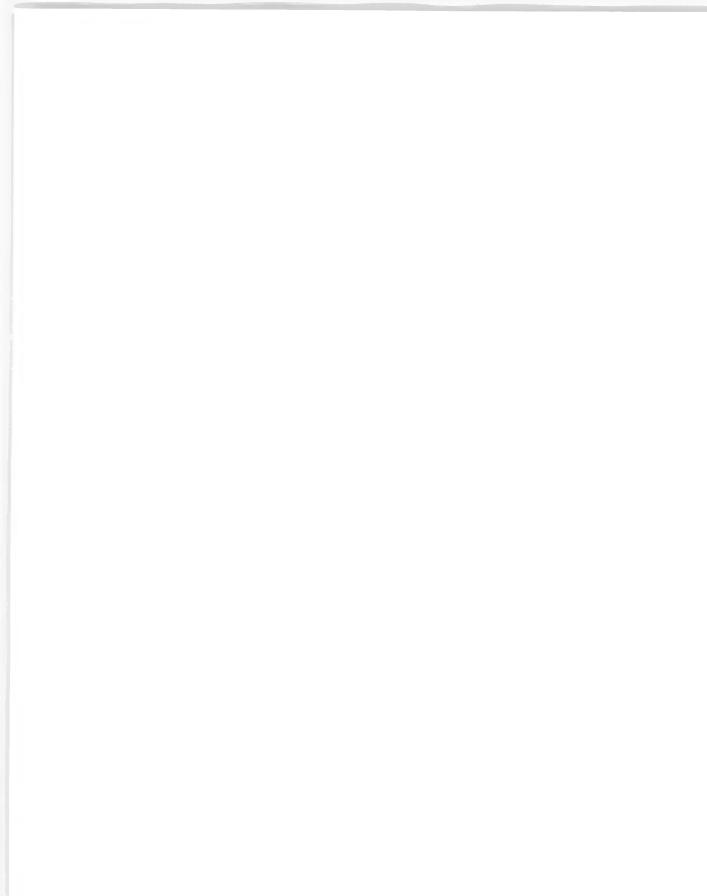
For the purposes of the Regulations Act (R.S.Q., chapter R-18.1), a proposed regulation may be published in accordance with section 8 of that Act before having been adopted by the Bureau; where that is the case, it is the proposed regulation forwarded by the secretary to the members of the order that is subject to the publication requirement under that section.

Regulations.

29. The Government may make regulations establishing a tariff of fees payable for professional services in connection with applications concerning the institution or review of protective supervision or concerning a mandate in anticipation of incapacity.

Coming into force.

30. The provisions of this Act come into force on the date or dates to be fixed by the Government, except section 28 which comes into force on 21 October 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 52 AN ACT TO AMEND THE ELECTION ACT, THE REFERENDUM ACT AND OTHER LEGISLATIVE PROVISIONS

Bill 450

Introduced by Mr Guy Chevrette, Minister responsible for Electoral Reform Introduced 14 May 1998
Passage in principle 4 June 1998
Passage 21 October 1998
Assented to 21 October 1998

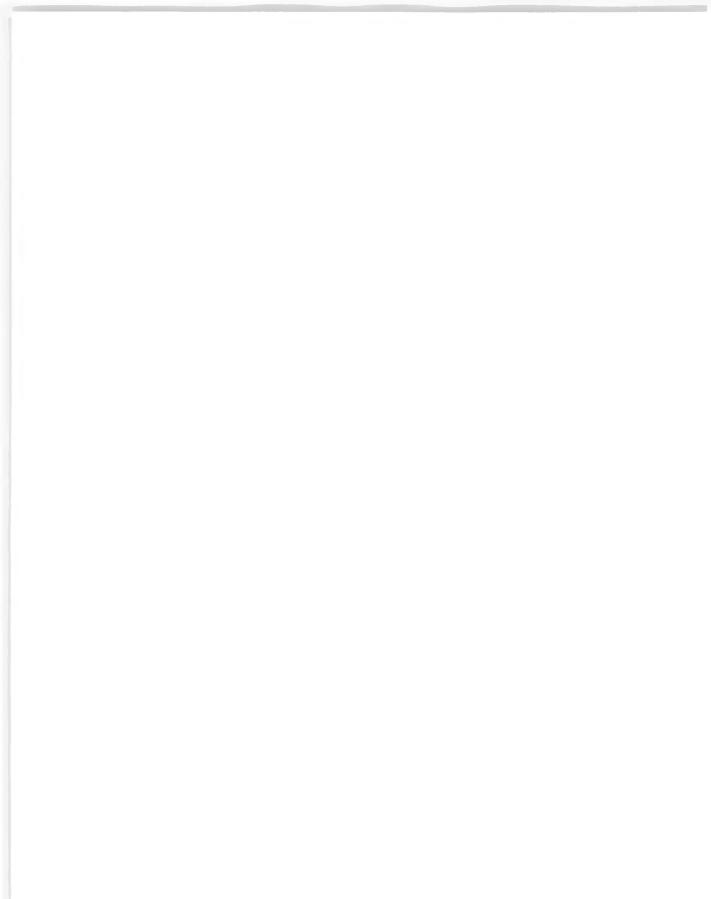
Coming into force: 21 October 1998.

However, the provisions of sections 46, 47, 55, 56 and 81 and those of paragraphs 3 and 4 of section 94 come into force on the date or dates to be fixed by order of the Government. The Government may not make such an order until after the first general election subsequent to 21 October 1998.

Legislation amended:

Health Insurance Act (R.S.Q., chapter A-29) Referendum Act (R.S.Q., chapter C-64.1) Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) Election Act (R.S.Q., chapter E-3.3)







Chapter 52

AN ACT TO AMEND THE ELECTION ACT, THE REFERENDUM ACT AND OTHER LEGISLATIVE PROVISIONS

[Assented to 21 October 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

c. E-3.3, s. 3, am.

- 1. Section 3 of the Election Act (R.S.Q., chapter E-3.3) is amended
 - (1) by inserting, after the second paragraph, the following:

Temporary domicile.

"An elector who leaves his domicile temporarily to receive health care, to undergo a rehabilitation program or to ensure his safety or the safety of his children may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where he resides for any such purpose.

Domicile of Member.

An elector who is a Member of the National Assembly upon the issue of the order instituting the election and who is running in an electoral division other than the electoral division in which he is domiciled may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where the main office he uses for the purposes of the election is situated.";

- (2) by replacing "is deemed to choose to be considered to be domiciled in the place where he is residing" in the first two lines of the third paragraph by "to whom any of the preceding paragraphs apply is deemed to choose to be considered to be domiciled where he resides or, in the case of the fourth paragraph, where his main office is situated".
- c. E-3.3, s. 40.9, replaced.

Name of elector.

- **2.** Section 40.9 of the said Act is replaced by the following:
- "40.9. The name of every person of full age having informed the Régie de l'assurance-maladie du Québec that he has acquired Canadian citizenship, having registered with the Régie for the first time as a Canadian citizen or having been identified by the Department of Citizenship and Immigration of Canada as a new Canadian citizen shall be entered on the permanent list of electors by the chief electoral officer. The chief electoral officer shall notify the elector in writing that his name has been entered on the permanent list of electors, requesting the elector to correct or complete the information which concerns him, where required.

Confirmation.

If the notice is returned to the chief electoral officer without having reached the addressee or if the chief electoral officer is notified by the person that he cannot or does not wish to be entered on the permanent list of electors, the person's name shall be struck off the list.

Notice of entry.

"40.9.1. After receiving information from the Régie de l'assurance-maladie du Québec concerning a person who has reached or is about to reach 18 years of age, the chief electoral officer shall advise the person in writing that he will be entered on the permanent list of electors, unless the chief electoral officer is advised by the person that he cannot or does not wish to be so entered.

Notice returned.

However, no entry shall be made if the notice is returned to the chief electoral officer without having reached the addressee."

c. E-3.3, Chap. III.1, ss. 40.38.1-40.38.3, added.

3. The said Act is amended by inserting, after section 40.38, the following:

"CHAPTER III.1

"TRANSMISSION OF THE LIST

Transmission of list.

"40.38.1. Not later than 1 October each year, the chief electoral officer shall transmit the list of the electors entered on the permanent list of electors to be used in a provincial poll to the authorized parties represented in the National Assembly, to any other authorized party that so requests and to any Member.

Electoral division.

In the case of a Member, the list transmitted is the list for the electoral division represented by the Member.

Exception.

However, no list shall be transmitted if 1 October falls within an election or referendum period or if a general election or a referendum was held within the three months preceding that date.

Computer form.

"40.38.2. The list shall be transmitted in computer form and in duplicate.

Contents.

The list shall indicate the name, address, date of birth and sex of each elector. In the case of electors who are entitled to vote outside Québec, the list shall also indicate their address outside Québec.

Cautionary note.

"40.38.3. The list transmitted shall contain a cautionary note concerning its confidentiality and shall state the penalties applicable to any person who communicates or uses the information contained in the list of electors for purposes other than those provided for by this Act.

Confidentiality.

The Member or the person designated by a political party to receive the list must undertake in writing to take appropriate measures to protect the confidentiality of the list and to restrict its use to the purposes provided for by this Act."

c. E-3.3, Title III, Chap. I and Title III, headings, replaced. **4.** The headings of Title III and of Chapter I of Title III of the said Act are replaced by the following:

"TITLE III

"AUTHORIZATION AND FINANCING OF POLITICAL PARTIES, INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND INDEPENDENT CANDIDATES

"CHAPTER I

"AUTHORIZATION OF POLITICAL PARTIES, PARTY AUTHORITIES, INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND INDEPENDENT CANDIDATES".

c. E-3.3, s. 41, am.

5. Section 41 of the said Act is amended by adding the following:

"independent candidate".

"For the purposes of this Act, the expression "independent candidate" includes any person who, at the time of the person's application for authorization, undertakes to run as an independent candidate.

Independent Member.

For the purposes of this Act, an independent Member is a Member of the National Assembly who belongs to no authorized political party."

c. E-3.3, s. 43, am.

6. Section 43 of the said Act is amended by inserting ", an independent Member" after "authority" in the first line of the third paragraph.

c. E-3.3, s. 46, am.

7. Section 46 of the said Act is amended by inserting ", the independent Member" after "authority" in the second line of the second paragraph.

c. E-3.3, s. 47, am.

- **8.** Section 47 of the said Act is amended
 - (1) by replacing "ten" in the second line of the first paragraph by "20";
- (2) by replacing "1 000 electors declaring" in the second line of the second paragraph by "at least 25 electors per electoral division in 20 electoral divisions who declare";
 - (3) by adding, at the end, the following:

Required deposit.

"The application must also be accompanied with a deposit of \$500, refundable upon the filing of the first financial report of the party under section 113 or upon the filing of the closing financial report under section 67."

c. E-3.3, s. 47.1, added.

9. The said Act is amended by inserting, after section 47, the following:

Name reservation.

"47.1. Before filing an application for authorization, a party may reserve a name for a period not exceeding six months by transmitting a written application to that effect to the chief electoral officer.

Provisions applicable.

The second and third paragraphs of section 50 apply to the application, with the necessary modifications.

Change of name.

A party having reserved a name may, however, change the name in its application for authorization."

c. E-3.3, s. 48, am.

10. Section 48 of the said Act is amended by inserting "and of two officers" after "leader" in paragraph 5.

c. E-3.3, s. 51, am.

11. Section 51 of the said Act is amended by inserting, after the first paragraph, the following:

Resolution.

"The application must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party and certified by two or more officers of the party."

c. E-3.3, s. 53, am.

12. Section 53 of the said Act is amended by replacing "obtain the authorization of" in the first and second lines by "so advise".

c. E-3.3, s. 54, am.

13. Section 54 of the said Act is amended

- (1) by replacing "The application for authorization to merge is made by means of a joint application" in the first line of the first paragraph by "The merger notice shall be given jointly and";
- (2) by replacing "The joint application" in the first line of the second paragraph by "The notice";
 - (3) by replacing subparagraph 1 of the second paragraph by the following:
 - "(1) indicate the name of the party to result from the merger;";
- (4) by striking out "proposed" in subparagraphs 2, 4 and 5 of the second paragraph;
 - (5) by adding the following:

Resolution.

"The merger notice must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of each party concerned and certified by two or more officers of each of the parties."

c. E-3.3, s. 55, repealed.

14. Section 55 of the said Act is repealed.

c. E-3.3, Title III, Chap. I, Div. V, heading, am.

15. The heading of Division V of Chapter I of Title III of the said Act is amended by adding, at the end, "OR OF A MEMBER OF THE NATIONAL ASSEMBLY WHO BECOMES AN INDEPENDENT".

c. E-3.3, s. 59, am.

16. Section 59 of the said Act is amended by inserting "Where the application for authorization is filed at the same time as the nomination paper," at the beginning of the second paragraph.

c. E-3.3, s. 59.1, added.

17. The said Act is amended by inserting, after section 59, the following:

Application for authorization.

"59.1. Any elector who undertakes to run as an independent candidate in the next general election may file an application for authorization with the chief electoral officer from the expiry of a period of three years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380.

By-election.

Any elector who undertakes to run as an independent candidate in a byelection may file an application for authorization with the chief electoral officer from the date on which the seat becomes vacant.

Contents.

The application for authorization must contain the information referred to in section 59 as well as the signatures and addresses of at least 100 electors of the electoral division declaring that they support the application."

c. E-3.3, s. 60, am.

18. Section 60 of the said Act is amended by replacing "the candidate" in the first line of the second paragraph by "an independent candidate who was not elected".

c. E-3.3, s. 61, am.

19. Section 61 of the said Act is amended

(1) by inserting "who was not elected" after "candidate" in the first line of the first paragraph;

(2) by replacing the second paragraph by the following:

Expiry of authorization.

"The authorization of an independent candidate who was elected expires as soon as the person ceases to sit as an independent Member in the National Assembly, unless the candidate runs again as an independent candidate."

c. E-3.3, s. 62.1, added.

20. The said Act is amended by inserting, after section 62, the following:

Application.

"62.1. A Member of the National Assembly who becomes an independent without having been elected as such must file an application with the chief electoral officer within 30 days of acquiring that status."

c. E-3.3, s. 63, am.

21. Section 63 of the said Act is amended by inserting ", independent Member" after "party authority" in the second line of the second paragraph.

c. E-3.3, s. 64, am.

22. Section 64 of the said Act is amended by inserting ", an independent Member" after "authority" in the fourth line of the first paragraph.

c. E-3.3, s. 65, am.

23. Section 65 of the said Act is amended by adding "or the independent Member" at the end of the third paragraph.

c. E-3.3, s. 65.1, added.

24. The said Act is amended by inserting, after section 65, the following:

Transmission of by-laws.

***65.1.** Within six months after being authorized, a party must transmit to the chief electoral officer a copy of its by-laws duly adopted by its members at a general meeting.

Transmission of amendments.

An authorized party must also transmit to the chief electoral officer a copy of any amendments to its by-laws for updating purposes."

c. E-3.3, s. 66, am.

25. Section 66 of the said Act is amended by adding the following:

Resolution.

"The notice must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party, and certified by two or more officers of the party."

c. E-3.3, s. 67, am.

26. Section 67 of the said Act is amended by adding, at the end, the following:

Resolution.

"In the case of a party or a party authority, the application must also be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party and certified by two or more officers of the party."

c. E-3.3, s. 69, am.

- 27. Section 69 of the said Act is amended
 - (1) by replacing "ten" in the second line by "20";
 - (2) by adding, at the end, the following:

Withdrawal.

"The chief electoral officer shall also withdraw the authorization of any independent Member if the Member joins a political party."

c. E-3.3, s. 70, am.

- **28.** Section 70 of the said Act is amended
- (1) by inserting "or an independent Member" after "candidate" in the second line;
 - (2) by adding the following:

Withdrawal.

"The chief electoral officer shall withdraw the authorization of any person who undertook to run as a candidate and has not filed a nomination paper at the expiry of the prescribed time."

c. E-3.3, s. 71, am.

29. Section 71 of the said Act is amended by inserting ", independent Member" after "party authority" in the second and third lines.

- c. E-3.3, s. 72, am.
- **30.** Section 72 of the said Act is amended by inserting ", an independent Member" after "authority" in the fourth line of the first paragraph.
- c. E-3.3, s. 74.1, added.
- **31.** The said Act is amended by inserting, after section 74, the following:

Provisions applicable.

"74.1. If an independent Member ceases to be authorized because he has joined an authorized party, because he has died or because he has decided not to run again on the expiry of his term of office, sections 76, 77 and 80 apply, with the necessary modifications.

Surplus.

Any surplus shall, after the payment of debts, be remitted to the authorized party which the independent Member has joined or, in other cases, to the Minister of Finance."

- c. E-3.3, Title III, Chap. II, heading, am.
- **32.** The heading of Chapter II of Title III of the said Act is amended by inserting ", INDEPENDENT MEMBERS" after "PARTIES".
- c. E-3.3, s. 91, am.
- **33.** Section 91 of the said Act is amended by inserting ", independent Member" after "party" in the first line of the first paragraph.
- c. E-3.3, s. 101, am.
- **34.** Section 101 of the said Act is amended
 - (1) by inserting, after paragraph 1, the following:
 - "(1.1) the names of the independent Members;";
- (2) by inserting "and each independent Member's" before "official representative" in paragraph 2.
- c. E-3.3, s. 103, am.
- **35.** Section 103 of the said Act is amended by replacing "or of a party authority" in the first line by ", of a party authority or of an independent Member".
- c. E-3.3, s. 117, am.
- **36.** Section 117 of the said Act is amended by inserting "or of an independent Member" after "authority" in the second line of the first paragraph.
- c. E-3.3, s. 118, am.
- **37.** Section 118 of the said Act is amended by replacing "or of an authorized party authority" in the first and second lines by ", of an authorized party authority or of an independent Member".
- c. E-3.3, s. 121, am.
- **38.** Section 121 of the said Act is amended by adding, at the end, "and with respect to the independent Members, if any, representing those electoral divisions".
- c. E-3.3, s. 122, am.
- **39.** Section 122 of the said Act is amended by inserting "who was not elected" after "candidate" in the first line of the first paragraph.

- c. E-3.3, s. 123, am.
- **40.** Section 123 of the said Act is amended by inserting "who was not elected" after "candidate" in the first line of the first paragraph.
- c. E-3.3, s. 124, am.
- **41.** Section 124 of the said Act is amended by replacing "a candidate" in the second line by "an independent candidate who was not elected".
- c. E-3.3, s. 125, am.
- **42.** Section 125 of the said Act is amended
- (1) by inserting "who was not elected and" after "candidate" in the first line of the first paragraph;
 - (2) by striking out the second paragraph.
- c. E-3.3, s. 127, am.
- **43.** Section 127 of the said Act is amended by replacing "independent candidate, if elected" in the third line of the first paragraph by "independent Member".
- c. E-3.3, s. 130, am.
- **44.** Section 130 of the said Act is amended by inserting, after the first paragraph, the following:

Exception.

"However, the Government is not required to make such an order if the vacancy occurs more than four years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380."

- c. E-3.3, s. 147, am.
- **45.** Section 147 of the said Act is amended by replacing "twenty-third" in the first line of the first paragraph by "eighteenth".
- c. E-3.3, s. 187, replaced.
- **46.** Section 187 of the said Act is replaced by the following:

Appointment of chairman.

- "187. The chief electoral officer shall choose and appoint, after consulting with the parties represented in the National Assembly, the revisor who shall act as chairman of the board of revisors."
- c. E-3.3, s. 188, am.
- 47. Section 188 of the said Act is amended
- (1) by replacing "chairman" in the third line of the first paragraph by "vice-chairman";
 - (2) by striking out the second paragraph.
- c. E-3.3, s. 195, am.
- **48.** Section 195 of the said Act is amended
- (1) by inserting "and receive applications of electors from 11:00 a.m. to 9:00 p.m. during that period" after "poll" in the third line of the first paragraph;
 - (2) by adding, after the second paragraph, the following:

Extension.

"The chairman may, after consulting with the returning officer, extend the hours of the board if the number of applications warrants it."

c. E-3.3, s. 209, am.

49. Section 209 of the said Act, amended by section 15 of chapter 8 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: "Whenever the board of revisors makes a decision in the absence of the elector concerned or of the person having made the application, it shall immediately notify the elector concerned in writing of the decision."

c. E-3.3, s. 212.1, added.

50. The said Act is amended by inserting, after section 212, the following:

Exception.

"212.1. Notwithstanding section 212, the board of revisors is not required to convene a person by way of a written notice before striking off or refusing to enter the person's name where the person was met by the revising officers and confirmed not being a qualified elector."

c. E-3.3, s. 216.1, added.

51. The said Act is amended by inserting, after section 216, the following:

Powers of the board.

- "216.1. The board of revisors, on its own initiative or on an application, may review or revoke a decision to strike off or refuse to enter a person's name
- (1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;
- (2) where the person concerned, owing to reasons considered sufficient, could not present observations.

Special board of revisors.

Upon the completion of the work of the board of revisors, its powers under this section may be exercised by the special board of revisors."

c. E-3.3, s. 230, am.

52. Section 230 of the said Act is amended by adding, at the end, the following: "The board may, however, receive an application to have the name of a deceased elector struck off the list."

c. E-3.3, s. 231, am.

53. Section 231 of the said Act is amended by inserting "Subject to section 216.1," at the beginning.

c. E-3.3, Div. V.1, ss. 231.4-231.14, added.

54. The said Act is amended by inserting, after section 231.3, the following:

"DIVISION V.1

"REVISION OF THE LIST OF ELECTORS ENTITLED TO VOTE OUTSIDE QUÉBEC

Board of revisors.

"231.4. The chief electoral officer shall establish in the chief electoral officer's office a board of revisors to receive applications for revision relating to electors who are entitled to vote outside Québec.

Provisions applicable.

"231.5. Sections 183, 184, 186 to 188, 190, 191 and 196 apply to the establishment and operation of the board of revisors, with the necessary modifications.

Team of revising officers.

However, no team of revising officers shall be assigned to the board of revisors.

Sittings.

"231.6. The board of revisors shall sit from Monday of the third week preceding that of the poll to Thursday of the week preceding that of the poll, on the days and during the hours determined by the chief electoral officer.

Final date for applications.

However, applications by an elector for the striking of a name off the list must be filed not later than Tuesday of the second week preceding that of the poll.

Application for striking off.

"231.7. An elector who finds that the name of a person is entered on the list of electors, for his electoral division, who are entitled to vote outside Québec though the person is not entitled thereto, may apply in person to the board of revisors of the polling subdivision of the person's domicile to have the person's name struck off the list.

Oath.

The elector shall declare under oath that, to his knowledge, the person is not entitled to be entered on the list of electors who are entitled to vote outside Québec, on the grounds put forward to the board.

Application transmitted to board of revisors.

"231.8. The board of revisors seized of the application shall transmit the application to the board of revisors established in the office of the chief electoral officer which shall make any relevant inquiries, employing, if necessary, the services of revising officers assigned to the boards of revisors established in the different electoral divisions.

Presentation of observations.

"231.9. The board of revisors shall, before striking a person's name off the list, seek by all means possible to communicate with the person so that the person may present observations.

Transfer of entry.

"231.10. If, on considering an application for the striking of a person's name, the board of revisors concludes that the person is entitled to be entered on the list of electors for the polling subdivision in which the person's domicile is situated, the board of revisors shall see that the person's name is entered on that list after having struck the name off the list of electors who are entitled to vote outside Québec.

Notice.

"231.11. Where the board of revisors concludes that a person's name must be struck off, it shall notify the person in writing of the decision.

Decision transmitted to personnel.

The board of revisors shall also transmit the decision to the personnel assigned to the handling of ballot papers for electors entitled to vote outside Québec.

Transfer of entry.

"231.12. Where the chief electoral officer finds that an elector has become entitled to vote outside Québec since the issue of the order instituting the election and that the elector's name is entered on the list of electors for the polling subdivision in which the elector's domicile is situated, the chief electoral officer shall direct the returning officer concerned to strike the elector's name off that list.

Application to board of revisors.

"231.13. An elector entitled to vote outside Québec who wishes to vote in the polling subdivision in which the elector's domicile is situated on the Tuesday of the second week preceding that of the poll shall apply in person to the board of revisors assigned to the polling subdivision for entry on the list.

Requirement.

The elector's application must be accompanied with an application for the striking of the elector's name off the list of electors entitled to vote outside Québec.

Transmission of decision.

The board of revisors shall transmit the decision to strike the elector's name to the chief electoral officer who shall forward the decision to the personnel assigned to the handling of ballot papers outside Québec.

Transmission of abstract.

"231.14. Upon completing its work, the board of revisors established in the office of the chief electoral officer shall transmit to the returning officer of each electoral division concerned an abstract of the changes it has made to the list of the electors, for the electoral division, who are entitled to vote outside Québec.

Transmission to each candidate.

The abstract shall be forwarded by the returning officer to each candidate."

c. E-3.3, s. 242, am.

55. Section 242 of the said Act is amended by replacing "in" in the second line of the first paragraph by "whose names are entered on the list of electors for".

c. E-3.3, s. 245, am.

56. Section 245 of the said Act is amended

- (1) by replacing the last sentence by the following: "The returning officer shall verify whether the electors supporting the nomination are entered on the list of electors for the electoral division.";
 - (2) by adding, at the end, the following:

Notice and receipt.

"Following such verifications, the returning officer shall issue a notice of conformity and a receipt, which constitutes proof of the nomination."

c. E-3.3, Chap. IV.1, ss. 259.1-259.9, added.

57. The said Act is amended by inserting, after section 259, the following:

"CHAPTER IV.1

"ELECTION POSTERS AND BILLBOARDS

Election posters and billboards.

"259.1. Notwithstanding any inconsistent legislative or regulatory provision, election posters and billboards shall not be subject, during an election period, to any restriction or condition except as provided by this Act.

Restrictions.

"259.2. Election posters and billboards may be placed on any property, other than buildings, of the Government, public bodies, state enterprises, municipalities and school boards.

Utility poles.

Election posters may also be placed on public utility poles.

Requirements.

"259.3. Election posters and billboards must be placed so as not to hinder vehicular or pedestrian traffic, interfere visually with road signs or compromise road safety or public security.

Restrictions.

"259.4. No election poster or billboard may be placed on a classified historic monument or in a classified historic site within the meaning of the Cultural Property Act (chapter B-4) or in a site declared a national historical site under that Act.

Restrictions.

259.5. No election poster or billboard may be placed on a monument, a sculpture, a tree, a fire hydrant, a bridge, a viaduct or an electrical tower.

Restrictions.

No election poster or billboard may be placed on a bus shelter or on a public bench, unless space is provided for that purpose, in which case the applicable rules must be complied with.

Requirements.

"259.6. Posters and billboards and their supports must be made of good quality materials and must be safe and be kept in good repair.

Easy removal.

Posters and billboards must be affixed in such a manner that they can be easily removed.

Conditions.

- **"259.7.** Election posters placed on public utility poles must meet the following conditions:
- (1) the highest part of the poster must not be more than three metres above ground;
 - (2) the poster must not have any metal or wood frame;
 - (3) the poster must not be affixed with nails or metal fasteners;
 - (4) the poster must not obstruct any identification plate on the pole.

Banner, streamer and flag.

Moreover, no banner, streamer or flag may be affixed to a public utility pole.

Removal by workers.

Workers who maintain public utility poles may, if they consider it necessary for the purposes of the work to be done and, except in an emergency, after advising the candidate or, where applicable, the authorized party, remove any election poster from a pole.

Removal.

"259.8. All election posters and billboards must be removed not later than 15 days after the polling date, failing which they may be removed by the local municipality or by the owner of the property or poles, at the expense of the party or candidate concerned or, where applicable, of the private intervenor within the meaning of Division V of Chapter VI, following the expiry of a five-day notice to that effect transmitted to the party, candidate or private intervenor.

Notice and bill.

The notice shall indicate the places where posters or billboards are to be removed. If posters or billboards had to be removed by the municipality or by the owner at the expense of the party, candidate or private intervenor, the bill shall indicate the place and date of removal.

Compliance.

"259.9. The party, candidate or private intervenor shall ensure that the provisions of this chapter are complied with."

c. E-3.3, s. 293.5, replaced.

58. Section 293.5 of the said Act is replaced by the following:

Documents sent.

"293.5. The chief electoral officer shall send to every elector whose duly completed application for registration to vote outside Québec is received by the chief electoral officer before the eighteenth day preceding polling day the material necessary for the exercise of the right to vote and a list of the places where the elector may consult the list of candidates.

Ballot paper.

The ballot paper shall be in the form prescribed by Schedule IV and shall contain the name of the elector's electoral division."

c. E-3.3, s. 298, am.

59. Section 298 of the said Act is amended

- (1) by replacing "he shall open the envelope, remove therefrom the envelope containing the ballot paper and place in a ballot box" at the end of the first paragraph by "the chief electoral officer shall keep the envelope without opening it";
 - (2) by adding, at the end, the following:

Rejection.

"In addition, the chief electoral officer shall verify whether the ballot paper is from an elector whose name has been struck off by the board of revisors. If such is the case, the chief electoral officer shall reject the envelope without opening it."

c. E-3.3, s. 302, am.

60. Section 302 of the said Act is amended by inserting, after the third paragraph, the following:

Single polling station.

"Where a polling subdivision is an unorganized territory or contains fewer than 50 electors, the returning officer may establish a single polling station for that polling subdivision and the nearest polling subdivision."

c. E-3.3, s. 303, am,

61. Section 303 of the said Act is amended by inserting, at the end of the third paragraph, the following: "The chief electoral officer shall note, in the return published under section 381, the cases where such authorization was granted."

c. E-3.3, s. 343, replaced.

62. Section 343 of the said Act is replaced by the following:

Marking of ballot paper.

"343. The elector shall mark the ballot paper in one of the circles with the pencil given to him by the deputy returning officer at the same time as the ballot paper."

c. E-3.3, s. 346, am.

63. Section 346 of the said Act is amended by replacing "make an "X", a checkmark or a line in each of the circles thereon" in the second and third lines by "mark each of the circles of the ballot paper".

c. E-3.3, s. 347, am.

64. Section 347 of the said Act is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following:

"(1) by a person who is his spouse or relative within the meaning of section 205;

"(2) by another person, in the presence of the deputy returning officer and the poll clerk assigned to the polling station. That person shall declare under oath that he has not assisted any other elector during the poll."

c. E-3.3, s. 350, am.

65. Section 350 of the said Act is amended by inserting "or had his main office" after "resided" in subparagraph 2 of the first paragraph.

c. E-3.3, s. 364, am.

66. Section 364 of the said Act is amended by adding, after subparagraph 8 of the second paragraph, the following:

"(9) has been marked otherwise than with the pencil given to the elector by the deputy returning officer."

c. E-3.3, s. 365, am.

67. Section 365 of the said Act is amended by replacing the second paragraph by the following:

Mark.

"No ballot paper may be rejected for the sole reason that the mark extends beyond the circle or that the circle is not completely filled."

c. E-3.3, s. 366.1, added.

Statistical report.

68. The said Act is amended by inserting, after section 366, the following:

"366.1. The deputy returning officer shall record in the statistical report of rejected ballots the reasons why the ballots were rejected."

c. E-3.3, s. 401, am.

69. Section 401 of the said Act is amended by adding, at the end, the following:

"election expenses" and "official agent".

"In addition, for the purposes of sections 403, 415, 416, 417 and 421, the expression "election expenses" includes expenses referred to in paragraph 13 of section 404 and the expression "official agent" includes a private intervenor within the meaning of Division V if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors."

c. E-3.3, s. 404, am.

70. Section 404 of the said Act is amended

- (1) by inserting, after paragraph 8, the following:
- "(8.1) the cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants;";
 - (2) by adding, at the end, the following:
- "(12) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a candidate or party;
- "(13) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by an authorized private intervenor in accordance with Division V, without directly promoting or opposing a candidate or party, to publicize or obtain support for the intervenor's views on a matter of public interest or to advocate abstention or the spoiling of ballots."

c. E-3.3, s. 415, am.

71. Section 415 of the said Act is amended by striking out "contemplated in section 403" in the second line.

c. E-3.3, s. 421.1, added.

72. The said Act is amended by inserting, after section 421, the following:

Authorization number.

"421.1. For the purposes of section 421, a printer, manufacturer, owner or radio or television broadcaster shall also, in the case of a private intervenor within the meaning of Division V or the representative of such an intervenor, indicate the authorization number issued under section 457.6.

Cost exceeding \$300.

Where the cost of the writing, object, material, advertisement or publicity referred to in section 421 exceeds \$300, the printer, manufacturer, owner or radio or television broadcaster may only mention or, as the case may be, indicate as the person having caused the writing, object, material, advertisement

or publicity to be produced, published or broadcast, the name and title of the official agent or deputy official agent of a candidate or party."

- c. E-3.3, s. 432, am.
- **73.** Section 432 of the said Act is amended by inserting "who was not elected" after "candidate" in the first line of the third paragraph.
- c. E-3.3, s. 441, am.
- **74.** Section 441 of the said Act is amended
- (1) by adding, at the end of the first paragraph, the following: "The official agent of an independent candidate who was elected shall remit such sums to the candidate's official representative.";
- (2) by inserting "who was not elected" after "candidate" in the first line of the second paragraph.
- c. E-3.3, s. 457, am.
- **75.** Section 457 of the said Act is amended
 - (1) by replacing "20%" in subparagraph 2 of the first paragraph by "15%";
- (2) by inserting "who was not elected" after "candidate" in the first line of the second paragraph.
- c. E-3.3, s. 457.1, am.
- **76.** Section 457.1 of the said Act is amended by inserting "that obtained at least 1% of the valid votes" after "party" in the first line of the first paragraph.
- c. E-3.3, Div. V, ss. 457.2-457.21, added.
- **77.** The said Act is amended by inserting, after section 457.1, the following:

"DIVISION V

"EXPENSES OF PRIVATE INTERVENORS

Private intervenor.

"457.2. Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a private intervenor.

Application for authorization.

- "457.3. An elector who applies for authorization must
- (1) indicate his name, date of birth, domiciliary address and telephone number;
 - (2) declare that he is a qualified elector;
- (3) declare that he does not intend to directly promote or oppose any candidate or party;
- (4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;

- (5) declare that he is not a member of any party;
- (6) declare that he is not acting directly or indirectly on behalf of any candidate or party;
- (7) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

Oath and undertaking.

The application for authorization must be supported by the elector's oath and include an undertaking by the elector to comply with all applicable legal provisions.

Application for authorization.

"457.4. A group that applies for authorization must

- (1) indicate its name, address, telephone number, date of formation and objects;
- (2) indicate the name, domiciliary address and telephone number of its leaders:
- (3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;
- (4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;
- (5) declare that the group does not intend to directly promote or oppose any candidate or party;
- (6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views;
- (7) declare that the group is not acting directly or indirectly on behalf of any candidate or party;
- (8) declare that the representative of the group is not a member of any party;
- (9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

Representative, oath and undertaking.

The application for authorization must be made by the elector designated in the application to act as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.

Application.

"457.5. An application for authorization must be filed at the office of the returning officer of the electoral division of the applicant's domicile.

Period.

The application must be filed during the period extending from the twenty-seventh to the thirteenth day preceding polling day.

Issue of authorization.

"457.6. The returning officer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.

Rejection.

Before rejecting an application, the returning officer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.

Consultation.

"457.7. Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the returning officer shall, during the election period, allow an elector to consult, in the returning officer's main office, any application for authorization which was granted.

Copy of application.

However, notwithstanding the second paragraph of section 10 of that Act, only a candidate may obtain a copy of such an application.

List of authorizations.

"457.8. Not later than the tenth day preceding polling day, the returning officer shall transmit to the authorized parties represented in the National Assembly, to any other party which so requests and to each candidate a list of the authorizations which have been granted.

Contents.

The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.

Election period.

"457.9. An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.

Representative.

The representative of a group of electors may only act for that group.

Resignation of representative.

"457.10. The representative of a group of electors who resigns shall notify the leader of the group and the returning officer in writing.

Report and vouchers.

Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.

Representative.

"457.11. If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the returning officer in writing forthwith.

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Election period.

"457.12. A private intervenor who is an elector or the representative of a private intervenor may not become a member of a party during the election period.

Restriction on expenses.

"457.13. A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate or party.

Restriction on expenses.

"457.14. A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association with any person.

Expenses.

"457.15. A private intervenor who is an elector must defray the cost of any expense out of his own funds.

Expenses.

A private intervenor that is a group of electors must defray the cost of any expense out of the funds of the members of the group who are electors.

Payment of expenses.

A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or savings and credit union having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.

Expenses.

"457.16. In the case of a private intervenor that is a group of electors, only the representative may incur expenses on behalf of the private intervenor.

Representative.

The representative of a private intervenor is bound by the provisions of sections 457.13 to 457.15 and must ensure that they are complied with.

Voucher.

"457.17. A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.

Invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

Filing of report.

"457.18. A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the chief electoral officer a report of all the private intervenor's expenses, in the form prescribed by the chief electoral officer.

Accompanying documents.

The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

Provisions applicable.

"**457.19.** Sections 435, 436 and 444 apply to the report referred to in section 457.18, with the necessary modifications.

Withdrawal.

- "457.20. The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor
- (1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information;
- (2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization:
- (3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.

Procedure.

Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. A decision to withdraw the authorization must be in writing and contain reasons.

Appeal.

"457.21. Any person whose application for authorization is rejected or any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

Service of motion.

The motion must be served beforehand on the returning officer or the chief electoral officer, as the case may be.

Appeal.

The appeal shall be heard and decided by preference. The appeal does not suspend the execution of the decision, unless the court decides otherwise.

Decision.

The decision of the judge is final."

c. E-3.3, s. 487, am.

- **78.** Section 487 of the said Act is amended
 - (1) by inserting ", independent Members" after "authorities" in paragraph 1;
- (2) by inserting ", independent Members" after "authorities" in the first line of paragraph 2.
- c. E-3.3, s. 501, am.
- **79.** Section 501 of the said Act is amended by replacing "or by a member of his personnel and, in the latter case" in the second and third lines by ", by a member of his personnel or by the assistant to the chairman of the Commission de la représentation, if any, and, in the latter two cases".
- c. E-3.3, s. 537, am.
- **80.** Section 537 of the said Act is amended by replacing the first sentence by the following: "The chairman may appoint an assistant to assist him in the exercise of his duties."

c. E-3.3, s. 552, am.

81. Section 552 of the said Act is amended by replacing "elector in" in the second line of paragraph 2 by "elector whose name is entered on the list of electors for".

c. E-3.3, s. 553.1, am.

82. Section 553.1 of the said Act is amended by inserting, after paragraph 2, the following:

"(2.1) every person who, to be admitted to vote or to allow someone to vote, makes a false declaration or assumes the identity of another person;".

c. E-3.3, s. 555, am.

83. Section 555 of the said Act is amended by inserting, after paragraph 1, the following:

"(1.1) every person who misinterprets the law intentionally;

"(1.2) every person who counterfeits or misappropriates for partisan purposes a document emanating from the chief electoral officer;".

c. E-3.3, s. 556.1, added.

84. The said Act is amended by inserting, after section 556, the following:

Offences and penalties.

"556.1. The following persons are liable to a fine of \$200 to \$1,000:

- (1) every person who erects an election poster or billboard in contravention of any of the provisions of sections 259.2 to 259.5 or of the conditions provided in the first paragraph of section 259.7;
- (2) every person who affixes an election banner, streamer or flag on a public utility pole."

c. E-3.3, s. 559, am.

85. Section 559 of the said Act is amended

- (1) by inserting "false or" after "produces a" in paragraph 3;
- (2) by adding, at the end, the following:

Fine.

"Every elector referred to in section 457.3 or in the last paragraph of section 457.4 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also liable to a fine of \$1,000 to \$10,000."

c. E-3.3, s. 559.1, added.

86. The said Act is amended by inserting, after section 559, the following:

Fine.

"559.1. The following persons are liable to a fine of \$1,000 to \$10,000:

- (1) every person who attempts to incur an election expense otherwise than as permitted by this Act;
 - (2) every person who makes a false invoice, receipt or voucher;

- (3) every person who falsifies an invoice, receipt or voucher."
- c. E-3.3, s. 562, am.
- **87.** Section 562 of the said Act is amended by striking out "125,".
- c. E-3.3, s. 564, am.
- **88.** Section 564 of the said Act is amended
- (1) by replacing "and 429.1" in the second line by ", 429.1, 457.9 and 457.11 to 457.17";
 - (2) by replacing "\$100" in the last line by "\$500".
- c. E-3.3, s. 566, am.
- **89.** Section 566 of the said Act is amended by replacing ", through encouragement or advice or by his orders, incites" in the first line of the second paragraph by "encourages, advises, allows, authorizes or orders".
- c. E-3.3, s. 568.1, added.
- **90.** The said Act is amended by inserting, after section 568, the following:
- added.
 Criteria.
- **"568.1.** Where a penalty greater than the minimum penalty is requested, the judge shall have regard, in particular, to the following criteria if they are alleged by the prosecutor in the statement of offence:
 - (1) the fact that it is a second or subsequent conviction;
 - (2) the status of the offender;
 - (3) the size of the expense or contribution."
- c. E-3.3, Sched. III, replaced.
- **91.** Schedule III to the said Act is replaced by the following:

"SCHEDULE III

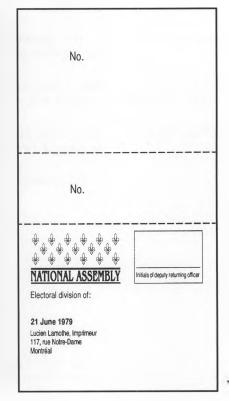
(Sections 277 and 320)

BALLOT PAPER

OBVERSE



REVERSE



REFERENDUM ACT

c. C-64.1, s. 24.1, added.

92. The Referendum Act (R.S.Q., chapter C-64.1) is amended by inserting, after section 24, the following:

Application for affiliation.

"24.1. Any application for affiliation to a national committee must be made within seven days after the adoption of the by-laws of the national committee.

Decision.

The national committee must decide the application within seven days after the application is made."

c. C-64.1, App. 2, provisions, reenacted.

93. Sections 402, 403 and 404, the third paragraph of section 406 and sections 413, 414, 416 and 417 of Appendix 2 to the said Act are reenacted.

c. C-64.1, App. 2, am.

- **94.** Appendix 2 to the said Act, amended by section 22 of chapter 8 of the statutes of 1997, is again amended
 - (1) by adding, in section 3, the following paragraph:

"Replace the fourth paragraph by the following:

"An elector who is a Member of the National Assembly representing an electoral division other than the electoral division in which he is domiciled may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where the main office he uses as a Member of the National Assembly in the electoral division he represents is situated.";

(2) by replacing the paragraph relating to the second paragraph of section 46 by the following:

"Replace the words "Within 30 days of resigning, the official representative shall file with the party, the party authority, the independent Member or the independent candidate" in the second paragraph by the words "Within 30 days of resigning, the official agent shall file with the national committee", and the words "financial report" by the words "return of regulated expenses".";

- (3) by replacing section 187 by the following:
- "187 Replace the words "parties represented in the National Assembly" by the words "national committees referred to in section 184";

- (4) by replacing section 188 by the following:
- "188 Replace the section by the following section:

"188. The revisor recommended by the national committee to which the greatest number of Members of the National Assembly belong shall act as vice-chairman of the board of revisors.";

(5) by replacing section 231.3 by the following:

"231.3

to

231.14";

- (6) by inserting, after section 255, the following:
- "259.1 Replace the word "election" by the word "referendum" and the words "an election" by the words "a referendum"
- "259.2 Replace the word "Election" in the first and second paragraphs by the word "Referendum".
- "259.3 Replace the word "Election" by the word "Referendum".
- "259.4 Replace the word "election" by the word "referendum".
- "259.5 Replace the word "election" in the first and second paragraphs by the word "referendum".
- "259.6
- "259.7 Replace the words "Election" and "election" in the first and third paragraphs by the words "Referendum" and "referendum".
- "259.8 Replace the word "election" in the first paragraph by the word "referendum".

Replace the words "party or candidate concerned" in the first paragraph by the words "national committee concerned".

Replace the words "party, candidate" in the second paragraph by the words "national committee".

"259.9 Replace the words "The party, candidate" by the words "The national committee".";

- (7) by replacing section 293.5 by the following:
- "293.5 Strike out the words "and a list of the places where the elector may consult the list of candidates" in the first paragraph.

Strike out the words "be in the form prescribed by Schedule IV and shall" in the second paragraph.";

(8) by inserting, after section 366, the following:

"366.1";

- (9) by inserting, after section 381, the following:
- "401 Replace the section by the following section:
 - "401. For the purposes of sections 403, 415, 416, 417 and 421, the expression "regulated expenses" includes expenses referred to in paragraph 10 of section 404 and the expression "official agent" includes a private intervenor within the meaning of Division V if the private intervenor is an elector, and a representative of a private intervenor if the private intervenor is a group of electors."";
- (10) by inserting, after subparagraph 5 of section 404, the following:
 - "(5.1) the cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants;";
- (11) by replacing subparagraph 9 of section 404 by the following:
 - "(9) the expenses incurred for the holding of meetings, the total of which does not exceed \$600 for the entire referendum period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a national committee;";
- (12) by inserting, after subparagraph 9 of section 404, the following:
 - "(10) the publicity expenses, the total of which does not exceed \$1,000 for the entire referendum period, incurred by a neutral intervenor authorized under Division V, without directly promoting or opposing an option, to advocate abstention or the spoiling of ballots.";

(13) by adding, at the end of section 413, the following:

"However, a non-affiliated elector authorized under Division V may incur regulated publicity expenses provided that the total of the expenses for the entire referendum period does not exceed \$1,000.";

- (14) by inserting, after section 421, the following:
- "421.1 Replace the second paragraph by the following paragraph:

"Where the cost of the writing, object, material, advertisement or publicity referred to in section 421 exceeds \$1,000, the printer, manufacturer, owner or radio or television broadcaster may only mention or, as the case may be, indicate as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast the name and title of the official agent or deputy official agent of a national committee or of the local agent of the official agent.";

- (15) by inserting ", other than expenses incurred by a non-affiliated elector" after "expenses" in the second line of the first paragraph of section 425;
 - (16) by adding, at the end of section 426, the following:

"However, the national committee that represents the option for which the fewest non-affiliated electors have been authorized under section 457.6 to incur regulated expenses may spend an additional amount equal to 50% of the difference between the expenses that authorized non-affiliated electors favourable to one option may incur and the expenses that may be incurred by those favourable to the other option.

The amount is established by the chief electoral officer who shall draw up a certificate and transmit a copy to the chairman and the official agent of each national committee not later than the tenth day preceding polling day.";

- (17) by inserting, after section 448, the following:
- "457.2 Replace the section by the following section:

"457.2. Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a neutral intervenor.

Only an elector who cannot join a national committee may apply for authorization as a non-affiliated elector.

Neutral intervenors and non-affiliated electors are private intervenors."";

- "457.3 Replace subparagraphs 3 to 6 of the first paragraph by the following subparagraphs:
 - "(3) in the case of a neutral intervenor, state briefly the purpose of the application and declare that he does not intend to directly promote or oppose either option;
 - "(4) in the case of a non-affiliated elector, indicate which option he intends to promote and state briefly why he cannot join a national committee;
 - "(5) declare that he is not associated with and has not contributed to either national committee;
 - "(6) declare that he is not acting directly or indirectly on behalf of either national committee;".

Insert, at the beginning of subparagraph 7 of the first paragraph, the following: "in the case of a neutral intervenor,".

"457.4 Replace the words "any candidate or party" at the end of subparagraph 5 of the first paragraph by the words "either option".

Replace subparagraph 6 of the first paragraph by the following subparagraph:

"(6) state briefly the purpose of the application,".

Replace the words "any candidate or party" at the end of subparagraph 7 of the first paragraph by the words "either national committee".

Replace the words "a member of any party" at the end of subparagraph 8 of the first paragraph by the words "associated with and has not contributed to either national committee".

"457.5

"457.6

"457.7 Replace the word "election" in the first paragraph by the word "referendum".

Replace the words "a candidate" in the second paragraph by the words "an official delegate".

- "457.8 Replace the section by the following section:
 - "457.8. Not later than the tenth day preceding polling day, the returning officer shall transmit to the national committees and to each official delegate a list of the authorizations which have been granted.

The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate whether the private intervenor is a neutral intervenor or a non-affiliated elector and, in the latter case, the option that the non-affiliated elector intends to promote."

- "457.9 Replace the words "an election" in the first paragraph by the words "a referendum".
- "457.10
- "457.11
- "457.12 Replace the section by the following section:
 - "457.12. A private intervenor who is an elector or the representative of a private intervenor may not join or contribute to a national committee during the referendum period.".
- "457.13 Replace the section by the following section:
 - **"457.13.** A neutral intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose either option.

A non-affiliated elector may not incur expenses that do not promote the option indicated in the application for authorization."

"457.14

to

"457.16

"457.17 Replace the figure "\$25" in the first paragraph by the figure "\$60".

"457,18

to

"457.20

"457.21 Replace the words "a judge of the Court of Québec" in the first paragraph by the words "the Conseil du référendum".

Replace the word "court" in the third paragraph and the word "judge" in the last paragraph by the word "council".";

- (18) by inserting, after section 556, the following:
- "556.1 Replace the words "an election" in paragraphs 1 and 2 by the words "a referendum".";
- (19) by inserting, after section 559, the following:
- "559.1 Replace the words "an election" in paragraph 1 by the words "a regulated".";
- (20) by inserting "or the report referred to in section 457.18" after "expenses" in section 563;
 - (21) by replacing section 564 by the following:
 - "564 Replace the section by the following section:
 - ****564.** Every person who contravenes any of sections 66, 87, 90 to 93, 95 to 97, 99, 100, 104, 105, 410, 413 to 417, 421, 421.1, 422, 424, 429, 429.1, 457.9 and 457.11 to 457.17 is liable to a fine of \$500 to \$10,000.".":
 - (22) by inserting, after section 568, the following:

"568.1":

- (23) by replacing section 569 by the following:
- "569 Replace the words "Such proceedings" in the second paragraph by the words "Proceedings are instituted before the Court of Québec. They".".

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

c. E-2.2, s. 364, English text, am. **95.** The English text of section 364 of the Act respecting elections and referendums in municipalites (R.S.Q., chapter E-2.2), amended by section 84 of chapter 31 of the statutes of 1998, is again amended by striking out "yet" in the third line of the definition of "electoral district".

c. E-2.2, s. 450, am.

96. Section 450 of the said Act is amended by adding, at the end, the following:

"election expense" and "official agent".

"In addition, for the purposes of sections 452, 459, 460, 461 and 463, the expression "election expense" includes expenses referred to in paragraph 9 of section 453 and the expression "official agent" includes a private intervenor within the meaning of Division VIII.1 if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors."

c. E-2.2, s. 453, am.

- **97.** Section 453 of the said Act is amended by adding, at the end, the following:
- "(8) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a candidate or party;
- "(9) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by a private intervenor authorized in accordance with Division VIII.1, without directly promoting or opposing a candidate or party, to publicize or obtain support for the intervenor's views on a matter of public interest or to advocate abstention or the spoiling of ballots."

c. E-2.2, s. 463.1, added.

98. The said Act is amended by inserting, after section 463, the following:

Requirements.

"463.1. Where, pursuant to section 450, a writing, object, material, advertisement or publicity referred to in section 463 must mention the name and title of the private intervenor referred to in Division VIII.1 or of the representative of the private intervenor, the writing, object, material, advertisement or publicity must also indicate the authorization number issued under section 512.5.

Cost exceeding \$300.

Where the cost of the writing, object, material, advertisement or publicity referred to in section 463 exceeds \$300, only the name and title of the official agent or deputy official agent of the candidate or authorized party may be indicated as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast."

c. E-2.2, Div. VIII.1, ss. 512.1-512.20, added.

99. The said Act is amended by inserting, after section 512, the following:

"DIVISION VIII.1

"EXPENSES OF PRIVATE INTERVENORS

Private intervenor.

"512.1. Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a private intervenor.

Application for authorization.

****512.2.** An elector who applies for authorization must

- (1) indicate his name, date of birth, domiciliary address and telephone number:
 - (2) declare that he is a qualified elector;
- (3) declare that he does not intend to directly promote or oppose any candidate or party;
- (4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;
 - (5) declare that he is not a member of any party;
- (6) declare that he is not acting directly or indirectly on behalf of any candidate or party;
- (7) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

Oath and undertaking.

The application for authorization must be supported by the elector's oath and include an undertaking by the elector to comply with all applicable legal provisions.

Application for authorization.

"512.3. A group that applies for authorization must

- (1) indicate its name, address, telephone number, date of formation and objects;
- (2) indicate the name, domiciliary address and telephone number of its leaders;
- (3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;
- (4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;
- (5) declare that the group does not intend to directly promote or oppose any candidate or party;
- (6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views;
- (7) declare that the group is not acting directly or indirectly on behalf of any candidate or party;

- (8) declare that the representative of the group is not a member of any party;
- (9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

Application for authorization.

The application for authorization must be made by the elector designated in the application to act as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.

Application for authorization.

"**512.4.** An application for authorization must be filed with the treasurer of the municipality in which the applicant is an elector.

Period.

The application must be filed during the period extending from the fiftieth to the twentieth day preceding polling day.

Issue of authorization.

"512.5. The treasurer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.

Rejection.

Before rejecting an application, the treasurer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.

Consultation.

"512.6. Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the treasurer shall, during the election period, allow an elector to consult, at the treasurer's office, any application for authorization which was granted.

Copy of application.

However, notwithstanding the second paragraph of section 10 of that Act, only a candidate may obtain a copy of such an application.

List of authorizations.

"512.7. Not later than the fifteenth day preceding polling day, the treasurer shall transmit to the authorized parties and to each candidate a list of the authorizations which have been granted.

Contents.

The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.

Election period.

"512.8. An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.

Restriction.

The representative of a group of electors may only act for that group.

Resignation.

"512.9. The representative of a group of electors who resigns shall notify the leader of the group and the treasurer in writing.

Report and vouchers.

Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.

Representative.

"512.10. If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the treasurer in writing forthwith.

Election period.

"512.11. A private intervenor who is an elector or the representative of a private intervenor may not become a member of a party during the election period.

Restriction on expenses.

"512.12. A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate or party.

Restriction on expenses.

"512.13. A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association, with any person.

Expenses.

"512.14. A private intervenor who is an elector must defray the cost of any expense out of his own funds.

Expenses.

A private intervenor that is a group of electors must defray the cost of any election expense out of the funds of the members of the group who are electors.

Payment of expenses.

A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or savings and credit union having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.

Expenses.

"512.15. In the case of a private intervenor that is a group of electors, only the representative of the group may incur expenses on behalf of the private intervenor.

Representative.

The representative of a private intervenor is bound by the provisions of sections 512.12 to 512.14 and must ensure that they are complied with.

Voucher.

"512.16. A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.

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Invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

Filing of report.

"512.17. A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the treasurer a report of all the private intervenor's expenses, in the prescribed form.

Accompanying documents.

The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

Provisions applicable.

"512.18. Sections 499, 500, 501 and 506 apply to the report referred to in section 512.17, with the necessary modifications.

Withdrawal.

- ****512.19.** The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor
- (1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information;
- (2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization;
- (3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.

Procedure.

Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. The decision to withdraw the authorization must be in writing and contain reasons.

Appeal.

"512.20. Any person whose application for authorization is rejected and any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

Service of motion.

The motion must be served beforehand on the treasurer or the chief electoral officer, as the case may be.

Appeal.

The appeal shall be heard and decided by preference. The appeal does not suspend execution of the decision unless the court decides otherwise.

Decision.

The decision of the judge is final."

c. E-2.2, s. 595, am.

100. Section 595 of the said Act is amended by adding, at the end, the following:

Offence.

"Every elector referred to in section 512.2 or in the last paragraph of section 512.3 is guilty of an offence who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or other voucher."

c. E-2.2, s. 622, am.

101. Section 622 of the said Act is amended by adding, at the end, the following:

"election expense" and "official agent".

"For the purposes of subparagraph 2 of the first paragraph, the expression "election expense" includes expenses referred to in paragraph 9 of section 453 and the expression "official agent" includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors."

c. E-2.2, s. 623, am.

102. Section 623 of the said Act is amended by adding, at the end, the following:

"election expenses" and "official agent".

"For the purposes of this section, the expression "election expenses" includes expenses referred to in paragraph 9 of section 453 and the expression "official agent" includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors."

c. E-2.2, s. 624, am.

103. Section 624 of the said Act is amended by adding, at the end, the following:

"official agent".

"For the purposes of this section, the expression "official agent" includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors."

c. E-2.2, s. 624.1, added.

104. The said Act is amended by inserting, after section 624, the following:

Offence.

"624.1. Every person who contravenes any of sections 463.1, 512.8 and 512.10 to 512.16 is guilty of an offence."

c. E-2.2, s. 626.1, added.

105. The said Act is amended by inserting, after section 626, the following:

Offence.

"626.1. Every private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, or representative of such an intervenor if the private intervenor is a group of electors, who fails to transmit the report prescribed in section 512.17 within the time fixed in that section is guilty of an offence."

c. E-2.2, s. 645, am.

106. Section 645 of the said Act is amended by replacing "paragraph 1" in the second line of the second paragraph by "subparagraph 1 of the first paragraph".

HEALTH INSURANCE ACT

c. A-29, s. 65.0.1, am.

- **107.** Section 65.0.1 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 19 of chapter 98 of the statutes of 1997, is again amended
- (1) by striking out "of each beneficiary who has reached the age of 18, and" in the eighth and ninth lines of the first paragraph;
- (2) by adding, at the end of the first paragraph, the following: "The Régie shall also transmit the same information concerning any beneficiary who is to reach the age of 18, at least six months before the beneficiary's birthday."

TRANSITIONAL AND FINAL PROVISIONS

Application for authorization.

108. A Member of the National Assembly who, on 21 October 1998, is an independent Member within the meaning of section 41 of the Election Act must make an application for authorization pursuant to section 62.1 of the said Act within 30 days of that date.

Special boards of revisors.

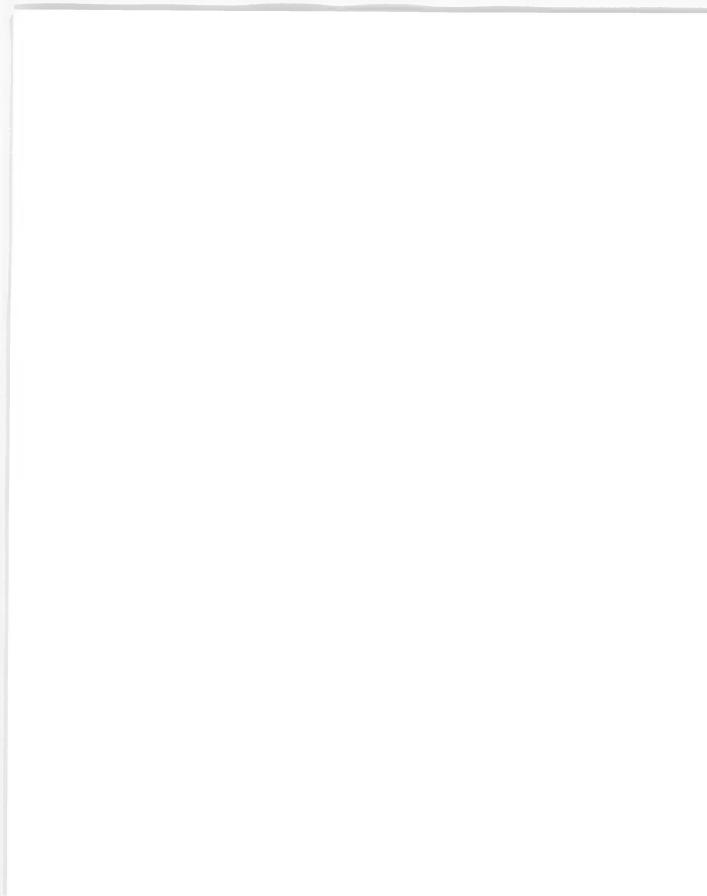
109. Notwithstanding section 227 of the Election Act, at the first general election following 21 October 1998, each returning officer shall establish, for the purposes of that election, three special boards of revisors in his electoral division, including one at his office.

Coming into force.

110. This Act comes into force on 21 October 1998.

Coming into force.

However, the provisions of sections 46, 47, 55, 56 and 81 and those of paragraphs 3 and 4 of section 94 come into force on the date or dates to be fixed by order of the Government. The Government may not make such an order until after the first general election subsequent to 21 October 1998.



NATIONAL ASSEMBLY
Thirty-fifth Legislature, second session

1998, chapter 53 AN ACT TO AMEND THE CROP INSURANCE ACT AND THE ACT RESPECTING FARM INCOME STABILIZATION INSURANCE

Bill 455

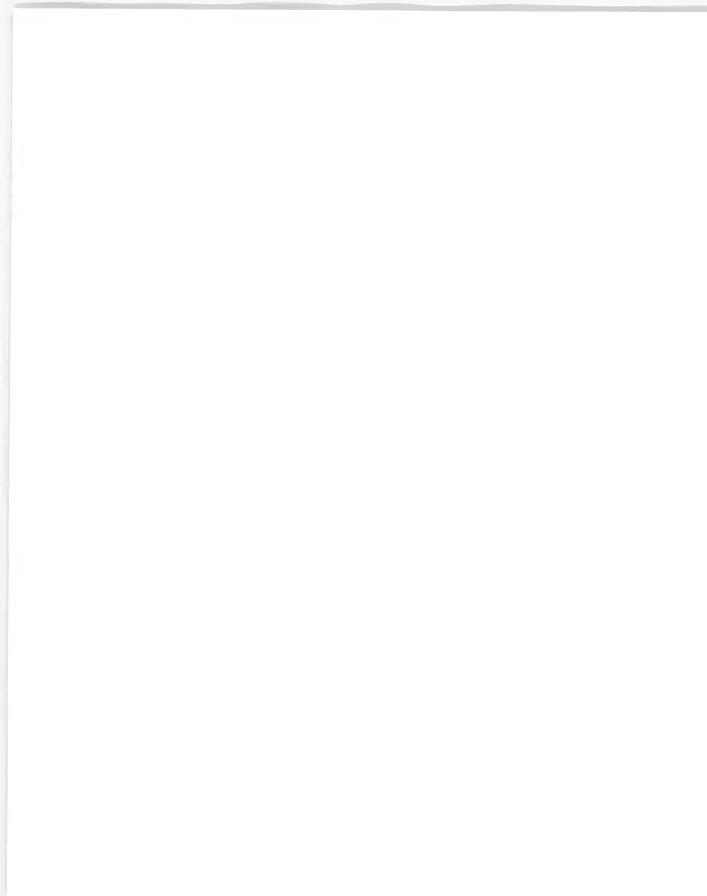
Introduced by Mr Guy Julien, Minister of Agriculture, Fisheries and Food Introduced 20 October 1998
Passage in principle 21 October 1998
Passage 21 October 1998
Assented to 21 October 1998

Coming into force: 21 October 1998

Legislation amended:

Crop Insurance Act (R.S.Q., chapter A-30) Act respecting farm income stabilization insurance (R.S.Q., chapter A-31)







Chapter 53

AN ACT TO AMEND THE CROP INSURANCE ACT AND THE ACT RESPECTING FARM INCOME STABILIZATION INSURANCE

[Assented to 21 October 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-30, s. 2, am.

1. Section 2 of the Crop Insurance Act (R.S.Q., chapter A-30) is amended by adding, at the end, the following:

Object.

"A further object of the Régie is to administer the insurance funds for which it acts as trustee under this Act and the Act respecting farm income stabilization insurance, and to administer, pursuant to any agreement, any other fund whose management may be entrusted by the Government to the Régie as trustee."

c. A-30, s. 20, replaced.

Composition.

- **2.** Section 20 of the said Act is replaced by the following:
- **"20.** The Régie shall be assisted by an advisory committee composed of the following members appointed by the Government:
 - (a) two members designated by the Union des producteurs agricoles;
 - (b) two members designated by the Régie from among its members;
 - (c) two members representing the Government; and
 - (d) one member from the financial sector.

Ex officio member.

The person at the Régie in charge of the administration of the insurance funds for which the Régie acts as trustee under this Act and the Act respecting farm income stabilization insurance is ex officio a member of the advisory committee.

Remuneration.

The members of the advisory committee are not remunerated, except in the cases, on the conditions and to the extent which may be determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government."

c. A-30, s. 21, am.

3. Section 21 of the said Act is amended by replacing paragraph b by the following:

- "(b) to advise the Régie, at its request, on tariffing, actuarial soundness, investments, loans and the transactions relating to the instruments and contracts of a financial nature used in the management of the funds it administers;".
- c. A-30, s. 24, am.

 4. Section 24 of the said Act is amended by striking out "category of" in the first line of the second paragraph and by replacing "a category of" in the second line of the third paragraph by "the".
- c. A-30, s. 39, am. **5.** Section 39 of the said Act is amended by replacing "category of crops" in the first line of the first paragraph and "those crops" in the second line of that paragraph by "crop" and "that crop" respectively.
- c. A-30, s. 40, am. **6.** Section 40 of the said Act is amended by striking out "category of" in the third line of the first paragraph.
- c. A-30, s. 44, am.

 7. Section 44 of the said Act is amended by replacing "category of crops" and "category of crop" in the first and eighth lines of the first paragraph by "crop".
- c. A-30, s. 47, am. **8.** Section 47 of the said Act is amended
 - (1) by replacing "category of insured crops" in the first line of the first paragraph by "insured crop";
 - (2) by replacing "category of crops" in the first line of the third paragraph by "crop".
- c. A-30, s. 50, am. **9.** Section 50 of the said Act is amended by replacing "category of crops" by "crop".
- c. A-30, s. 51, am.

 10. Section 51 of the said Act is amended by replacing "one or another category of crops but the whole of the area under cultivation in the category of crops that he has elected to insure must be subject to" in the first, second and third lines by "any crop but the whole of the area cultivated for the crop that he has elected to insure must be covered by".
- c. A-30, s. 58, am.

 Section 58 of the said Act is amended by replacing "category of crops" in the third line of the second paragraph by "crop".
- c. A-30, s. 59, am. **12.** Section 59 of the said Act is amended by striking out "categories of" in the second line.
- c. A-30, Div. VII, heading, replaced.

 13. The heading of Division VII of the said Act is replaced by "CROP INSURANCE FUND".
- c. A-30, s. 70, am. 14. Section 70 of the said Act is amended

- (1) by replacing "a fund for the payment of indemnities and compensations and shall be entered in separate accounts for each category of crops, as shall the indemnities paid for each of such categories" by "a crop insurance fund called "Fonds d'assurance-récolte";
 - (2) by adding, at the end, the following:

Trust patrimony.

"The fund shall constitute a trust patrimony appropriated mainly to the payment of the indemnities payable under an insurance system created pursuant to this Act. The fund shall be administered by the Régie for the benefit of insured persons and the Régie shall act as trustee of the fund.

Composition.

In addition to the assessments of insured persons and the contributions of the Government, the fund shall be composed of

- (a) the sums paid by the Minister of Finance as advances taken out of the consolidated revenue fund pursuant to section 71;
- (b) the amount of a loan contracted by the Régie under sections 71.1 and 71.3;
- (c) the revenues derived from the investment of the sums making up the fund; and
- (d) any sum that may be paid by the Minister of Agriculture, Fisheries and Food under an agreement entered into pursuant to section 73."

c. A-30, ss. 70.1-70.6, added.

15. The said Act is amended by inserting, after section 70, the following:

Separate accounts.

"**70.1.** The assessments of insured persons and the contributions of the Government shall be credited to separate accounts for each crop. The assessments and contributions may also be credited to separate accounts for each insured person.

Assessment.

"**70.2.** A surplus or deficit entered in an account must be considered in determining the assessment relating to that account.

Replacement program.

"**70.3.** Where a protection program for an insured crop is terminated and the parties to an agreement entered into pursuant to section 73 have agreed on the setting up of a replacement program, any surplus or deficit in the insured crop account shall be entered in the replacement program account.

Surplus and deficit.

If no replacement program is set up, any surplus or deficit in the insured crop account shall be dealt with in accordance with an agreement entered into by the parties pursuant to section 73 in the year following the expiry date of the program. In the absence of an agreement, the account's liabilities shall encumber the fund and any surplus or deficit shall be apportioned among insured persons and the Government in proportion to their participation in the account.

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Crop Insurance and Farm Income Stabilization Insurance

1998

Use of surplus.

"**70.4.** The Régie may use a surplus in an account to advance a sum on a short-term basis to another account in a fund it administers.

Execution of judgment.

"**70.5.** The sums required for the execution of a judgment which has become *res judicata* rendered against the Régie as fund manager shall be taken out of the fund.

Audit.

"**70.6.** The books and accounts of the fund shall be audited every year by the Auditor General."

c. A-30, s. 71, am.

16. Section 71 of the said Act is amended by striking out "of the fund" in the first line of the first paragraph and "compensations and" in the first and second lines of that paragraph.

c. A-30, ss. 71.1-71.4, added.

17. The said Act is amended by inserting, after section 71, the following:

Loan.

"71.1. The Régie may complete the payment of indemnities by means of a loan. The Régie may, to guarantee the loan, encumber all or part of the assessments collected by it and the contributions paid to it by the Government under this Act.

Loan.

The Government shall determine the amount, the rate of interest, the conditions and the modalities of the loan and the conditions under which the assessments and contributions may be encumbered.

Loan.

"71.2. The Régie may contract a loan in order to carry out a transaction to which Division VIII.1 of the Financial Administration Act (chapter A-6) applies in respect of instruments and contracts of a financial nature. The Government shall determine the amount, the rate of interest, the conditions and the modalities of the loan.

Amount of loan.

The amount of a loan may be applied, among other things, to the repayment of brokerage fees relating to instruments and contracts of a financial nature, and to the repayment of any interest and costs relating to the loan.

Repayment.

The sums required to repay the loan are chargeable to the fund in the proportion determined by the Government in accordance with an agreement entered into pursuant to section 73. In the absence of an agreement, the sums required to repay the loan are chargeable to the fund, but only in the proportion for which the Government is liable.

Revenues.

"71.3. The revenues generated by the instruments and contracts of a financial nature to which Division VIII.1 of the Financial Administration Act applies are applied first to the repayment of the interest, costs and capital of loans contracted under section 71.2, and then to the repayment of the brokerage fees relating to such instruments and contracts.

Balance of revenues.

The balance of the revenues remaining at the end of each fiscal year is paid into the fund as a contribution of the Government.

Farm producers.

If an agreement under section 73 provides for a financial interest held by farm producers in instruments and contracts of a financial nature, the balance of the revenues is applied to the amount of the assessments payable by the producers for the following fiscal year, proportionally to their financial interest.

Guarantee.

"71.4. The Government may guarantee a loan contracted by the Régie under sections 71.1 and 71.2.

Consolidated revenue fund.

The sums that the Government may be called upon to pay under the guarantee are taken out of the consolidated revenue fund."

c. A-30, s. 74, am.

18. Section 74 of the said Act is amended by striking out "categories of" in paragraph d.

c. A-31, Div. III, heading, replaced.

19. The heading of Division III of the Act respecting farm income stabilization insurance (R.S.Q., chapter A-31) is replaced by "FARM INCOME STABILIZATION INSURANCE FUND".

c. A-31, s. 7, replaced.

20. Section 7 of the said Act is replaced by the following:

Constitution.

"7. The assessments of participants and the contributions of the Government shall constitute a farm income stabilization insurance fund called "Fonds d'assurance-stabilisation des revenus agricoles".

Trust patrimony.

The fund shall constitute a trust patrimony appropriated mainly to the payment of the compensation payable under an insurance system created pursuant to this Act. The fund shall be administered by the Régie for the benefit of participants and the Régie shall act as trustee of the fund.

Composition.

In addition to the assessments of participants and the contributions of the Government, the fund shall be composed of

- (a) the sums paid by the Minister of Finance as advances taken out of the consolidated revenue fund pursuant to section 10;
- (b) the amount of a loan contracted by the Régie under sections 10.1 and 10.3;
- (c) the revenues derived from the investment of the sums making up the fund; and
- (d) any sum that may be paid by the Minister of Agriculture, Fisheries and Food under an agreement entered into pursuant to sections 42 and 43."

c. A-31, ss. 9.1-9.6, added.

21. The said Act is amended by inserting, after section 9, the following:

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Crop Insurance and Farm Income Stabilization Insurance

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Separate accounts.

"9.1. The assessments of participants and the contributions of the Government shall be credited to separate accounts for each production. The assessments and contributions may also be credited to separate accounts for each participant.

Assessment.

"**9.2.** A surplus or deficit entered in an account must be considered in determining the assessment relating to that account.

Replacement program.

'9.3. Where a protection program for an insured production is terminated and the parties to an agreement entered into pursuant to sections 42 and 43 have agreed on the setting up of a replacement program, any surplus or deficit in the insured production account shall be entered in the replacement program account.

Surplus and deficit.

If no replacement program is set up, any surplus or deficit in the insured production account shall be dealt with in accordance with an agreement entered into by the parties pursuant to sections 42 and 43 in the year following the expiry date of the program. In the absence of an agreement, the account's liabilities shall encumber the fund and any surplus or deficit shall be apportioned among participants and the Government in proportion to their participation in the account.

Use of surplus.

"9.4. The Régie may use a surplus in an account to advance a sum on a short-term basis to another account in a fund it administers.

Execution of judgment.

"9.5. The sums required for the execution of a judgment which has become *res judicata* rendered against the Régie as fund manager shall be taken out of the fund.

Audit.

"9.6. The books and accounts of the fund shall be audited every year by the Auditor General.

Actuarial analysis.

The Régie shall at least every five years prepare an actuarial analysis of its operations and gather all information pertinent to fixing the rates of assessment."

c. A-31, s. 10.1, replaced.

22. Section 10.1 of the said Act is replaced by the following:

Loan.

"**10.1.** The Régie may complete the payment of compensation by means of a loan. The Régie may, to guarantee the loan, encumber all or part of the assessments collected by it and the contributions paid to it by the Government under this Act.

Loan.

The Government shall determine the amount, the rate of interest, the conditions and the modalities of a loan and the conditions under which the assessments and contributions may be encumbered."

c. A-31, s. 10.2, am.

23. Section 10.2 of the said Act is amended by replacing "section 10.1" in the first paragraph by "sections 10.1 and 10.3".

c. A-31, s. 10.3, am.

- **24.** Section 10.3 of the said Act is amended
- (1) by replacing, in the French text, "tout intérêt" in the second paragraph by "tous intérêts";
 - (2) by replacing the third paragraph by the following:

Repayment.

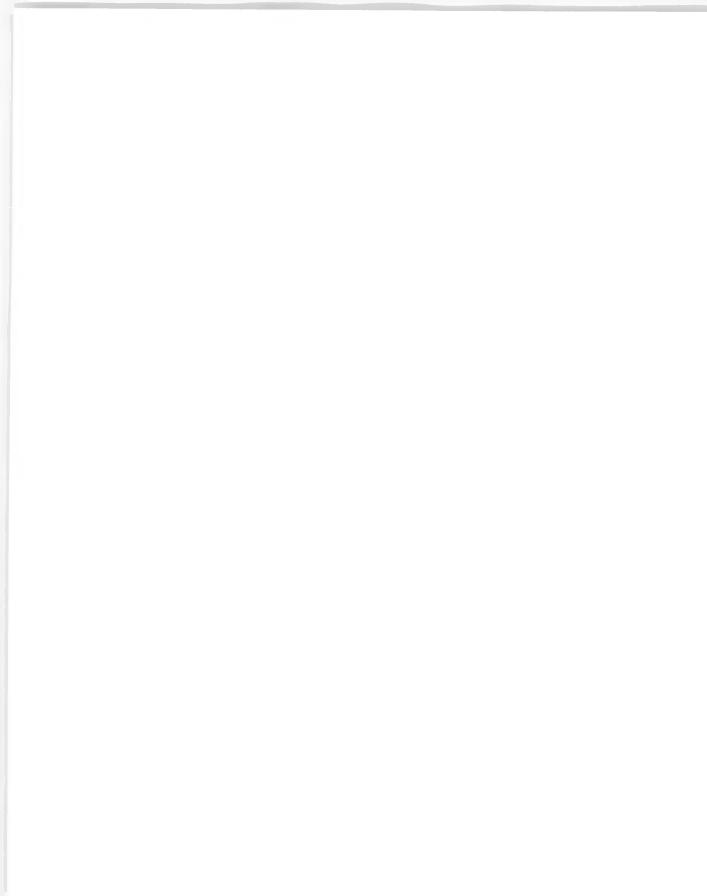
"The sums required to repay the loan are chargeable to the fund in the proportion determined by the Government in accordance with an agreement entered into pursuant to section 43. In the absence of an agreement, the sums required to repay the loan are chargeable to the fund, but only in the proportion for which the Government is liable."

Effect.

25. The provisions of this Act, except the provisions relating to the advisory committee, have effect from 1 April 1998.

Coming into force.

26. This Act comes into force on 21 October 1998.



NATIONAL ASSEMBLY
Thirty-fifth Legislature, second session

1998, chapter 54 AN ACT TO AGAIN AMEND THE ACT RESPECTING THE NATIONAL ASSEMBLY

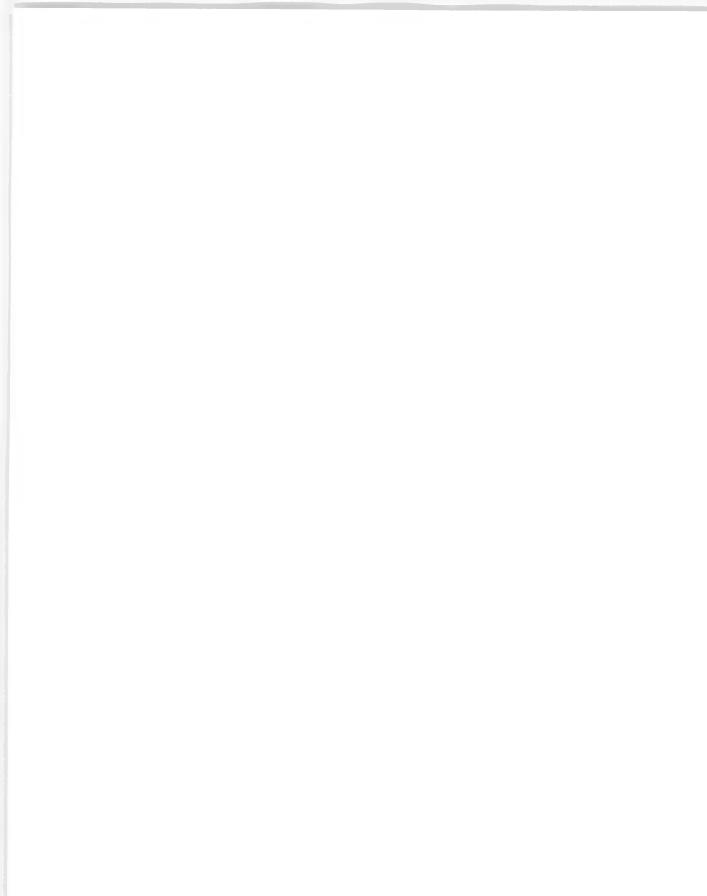
Bill 456

Introduced by Mr Jacques Brassard, Government House Leader and Minister responsible for Parliamentary Reform Introduced 21 October 1998
Passage in principle 21 October 1998
Passage 21 October 1998
Assented to 21 October 1998

Coming into force: 21 October 1998

Legislation amended:

Act respecting the National Assembly (R.S.Q., chapter A-23.1)





Chapter 54

AN ACT TO AGAIN AMEND THE ACT RESPECTING THE NATIONAL ASSEMBLY

[Assented to 21 October 1998]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-23.1, s. 96, replaced.

1. Section 96 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is replaced by the following:

Replacement.

"**96.** If the President is absent, or at the request of the President, the President shall be replaced by the Vice-President designated by the President.

Replacement.

If the President is unable to act or the office of President is vacant, the Vice-President with the longest service as Vice-President during the current legislature or, in the case of equal service in that capacity, the Vice-President having the longest service as Member of the National Assembly or, in the case of equal service in that capacity, the elder of the Vice-Presidents shall replace the President during the time the President is unable to act or the office of President is vacant."

c. A-23.1, s. 117, replaced.

2. Section 117 of the said Act is replaced by the following:

Replacement.

"117. If the President is absent, or at the request of the President, the President shall be replaced by the Vice-President designated by the President.

Replacement.

If the President is unable to act or the office of President is vacant, the Vice-President with the longest service as Vice-President during the current legislature or, in the case of equal service in that capacity, the Vice-President having the longest service as Member of the National Assembly or, in the case of equal service in that capacity, the elder of the Vice-Presidents shall replace the President during the time the President is unable to act or the office of President is vacant."

Coming into force.

3. This Act comes into force on 21 October 1998.

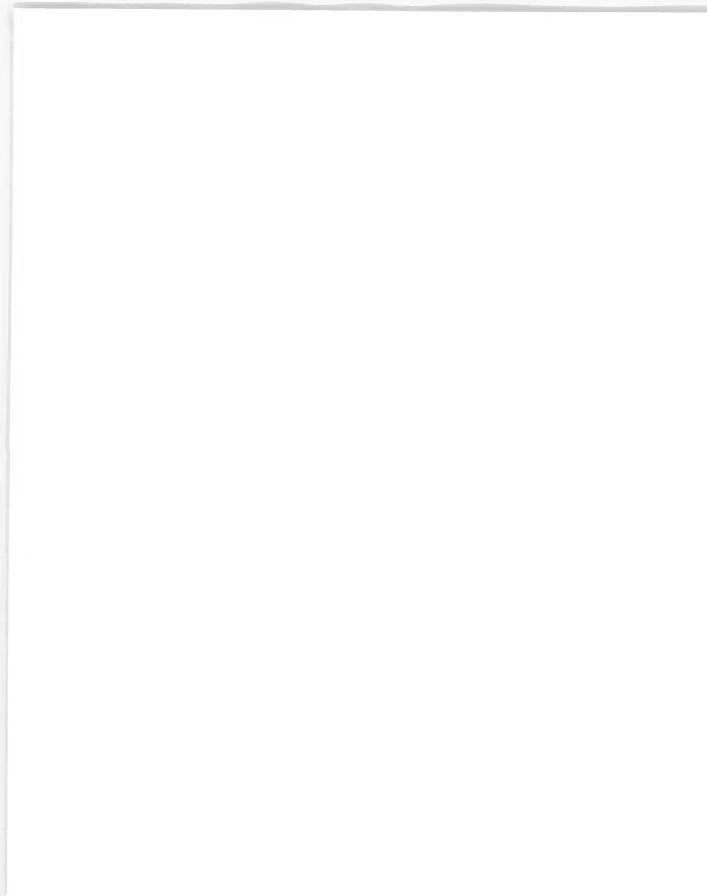


TABLE OF AMENDMENTS TO THE REVISED STATUTES OF QUÉBEC, 1977 AND OTHER PUBLIC ACTS

IN THIS TABLE

Ab. = Abrogate App. = Appendix c. = chapter Rp. = Replaced R.S. = Revised Statutes Sched. = Schedule sess. = session

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| | 121, 1990, c. 83 122, 1990, c. 83 124, 1990, c. 83 125, 1990, c. 83 127, 1990, c. 83; 1990, c. 85; 1996, c. 128, 1987, c. 94; 1990, c. 83; 1990, c. 56 130, Ab. 1996, c. 56 131, Ab. 1996, c. 56 133, Ab. 1996, c. 56 134, Ab. 1996, c. 56 135, Ab. 1996, c. 56 136, Ab. 1996, c. 56 137, 1990, c. 4; 1996, c. 56 137, 1990, c. 4; 1996, c. 56 138, 1990, c. 4 139, 1990, c. 4 140, 1987, c. 94; 1988, c. 68; 1990, c. 140.1, 1996, c. 56 141, 1990, c. 4; 1996, c. 56 141, 1990, c. 4; 1996, c. 56 143, 1, 1996, c. 56 144, 1990, c. 4; 1996, c. 56 145, 1990, c. 4; 1996, c. 56 146, 1990, c. 4; 1996, c. 56 147, 1990, c. 4; 1996, c. 56 148, 1990, c. 4; 1996, c. 56 149, 1990, c. 4; Ab. 1996, c. 56 149, 1990, c. 4; Ab. 1996, c. 56 150, 1990, c. 4; Ab. 1996, c. 56 151, 1996, c. 56 152, 1996, c. 56 153, 1990, c. 83; 1996, c. 56 155, 1990, c. 83; 1996, c. 56 155, 1990, c. 83; 1996, c. 56 156, 1987, c. 94; 1996, c. 56 157, 1997, c. 83; 1996, c. 56 158, 1987, c. 94; 1996, c. 56 159, 1987, c. 94; 1996, c. 56 160.1, 1990, c. 83 161, 1987, c. 94; 1996, c. 56 161.1, 1987, c. 94; 1990, c. 83; 1996, c. 83 163, 1980, c. 83 164, 1990, c. 83 165, 1990, c. 83 173, 1987, c. 94; 1990, c. 83; 1996, c. 88 187.1, 1988, c. 68 187.1, 1987, c. 94; 1990, c. 83; 1996, c. 88 187.1, 1987, c. 94; 1990, c. 83; 1996, c. 88 187.2, 1987, c. 94; 1990, c. 83; 1996, c. 88 187.3, 1987, c. 94; 1990, c. 83; 1996, c. 88 187.4, 1987, c. 94; 1990, c. 83; 1996, c. 88 187.8, 1987, c. 94; 1990, c. 83; 1996, c. 88 187.9, 1987, c. 94; 1990, c. 83; 1996, c. 88 187.9, 1987, c. 94; 1990, c. 83; 1996, c. 88 | 85; 1996, c. 2; Ab. 1996, c. 56 4; 1995, c. 6; 1996, c. 56 3; 1996, c. 56 40 56; 1996, c. 60 |

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| | 519.48 , 1987, c. 94; 1990, c. 4; 1998, c. 40 519.49 , 1987, c. 94; 1990, c. 4; 1990, c. 83; 1998, c. 40 519.50 , 1987, c. 94; 1990, c. 4; 1998, c. 40 519.51 , 1987, c. 94; 1990, c. 4; 1998, c. 40 519.52 , 1987, c. 94; 1990, c. 4; 1990, c. 83; 1998, c. 40 519.53 , 1987, c. 94; 1990, c. 4; 1998, c. 40 519.54 , 1987, c. 94; 1992, c. 61; Ab. 1996, c. 56; 1 | c. 40 |
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| | 354, Ab. 1987, c. 57 355, Ab. 1987, c. 57 356, Ab. 1987, c. 57 357, Ab. 1987, c. 57 358, Ab. 1987, c. 57 360, Ab. 1987, c. 57 361, Ab. 1987, c. 57 362, Ab. 1987, c. 57 363, Ab. 1987, c. 57 364, Ab. 1987, c. 57 365, Ab. 1987, c. 57 366, Ab. 1987, c. 57 366, Ab. 1987, c. 57 366, Ab. 1987, c. 57 367, Ab. 1987, c. 57 368, Ab. 1987, c. 57 369, Ab. 1987, c. 57 370, Ab. 1987, c. 57 371, Ab. 1987, c. 57 372, Ab. 1987, c. 57 373, Ab. 1987, c. 57 374, Ab. 1987, c. 57 375, Ab. 1987, c. 57 376, Ab. 1987, c. 57 377, Ab. 1987, c. 57 378, Ab. 1987, c. 57 379, Ab. 1987, c. 57 380, Ab. 1987, c. 57 381, Ab. 1987, c. 57 382, Ab. 1987, c. 57 383, Ab. 1987, c. 57 384, Ab. 1987, c. 57 385, Ab. 1987, c. 57 386, Ab. 1987, c. 57 387, Ab. 1987, c. 57 389, Ab. 1987, c. 57 381, Ab. 1987, c. 57 382, Ab. 1987, c. 57 383, Ab. 1987, c. 57 384, Ab. 1987, c. 57 385, Ab. 1987, c. 57 386, Ab. 1987, c. 57 387, Ab. 1987, c. 57 389, Ab. 1987, c. 57 389, Ab. 1987, c. 57 399, Ab. 1987, c. 57 399, Ab. 1987, c. 57 391, Ab. 1987, c. 57 393, Ab. 1987, c. 57 394, Ab. 1987, c. 57 395, Ab. 1987, c. 57 396, Ab. 1987, c. 57 397, Ab. 1987, c. 57 399, Ab. 1987, c. 57 391, Ab. 1987, c. 57 392, Ab. 1987, c. 57 393, Ab. 1987, c. 57 394, Ab. 1987, c. 57 395, Ab. 1987, c. 57 396, Ab. 1987, c. 57 397, Ab. 1987, c. 57 399, Ab. | |

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| c. C-27.1 | Municipal Code of Québec (amendments from 1984 made to the conso | lidation of the Code) – Cont'd | _ |
| | 422 , 1996, c. 2 | | |
| | 426 , 1996, c. 2 431 , 1996, c. 2 | | |
| | 432 , 1996, c. 2 433 , 1996, c. 2 | | |
| | 436 , 1996, c. 2 437.1 , 1995, c. 34; 1996, c. 77; 1997, c. 53 | | |
| | 437.2 , 1995, c. 34 437.3 , 1997, c. 51 | | |
| | 437.4 , 1997, c. 51 | | |
| | 437.5 , 1997, c. 51 437.6 , 1997, c. 51 | | |
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| | 437.9, 1997, c. 51 | | |
| | 437.10 , 1997, c. 51 438 , 1996, c. 2 | | |
| | 439 , 1996, c. 2 440 , 1996, c. 2 | | |
| | 441 , 1996, c. 2; Ab. 1996, c. 27 | | |
| | 442 , 1992, c. 57; Ab. 1996, c. 2 443 , 1996, c. 2 | | |
| | 444, Ab. 1987, c. 57 445, 1987, c. 68; 1996, c. 2 | | |
| | 446 , 1996, c. 2 447 , 1996, c. 2 | | |
| | 448 , 1996, c. 2 | | |
| | 455, 1990, c. 4; 1992, c. 27 456, Ab. 1987, c. 57 | | |
| | 457, Ab. 1987, c. 57 458, Ab. 1987, c. 57 | | |
| | 459 , Ab. 1987, c. 57 460 , Ab. 1987, c. 57 | | |
| | 461 , Ab. 1987, c. 57 | | |
| | 462, Ab. 1987, c. 57 463, Ab. 1987, c. 57 | | |
| | 464, Ab. 1987, c. 57 465, Ab. 1987, c. 57 | | |
| | 466 , Ab. 1987, c. 57 467 , Ab. 1987, c. 57 | | |
| | 468 , Ab. 1987, c. 57 | | |
| | 469, Ab. 1987, c. 57 470, Ab. 1987, c. 57 | | |
| | 471 , Ab. 1987, c. 57 472 , Ab. 1987, c. 57 | | |
| | 473 , Ab. 1987, c. 57 474 , Ab. 1987, c. 57 | | |
| | 475 , Ab. 1987, c. 57 | | |
| | 476 , Ab. 1987, c. 57 477 , Ab. 1987, c. 57 | | |
| | 478 , Ab. 1987, c. 57 479 , Ab. 1987, c. 57 | | |
| | 480, Ab. 1987, c. 57 | | |
| | 481 , Ab. 1987, c. 57 482 , Ab. 1987, c. 57 | | |
| | 483 , Ab. 1987, c. 57 484 , Ab. 1987, c. 57 | | |
| | 485 , Ab. 1987, c. 57 | | |
| | 486 , 1987, c. 57; 1992, c. 27 487 , Ab. 1992, c. 27 | | |
| | 490 , 1988, c. 19; 1996, c. 2 | | |

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| | 491 , 1986, c. 95; 1992, c. 61; 1996, c. 2 | ; 1996, c. 27; 1996, c. 77; 1998, c. 31 |
| | 492 , 1996, c. 2 493 , 1994, c. 14; 1996, c. 2 | |
| | 494 , 1996, c. 2 496 , 1996, c. 2 | |
| | 510, 1992, c. 57; 1994, c. 30 516, 1986, c. 95 | |
| | 517 , 1996, c. 2 | |
| | 520 , 1992, c. 61; 1996, c. 2 521 , 1996, c. 2 | |
| | 522 , 1996, c. 2 | |
| | 523, 1996, c. 2 524, 1984, c. 38; 1992, c. 21; 1992, c. 6 | 5; 1994, c. 23; 1996, c. 2 |
| | 524.1, 1992, c. 65 524.2, 1992, c. 65 | |
| | 524.3 , 1992, c. 65 524.3.1 , 1997, c. 93 | |
| | 524.4, 1992, c. 65 | |
| | 524.5 , 1992, c. 65 524.6 , 1998, c. 31 | |
| | 524.7, 1998, c. 31 525, 1984, c. 38; 1996, c. 2 | |
| | 526 , 1985, c. 35; 1996, c. 2 | |
| | 527 , 1985, c. 35; 1986, c. 66; 1996, c. 2 528 , 1985, c. 35; 1996, c. 2 | |
| | 528.1 , 1986, c. 66; 1988, c. 25; 1996, c 529 , 1985, c. 35; 1986, c. 66; 1988, c. 2 | |
| | 530, 1988, c. 25; 1996, c. 2 | |
| | 531 , 1988, c. 25 532 , 1984, c. 38; 1996, c. 2 | |
| | 532.1 , 1985, c. 35; 1996, c. 2 532.2 , 1985, c. 35; 1988, c. 25; 1996, c | . 2 |
| | 532.3, 1985, c. 35; 1988, c. 25; 1996, c | |
| | 532.4, 1988, c. 25; 1996, c. 2 533, 1996, c. 2 | |
| | 534 , 1985, c. 35; Ab. 1988, c. 25 535 , Ab. 1988, c. 25 | |
| | 535.1, 1985, c. 35 535.2, 1985, c. 35; 1986, c. 66; 1996, c | 2 |
| | 535.3, 1985, c. 35; 1988, c. 25 | |
| | 535.4 , 1986, c. 66; 1988, c. 25; 1996, c. 535.5 , 1988, c. 25; 1996, c. 2; 1997, c. | |
| | 535.6 , 1988, c. 25 535.7 , 1988, c. 25; 1996, c. 2 | |
| | 536, 1984, c. 23; 1984, c. 38; 1988, c. 2 | 25; 1996, c. 2 |
| | 537 , 1988, c. 25; 1996, c. 2 537.1 , 1988, c. 25; 1996, c. 2 | |
| | 538 , 1988, c. 25 539 , 1984, c. 23; 1984, c. 38; 1988, c. 2 | 25 · 1996 .c. 2 |
| | 540 , 1996, c. 2 | 50, 1550, C. 2 |
| | 541, 1996, c. 2 542, 1996, c. 2 | |
| | 543 , 1996, c. 2 544 , 1986, c. 95; 1996, c. 2; 1997, c. 53 | } |
| | 545, 1996, c. 2 | |
| | 546 , 1990, c. 4; 1992, c. 61; 1996, c. 2; 547 , 1985, c. 27; 1992, c. 27; 1996, c. 2 | |
| | 548, 1996, c. 2 | |
| | 548.1 , 1985, c. 27; 1996, c. 2 548.2 , 1985, c. 27; 1996, c. 2 | |
| | 549 , 1987, c. 102; 1988, c. 49; 1989, c. | 46; 1994, c. 33; Ab. 1996, c. 2 |

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| c. C-27.1 | Municipal Code of Québec (amendments from 1984 made to the cons | colidation of the Code) – Cont'd |
| | 550, 1987, c. 42; 1996, c. 2 | |
| | 550.1, 1998, c. 31 551, 1996, c. 2 | |
| | 552 , 1996, c. 2; 1996, c. 16; 1997, c. 58 553 , 1990, c. 4; 1996, c. 2 | |
| | 554 , 1996, c. 2 555 , 1985, c. 27; 1986, c. 32; 1994, c. 17; 555.1 , 1985, c. 27; 1996, c. 2 | 1996, c. 2; 1998, c. 31 |
| | 555.2, 1985, c. 3; 1996, c. 2 556, 1996, c. 2 | |
| | 557 , 1987, c. 42; 1987, c. 57; 1988, c. 8; 3 557.1 , 1997, c. 93 | 1996, c. 2; 1997, c. 83 |
| | 557.2 , 1997, c. 93 559 , 1992, c. 57; 1994, c. 30; 1996, c. 2 560 , 1996, c. 2 | |
| | 561 , 1996, c. 2 563 , 1996, c. 2; 1997, c. 93; 1998, c. 31 563.0.1 , 1997, c. 93 | |
| | 563.1, 1996, c. 27 | |
| | 563.2, 1996, c. 27 563.3, 1996, c. 27 | |
| | 564, 1988, c. 84; 1996, c. 2 | |
| | 565 , 1990, c. 4; 1992, c. 27; 1992, c. 61 566 , 1990, c. 4; Ab. 1992, c. 61 | |
| | 566.1, 1985, c. 27; 1996, c. 2 | |
| | 566.2 , 1986, c. 32; 1996, c. 2 566.3 , 1996, c. 27 | |
| | 567 , 1996, c. 2 | |
| | 567.1 , 1985, c. 27; 1996, c. 2 568 , 1996, c. 2 | |
| | 569 , 1984, c. 38; 1992, c. 65; 1996, c. 2; 1 569.1 , 1985, c. 27; Ab. 1986, c. 32 570 , 1994, c. 33; 1996, c. 27 | 1996, c. 27; 1998, c. 31 |
| | 571 , Ab. 1996, c. 27 | |
| | 572 , 1996, c. 2 573 , 1996, c. 2 | |
| | 574, 1996, c. 2 | |
| | 575, 1996, c. 2 576, 1996, c. 2; 1998, c. 31 | |
| | 577, 1996, c. 2 | |
| | 578 , 1987, c. 102; 1994, c. 33; 1995, c. 34 579 , 1996, c. 2 | i; 1996, c. 2; 1998, c. 31 |
| | 580, 1990, c. 85; 1994, c. 33 | |
| | 584, 1996, c. 2 585, 1996, c. 2 | |
| | 590 , 1987, c. 57 | |
| | 591, Ab. 1987, c. 57 592, 1987, c. 57; 1989, c. 56 | |
| | 595, 1996, c. 27 | |
| | 596 , 1984, c. 38 | |
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| | 601, 1984, c. 38; 1994, c. 33; 1995, c. 34 | |
| | 602, 1996, c. 2 603, 1996, c. 2; 1996, c. 27 | |
| | 605 , 1996, c. 2 | |
| | 605.1 , 1985, c. 27; 1996, c. 2 606 , 1984, c. 38; 1992, c. 27; 1996, c. 2 | |
| | 607 , 1984, c. 38; 1996, c. 2; 1996, c. 77 | 1000 05 1000 |
| | 608 , 1984, c. 38; 1987, c. 57; 1989, c. 69; 609 , 1992, c. 27; 1996, c. 2 | 1992, c. 27; 1996, c. 2 |

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| c. C-27.1 | Municipal Code of Québec (amendments from 1984 made to the con | solidation of the Code) – Cont'd |
| | 610 , 1992, c. 27; 1994, c. 33 611 , 1992, c. 27; 1994, c. 33 613 , 1992, c. 27 | |
| | 614 , 1996, c. 2; 1996, c. 27 615 , 1996, c. 2 616 , 1996, c. 2; 1998, c. 31 | |
| | 618, 1996, c. 2 619, 1996, c. 2 620, 1984, c. 38; 1985, c. 27; 1986, c. 32 | : 1992. c. 27: 1996. c. 27, 1996. c. 77: |
| | 1997, c. 53 620.1, 1985, c. 27; 1988, c. 76; 1996, c. 2 621, 1996, c. 2; 1997, c. 93 | |
| | 621.1 , 1997, c. 93 622 , 1996, c. 2 623 , 1986, c. 73; 1996, c. 2; 1997, c. 43 | |
| | 624 , 1994, c. 33; 1996, c. 2 625 , 1995, c. 34; 1996, c. 2 625.1 , 1996, c. 77 | |
| | 625.2 , 1998, c. 31 626 , 1996, c. 2 627 , 1986, c. 95; 1987, c. 57, 1996, c. 2 | |
| | 627.1, 1996, c. 27 627.1.1, 1998, c. 31 627.1.2, 1998, c. 31 | |
| | 627.1.3, 1998, c. 31 627.2, 1997, c. 53; 1997, c. 91; 1998, c. 5 627.3, 1997, c. 53; 1997, c. 91; 1997, c. 9 628, 1996, c. 2 | |
| | 629 , Ab. 1986, c. 95 630 , 1996, c. 2 631 , 1996, c. 2 | |
| | 631.1 , 1985, c. 27; 1996, c. 2 632 , 1996, c. 2 633 , 1996, c. 2 | |
| | 634 , 1993, c. 3; 1996, c. 2 636 , 1993, c. 3; 1996, c. 2 637 , 1993, c. 3 | |
| | 638 , 1993, c. 3 640 , 1987, c. 57 643 , 1993, c. 3 | |
| | 644 , 1993, c. 3 645 , 1993, c. 3 647 , 1993, c. 48 | |
| | 648 , 1996, c. 2 649 , 1993, c. 48 650 , 1993, c. 48 650.1 , 1997, c. 93 | |
| | 650.2 , 1997, c. 93 651 , 1993, c. 48 652 , 1997, c. 93 | |
| | 653 , 1993, c. 3 654 , 1993, c. 48 655 , 1993, c. 3 | |
| | 657 , 1996, c. 2; 1997, c. 93 658 , 1993, c. 3 658.1 , 1993, c. 3 | |
| | 659 , 1996, c. 27 660 , 1993, c. 3 661 , 1993, c. 3 | |
| | 662, 1993, c. 3 663, 1993, c. 3 | |

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| c. C-27.1 | Municipal Code of Québec (amendments from 1984 made to the consolidation of the Code) – Cont'd | | |
| | 664, Ab. 1993, c. 3 665, 1993, c. 3 667, 1993, c. 3 668, 1993, c. 3 669, Ab. 1993, c. 3 672, 1993, c. 3 674, 1993, c. 3 674, 1993, c. 3 678, 1985, c. 27; 1987, c. 102; 1996, c. 2 678.0.1, 1987, c. 102; 1991, c. 32; 1993, 678.0.2, 1987, c. 102; 1991, c. 32 678.0.3, 1987, c. 102; 1991, c. 32 678.0.4, 1987, c. 102; 1996, c. 2; 1998, 678.0.4, 1987, c. 102; 1998, 678.0.4, 1987, c. 102; 1996, c. 2; 1998, 678.0.4, 1987, c. 102; 1987, c | c. 65; 1996, c. 2; 1997, c. 93; 1998, c. 31 | |
| | 678.1 , 1985, c. 27; 1986, c. 32; 1991, c. 36, 1994, c. 33; Ab. 1996, c. 2680, 1994, c. 33; Ab. 1996, c. 2 | | |
| | 681 , 1984, c. 38; 1986, c. 32; 1991, c. 29 682 , Ab. 1996, c. 2 683 , Ab. 1996, c. 2 684 , Ab. 1996, c. 2 | ; 1991, c. 32; 1996, c. 2 | |
| | 685 , Ab. 1996, c. 2 686 , Ab. 1984, c. 27 687 , 1986, c. 32; Ab. 1996, c. 2 688 , Ab. 1990, c. 83; 1993, c. 3; 1997, c. | 93 | |
| | 688.1 , 1993, c. 3 688.2 , 1993, c. 3 688.3 , 1993, c. 3 688.4 , 1993, c. 3; 1996, c. 2; 1996, c. 27 | | |
| | 688.5 , 1994, c. 33 688.6 , 1994, c. 33; Ab. 1997, c. 93 688.7 , 1995, c. 20 688.8 , 1995, c. 20 | | |
| | 688.9, 1995, c. 20 688.10, 1997, c. 53; 1997, c. 91 688.11, 1997, c. 53; 1997, c. 91; 1997, c 688.12, 1997, c. 53 | 93 | |
| | 689 , 1996, c. 2 690 , 1987, c. 57; 1996, c. 5 691 , 1996, c. 2 | | |
| | 693 , 1985, c. 27; 1992, c. 57; 1992, c. 61 694 , 1996, c. 2 696 , 1996, c. 2 697 , 1996, c. 2 | | |
| | 699 , 1996, c. 2 701 , 1992, c. 57; 1996, c. 2 702 , 1996, c. 2 703 , 1996, c. 2 | | |
| | 704 , 1986, c. 32; 1989, c. 38; 1996, c. 2 705 , 1996, c. 27 706 , 1986, c. 32; 1987, c. 42; 1989, c. 38 707 , 1986, c. 32; 1989, c. 38 | | |
| | 708 , 1992, c. 27; 1996, c. 2; 1996, c. 27 709 , 1996, c. 2 710 , 1987, c. 42; 1989, c. 38; 1995, c. 34 | ; 1996, c. 2; 1996, c. 27 | |
| | 711, 1996, c. 2 711.1, 1992, c. 27; 1996, c. 27 711.2, 1992, c. 27 711.3, 1992, c. 27 | | |
| | 711.4, 1992, c. 27; 1993, c. 48 711.5, 1992, c. 27 711.6, 1992, c. 27 | | |

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| | 711.7, 1992, c. 27; 1993, c. 48 711.8, 1992, c. 27 711.9, 1992, c. 27 711.10, 1993, c. 48 711.11, 1993, c. 48 711.11, 1993, c. 27 711.12, 1992, c. 27 711.13, 1992, c. 27 711.14, 1992, c. 27 711.15, 1992, c. 27 711.16, 1992, c. 27; 1997, c. 43 711.17, 1992, c. 27 711.18, 1992, c. 27 711.19, 1992, c. 27 711.19, 1992, c. 27 711.19, 1996, c. 27 711.19, 1, 1996, c. 2 713, 1996, c. 2 714, 1996, c. 2 715, 1996, c. 2 716, 1996, c. 2 717, 1996, c. 2 717, 1996, c. 2 721, Ab. 1996, c. 2 722, 1996, c. 2 723, 1996, c. 2 724, 1990, c. 4; 1996, c. 2 725, 1996, c. 2 725, 1, 1996, c. 2 726, 1, 1996, c. 2 727, 1, 1996, c. 2 728, 1, 1996, c. 2 729, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, | |

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| | 758 , 1996, c. 2 759 , 1996, c. 2 | |
| | 760 , 1990, c. 4; 1996, c. 2 761 , 1996, c. 2 | |
| | 762 , 1996, c. 2 | |
| | 763 , 1996, c. 2 764 , 1996, c. 2 | |
| | 765 , 1996, c. 2 | |
| | 766, Ab. 1996, c. 2 767, Ab. 1996, c. 2 | |
| | 768, Ab. 1996, c. 2 769, Ab. 1996, c. 2 | |
| | 770 , Ab. 1996, c. 2 | |
| | 771, Ab. 1996, c. 2 772, Ab. 1996, c. 2 | |
| | 781, 1996, c. 2 | |
| | 786 , 1996, c. 2 788 , 1996, c. 2 | |
| | 793 , Ab. 1986, c. 32 795 , 1996, c. 2 | |
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| | 798 , 1996, c. 2 799 , 1996, c. 2 | |
| | 800 , 1996, c. 2 801 , 1996, c. 2 | |
| | 802, 1996, c. 2 | |
| | 803 , 1996, c. 2 804 , 1996, c. 2 | |
| | 805 , 1996, c. 2 806 , 1996, c. 2 | |
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| | 817, 1996, c. 2 819, 1996, c. 2 | |
| | 820, 1996, c. 2 821, 1996, c. 2 | |
| | 823, 1990, c. 4 | |
| | 825 , 1996, c. 2 826 , 1996, c. 2 | |
| | 827 , 1996, c. 2 828 , 1996, c. 2 | |
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| | 834, 1996, c. 2 838, 1996, c. 2 | |
| | 840 , 1996, c. 2 842 , 1996, c. 2 | |
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| | 850, 1996, c. 2 | |
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| | 953, 1996, c. 2 953.1, 1996, c. 27 | |
| | 954 , 1984, c. 38; 1985, c. 27; 1995, c. 34; | ; 1996, c. 2 |
| | 955 , 1996, c. 2; 1996, c. 27; 1997, c. 93; 956 , 1996, c. 27 | 1998, c. 31 |
| | 957, 1996, c. 2; 1996, c. 27 | |
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| | 957.3 , 1984, c. 38; 1996, c. 2 | |
| | 957.4 , 1984, c. 38 958 , 1996, c. 2 | |
| | 959, 1996, c. 2 | |
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| | 960.1 , 1996, c. 27 961 , 1984, c. 38; 1996, c. 2 | |
| | 961.1, 1984, c. 38, 1996, c. 2 | |
| | 962 , 1990, c. 4; 1996, c. 2 962.1 , 1985, c. 27; 1996, c. 2; 1996, c. 27 | 7 |
| | 963, 1996, c. 2 | |
| | 964, 1996, c. 2 965, 1989, c. 68; 1996, c. 2 | |
| | 966 , 1984, c. 38; 1995, c. 34; 1996, c. 27 | |
| | 966.1 , 1984, c. 38 966.2 , 1984, c. 38; 1996, c. 2 | |
| | 966.3, 1984, c. 38 | |
| | 966.4 , 1984, c. 38; 1996, c. 2 966.5 , 1984, c. 38; 1996, c. 2 | |
| | 966.6 , 1984, c. 38 | |
| | 970, 1996, c. 2 972, Ab. 1996, c. 2 | |
| | 973 , 1991, c. 32; Ab. 1996, c. 2 | |
| | 974 , 1991, c. 32; Ab. 1996, c. 2 975 , 1984, c. 38; 1985, c. 27; 1985, c. 30 | : 1987. c. 102: 1993. c. 65: 1996. c. 2: |
| | 1997, c. 93 | ,,,,,,,,,, |
| | 976 , 1991, c. 32; 1996, c. 2 977 , Ab. 1996, c. 2 | |
| | 979, 1985, c. 27; 1996, c. 2 | |
| | 980 , 1996, c. 2 980.1 , 1984, c. 38; 1996, c. 2 | |
| | 980.2 , 1984, c. 38; 1996, c. 2 | |
| | 981, 1985, c. 27; 1989, c. 68 982.1, 1994, c. 30 | |
| | 982.2 , 1994, c. 30 | |
| | 982.3 , 1994, c. 30 983 , 1992, c. 57 | |
| | 984, 1992, c. 57; 1996, c. 2 | |
| | 985, 1996, c. 27 986, 1988, c. 84 | |
| | 987, Ab. 1988, c. 19 | |
| | 989, 1988, c. 76; 1996, c. 2 | · 1993 c 78 · 1996 c 2 |
| | 990, 1986, c. 32; 1991, c. 29; 1993, c. 43; 991, 1988, c. 76; 1996, c. 2 | , 1990, C. 10, 1990, C. 2 |
| | 992, 1996, c. 2 | |
| | 993 , 1996, c. 2 994 , 1996, c. 2; 1996, c. 77 | |
| | 995 , 1996, c. 2 996 , 1996, c. 2 | |

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| c. C-27.1 | Municipal Code of Québec (amendments from 1984 made to the cor | esolidation of the Code) – Cont'd |
| | | 27; 1996, c. 77 c. 77 c. 77 c. 27 . 2; 1996, c. 77 . 2 . 2; 1996, c. 77 |

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| c. C-27.1 | Municipal Code of Québec (amendments from 1984 made to the con | solidation of the Code) – Cont'd |
| | 1066.2, 1995, c. 34 | |
| | 1067 , 1984, c. 38; Ab. 1995, c. 34 | |
| | 1068 , Ab. 1996, c. 27 1069 , 1996, c. 2 | |
| | 1071, 1995, c. 34 | |
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| | 1072.1, 1985, c. 27; 1997, c. 93 | 0, 1000, c. 2 |
| | 1072.2 , 1985, c. 27 | |
| | 1072.3, 1985, c. 27 1073, 1996, c. 2 | |
| | 1074 , Ab. 1987, c. 57 | 0 1000 40 1000 05 |
| | 1075 , 1984, c. 38; 1987, c. 57; 1988, c. 49 1075.1 , 1989, c. 69; Ab. 1992, c. 27 | 9; 1989, c. 69; 1992, c. 27 |
| | 1076, 1984, c. 38, 1986, c. 32 | |
| | 1077, 1984, c. 38; 1992, c. 27 1078, 1984, c. 38 | |
| | 1079, Ab. 1984, c. 38 | |
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| | 1081 , Ab. 1992, C. 27 1082 , 1987, c. 57; 1996, c. 2 | |
| | 1083, Ab. 1996, c. 2 | 0 1007 - 57 1000 - 07 1000 - 6 |
| | 1084 , 1984, c. 38; 1985, c. 27; 1986, c. 3; 1084.1 , 1987, c. 57; 1996, c. 2 | 2; 1987, c. 57; 1992, c. 27; 1996, c. 2 |
| | 1084.2, 1987, c. 57; 1996, c. 2 | |
| | 1084.3 , 1987, c. 57; 1996, c. 2 1086 , Ab. 1996, c. 27 | |
| | 1087, Ab. 1996, c. 27 | |
| | 1088 , Ab. 1996, c. 27 1089 , 1996, c. 2; Ab. 1996, c. 27 | |
| | 1090, Ab. 1984, c. 38 | |
| | 1091 , Ab. 1984, c. 38 | |
| | 1092 , Ab. 1984, c. 38 1093 , 1984, c. 38; 1992, c. 27; 1996, c. 2 | |
| | 1093.1, 1984, c. 38; 1992, c. 27; 1996, c. | |
| | 1094 , 1984, c. 38; 1987, c. 57; 1992, c. 2 1094.1 , 1997, c. 93 | 7; 1996, c. 2 |
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| | 1094.5, 1997, c. 93 | |
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| | 1096, Ab. 1996, c. 2 | |
| | 1097 , 1992, c. 27; 1996, c. 2 | |
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| | 1105 , Ab. 1990, c. 4 1106 , Ab. 1990, c. 4 | |
| | 1107 , Ab. 1992, c. 61 | |
| | 1108 , 1990, c. 4; 1992, c. 27; 1992, c. 61 1109 , Ab. 1990, c. 4 | |
| | 1110, 1990, c. 4; 1992, c. 61 | |
| | 1111, Ab. 1990, c. 4 | |
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| c. C-27.1 | Municipal Code of Québec (amendments from 1984 made to the con | isolidation of the Code) – Cont'd |
| | 1114, 1984, c. 38; 1996, c. 2 1115, 1996, c. 2 1116, 1996, c. 2 1117, 1996, c. 2 1118, 1996, c. 2 1119, 1996, c. 2 1120, 1996, c. 2 1121, 1996, c. 2 1123, 1996, c. 2 1124, 1996, c. 2 1125, 1996, c. 2 1127, 1996, c. 2 1128, 1996, c. 2 1129, 1996, c. 2 1130, 1996, c. 2 1130, 1996, c. 2 1131, 1996, c. 2; 1996, c. 27; 1997, c. 53 1132, 1996, c. 2 1131, 1996, c. 2; 1996, c. 27; 1997, c. 53 1132, 1996, c. 2 1133, 1996, c. 2 1133, 1996, c. 2 1134, 1996, c. 2 1156, c. 2 1176, Ab. 1996, c. 2 1176, Ab. 1996, c. 2 1177, Ab. 1987, c. 57; 1996, c. 2; Ab. 19 118, Ab. 1987, c. 57 119, Ab. 1987, c. 57 120, Ab. 1987, c. 57 121, Ab. 1987, c. 57 1221, Ab. 1987, c. 57 1231, Ab. 1987, c. 57 1342, Ab. 1987, c. 57 1443, Ab. 1987, c. 57 156, Ab. 1987, c. 57 157 158, Ab. 1987, c. 57 158, Ab. 1986, c. 2 158, Ab. 1996, c. 2 158, Ab. 1996 | |
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| | 28.8, 1990, c. 4; 1991, c. 33 30, 1990, c. 4; 1991, c. 33 31, 1990, c. 4; 1991, c. 33 32, Ab. 1990, c. 4 33, 1990, c. 4 35, Ab. 1990, c. 4 Rp., 1987, c. 80 | | |

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| c. C-34 | Act respecting the Commission des aff 44 , 1994, c. 12 44 .1, 1990, c. 68 45 , 1994, c. 12 Ab. , 1997, c. 43 | aires sociales – <i>Cont'd</i> | |
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| | 156, 1993, c. 3; 1996, c. 52 157, 1982, c. 18; Ab. 1996, c. 52 157, 1982, c. 2; 1993, c. 3 157, 1982, c. 2; 1993, c. 3 157, 1982, c. 2; 1993, c. 3 158, 1982, c. 18; 1993, c. 3; 1996, c. 2; 158, 1, 1982, c. 2; 1993, c. 3; 1995, c. 71 158, 1, 1982, c. 2; 1993, c. 3; 1996, c. 2; 1996, 158, 2, 1982, c. 2; 1985, c. 24; 1993, c. 3 159, Ab. 1982, c. 18; 1996, c. 52 158, 4, 1993, c. 3 159, Ab. 1982, c. 18 160, Ab. 1982, c. 18 161, Ab. 1982, c. 18 162, Ab. 1982, c. 18 163, Ab. 1982, c. 18 164, Ab. 1982, c. 18 165, Ab. 1982, c. 18 166, Ab. 1982, c. 18 167, Ab. 1982, c. 18 168, Ab. 1982, c. 18 169, Ab. 1982, c. 18 169, Ab. 1982, c. 18 170, Ab. 1982, c. 18 171, Ab. 1982, c. 18 172, Ab. 1982, c. 18 173, Ab. 1982, c. 18 174, Ab. 1982, c. 18 175, Ab. 1982, c. 18 176, Ab. 1982, c. 18 177, Ab. 1982, c. 18 178, 1982, c. 18 179, 1982, c. 18 181, 1982, c. 18 181, 1982, c. 18 182, 1982, c. 18 183, 1982, c. 18 184, Ab. 1982, c. 18 185, Ab. 1982, c. 18 189, 1982, c. 18 189, 1982, c. 18 189, 1982, c. 18 199, 1982, c. 18 | 71 c. 27 3; 1994, c. 14; 1996, c. 2 . 46 . 46; 1988, c. 75 . 46; 1988, c. 75 |

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| | 218 , 1995, c. 71 219 , 1982, c. 18 | |
| | 220, 1980, c. 34; 1982, c. 18; 1983, c. 57; 1988, c. 76; 1991, c. 29; 1991, c. 32; 1 | 1984, c. 27; 1985, c. 31; 1986, c. 37; 996, c. 67 |
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| | 221, 1982, c. 18; 1985, c. 31; 1993, c. 68 222, 1984, c. 38 | |
| | 222.1 , 1993, c. 68; 1994, c. 30; 1995, c. 7 223 , 1982, c. 18; 1985, c. 31; 1988, c. 76; | |
| | 1995, c. 71; 1996, c. 27; 1996, c. 52 223.1, 1985, c. 31; 1996, c. 27 | |
| | 224 , 1982, c. 18; 1984, c. 38; 1990, c. 41 | |
| | 224.1, 1995, c. 71 225, 1982, c. 18; 1984, c. 32; 1984, c. 38; | 1993 c 68 |
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| | 227 , 1982, c. 18; 1984, c. 38 228 , 1982, c. 18; 1984, c. 38; 1995, c. 71 | 1006 0 52 |
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| | 232 , 1982, c. 18; 1993, c. 68; 1995, c. 71; | Ab. 1996, c. 52 |
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| | 234.5 , 1984, c. 38 234.6 , 1984, c. 38 | |
| | 234.7, 1985, c. 31; Ab. 1986, c. 64 | |
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| | 241, 1982, c. 18; 1985, c. 31; 1988, c. 30; | 1990, c. 15 |
| | 241.1, 1982, c. 18; Ab. 1985, c. 31 241.2, 1982, c. 18; Ab. 1985, c. 31 | |
| | 241.2 , 1982, c. 16, Ab. 1985, c. 31 241.3 , 1982, c. 18; Ab. 1985, c. 31 | |
| | 241.4 , 1982, c. 18; Ab. 1985, c. 31 241.5 , 1982, c. 18; Ab. 1985, c. 31 | |

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| | 256, 1983, c. 45; 1985, c. 31 257, 1983, c. 45; 1985, c. 31; 1993, c. 68 258, 1980, c. 20; 1982, c. 18; 1983, c. 45 259, 1985, c. 31 260, 1985, c. 31; 1993, c. 68; 1996, c. 52 261, 1985, c. 31 262, 1985, c. 31 262, 1985, c. 31; 1993, c. 68 263, 1985, c. 31; 1993, c. 68 264, 1985, c. 31 264.1, 1995, c. 71 265, 1983, c. 45; 1985, c. 31 267, 1982, c. 18; 1983, c. 45; 1985, c. 31 267, 1982, c. 18; 1983, c. 45; 1985, c. 31 267, 1982, c. 18; 1983, c. 45; 1985, c. 31 269, 1981, c. 8; 1985, c. 31 270, 1985, c. 31 271, 1985, c. 31 272, 1985, c. 31; 1993, c. 68 273, 1982, c. 18; 1985, c. 31; 1993, c. 68 274, 1985, c. 31; 1993, c. 68 275, 1982, c. 18; 1985, c. 31; 1993, c. 68 | ; 1996, c. 52 ; 1984, c. 38; 1985, c. 31; 1993, c. 68 |
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| | 291.2 , 1985, c. 31; Ab. 1990, c. 41 | | |
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| | 291.5 , 1985, c. 31; 1986, c. 64 | | |
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| | 291.7 , 1985, c. 31; 1986, c. 64 201.8 , 1985, c. 31; 1995, c. 65; 1996, c. 3 | | |
| | 291.8 , 1985, c. 31; 1995, c. 65; 1996, c. 2 291.9 , 1985, c. 31 | | |
| | 291.10 , 1985, c. 31; 1995, c. 71 | | |
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| | 291.20, 1985, c. 31; 1996, c. 2 291.21, 1985, c. 31 | | |
| | 291.22, 1985, c. 31 | | |
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| | 291.29 , 1985, c. 31; Ab. 1993, c. 68 291.29.1 , 1988, c. 25; Ab. 1993, c. 68 | | |
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| | 291.31 , 1985, c. 31; Ab. 1993, c. 68 291.32 , 1985, c. 31; Ab. 1993, c. 68 | | |
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| | 293 , 1990, c. 41; 1996, c. 2 294 , 1982, c. 18; 1983, c. 21; 1990, c. 41 | · 1995 c 65 · 1996 c 2 | |
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| | 303 , Ab. 1983, c. 45; 1985, c. 31; 1990, c 304 , Ab. 1983, c. 45; 1985, c. 31; 1991, c | . 41; 1995, C. 05 32 | |
| | 305 , Ab. 1983, c. 45; 1985, c. 31 | | |
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| | 306.5 , 1985, c. 31; Ab. 1991, c. 32 | |
| | 306.6 , 1985, c. 31; Ab. 1991, c. 32 306.7 , 1985, c. 31; Ab. 1991, c. 32 | |
| | 306.8, 1985, c. 31; Ab. 1991, c. 32 | |
| | 306.9 , 1985, c. 31; 1991, c. 32 306.10 , 1985, c. 31; Ab. 1991, c. 32 | |
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| | 306.46 , 1985, c. 31; 1990, c. 4; 1993, c. 6 | |
| | 306.47, 1985, c. 31; 1990, c. 4; 1993, c. 6 306.48, 1985, c. 31 | 00 |
| | 306.49 , 1985, c. 31; 1990, c. 4; 1992, c. 6 | 31 |
| | 306.50 , 1985, c. 31; 1992, c. 61 306.51 , 1985, c. 31; 1989, c. 52; 1992, c. | 61:1996 c 2 |
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| | 306.63 , 1985, c. 31; 1996, c. 2 306.64 , 1985, c. 31; 1991, c. 32; Ab. 199 | |

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| | 306.65, 1985, c. 31 307, 1993, c. 68 311, Ab. 1982, c. 18 312.1, 1982, c. 18 313, 1996, c. 2 314, 1982, c. 18; 1984, c. 27; 1993, c. 6 315, 1996, c. 2 316, 1996, c. 2 317, 1982, c. 18; 1993, c. 68; 1996, c. 2 317.1, 1982, c. 18; 1993, c. 68; 1996, c. 2 319.1, 1993, c. 68 319.2, 1993, c. 68 320, Ab. 1982, c. 18 321, Ab. 1982, c. 18 322, Ab. 1982, c. 18 323, Ab. 1982, c. 18 324, Ab. 1982, c. 18 325, Ab. 1982, c. 18 326, Ab. 1982, c. 18 327, Ab. 1982, c. 18 328, Ab. 1982, c. 18 329, 1982, c. 18 330, 1985, c. 31; 1996, c. 2 330, 1993, c. 68 331, 1996, c. 2 332, 1982, c. 18; 1988, c. 19; 1996, c. 2 | e. 61 |
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| | 6.16 , 1984, c. 32; Ab. 1987, c. 108 7 , 1984, c. 32; 1987, c. 108; Ab. 1993, c. 67 7.1 , 1984, c. 32; Ab. 1987, c. 108 | | |
| | 7.2, 1984, c. 32; 1987, c. 108; Ab. 1993, c. 67 7.3, 1984, c. 32; 1987, c. 108; Ab. 1993, c. 67 7.4, 1984, c. 32; 1987, c. 108; Ab. 1993, c. 67 7.5, 1984, c. 32; Ab. 1993, c. 67 8, Ab. 1984, c. 32 | | |
| | 9, Ab. 1984, c. 32 10, 1984, c. 32; 1987, c. 108; Ab. 1993, c. 67 11, 1982, c. 63; 1988, c. 85; Ab. 1993, c. 67 11.1, 1982, c. 63; Ab. 1993, c. 67 11.2, 1982, c. 63; Ab. 1993, c. 67 | | |
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| | 19, Ab. 1984, c. 32 20, Ab. 1993, c. 67 21, Ab. 1993, c. 67 | | |
| | 22, 1984, c. 32; Ab. 1993, c. 67 23, Ab. 1993, c. 67 24, Ab. 1993, c. 67 | | |
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| | 31.7 , 1993, c. 67 31.8 , 1993, c. 67 32 , 1993, c. 67; 1996, c. 52 | | |
| | 33 , 1993, c. 67 34 , 1984, c. 32; 1993, c. 67 35 , 1993, c. 67; 1996, c. 52 35.1 , 1993, c. 67; 1996, c. 52 | | |
| | 35.2, 1993, c. 67 36, 1993, c. 67 37, 1982, c. 63; 1987, c. 108; 1993, c. 67 38, 1993, c. 67; 1996, c. 52 | | |
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| | 42, Ab. 1993, c. 67 43, 1987, c. 68; 1993, c. 67; 1996, c. 52 44, Ab. 1993, c. 67 45, 1993, c. 67 46, 1993, c. 67 46, 1993, c. 67 46, 1993, c. 63; 1993, c. 67 47, 1982, c. 63; 1993, c. 67 51, 1993, c. 67 52, 1982, c. 63 55, 1993, c. 67 56, 1990, c. 4; 1993, c. 67; 1996, c. 52 57, 1993, c. 67 62, 1993, c. 67 62, 1993, c. 67 68, Ab. 1982, c. 63 68, 1, 1993, c. 67 68, 3, 1993, c. 67 68, 4, 1993, c. 67 68, 1993, c. 67 69, 1994, c. 32; 1993, c. 67 69, 1984, c. 67 | 3; 1993, c. 67 | |
| | 69.15 , 1993, c. 67 69.16 , 1993, c. 67 70 , 1986, c. 95; 1990, c. 4; 1993, c. 67 | | |
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| | 123.137, 1980, c. 28; 1982, c. 52; Ab. 19 123.138, 1980, c. 28 | 993, C. 48 | |
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| | 512.13, 1998, c. 52 512.14, 1998, c. 52 512.15, 1998, c. 52 512.16, 1998, c. 52 512.17, 1998, c. 52 512.19, 1998, c. 52 512.19, 1998, c. 52 512.20, 1998, c. 52 513.1, 1998, c. 31 513.2, 1998, c. 31 513.3, 1998, c. 31 513.3, 1998, c. 31 514, 1988, c. 19; 1993, c. 65; 1998, c. 31 515, 1988, c. 19; 1996, c. 2 517, 1993, c. 65 518, 1989, c. 54; 1991, c. 32 521, 1992, c. 21; 1994, c. 23 523, 1989, c. 54; 1997, c. 34 524, 1989, c. 1; 1990, c. 4 525, 1991, c. 32 526, 1997, c. 34 527, 1997, c. 34 528, 1989, c. 54; 1997, c. 34 529, 1997, c. 34 521, 1993, c. 65; 1996, c. 77 533, 1989, c. 54; 1991, c. 32 532, 1993, c. 65; 1996, c. 77 533, 1989, c. 54; 1997, c. 34 531, 1991, c. 32 532, 1993, c. 65; 1996, c. 77 538, 1997, c. 34 540, 1996, c. 77 546, 1995, c. 23 5461, 1997, c. 34 553, 1991, c. 32 561, 1995, c. 23 563, 1995, c. 23; 1997, c. 34 566, 1993, c. 65 568, 1996, c. 77 572, 1997, c. 34 586, 1998, c. 52 595, 1, 1998, c. 52 595, 1, 1998, c. 52 624, 1, 1998, c. 31 631, 1995, c. 23; 1997, c. 34 632, 1990, c. 4; 1998, c. 31 641, 1990, c. 4; 1998, c. 31 641, 1990, c. 4; 1998, c. 31 641, 1990, c. 4; 1998, c. 31 642, 1990, c. 4; 1998, c. 31 642, 1990, c. 4; 1998, c. 31 | |

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| c. E-2.2 | Act respecting elections and referendums i 643, 1990, c. 4 644, 1990, c. 4 645, 1998, c. 52 646, Ab. 1990, c. 4 647, 1992, c. 61 648, 1992, c. 61 654, Ab. 1988, c. 19 659, 1995, c. 23; 1997, c. 34 659.1, 1995, c. 23 659.2, 1996, c. 77; 1997, c. 93 659.3, 1996, c. 77; 1997, c. 93 869, 1987, c. 100 869.1, 1987, c. 100 888, 1997, c. 34 | n municipalities – <i>Cont'd</i> | |
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| c. E-3 | Election Act | | |
| | Rp., 1979, c. 56 - except certain sections included in c. L-4.1 | | |
| c. E-3.1 | Election Act | | |
| | Rp., 1984, c. 51 | | |
| c. E-3.2 | Election Act | | |
| | Rp. , 1989, c. 1 | | |
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| c. E-3.3 | Election Act – Cont'd | |
| | 40.19 , 1995, c. 23 | |
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| | 40.23 , 1995, c. 23 40.24 , 1995, c. 23 | |
| | 40.25 , 1995, c. 23 | |
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| c. E-3.3 | Election Act – Cont'd | |
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| c. E-3.3 | Election Act – Cont'd | |
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| | 222 , 1995, c. 23 223 , 1995, c. 23 | |
| | 224 , 1995, c. 23 225 , 1995, c. 23 | |
| | 226 , 1995, c. 23 227 , 1992, c. 38; 1995, c. 23 | |
| | 228 , 1992, c. 38; 1995, c. 23 | |
| | 229 , 1995, c. 23 230 , 1992, c. 38; 1995, c. 23; 1998, c. 52 | |
| | 231 , 1995, c. 23; 1998, c. 52 231.1 , 1995, c. 23 | |
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| | 231.3 , 1995, c. 23 231.4 , 1998, c. 52 | |
| | 231.5 , 1998, c. 52 231.6 , 1998, c. 52 | |
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| | 259.4, 1998, c. 52 259.5, 1998, c. 52 259.6, 1998, c. 52 259.7, 1998, c. 52 259.8, 1998, c. 52 259.9, 1998, c. 52 262, 1992, c. 38 264, 1992, c. 38 265, 1992, c. 38 267, 1992, c. 38 | |
| | 274, 1995, c. 23 275, 1992, c. 38 277, 1992, c. 38 278, 1992, c. 38 279, 1992, c. 38 280, 1992, c. 38 286, 1992, c. 38 287, 1992, c. 38 287, 1992, c. 38 | |
| | 289, 1992, c. 38; 1994, c. 23 290, 1992, c. 38 292, 1992, c. 21 293, 1995, c. 23 293.1, 1995, c. 23 293.2, 1995, c. 23 293.3, 1995, c. 23 293.4, 1995, c. 23 | |
| | 293.5, 1995, c. 23; 1998, c. 52 296, 1995, c. 23 298, 1995, c. 23; 1998, c. 52 302, 1992, c. 38; 1998, c. 52 303, 1992, c. 38; 1995, c. 23; 1998, c. 52 304, 1992, c. 21 305, 1992, c. 21; 1994, c. 23 308, 1992, c. 38; 1995, c. 23 | |
| | 312, 1995, c. 23 327, 1992, c. 38; 1995, c. 23 330, Ab. 1992, c. 38 335, 1995, c. 23 337, 1995, c. 23 338, 1995, c. 23 340, 1995, c. 23 | |
| | 343, 1998, c. 52 346, 1998, c. 52 347, 1998, c. 52 349, 1995, c. 23 350, 1995, c. 23; 1998, c. 52 352, 1995, c. 23 364, 1998, c. 52 365, 1998, c. 52 | |

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| c. E-3.3 | Election Act – Cont'd | | |
| | 366.1 , 1998, c. 52 390 , 1992, c. 61 401 , 1992, c. 38; 1998, c. 52 404 , 1992, c. 38; 1998, c. 52 409 , 1992, c. 38 414 , 1992, c. 38 | | |
| | 415 , 1998, c. 52 418 , Ab. 1992, c. 38 419 , 1992, c. 38 420 , 1992, c. 38 421.1 , 1998, c. 52 422 , 1992, c. 38 | | |
| | 422.1 , 1992, c. 38 424 , 1992, c. 38 426 , 1992, c. 38 427 , 1995, c. 23 429 , 1992, c. 38; 1995, c. 23 429.1 , 1995, c. 23 | | |
| | 432 , 1998, c. 52 441 , 1998, c. 52 443 , 1992, c. 38 445 , 1992, c. 38 456 , 1995, c. 23 457 , 1998, c. 52 457.1 , 1992, c. 38; 1998, c. 52 | | |
| | 457.2 , 1998, c. 52 457.3 , 1998, c. 52 457.4 , 1998, c. 52 457.6 , 1998, c. 52 457.6 , 1998, c. 52 457.7 , 1998, c. 52 | | |
| | 457.8, 1998, c. 52 457.9, 1998, c. 52 457.10, 1998, c. 52 457.11, 1998, c. 52 457.12, 1998, c. 52 457.13, 1998, c. 52 | | |
| | 457.14 , 1998, c. 52 457.16 , 1998, c. 52 457.17 , 1998, c. 52 457.18 , 1998, c. 52 | | |
| | 457.19 , 1998, c. 52 457.20 , 1998, c. 52 457.21 , 1998, c. 52 485 , 1992, c. 38 486 , 1995, c. 23 487 , 1998, c. 52 | | |
| | 488.1 , 1991, c. 73; 1994, c. 18 489.1 , 1992, c. 38; 1995, c. 23 490 , 1995, c. 23 501 , 1998, c. 52 537 , 1998, c. 52 542 , 1992, c. 38; 1995, c. 23 542.1 , 1995, c. 23 549 , 1995, c. 23 | | |
| | 549, 1995, c. 23 551, 1992, c. 21; 1995, c. 23; 1997, c. 8 551.1, 1995, c. 23 551.2, 1995, c. 23 551.3, 1995, c. 23 551.4, 1997, c. 8 | | |

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| | 552, 1998, c. 52 553, 1992, c. 21; 1995, c. 23 553.1, 1995, c. 23; 1998, c. 52 555, 1998, c. 52 5561, 1998, c. 52 558, 1992, c. 38 559, 1998, c. 52 562, 1998, c. 52 564, 1998, c. 52 564, 1995, c. 23; 1998, c. 52 566, 1998, c. 52 566, 1996, c. 4 568.1, 1996, c. 4 568.1, 1990, c. 4; 1992, c. 61 570, 1995, c. 23 575, 1992, c. 38 Sched. I, 1996, c. 2 Sched. III, 1998, c. 52 Sched. V, 1990, c. 4 | |
| c. E-4 | Electricians and Electrical Installations Act | |
| D 41 | see c. I-13.01 | |
| c. E-4.1 | Act respecting the avian emblem 2, 1994, c. 18 | |
| c. E-6 | Public Officers Act | |
| | 1, 1979, c. 43; 1983, c. 54; 1992, c. 61 9, 1987, c. 57 12, Ab. 1979, c. 43 13, Ab. 1979, c. 43 14, Ab. 1979, c. 43 22, 1987, c. 68 36, 1987, c. 68 37, 1979, c. 43 38, 1979, c. 43 39, Ab. 1979, c. 43 40, Ab. 1979, c. 43 41, Ab. 1979, c. 43 | |
| c. E-7 | Immigrant Children Act | |
| | Ab., 1979, c. 17 | |
| c. E-8 | Fire Investigations Act | |
| | 3, Ab. 1983, c. 41 4, 1992, c. 61 5, 1986, c. 86; 1988, c. 46 6, 1983, c. 41; 1992, c. 61 7, 1992, c. 61 8, 1986, c. 86; 1988, c. 46 10, 1996, c. 2 11, 1986, c. 86; 1988, c. 46 12, 1983, c. 28; 1986, c. 95 12.1, 1986, c. 95 13, 1986, c. 86; 1988, c. 46; 1992, c. 61 | |

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| c. E-8 | Fire Investigations Act – Cont'd | | |
| | 14, 1986, c. 86; 1988, c. 46 15, 1986, c. 86; 1988, c. 46 17, 1986, c. 86; 1986, c. 95; 1988, c. 46 18, 1986, c. 86; 1986, c. 95; 1992, c. 61 | | |
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| | 21.4 , 1986, c. 95; 1988, c. 21; 1992, c. 61 22 , 1984, c. 4 22.1 , 1984, c. 4 26 , 1983, c. 28 | | |
| | 27 , 1986, c. 86; 1988, c. 46 28 , 1986, c. 86; 1988, c. 46 29 , 1986, c. 86; 1988, c. 46; 1992, c. 61 30 , 1986, c. 86; 1988, c. 46 30.1 , 1983, c. 28 | | |
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| c. E-8.1 | Sched., 1996, c. 2 Act respecting public elementary and seconda | ry education | |
| 0.2011 | Ab., 1988, c. 84 | 1 Cadeanon | |
| c. E-9 | Act respecting private education | | |
| | 1, 1979, c. 23; 1985, c. 21; 1988, c. 41; 1988, c. 11, 1985, c. 21; 1988, c. 41 2, 1987, c. 78; 1988, c. 41; 1988, c. 84; 1989, c. 3, 1985, c. 21; 1988, c. 41 8, 1985, c. 21; 1988, c. 41 9, 1985, c. 21; 1988, c. 41 9, 1985, c. 21 14, 1979, c. 23; 1981, c. 12; 1985, c. 21 14, 1979, c. 23; 1981, c. 12; 1985, c. 21 14, 1981, c. 12; 1985, c. 21 14, 1981, c. 12 15, 1985, c. 21 17, 1979, c. 23; 1981, c. 12; 1985, c. 21 17, 1979, c. 23; 1981, c. 12; 1985, c. 21 17, 1981, c. 12 18, 1981, c. 12 1985, c. 21 17, 1981, c. 12; 1988, c. 84; 1990, c. 28 17, 1981, c. 12; 1985, c. 21 17, 1981, c. 12 20, 1985, c. 21; 1987, c. 16 21, 1981, c. 12; 1987, c. 16 21, 1981, c. 12; 1987, c. 16; 1988, c. 84 21, 1, 1985, c. 21; 1987, c. 16; 1988, c. 84 22, 1978, c. 81 23, 1985, c. 21 24, 1985, c. 21 31, 1979, c. 23; 1988, c. 84 32, 1985, c. 21 34, 1985, c. 21; 1988, c. 84 36, 1985, c. 21; 1988, c. 84 | | |

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| | 72.1, 1985, c. 21; 1988, c. 41 Rp., 1992, c. 68 | |
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| e. E-9.1 | Act respecting private education | |
| | 1, 1994, c. 16; 1997, c. 96 | |
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| e. E-10 | Specialized Schools Act | |
| | | |
| | Ab., 1985, c. 21 | |

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| c. E-11 | Act respecting municipal fire fighting cooperation | n |
| | 1, 1996, c. 2 2, 1996, c. 2 4, 1996, c. 2 5, 1995, c. 34; 1996, c. 2 | |
| c. E-12 | Act respecting cold storage warehouses for fish a | and bait |
| | Ab., 1988, c. 27 | |
| c. E-12.001 | Pay Equity Act | |
| | 8, 1998, c. 36 | |
| c. E-12.01 | Act respecting threatened or vulnerable species | |
| | 6, 1990, c. 64; 1994, c. 13; 1994, c. 17 7, 1994, c. 17 8, 1994, c. 17 10, 1994, c. 17 11, 1994, c. 17 12, 1990, c. 64; 1994, c. 13; 1994, c. 17 13, 1994, c. 17 14, 1994, c. 17 15, 1994, c. 13; 1994, c. 17; 1996, c. 2 16, 1994, c. 17 17, 1994, c. 17 18, 1994, c. 17 19, 1994, c. 17 19, 1994, c. 17 23, 1994, c. 17 24, 1997, c. 43 25, 1994, c. 17 29, 1994, c. 17 29, 1994, c. 17 32, Ab. 1992, c. 61 33, 1994, c. 17 34, 1992, c. 61; 1997, c. 11 35, 1997, c. 11 36, 1997, c. 11 36, 1997, c. 11 37, 1994, c. 17 39, 1994, c. 17 31, 1997, c. 11 31, 1997, c. 11 32, Ab. 1992, c. 61 33, 1994, c. 17 34, 1997, c. 11 35, 1997, c. 11 36, 1997, c. 11 37, 1994, c. 17 38, 1994, c. 17 39, 1994, c. 17 41, 1997, c. 11 42, 1990, c. 4 44, 1990, c. 4 44, 1990, c. 4 47, 1992, c. 61; 1994, c. 17 48, 1990, c. 4; Ab. 1992, c. 61 49, 1992, c. 61 57, 1994, c. 17 | |
| c. E-12.1 | Act to promote the establishment of young farme | ers |
| | Rp., 1987, c. 86 | |
| c. E-13 | Act respecting the establishment of a beet-sugar | factory at Saint-Hilaire |
| | Rp., 1982, c. 28 | |

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| | 2 , 1994, c. 17 3 , 1996, c. 2 5 , 1994, c. 17; Ab. 1995, c. 60 7 , 1994, c. 17 | |
| c. E-14 | Act respecting the establishment of a | steel complex by Sidbec |
| | Title, 1979, c. 82 1, 1979, c. 82; 1988, c. 70 2, 1988, c. 70 3, Ab. 1988, c. 70 4, Ab. 1988, c. 70 5, Ab. 1988, c. 70 5, Ab. 1988, c. 70 5, Ab. 1988, c. 70 6, Ab. 1988, c. 70 7, Ab. 1988, c. 70 8, Ab. 1988, c. 70 9, 1979, c. 82; Ab. 1988, c. 70 9, 1979, c. 82; Ab. 1988, c. 70 9, 1, 1979, c. 82 9, 2, 1979, c. 82 9, 3, 1979, c. 82; 1984, c. 36; 1988, c. 11, 1988, c. 70 12, 1979, c. 82; 1984, c. 36; 1988, c. 11, 1988, c. 70 14, 1988, c. 70 14, 1988, c. 70 16, 1988, c. 70 17, 1, 1988, c. 70; 1994, c. 16 | 70; 1994, c. 16 |
| c. E-14.1 | Act respecting educational institution 1, 1993, c. 26; 1994, c. 16 4.1, 1995, c. 30 4.2, 1995, c. 30 4.3, 1995, c. 30 4.5, 1995, c. 30 4.6, 1995, c. 30 4.7, 1995, c. 30 5, 1990, c. 4 10, 1994, c. 16 | ns at the university level |
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| | 393.1, 1989, c. 77 395, 1980, c. 13; 1982, c. 5; 1984, c. 15 1988, c. 18; 1990, c. 59; 1992, c. 1; 1 395.1, 1990, c. 59; 1996, c. 39 396, 1982, c. 5; 1998, c. 16 | ; 1986, c. 15; 1986, c. 19; 1987, c. 67; 995, c. 49; 1997, c. 3; 1998, c. 16 |
| | 397, 1988, c. 18 398, 1978, c. 26; 1982, c. 5; 1991, c. 25 399, 1982, c. 5; 1987, c. 67; 1988, c. 18 1996, c. 39; 1997, c. 31 399.1, 1988, c. 18; 1997, c. 31 | |
| | 399.2, 1988, c. 18; 1997, c. 3; Ab. 1998, 399.3, 1988, c. 18; 1997, c. 3; 1998, c. 1 399.4, 1988, c. 18; Ab. 1989, c. 77 399.5, 1988, c. 18; Ab. 1989, c. 77 | c. 16 6 |
| | 399.6 , 1988, c. 18, 1995, c. 49, 1997, c. 399.7 , 1988, c. 18, 1995, c. 49, 1998, c. 400 , 1978, c. 26, 1982, c. 5, 1987, c. 67 1998, c. 16 | 16 |
| | 401, 1978, c. 26; 1979, c. 38; 1980, c. 13 1993, c. 16 | 3; 1982, c. 5; 1986, c. 19; 1987, c. 67; 9; 1987, c. 67; 1988, c. 18; Ab. 1989, c. 77 |
| | 403 , 1978, c. 26; 1985, c. 25; 1986, c. 19 404 , 1978, c. 26; 1980, c. 11; 1980, c. 15 Ab. 1989, c. 77 | 9; 1987, c. 67; 1988, c. 18; Ab. 1989, c. 77 |
| | 404.1 , 1980, c. 13; 1985, c. 25; Ab. 1986 405 , 1978, c. 26; 1980, c. 13; 1985, c. 26 406 , 1978, c. 26; 1982, c. 5; 1985, c. 25 1995, c. 63; 1997, c. 3; Ab. 1998, c. 1 | 5; 1988, c. 18; Ab. 1989, c. 77 ; 1988, c. 18; 1993, c. 16; 1995, c. 49; .6 |
| | 407 , 1978, c. 26; 1985, c. 25; 1997, c. 3 408 , 1978, c. 26; 1980, c. 13; 1982, c. 5 1988, c. 18; 1990, c. 59; 1994, c. 22; 409 , 1982, c. 5; 1998, c. 16 | ; 1984, c. 15; 1985, c. 25; 1986, c. 19; |
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| | 413 , 1982, c. 5; 1993, c. 16; 1997, c. 3; 414 , 1978, c. 26; 1980, c. 13; 1982, c. 5 1996, c. 39; 1997, c. 3; 1998, c. 16 415 , 1978, c. 26; 1980, c. 13; 1985, c. 26 | ; 1986, c. 19; 1989, c. 77; 1993, c. 16; |
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| | 417 , 1978, c. 26; 1982, c. 5; 1985, c. 25 c. 16 418 , 1978, c. 26; 1985, c. 25; 1997, c. 3 | ; 1988, c. 18; 1995, c. 63; 1997, c. 3; Ab. 1998 ; Ab. 1998, c. 16 |
| | 418.1, 1982, c. 5 | 9; 1988, c. 18; 1990, c. 59; 1994, c. 22; 1997, |

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| | 418.4 , 1982, c. 5; 1988, c. 18 | |
| | 418.5 , 1982, c. 5; 1991, c. 25; 1993, c. 16 418.6 , 1982, c. 5; 1986, c. 19; 1988, c. 18 | |
| | 418.6.1, 1995, c. 49, 1996, c. 39 | , 1000, 6. 11, 1000, 6. 10, 1000, 6. 60 |
| | 418.6.2, 1995, c. 49; 1996, c. 39 418.7, 1982, c. 5; 1993, c. 16; 1997, c. 1 | 4 |
| | 418.8 , 1982, c. 5; 1985, c. 25; 1986, c. 1 | 9; Ab. 1989, c. 77 |
| | 418.9 , 1982, c. 5; 1985, c. 25; 1986, c. 1941. 418.10 , 1982, c. 5; 1985, c. 25; 1987, c. | |
| | 418.11 , 1982, c. 5; Ab. 1989, c. 77 418.12 , 1982, c. 5; 1993, c. 16; 1995, c. | 49 |
| | 418.13 , 1982, c. 5; 1985, c. 25; 1988, c. | 18; 1995, c. 63; 1997, c. 3; Ab. 1998, c. 16 |
| | 418.14 , 1982, c. 5; 1985, c. 25; 1997, c. 418.15 , 1989, c. 77; 1995, c. 49; 1996, c | |
| | 418.16 , 1989, c. 77; 1993, c. 16; 1996, c | . 39; 1997, c. 3; 1998, c. 16 |
| | 418.17 , 1989, c. 77; 1993, c. 16; 1995, c 418.18 , 1989, c. 77; 1993, c. 16; 1995, c | |
| | 418.19 , 1989, c. 77; 1993, c. 16; 1995, c 418.20 , 1989, c. 77; 1996, c. 39; 1997, c | |
| | 418.21 , 1989, c. 77; 1993, c. 16; 1995, c | . 49; 1996, c. 39; 1997, c. 3; 1998, c. 16 |
| | 418.22 , 1989, c. 77, 1997, c. 3, 1997, c. 418.23 , 1989, c. 77, 1997, c. 3, 1997, c. | 14; 1998, c. 16 14; 1998, c. 16 |
| | 418.24 , 1989, c. 77; 1997, c. 3; 1997, c. | |
| | 418.25 , 1989, c. 77; 1997, c. 3 418.26 , 1989, c. 77; 1993, c. 16; 1995, c | . 49; 1997, c. 3; 1997, c. 14; 1998, c. 16 |
| | 418.27 , 1989, c. 77; Ab. 1993, c. 16 418.28 , 1989, c. 77; 1998, c. 16 | |
| | 418.29 , 1989, c. 77 | 16 |
| | 418.30 , 1989, c. 77; 1997, c. 3; 1998, c. 418.31 , 1989, c. 77; 1993, c. 16; 1995, c | |
| | 418.31.1 , 1993, c. 16 418.32 , 1989, c. 77; 1997, c. 3 | |
| | 418.33 , 1989, c. 77; 1993, c. 16; 1995, c | |
| | 418.34 , 1989, c. 77; 1995, c. 49; 1997, c 418.35 , 1998, c. 16 | . 3 |
| | 418.36 , 1989, c. 77; 1998, c. 16 418.37 , 1990, c. 59; 1997, c. 3 | |
| | 418.38 , 1990, c. 59; 1997, c. 3 | |
| | 418.39 , 1990, c. 59; 1994, c. 22; 1997, c 419 , 1982, c. 5; 1984, c. 15; 1996, c. 39; | |
| | 419.0.1, 1988, c. 18, 1997, c. 3 419.1, 1985, c. 25, 1997, c. 3, 1998, c. 1 | |
| | 419.2 , 1985, c. 25; 1997, c. 3 | 0 |
| | 419.3 , 1985, c. 25; 1997, c. 3 419.4 , 1985, c. 25; 1997, c. 3 | |
| | 419.5 , 1987, c. 67; 1997, c. 3 | |
| | 419.6 , 1988, c. 18; 1997, c. 3 419.7 , 1988, c. 18; 1989, c. 77; 1997, c. | 3; 1998, c. 16 |
| | 419.8 , 1988, c. 18; 1989, c. 77; 1997, c. | 3 |
| | 420, 1997, c. 85 421, 1990, c. 59 | |
| | 421.1 , 1990, c. 59; 1993, c. 64; 1995, c. 421.2 , 1990, c. 59; 1993, c. 16; 1995, c. | |
| | 1997, c. 85 | -, 2000, 0. 20, 2000, 0. 00, 1001, 0. 11, |
| | 421.3 , 1990, c. 59 421.4 , 1990, c. 59 | |
| | 421.5 , 1990, c. 59, 1993, c. 16, 1994, c. | |
| | 421.6 , 1990, c. 59; 1991, c. 25; 1993, c. 421.7 , 1990, c. 59 | 10 |
| | 421.8 , 1993, c. 16 422.1 , 1994, c. 22 | |
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| | 425, 1979, c. 18; 1987, c. 67; 1995, c. 49 426, 1986, c. 19 | |
| | 427.1 , 1984, c. 15; Ab. 1985, c. 25 427.2 , 1984, c. 15; Ab. 1985, c. 25 | |
| | 427.3 , 1984, c. 15; Ab. 1985, c. 25 427.4 , 1989, c. 77; 1997, c. 3; 1997, c. 85 | |
| | 427.5 , 1989, c. 77; 1990, c. 59; 1994, c. 2 | 2; 1997, c. 3 |
| | 428 , 1984, c. 15; 1990, c. 59 429 , 1985, c. 25; 1986, c. 19; 1987, c. 67; | 1989, c. 5; 1993, c. 64; 1994, c. 22; 1997, c. 14 |
| | 430 , 1978, c. 26; 1993, c. 16; 1994, c. 22; 431 , 1993, c. 16; 1998, c. 16 | 1996, c. 39; 1998, c. 16 |
| | 432 , 1984, c. 15; 1986, c. 19; 1995, c. 49 433 , 1982, c. 5; 1986, c. 19; 1995, c. 49 | |
| | 434, 1995, c. 49 | 1007 |
| | 435 , 1982, c. 5; 1986, c. 19; 1994, c. 22; 1 436 , 1994, c. 22; 1995, c. 49 | 1995, c. 49 |
| | 437 , 1990, c. 59; 1993, c. 16; 1994, c. 22; 437.1 , 1994, c. 22 | 1995, c. 49; 1996, c. 39 |
| | 438 , Áb. 1994, c. 22 438.1 , 1979, c. 38; 1985, c. 25; 1987, c. 6 | 7 · 1994 c 22 · Ab 1995 c 49 |
| | 439 , 1979, c. 18; 1994, c. 22; 1995, c. 49 | 1, 1004, C. 22, 110. 1000, C. 40 |
| | 439.1, 1995, c. 49 440, 1984, c. 15; 1986, c. 19; 1993, c. 16; | 1994, c. 22; 1995, c. 49; 1997, c. 3 |
| | 441, 1984, c. 15; Ab. 1994, c. 22 441.1, 1994, c. 22 | |
| | 442 , 1994, c. 22; 1997, c. 85 443 , 1986, c. 19; Ab. 1994, c. 22 | |
| | 444 , 1979, c. 18; 1986, c. 15; 1986, c. 19; 1997, c. 3; 1997, c. 85 | 1993, c. 16; 1994, c. 22; 1995, c. 49; |
| | 444.1 , 1979, c. 18; 1986, c. 19; Ab. 1987, | c. 67 |
| | 445 , 1994, c. 22; 1997, c. 85 446 , 1994, c. 22; 1997, c. 85 | |
| | 447 , 1996, c. 39 448 , 1998, c. 16 | |
| | 449 , 1996, c. 39 450 , 1979, c. 18; 1986, c. 15; 1986, c. 19; | 1993 c 16: 1994 c 22: 1995 c 49: |
| | 1997, c. 3; 1997, c. 85 | |
| | 450.1 , 1979, c. 18; 1986, c. 19; Ab. 1987, 450.2 , 1984, c. 15; 1985, c. 25; 1986, c. 1 | |
| | 450.3 , 1985, c. 25; Ab. 1987, c. 67 450.4 , 1985, c. 25; 1986, c. 19; Ab. 1987, | c. 67 |
| | 450.5 , 1986, c. 15, 1995, c. 49, 1997, c. 3 450.6 , 1986, c. 15, 1997, c. 85 | ; 1997, c. 85 |
| | 450.7 , 1986, c. 15; 1986, c. 19; Ab. 1987, 450.8 , 1986, c. 15; Ab. 1987, c. 67 | c. 67 |
| | 450.9 , 1986, c. 15; 1993, c. 16; 1997, c. 3 | |
| | 450.10 , 1995, c. 49; 1998, c. 16 450.11 , 1995, c. 49 | |
| | 451 , 1979, c. 18; 1980, c. 13; 1982, c. 5; 1987, c. 67; 1989, c. 5; 1994, c. 22; 19 | 1984, c. 15; 1985, c. 25; 1986, c. 15; 97, c. 3 |
| | 452 , 1978, c. 26; 1987, c. 67; 1993, c. 16 453 , 1984, c. 15; 1987, c. 67; 1990, c. 59; | |
| | 454 , 1979, c. 38; 1982, c. 5; 1993, c. 16; 1 | 1994, c. 22; 1997, c. 85 |
| | 455 , 1979, c. 18; 1979, c. 38 455.0.1 , 1997, c. 85 | |
| | 455.1 , Ab. 1984, c. 15 456 , 1980, c. 13; 1982, c. 5; Ab. 1987, c. 6 | 57 |
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| | 459 , 1979, c. 18; 1986, c. 19; 1994, c. | |
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| | 462.0.1, 1994, c. 22; 1995, c. 49; 1996 | |
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| | 462.8 , 1987, c. 67; 1994, c. 22; 1996, 4 62.9 , 1987, c. 67 | c. 39 |
| | 462.10, 1987, c. 67 | |
| | 462.11 , 1987, c. 67; 1997, c. 3 | |
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| | 462.13, 1987, c. 67 | |
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| | 462.16 , 1987, c. 67; 1993, c. 16; 1996 | , c. 39 |
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| | 462.19, 1987, c. 67 | |
| | 462.20 , 1987, c. 67 | 0.20 |
| | 462.21 , 1987, c. 67; 1994, c. 22; 1996 462.22 , 1987, c. 67; Ab. 1994, c. 22 | , c. oa |
| | 462.23 , 1987, c. 67 | 95 |
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| | 465 , Ab. 1980, c. 13 | |
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| | 468 , Ab. 1982, c. 5 | c. 50 |
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| | 480 , Ab. 1996, c. 39 481 , 1997, c. 3; 1997, c. 14; 1997, c. 3 | 21 |
| | 482 , 1988, c. 18; 1993, c. 16 | ,1 |
| | 483 , 1988, c. 18 | |
| | 483.1, 1988, c. 18 484, 1984, c. 15; 1993, c. 16; 1996, c. | 39; 1997, c. 3 |
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| | 485.2, 1984, c. 15; 1986, c. 19; 1987, 485.3, 1986, c. 19; 1993, c. 16; 1996, 485.4, 1996, c. 39 485.6, 1996, c. 39 485.7, 1996, c. 39 485.8, 1996, c. 39; 1997, c. 3; 1998, c 485.9, 1996, c. 39; 1997, c. 3 485.10, 1996, c. 39; 1997, c. 3 485.11, 1996, c. 39; 1997, c. 3 485.12, 1996, c. 39; 1997, c. 3 485.13, 1996, c. 39; 1997, c. 3 485.14, 1996, c. 39; 1997, c. 3 485.15, 1996, c. 39; 1997, c. 3 485.16, 1996, c. 39; 1997, c. 3 485.17, 1996, c. 39; 1997, c. 3 485.18, 1996, c. 39; 1997, c. 3 485.19, 1996, c. 39; 1997, c. 3 485.20, 1996, c. 39; 1997, c. 3 485.21, 1996, c. 39; 1997, c. 3 485.23, 1996, c. 39; 1997, c. 3 485.24, 1996, c. 39; 1997, c. 3 485.25, 1996, c. 39; 1997, c. 3 485.26, 1996, c. 39; 1997, c. 3 485.27, 1996, c. 39; 1997, c. 3 485.28, 1996, c. 39 485.29, 1996, c. 39 485.29, 1996, c. 39 485.30, 1996, c. 39 485.31, 1996, c. 39; 1997, c. 3 485.32, 1996, c. 39 485.33, 1996, c. 39; 1997, c. 3 485.34, 1996, c. 39 485.35, 1996, c. 39 485.36, 1996, c. 39; 1997, c. 3 485.37, 1996, c. 39; 1997, c. 3 485.38, 1996, c. 39; 1997, c. 3 485.39, 1996, c. 39; 1997, c. 3 485.31, 1996, c. 39; 1997, c. 3 485.32, 1996, c. 39; 1997, c. 3 485.34, 1996, c. 39; 1997, c. 3 485.35, 1996, c. 39; 1997, c. 3 485.36, 1996, c. 39; 1997, c. 3 485.37, 1996, c. 39; 1997, c. 3 485.38, 1996, c. 39; 1997, c. 3 485.39, 1996, c. 39; 1997, c. 3 485.41, 1996, c. 39; 1997, c. 3 485.45, 1996, c. 39; 1997, c. 3 485.49, 1996, c. 39; 1997, c. 3 | c. 39; 1997, c. 3; 1998, c. 16 . 16 c. 31 c. 31 c. 35 6, c. 39 6, c. 39 6, c. 39 6, c. 39 6, c. 22; 1997, c. 3; 1997, c. 14 44; 1986, c. 15; 1986, c. 19; 1997, c. 3 |

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| c. I-3 | Taxation Act – Cont'd | |
| | 487.5 , 1983, c. 44; 1997, c. 3 | |
| | 487.5.1, 1988, c. 4 | |
| | 487.5.2 , 1988, c. 4 487.5.3 , 1988, c. 4; 1993, c. 16; 1997, c. | 3: 1997. c. 85 |
| | 487.5.4, 1988, c. 4; 1997, c. 3 | , |
| | 487.6 , 1983, c. 44; 1985, c. 25 488 , 1993, c. 64 | |
| | 489 , 1978, c. 26; 1982, c. 5; 1984, c. 15; | 1987, c. 67; 1993, c. 16; 1994, c. 22; |
| | 1996, c. 39; 1997, c. 3 | |
| | 490 , 1995, c. 49; 1997, c. 3 491 , 1984, c. 15; 1990, c. 59; 1993, c. 16 | ; 1995, c. 49; 1996, c. 39 |
| | 492 , 1993, c. 64; Ab. 1997, c. 14 | , |
| | 492.1 , 1993, c. 64; Ab. 1997, c. 14 492.2 , 1993, c. 64; Ab. 1995, c. 49 | |
| | 493 , 1982, c. 56; 1990, c. 85; 1995, c. 1; | 1997, c. 3; Ab. 1997, c. 14 |
| | 493.0.1 , 1995, c. 1; Ab. 1997, c. 14 | |
| | 493.1 , 1982, c. 5; Ab. 1997, c. 14 494 , 1982, c. 5; 1986, c. 19; 1995, c. 1 | |
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| | 496 , 1995, c. 1 497 , 1978, c. 26; 1988, c. 18; 1990, c. 59 | : 1991. c. 25: 1995. c. 49: 1997. c. 3 |
| | 498 , 1987, c. 67; 1990, c. 59 | ,,,,,, |
| | 499 , 1986, c. 19; 1989, c. 5; 1997, c. 3 500 , 1982, c. 5; 1997, c. 3; 1997, c. 31 | |
| | 501, 1978, c. 26; 1997, c. 3 | |
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| | 501.2 , 1978, c. 26; 1997, c. 3 501.3 , 1979, c. 18; 1997, c. 3 | |
| | 502 , 1978, c. 26; 1996, c. 39; 1997, c. 3 | |
| | 502.0.1, 1990, c. 59; 1997, c. 3 502.0.2, 1990, c. 59; 1995, c. 49; 1996, c | e. 39; 1997, c. 3 |
| | 502.0.3 , 1990, c. 59; 1995, c. 49; 1996, c | e. 39; 1997, c. 3 |
| | 502.0.4 , 1990, c. 59; 1995, c. 49; 1996, c 502.1 , 1984, c. 15; Ab. 1987, c. 67 | c. 39; 1997, c. 3 |
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| | 503.0.1 , 1988, c. 4; 1995, c. 63; 1997, c. 503.1 , 1982, c. 5; 1984, c. 15; 1997, c. 3 | 3 |
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| | 504 , 1982, c. 5; 1990, c. 59; 1993, c. 16; 504.1 , 1993, c. 16; 1997, c. 3 | 1995, c. 49; 1997, c. 3 |
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| | 507 , 1978, c. 26; 1979, c. 18; 1997, c. 3 | 1000 - 5.1000 - 50.1007 - 9 |
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| | 509.1 , 1991, c. 8; 1995, c. 63; 1997, c. 1- | 4 |
| | 510, 1990, c. 59; 1997, c. 3 510.0.1, 1986, c. 19; 1997, c. 3 | |
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| | 511 , 1978, c. 26; 1997, c. 3 512 , Ab. 1978, c. 26 | |
| | 513 , Ab. 1978, c. 26 | |
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| | 515, Ab. 1978, c. 26 516, Ab. 1978, c. 26 | |
| | 517 , 1993, c. 16 | 67, 1007 - 9 |
| | 517.1 , 1978, c. 26; 1979, c. 18; 1987, c. 517.2 , 1978, c. 26; 1987, c. 67; 1993, c. | |
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| | 517.4.2 , 1987, c. 67; 1990, c. 59; 1997, c | 2. 3 |
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| | 518, 1982, c. 5; 1986, c. 15; 1986, c. 19; 518.1, 1990, c. 59; 1993, c. 16; 1994, c. 2 | 1990, c. 59; 1997, c. 3; 1997, c. 31; 1997, c. 8; 22: 1996, c. 39: 1998, c. 16 |
| | 518.2, 1993, c. 16; 1997, c. 3; Ab. 1997, | c. 85 |
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| | 597.2 , 1986, c. 15; 1997, c. 3 597.3 , 1986, c. 15 597.4 , 1986, c. 15; 1997, c. 3 597.5 , 1986, c. 15 | |
| | 597.6 , 1986, c. 15 598 , 1990, c. 59; 1996, c. 39; 1997, c. 3 599 , 1988, c. 18; 1997, c. 3 600 , 1978, c. 26; 1980, c. 11; 1982, c. 5 | ; 1985, c. 25; 1986, c. 19; 1989, c. 5; |
| | 1989, c. 77; 1994, c. 22; 1997, c. 3; 600.0.1, 1989, c. 5; 1990, c. 7; 1997, c. 600.0.2, 1989, c. 5; 1997, c. 3 600.0.3, 1990, c. 59; 1997, c. 3 | 3 |
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| | 630.1 , 1994, c. 22; 1996, c. 39; 1997, c. 631 , 1982, c. 5; 1997, c. 3 632 , 1997, c. 3 | 3 |
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| | 644 , 1997, c. 3 645 , 1994, c. 22; 1997, c. 3 646 , 1988, c. 18; 1994, c. 22; 1996, c. 3 647 , 1978, c. 26; 1979, c. 18; 1982, c. 5 1993, c. 16; 1994, c. 22; 1996, c. 39; | ; 1989, c. 77; 1990, c. 59; 1991, c. 25; |
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| | 725.1.1 , 1990, c. 59; 1991, c. 25 725.1.2 , 1997, c. 85; 1998, c. 16 | |
| | 725.2, 1987, c. 67; 1988, c. 4; 1990, c. 59 | ; 1992, c. 1; 1993, c. 16; 1995, c. 49; 1997, c. |
| | 725.2.1, 1993, c. 16; 1997, c. 3 725.3, 1987, c. 67; 1990, c. 59 | |
| | 725.4 , 1987, c. 67; 1990, c. 59 725.5 , 1987, c. 67; 1990, c. 59 | |
| | 725.6 , 1987, c. 67; 1988, c. 4; 1989, c. 77 | |
| | 725.7 , 1987, c. 67 725.8 , 1993, c. 19; 1997, c. 3 | |
| | 725.9 , 1993, c. 19; 1994, c. 16; 1995, c. 6 726 , 1978, c. 26; 1984, c. 15; 1985, c. 25 | |
| | 726.0.1. 1990. c. 7 | |
| | 726.1, 1979, c. 14; 1983, c. 44; 1985, c. 2 726.2, 1982, c. 15 | 5; 1997, c. 3 |
| | 726.3, 1986, c. 15 726.4, 1986, c. 15 | |
| | 726.4.1, 1989, c. 5; 1991, c. 8 | |
| | 726.4.2, 1989, c. 5 726.4.3, 1989, c. 5; 1991, c. 8; 1997, c. 3 | |
| | 726.4.4 , 1989, c. 5; 1991, c. 8 726.4.5 , 1989, c. 5 | |
| | 726.4.6 , 1989, c. 5; 1991, c. 8 | |
| | 726.4.7, 1989, c. 5; 1991, c. 8; 1997, c. 3 726.4.7.1, 1991, c. 8; 1997, c. 3 | |
| | 726.4.7.2 , 1991, c. 8; 1997, c. 3 726.4.7.3 , 1991, c. 8 | |

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| c. I-3 | Taxation Act – Cont'd | |
| | 726.4.7.4, 1991, c. 8; 1997, c. 3 | |
| | 726.4.8, 1989, c. 5; 1991, c. 8 | 0 Al- 1007 - 14 |
| | 726.4.8.1, 1992, c. 1; 1993, c. 64; 1997 726.4.8.2, 1992, c. 1; 1997, c. 3; Ab. 19 | |
| | 726.4.8.3, 1992, c. 1; 1997, c. 3; Ab. 19 | |
| | 726.4.8.4 , 1992, c. 1; Ab. 1997, c. 14 | 007 0 14 |
| | 726.4.8.5 , 1992, c. 1; 1997, c. 3; Ab. 19 726.4.8.6 , 1992, c. 1; 1993, c. 19; 1997 | . c. 3: Ab. 1997, c. 14 |
| | 726.4.8.7, 1992, c. 1; 1997, c. 3; Ab. 19 | 997, c. 14 |
| | 726.4.8.7.1, 1993, c. 19; 1997, c. 3; Ab 726.4.8.8, 1992, c. 1; Ab. 1997, c. 14 | . 1997, c. 14 |
| | 726.4.8.9, 1992, c. 1; 1997, c. 3; Ab. 19 | 997, c. 14 |
| | 726.4.8.10, 1992, c. 1; Ab. 1997, c. 14 | |
| | 726.4.8.11 , 1992, c. 1; Ab. 1997, c. 14 726.4.8.12 , 1992, c. 1; 1997, c. 3; Ab. 1 | 1997, c. 14 |
| | 726.4.8.13 , 1992, c. 1; 1997, c. 3; Ab. 1 | |
| | 726.4.8.14 , 1992, c. 1; Ab. 1997, c. 14 726.4.8.15 , 1992, c. 1; 1997, c. 3; Ab. 1 | 1997. c. 14 |
| | 726.4.8.16, 1992, c. 1; 1993, c. 16; 199 | 5, c. 63; 1997, c. 3; Ab. 1997, c. 14 |
| | 726.4.8.17 , 1992, c. 1; 1997, c. 3; Ab. 1 726.4.9 , 1989, c. 5 | 1997, c. 14 |
| | | c. 59; 1991, c. 8; 1992, c. 1; 1993, c. 64; |
| | 1995, c. 1; 1995, c. 49; 1997, c. 3; 1 | |
| | 726.4.10.1 , 1993, c. 19; 1997, c. 3 726.4.11 , 1989, c. 5 | |
| | 726.4.11.1, 1993, c. 19 | 0 1000 1 1000 04 1007 |
| | 726.4.12, 1989, c. 5, 1990, c. 7; 1991, c. 1995, c. 49; 1997, c. 3; 1997, c. 14; | |
| | 726.4.13, 1989, c. 5; 1995, c. 49; 1997, | |
| | 726.4.14 , 1989, c. 5; 1990, c. 7; 1997, c | c. 3; 1997, c. 31 |
| | 726.4.15 , 1989, c. 5; 1990, c. 7; 1995, c. 726.4.16 , 1989, c. 5 | c. 49; 1997, C. 5; 1997, C. 51 |
| | 726.4.17, 1989, c. 5; 1997, c. 3 | |
| | 726.4.17.1, 1990, c. 7; 1997, c. 14 726.4.17.2 , 1990, c. 7: 1990, c. 59: 199 | 91, c. 8; 1992, c. 1; 1993, c. 64; 1995, c. 1; |
| | 1997, c. 3; 1997, c. 14; 1997, c. 85; | |
| | 726.4.17.2.1, 1993, c. 19; 1997, c. 3 726.4.17.3, 1990, c. 7; 1997, c. 14 | |
| | 726.4.17.3.1, 1993, c. 19 | |
| | | 2, c. 1; 1993, c. 64; 1995, c. 1; 1997, c. 3; |
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| | 726.4.17.6 , 1990, c. 7; 1997, c. 3; 1997 | |
| | 726.4.17.7 , 1990, c. 7; 1997, c. 3; 1997 726.4.17.8 , 1990, c. 7 | , c. 31 |
| | 726.4.17.9 , 1990, c. 7; 1997, c. 3 | |
| | 726.4.17.10 , 1992, c. 1 | 95, c. 1; 1997, c. 3; 1997, c. 14; 1998, c. 16 |
| | 726.4.17.11, 1932, c. 1; 1933, c. 04, 133 | 995, c. 1; 1997, c. 3 |
| | 726.4.17.13 , 1992, c. 1; 1993, c. 19; 19 | |
| | 726.4.17.14, 1992, c. 1; 1993, c. 64; 19 726.4.17.15, 1992, c. 1; 1997, c. 3 | 991, C. 3 |
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| | 726.4.17.17 , 1992, c. 1; 1997, c. 3 726.4.18 , 1989, c. 5; 1989, c. 77; 1990, | c 7 · 1991 c 8 · 1992 c 1 · 1993 c 16 · |
| | 1993, c. 19; Ab. 1993, c. 64 | , c. 1, 1001, c. 0, 1000, c. 1, 1000, c. 10, |
| | 726.4.18.1, 1990, c. 7; Ab. 1993, c. 64 | 00 - 64 |
| | 726.4.19, 1989, c. 5; 1990, c. 7; Ab. 19 726.4.19.1, 1990, c. 7; Ab. 1993, c. 64 | 95, C. 04 |
| | 726.4.20, 1989, c. 5; 1990, c. 7; Ab. 19 | 93, c. 64 |
| | 726.4.20.1, 1990, c. 7; Ab. 1993, c. 64 | |

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| | 726.9.6, 1996, c. 39; 1997, c. 3 | |
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| | 726.15 , 1987, c. 67; 1997, c. 3 726.16 , 1987, c. 67; Ab. 1990, c. 59 | |
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| | 726.18 , 1987, c. 67; 1988, c. 18; Ab. 19 726.19 , 1987, c. 67; 1990, c. 59; 1994, | |
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| | 726.20.1 , 1993, c. 19; 1993, c. 64; 1999, 1997, c. 85; 1998, c. 16 | 5, c. 1; 1996, c. 39; 1997, c. 3; 1997, c. 14; |
| | 726.20.2, 1993, c. 19; 1995, c. 1; 1996, | c. 39 |
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| | 728 , 1978, c. 26; 1979, c. 18; 1985, c. 2 | 5; 1986, c. 19; 1993, c. 19; 1996, c. 39 , c. 5; 1990, c. 59; 1993, c. 19; 1994, c. 22; |
| | 1997, c. 85 | , a. a., a. a., a. a., a. a., a. a., a. a., |
| | 728.0.2 , 1990, c. 59; 1997, c. 3 728.0.3 , 1990, c. 59; 1997, c. 3 | |
| | 728.0.4, 1990, c. 59; 1997, c. 3 | |
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| | 728.2 , 1985, c. 25; 1996, c. 39 729 , 1982, c. 5; 1985, c. 25; 1987, c. 67 | 7; 1990, c. 59 |
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| | 730 , 1986, c. 19; 1987, c. 67; 1989, c. 7 730.1 , 1987, c. 67; 1990, c. 59; 1993, c | |
| | 730.2, 1987, c. 67; 1993, c. 16 | |
| | 731 , 1985, c. 25 733.0.0.1 , 1988, c. 4; 1997, c. 3 | |
| | 733.0.1, 1986, c. 15; 1988, c. 4; 1997, | c. 3 |
| | 733.1 , 1985, c. 25; 1988, c. 4; 1994, c. 2 | |
| | 734 , 1985, c. 25; 1988, c. 4; 1990, c. 59 735 , 1985, c. 25; 1988, c. 4; 1997, c. 3 | 7; 1993, C. 10; 1997, C. 3 |
| | 735.1, 1981, c. 12; 1985, c. 25; 1997, c | . 3 |
| | 736 , 1984, c. 15; 1985, c. 25; 1989, c. 7 | 77; 1993, c. 16; 1997, c. 3, c. 19; 1989, c. 77; 1990, c. 59; 1997, c. 3 |
| | 736.0.1.1. 1985. c. 25: 1989. c. 77: 199 | 90. c. 59: 1997. c. 3 |
| | 736.0.2, 1984, c. 15; 1985, c. 25; 1989 | , c. 77; 1990, c. 59; 1997, c. 3 |
| | 736.0.3 , 1984, c. 15; Ab. 1989, c. 77 736.0.3.1 , 1989, c. 77; 1995, c. 49; 199 | 97. c. 3: 1997. c. 31 |
| | 736.0.4 , 1984, c. 15; 1997, c. 3 | ., , , |
| | 736.0.5 , 1989, c. 77; 1997, c. 3 | |

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| 736.2 , 1978, c. 26: 1979, c. 18 | |
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| 739, 1996, c. 39; 1997, c. 3 740, 1997, c. 3 740, 1,1980, c. 13; 1982, c. 5; 1986, c. 1 740.2, 1980, c. 13; 1982, c. 5; 1990, c. 5 740.3, 1980, c. 13; 1982, c. 5; 1984, c. 1 740.3, 1, 1990, c. 59 740.4, 1,1991, c. 25; 1997, c. 3 740.5, 1989, c. 77; 1997, c. 3 740.6, 1989, c. 77; 1997, c. 3 740.7, 1989, c. 77; 1997, c. 3 740.8, 1989, c. 77; 1997, c. 3 740.9, 1989, c. 77; 1997, c. 3 741, 1978, c. 26; 1984, c. 15; 1996, c. 3 742, 1984, c. 15; 1996, c. 39; 1997, c. 3 743, 1978, c. 26; 1985, c. 25; 1987, c. 6 744, 1978, c. 26; 1984, c. 15; 1985, c. 2 | 9; 1989, c. 5; 1990, c. 59; 1996, c. 39; 1997, c. 8 9; 1997, c. 3 5; 1987, c. 67; 1989, c. 5; 1990, c. 59; 1997, c. 8 3 |
| | 737.2, 1984, c. 15; 1985, c. 25; 1989, c. 737.3, 1984, c. 15; 1986, c. 19; 1987, c. 737.4, 1984, c. 15; 1986, c. 19; 1987, c. 737.6, 1984, c. 15; 1986, c. 19; 1987, c. 737.6, 1984, c. 15; 1986, c. 19; 1987, c. 737.6, 1984, c. 15; 1985, c. 25; 1986, c. 737.8, 1984, c. 15; 1985, c. 25; 1986, c. 737.8, 1984, c. 15; 1985, c. 25; 1989, c. 737.9, 1984, c. 15; 1989, c. 5 737.10, 1984, c. 15; 1989, c. 5 737.11, 1984, c. 15; 1899, c. 5 737.12, 1984, c. 15; 1989, c. 5 737.12, 1984, c. 15; 1987, c. 21; 1995, c. 737.13, 1986, c. 19; 1989, c. 5; 1997, 737.13, 1986, c. 15; 1997, c. 21; 1995, c. 737.16, 1986, c. 15; 1997, c. 21; 1995, c. 737.16, 1986, c. 15; 1997, c. 3 737.16, 1986, c. 15; 1997, c. 3 737.16, 1986, c. 15; 1997, c. 3 737.16, 1988, c. 4; 1999, c. 1; 1997, c. 737.18, 1987, c. 67; 1991, c. 25; 1992, c. 7; 1997, c. 85 737.22, 1988, c. 4; 1989, c. 5; 1990, c. 737.21, 1988, c. 4; 1989, c. 5; 1990, c. 737.22, 1988, c. 4; 1989, c. 5; 1997, c. 85 737.22, 0.1, 1997, c. 85 737.22, 0.3, 1997, c. 85 737.22, 0.4, 1997, c. 85 737.22, 0.5, 1995, c. 1; 1998, c. 16 737.27, 1997, c. 14 738, 1990, c. 7; 1995, c. 63; 1997, c. 3 740, 1, 1980, c. 13; 1982, c. 5; 1986, c. 1 740.2, 1980, c. 13; 1982, c. 5; 1986, c. 1 740.2, 1980, c. 13; 1982, c. 5; 1986, c. 1 740.3, 1, 1980, c. 13; 1982, c. 5; 1984, c. 1 740.4, 1984, c. 15; Ab. 1990, c. 59 740.4, 1984, c. 15; Ab. 1990, c. 59 740.4, 1989, c. 77; 1997, c. 3 740.5, 1989, c. 77; 1997, c. 3 740.6, 1989, c. 77; 1997, c. 3 740.7, 1989, c. 77; 1997, c. 3 740.9, 1989, c. 77; 1997, c. 3 740.9, 1989, c. 77; 1997, c. 3 740.9, 1989, c. 77; 1997, c. 3 741, 1978, c. 26; 1984, c. 15; 1996, c. 3 740.7, 1989, c. 77; 1997, c. 3 |

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| | 748 , 1996, c. 39 749 , 1980, c. 13; 1997, c. 3 | |
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| | 750 , 1978, c. 26; 1986, c. 15; 1986, c. 751 , 1982, c. 38; 1982, c. 56; 1988, c. | |
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| | 752.0.10.13 , 1993, c. 64; 1995, c. 49 752.0.10.14 , 1993, c. 64 | |
| | 752.0.10.15 , 1995, c. 63; 1997, c. 31; | |
| | 752.0.11, 1989, c. 5; 1990, c. 59; 1993 | 3, c. 64; 1997, c. 14; 1997, c. 85 |
| | 752.0.11.1, 1990, c. 59; 1991, c. 8; 19 | 993, c. 16; 1994, c. 22; 1995, c. 1; 1995, c. 63; |
| | 1997, c. 14; 1997, c. 85 | |
| | 752.0.11.1.1, 1997, c. 85 752.0.11.1.2, 1997, c. 85 | |
| | 752.0.11.2 , 1990, c. 59 | |
| | 752.0.11.3 , 1990, c. 59; 1997, c. 14 752.0.12 , 1989, c. 5; 1993, c. 64 | |

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| | 766.2, 1993, c. 16; 1995, c. 1; 1997, c. 14 766.3, 1995, c. 1 | 1; 1997, C. 65 |
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| | 770 , 1985, c. 25; 1996, c. 39; 1997, c. 85 770.1 , 1989, c. 5 | |
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| | 771.0.1.1, 1990, c. 7; 1991, c. 8; 1997, c | 3 |
| | 771.0.1.2 , 1991, c. 8; 1992, c. 1; 1997, c 771.0.2 , 1989, c. 5; 1990, c. 59; 1995, c. | |
| | 771.0.2.1, 1992, c. 1; 1993, c. 19; 1994, | c. 22; 1995, c. 63; 1997, c. 3; 1997, c. 85 |
| | 771.0.2.2, 1993, c. 19; 1995, c. 63; 1997 771.0.3, 1989, c. 5; 1997, c. 3 | , c. 3; 1997, c. 65 |
| | 771.0.3.1, 1992, c. 1; 1997, c. 3 771.0.4, 1989, c. 5 | |
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| | 771.0.5, 1989, c. 5; 1992, c. 1; 1997, c. 3 771.0.6, 1989, c. 5; 1992, c. 1; 1997, c. 3 | |
| | 771.0.7 , 1997, c. 85 771.1 , 1981, c. 12; 1987, c. 21; 1989, c. 8 | 5 · 1992 c 1 · 1995 c 63 · 1997 c 3 · |
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| | 771.1.1 , 1987, c. 21; 1989, c. 5; 1993, c. 771.1.2 , 1989, c. 5; 1997, c. 3 | 64; 1994, c. 22; 1997, c. 3 |
| | 771.1.3, 1989, c. 5; 1997, c. 3; 1997, c. 8 | |
| | 771.1.4, 1989, c. 5; 1997, c. 3; 1997, c. 8 771.1.4.1, 1997, c. 85 | |
| | 771.1.5, 1989, c. 5; 1994, c. 22; 1995, c. 771.1.5.1, 1995, c. 63; 1997, c. 3 | 63; 1997, c. 3; 1997, c. 85 |
| | 771.1.5.2 , 1995, c. 63; 1997, c. 3; 1997, | |
| | 771.1.5.3, 1995, c. 63; 1996, c. 39; 1997 771.1.6, 1989, c. 5; 1992, c. 1; 1997, c. 3 | |
| | 771.1.7 , 1989, c. 5; 1997, c. 3 771.1.8 , 1989, c. 5; 1994, c. 22; 1997, c. | 3: 1997. c. 14 |
| | 771.1.9, 1989, c. 5; 1997, c. 3 | |
| | 771.1.10 , 1989, c. 5; 1992, c. 1; 1993, c. 771.1.11 , 1989, c. 5; 1993, c. 16; 1997, c | |
| | 771.2, 1981, c. 12; 1983, c. 44; 1985, c. 5, 771.2.1, 1987, c. 21; 1989, c. 5; 1997, c. | |
| | 771.2.1.1 , 1992, c. 1, 1997, c. 3 | |
| | 771.2.2, 1987, c. 21; 1989, c. 5; 1992, c. 771.3 , 1984, c. 15: 1985, c. 25: 1986, c. 1 | 1; 1995, c. 63; 1997, c. 3; 1997, c. 85 5; 1987, c. 21; 1989, c. 5; 1991, c. 8; 1997, c. 3 |
| | 771.4, 1985, c. 25; 1986, c. 15; 1987, c. 3 | 21; 1997, c. 3; 1997, c. 85 |
| | 771.5, 1987, c. 21; 1992, c. 1; 1995, c. 6; 771.5.1, 1990, c. 7; 1997, c. 3; 1997, c. 3 | 3; 1997, c. 3; 1997, c. 31; 1997, c. 85 11; 1997, c. 85 |
| | 771.5.2, 1990, c. 7; 1997, c. 3 | |
| | 771.7 , 1987, c. 21; 1995, c. 63; 1996, c. 3 | , 1995, c. 63 ; 1996, c. 39 ; 1997, c. 3 ; 1997, c. 85 39 ; 1997, c. 3 |
| | 771.8 , 1987, c. 21; 1988, c. 4; 1989, c. 5; | 1990, c. 59; 1995, c. 63; 1997, c. 3 |
| | 771.8.1 , 1992, c. 1; 1993, c. 19; 1994, c. 771.8.2 , 1995, c. 63; 1997, c. 3 | 44, 1990, C. 00, 1991, C. 0 |
| | 771.8.3 , 1997, c. 85 771.8.4 , 1997, c. 85 | |

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| 771.8.6, 1997, c. 85 771.9, 1987, c. 21; 1992, c. 1; 1995, c. 63; 1997, c. 3; 1997, c 771.10, 1987, c. 21; 1992, c. 1; 1995, c. 63; 1997, c. 3; 1997, c 771.11, 1987, c. 21; 1992, c. 1; 1995, c. 63; 1997, c. 3; 1997, c. 11, 1997, c. 85 771.13, 1997, c. 85 772, 1989, c. 77; Ab. 1995, c. 63 772.1, 1990, c. 59; 1993, c. 16; 1993, c. 19; 1994, c. 22; Ab. 172.2, 1995, c. 63; 1996, c. 39; 1997, c. 3; 1997, c. 14; 1997, c. 3; 1997, c. 63; 1995, c. 63 772.4, 1995, c. 63 772.5, 1995, c. 63 772.6, 1995, c. 63; 1997, c. 3 772.7, 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85 772.8, 1995, c. 63; 1997, c. 3; 1997, c. 85 772.9, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.10, 1995, c. 63; 1997, c. 14; 1997, c. 85 | c. 14 |
| 771.8.6, 1997, c. 85 771.9, 1987, c. 21; 1992, c. 1; 1995, c. 63; 1997, c. 3; 1997, c 771.10, 1987, c. 21; 1992, c. 1; 1995, c. 63; 1997, c. 3; 1997, c 771.11, 1987, c. 21; 1992, c. 1; 1995, c. 63; 1997, c. 3; 1997, c. 11, 1997, c. 85 771.13, 1997, c. 85 772, 1989, c. 77; Ab. 1995, c. 63 772.1, 1990, c. 59; 1993, c. 16; 1993, c. 19; 1994, c. 22; Ab. 172.2, 1995, c. 63; 1996, c. 39; 1997, c. 3; 1997, c. 14; 1997, c. 3; 1997, c. 63; 1995, c. 63 772.4, 1995, c. 63 772.5, 1995, c. 63 772.6, 1995, c. 63; 1997, c. 3 772.7, 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85 772.8, 1995, c. 63; 1997, c. 3; 1997, c. 85 772.9, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.10, 1995, c. 63; 1997, c. 14; 1997, c. 85 | c. 14 |
| 771.10, 1987, c. 21; 1992, c. 1; 1995, c. 63; 1997, c. 3; 1997, 771.11, 1987, c. 21; 1992, c. 1; 1995, c. 63; 1997, c. 3; 1997, 771.12, 1997, c. 85 771.13, 1997, c. 85 772, 1989, c. 77; Ab. 1995, c. 63 772.1, 1990, c. 59; 1993, c. 16; 1993, c. 19; 1994, c. 22; Ab. 172.2, 1995, c. 63; 1996, c. 39; 1997, c. 3; 1997, c. 14; 1997, 772.3, 1995, c. 63 772.4, 1995, c. 63 772.5, 1995, c. 63 772.6, 1995, c. 63; 1997, c. 3 772.7, 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85 772.8, 1995, c. 63; 1997, c. 3; 1997, c. 85 772.9, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.10, 1995, c. 63; 1997, c. 85 | c. 14 |
| 771.11, 1987, c. 21; 1992, c. 1; 1995, c. 63; 1997, c. 3; 1997, 771.12, 1997, c. 85 771.13, 1997, c. 85 772, 1989, c. 77; Ab. 1995, c. 63 772.1, 1990, c. 59; 1993, c. 16; 1993, c. 19; 1994, c. 22; Ab. 1 772.2, 1995, c. 63; 1996, c. 39; 1997, c. 3; 1997, c. 14; 1997, 772.3, 1995, c. 63 772.4, 1995, c. 63 772.5, 1995, c. 63; 1997, c. 3 772.7, 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85 772.8, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.9, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.10, 1995, c. 63; 1997, c. 85 | |
| 771.12, 1997, c. 85 771.13, 1997, c. 85 772, 1989, c. 77; Ab. 1995, c. 63 772.1, 1990, c. 59; 1993, c. 16; 1993, c. 19; 1994, c. 22; Ab. 1 772.2, 1995, c. 63; 1996, c. 39; 1997, c. 3; 1997, c. 14; 1997, 772.3, 1995, c. 63 772.4, 1995, c. 63 772.5, 1995, c. 63 772.6, 1995, c. 63; 1997, c. 3 772.7, 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85 772.8, 1995, c. 63 772.9, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.10, 1995, c. 63; 1997, c. 85 | , |
| 772, 1989, c. 77; Ab. 1995, c. 63 772.1, 1990, c. 59; 1993, c. 16; 1993, c. 19; 1994, c. 22; Ab. 1 772.2, 1995, c. 63; 1996, c. 39; 1997, c. 3; 1997, c. 14; 1997, 772.3, 1995, c. 63 772.4, 1995, c. 63 772.5, 1995, c. 63 772.6, 1995, c. 63; 1997, c. 3 772.7, 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85 772.8, 1995, c. 63 772.9, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.10, 1995, c. 63; 1997, c. 14; 1997, c. 85 | |
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| 772.3, 1995, c. 63 772.4, 1995, c. 63 772.5, 1995, c. 63 772.6, 1995, c. 63; 1997, c. 3 772.7, 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85 772.8, 1995, c. 63 772.9, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.10, 1995, c. 63; 1997, c. 85 | |
| 772.4, 1995, c. 63 772.5, 1995, c. 63 772.6, 1995, c. 63; 1997, c. 3 772.7, 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85 772.8, 1995, c. 63 772.9, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.10, 1995, c. 63; 1997, c. 85 | c. 85 |
| 772.6, 1995, c. 63; 1997, c. 3 772.7, 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85 772.8, 1995, c. 63 772.9, 1995, c. 63; 1997, c. 14; 1997, c. 85 772.10, 1995, c. 63; 1997, c. 85 | |
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| 776.1.3 , 1983, c. 44; 1987, c. 67; 1993, c. 19; 1997, c. 14 776.1.4 , 1983, c. 44; 1995, c. 63; 1997, c. 14; 1997, c. 85 | |
| 776.1.4.1 , 1989, c. 5; 1995, c. 63; 1997, c. 14 | |
| 776.1.5 , 1983, c. 44; 1995, c. 63; 1997, c. 3 | |
| 776.1.5.1, 1993, c. 19; 1995, c. 63; 1997, c. 3 776.1.5.2, 1993, c. 19; 1997, c. 3 | |
| 776.1.5.3, 1993, c. 19; 1994, c. 16; 1995, c. 63; 1997, c. 3 | |
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| | 776.23 , 1986, c. 15; 1987, c. 21; 1988, c. 776.24 , 1986, c. 15; 1987, c. 21; 1988, c. | |
| | 776.24.1, 1987, c. 21; 1988, c. 4; Ab. 198 | |
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| | 776.32.1, 1997, c. 85 776.32.2, 1997, c. 85 | |
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| | 776.43 , 1988, c. 4; 1989, c. 5; 1995, c. 1; 776.44 , 1988, c. 4; 1989, c. 5; 1992, c. 1 | ; 1997, c. 85 |
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| | 776.48 , 1988, c. 4; 1997, c. 14 776.49 , 1988, c. 4; 1997, c. 14 | |
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| | 776.53 , 1988, c. 4; 1997, c. 3 776.54 , 1988, c. 4; 1989, c. 5; 1997, c. 3 | |
| | 776.55 , 1988, c. 4; 1989, c. 5; 1997, c. 3 | 1000 |
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| | 776.58, 1988, c. 4 | , , |
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| | 1995, c. 63; 1997, c. 14 776.61, 1988, c. 4; 1993, c. 16; 1996, c. 5 | 39; 1997, c. 3 |
| | 776.62 , 1988, c. 4; 1998, c. 16 | , |
| | 776.63 , 1988, c. 4, Ab. 1989, c. 5 776.64 , 1988, c. 4; 1997, c. 3 | |
| | 776.65 , 1989, c. 5; 1993, c. 64; 1995, c. 6 776.66 , 1995, c. 1; Ab. 1997, c. 85 | 53; 1997, c. 14; 1997, c. 85 |
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| | 776.91, 1997, c. 85 776.92, 1997, c. 85 776.93, 1997, c. 85 776.94, 1997, c. 85 | |
| | 776.95 , 1997, c. 85 776.96 , 1997, c. 85 777 , 1995, c. 49; 1996, c. 39 778 , 1996, c. 39 | 1007 40 1007 00 1000 |
| | 779, 1988, c. 4; 1990, c. 7; 1994, c. 22; 1995, c. 1 1997, c. 14; 1997, c. 85 780, 1997, c. 85 781, 1995, c. 1; 1996, c. 39; 1997, c. 3 781.1, 1989, c. 5; 1996, c. 39; 1997, c. 3 | ; 1995, c. 49; 1995, c. 63; 1996, c. 39 |
| | 782 , 1988, c. 4; 1989, c. 5; 1993, c. 64; 1997, c. 8 782.1 , 1987, c. 67 784 , 1993, c. 64; 1997, c. 85 785.1 , 1995, c. 49; 1997, c. 3 | 5 |
| | 785.2 , 1995, c. 49; 1997, c. 3; 1997, c. 31 785.3 , 1995, c. 49; 1997, c. 3 785.4 , 1996, c. 39; 1997, c. 85 785.5 , 1996, c. 39; 1997, c. 85 | |
| | 785.6 , 1997, c. 85 785.26 , 1997, c. 14 788 , 1997, c. 3 791 , 1997, c. 3 | |
| | 792 , 1989, c. 77; 1997, c. 3 792.1 , 1989, c. 77 794 , 1979, c. 38; Ab. 1986, c. 15 796 , 1990, c. 7; 1997, c. 3 797 , 1982, c. 5; 1993, c. 16; 1995, c. 49; 1997, c. | 3 |
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| | 808, 1984, c. 15; 1997, c. 3 | |
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| | 832 , 1990, c. 59; 1994, c. 22; 1996, c. 39 832.0.1 , 1990, c. 59; 1996, c. 39; 1997, c | 9 |
| | 832.1, 1984, c. 15; 1985, c. 25; 1990, c. 5 | |
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| | 832.4 , 1990, c. 59; 1997, c. 3 832.5 , 1990, c. 59; 1997, c. 3; 1997, c. 14 | |
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| | 843 , 1984, c. 15; 1995, c. 63 843.1 , 1990, c. 59; Ab. 1996, c. 39 | |
| | 844 , 1978, c. 26; 1990, c. 59; 1996, c. 39 844.0.1 , 1998, c. 16 | ; 1998, c. 16 |
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| | 890.2, 1989, c. 77 | 1001, 0.0, 1001, 0.17 | |
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| | 915.3, 1979, c. 18; Ab. 1988, c. 18 915.4, 1980, c. 13 | |
| | 916, Åb. 1991, c. 25 917, 1982, c. 5; 1991, c. 25 | |
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| | 961.19 , 1979, c. 18; 1980, c. 13; 1988, c 961.20 , 1979, c. 18; 1988, c. 18; 1991, c | . 18; 1991, c. 25 25 |
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| | 961.22, 1979, c. 18; 1982, c. 5; Ab. 1991 961.23, 1987, c. 67; 1995, c. 49; 1997, c | |
| | 961.24, 1987, c. 67, 1995, c. 49 | . 0 |
| | 961.24.1 , 1995, c. 49 961.24.2 , 1995, c. 49; 1997, c. 3 | |
| | 961.24.3 , 1995, c. 49; 1997, c. 3 | |
| | 961.24.4 , 1995, c. 49; 1997, c. 3 965.0.1 , 1991, c. 25; 1994, c. 22 | |
| | 965.0.2, 1991, c. 25 | |
| | 965.0.3 , 1991, c. 25 965.0.4 , 1991, c. 25; 1995, c. 63; Ab. 19 | 98 c 16 |
| | 965.0.5 , 1991, c. 25, 1994, c. 22 | 50, C. 10 |
| | 965.0.6 , 1991, c. 25 965.0.7 , 1991, c. 25 | |
| | 965.0.8 , 1991, c. 25; 1994, c. 22 | |
| | 965.0.8.1, 1994, c. 22 965.0.9, 1991, c. 25; 1994, c. 22; 1995, c | 2 49 · 1997 · c 14 |
| | 965.0.10, 1991, c. 25; 1994, c. 22 | 10, 1001, 0. 17 |
| | 965.0.11 , 1991, c. 25; 1994, c. 22 965.0.12 , 1991, c. 25 | |
| | 965.0.13, 1991, c. 25 | |
| | 965.0.14 , 1991, c. 25; 1994, c. 22 965.0.15 , 1991, c. 25; 1994, c. 22 | |
| | 965.0.16, 1991, c. 25 | |
| | 965.0.16.1, 1994, c. 22 | |

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| | 965.0.17, 1991, c. 25 | |
| | 965.0.18 , 1998, c. 16 | 40 1000 - 44 1004 - 15 1004 - 05 |
| | 1986, c. 15; 1987, c. 21; 1987, c. 67; 1993, c. 19; 1993, c. 64; 1995, c. 1; 1 965.2 , 1979, c. 14; 1982, c. 48; 1983, c. 1990, c. 7; 1992, c. 1; 1995, c. 1 | |
| | 965.3 , 1979, c. 14; 1982, c. 48; 1983, c. 1997, c. 3 | 44; 1984, c. 35; 1987, c. 21; 1995, c. 63; |
| | 965.3.1 , 1983, c. 44; 1984, c. 35; 1987, | c. 21; 1989, c. 5; 1997, c. 3 |
| | 965.3.2 , 1987, c. 21; 1997, c. 3 965.4 , 1979, c. 14; 1982, c. 26; 1983, c. 1997, c. 3 | 44; 1984, c. 35; 1987, c. 21; 1995, c. 63; |
| | 965.4.1, 1983, c. 44; 1984, c. 35; 1987, c. 965.4.1.1, 1987, c. 21; 1997, c. 3 965.4.1.2, 1987, c. 21; 1997, c. 3 | c. 21; 1989, c. 5; 1997, c. 3 |
| | 965.4.2, 1984, c. 15; 1984, c. 35; 1987, 965.4.3, 1984, c. 35; 1987, c. 21; 1990, 965.4.4, 1984, c. 35; 1988, c. 4; 1990, c. 965.4.4.1, 1993, c. 64; 1997, c. 3 | c. 7; 1992, c. 1; 1997, c. 3 |
| | 965.4.5 , 1984, c. 35; 1993, c. 64; 1997, | c. 3 |
| | 965.4.6, 1987, c. 21; 1997, c. 3 965.5, 1979, c. 14; 1981, c. 31; 1983, c. 1993, c. 64; 1997, c. 3 | 44; 1987, c. 21; 1988, c. 4; 1992, c. 1; |
| | 965.5.1, 1997, c. 85 | 48; 1983, c. 44; 1984, c. 15; 1986, c. 15; |
| | | 2, c. 1; 1993, c. 19; 1993, c. 64; 1997, c. 3; |
| | 965.6.0.1 , 1987, c. 21 | |
| | 965.6.0.2, 1987, c. 21; 1988, c. 4 965.6.0.2.0.1, 1990, c. 7; 1997, c. 85 965.6.0.2.0.2, 1992, c. 1; 1993, c. 64 | |
| | 965.6.0.2.0.3, 1993, c. 64 | |
| | 965.6.0.2.1, 1989, c. 5; 1992, c. 1; 1993 965.6.0.3, 1988, c. 4; 1989, c. 5; 1990, c 1997, c. 85 | |
| | 965.6.0.4, 1991, c. 8; 1992, c. 1; 1993, c. 965.6.0.5, 1992, c. 1; 1997, c. 3 | c. 19; 1997, c. 3; 1997, c. 85 |
| | 965.6.1, 1986, c. 15; 1989, c. 5; 1990, c. | . 7; 1992, c. 1 |
| | 965.6.2, 1986, c. 15 965.6.3, 1986, c. 15; 1992, c. 1 | |
| | 965.6.4, 1986, c. 15; 1992, c. 1 | |
| | 965.6.5 , 1986, c. 15; 1992, c. 1 965.6.6 , 1986, c. 15; 1992, c. 1 | |
| | 965.6.7 , 1986, c. 15; 1995, c. 63 | |
| | 965.6.8 , 1987, c. 21; 1988, c. 4; 1997, c | . 3 |
| | 965.6.9 , 1987, c. 21; 1997, c. 3 965.6.10 , 1987, c. 21; 1990, c. 7; 1995, | c 63: 1997 c 3 |
| | 965.6.10.1, 1990, c. 7; 1997, c. 3 | c. 55, 1201, c. 5 |
| | 965.6.11, 1987, c. 21; 1990, c. 7; 1995, | c. 1; 1997, c. 3 |
| | 965.6.12, 1987, c. 21 965.6.13, 1987, c. 21 | |
| | 965.6.14, 1987, c. 21 | |
| | 965.6.15 , 1987, c. 21; 1988, c. 4 | |
| | 965.6.16 , 1987, c. 21; 1997, c. 3 965.6.17 , 1987, c. 21; 1988, c. 4 | |
| | 965.6.18, 1987, c. 21; 1988, c. 4 | |
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| | 965.6.20, 1987, c. 21 965.6.21, 1988, c. 4; 1996, c. 39 | |
| | 965.6.22 , 1988, c. 4; 1989, c. 5 | F 1000 1 1000 10 1007 07 |
| | 965.6.23, 1988, c. 4; 1989, c. 5; 1990, c | . 7; 1992, c. 1; 1993, c. 19; 1997, c. 85 |

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| | 965.6.24, 1988, c. 4; 1989, c. 5 | 15; 1985, c. 25; 1986, c. 15; 1987, c. 21; |
| | 1988, c. 4; 1997, c. 3; 1997, c. 14 | 10, 1300, c. 20, 1300, c. 10, 1301, c. 21, |
| | 965.7.1, 1987, c. 21 965.7.2, 1993, c. 19 | |
| | 965.8 , 1979, c. 14; 1983, c. 44; Ab. 1990 965.9 , 1979, c. 14; 1983, c. 44; 1984, c. | |
| | 965.9.1, 1980, c. 13; Ab. 1983, c. 44; 19 | 984, c. 15; 1988, c. 4; 1989, c. 5; 1990, c. 7; |
| | 1992, c. 1; 1995, c. 63; 1997, c. 3 965.9.1.0.0.1 , 1992, c. 1 | |
| | 965.9.1.0.1, 1990, c. 7; 1992, c. 1; 1997, 965.9.1.0.2, 1990, c. 7; 1992, c. 1; 1997 | |
| | 965.9.1.0.3, 1997, c. 85 | , |
| | 965.9.1.0.4, 1997, c. 85 965.9.1.0.5, 1997, c. 85 | |
| | 965.9.1.0.6, 1997, c. 85 965.9.1.0.7, 1997, c. 85 | |
| | 965.9.1.0.8 , 1997, c. 85 965.9.1.1 , 1988, c. 4; 1990, c. 7; 1993, | o 64 · 1007 o 9 |
| | 965.9.2, 1980, c. 13; Ab. 1983, c. 44; 19 | 984, c. 15; 1990, c. 7; 1997, c. 3 |
| | 965.9.3, 1980, c. 13; Ab. 1983, c. 44; 19 965.9.4, 1987, c. 21; 1989, c. 5; 1990, c | |
| | 965.9.5 , 1987, c. 21; 1990, c. 7 965.9.5.1 , 1988, c. 4; 1990, c. 7; 1997, c. | |
| | 965.9.6, 1987, c. 21; 1997, c. 3; 1997, c | . 14 |
| | 965.9.7, 1987, c. 21; 1988, c. 4; 1990, c 965.9.7.0.1, 1990, c. 7; 1992, c. 1; 1997 | . 7; 1993, c. 16; 1993, c. 64; 1997, c. 3 7, c. 3 |
| | 965.9.7.0.2 , 1990, c. 7; 1992, c. 1; 1997 965.9.7.0.3 , 1992, c. 1; 1993, c. 64; 199 | 7, c. 3 |
| | 965.9.7.0.4, 1992, c. 1; 1997, c. 3 | 71, 6. 5 |
| | 965.9.7.0.6, 1993, c. 64; 1997, c. 3 965.9.7.0.6, 1993, c. 64; 1997, c. 3 | |
| | 965.9.7.1, 1989, c. 5; 1997, c. 3 965.9.7.2, 1989, c. 5; 1997, c. 3 | |
| | 965.9.7.3 , 1989, c. 5; 1997, c. 3 965.9.8 , 1988, c. 4; 1989, c. 5; 1990, c. | 7.1001 0.8.1003 0.10.1005 0.1 |
| | 965.9.8.1, 1992, c. 1; 1993, c. 19; 1993, | , c. 64; 1995, c. 1; 1995, c. 63; 1997, c. 3; |
| | 1997, c. 14; 1997, c. 85 965.9.8.2, 1992, c. 1; 1997, c. 3 | |
| | 965.9.8.2.1, 1993, c. 19 965.9.8.3, 1992, c. 1 | |
| | 965.9.8.4, 1992, c. 1; 1997, c. 3 | |
| | 965.9.8.5, 1992, c. 1; 1997, c. 3 965.9.8.6, 1992, c. 1 | |
| | 965.9.8.7, 1992, c. 1; 1997, c. 3 965.9.8.8, 1992, c. 1 | |
| | 965.9.8.9, 1992, c. 1; 1997, c. 3 | |
| | 965.9.8.10 , 1993, c. 64; 1995, c. 1; 199 965.10 , 1979, c. 14; 1983, c. 44; 1984, c | 7, c. 3 c. 35; 1987, c. 21; 1988, c. 4; 1990, c. 7; |
| | 1992, c. 1; 1993, c. 64; 1995, c. 63; 1 | |
| | 965.10.1.1, 1990, c. 7; 1992, c. 1; 1995 | |
| | 965.10.2 , 1987, c. 21; 1997, c. 3 965.10.3 , 1992, c. 1; 1997, c. 3 | |
| | 965.10.3.1, 1997, c. 14 | |
| | 965.10.3.2, 1997, c. 14 965.11, 1979, c. 14; 1983, c. 44; 1987, c | c. 21; 1990, c. 7; 1993, c. 16; 1993, c. 64; |
| | 1995, c. 49; 1997, c. 3; 1997, c. 14 965.11.1, 1986, c. 15; 1988, c. 4; 1990, | |
| | 965.11.2 , 1986, c. 15; 1990, c. 7; 1992, 965.11.3 , 1986, c. 15; 1997, c. 3 | c. 1; 1997, c. 3 |

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| c. I-3 | Taxation Act – Cont'd | |
| | 965.11.4, 1986, c. 15; 1987, c. 21; 1997, 965.11.5, 1987, c. 21; 1988, c. 4; 1990, 965.11.6, 1987, c. 21; 1990, c. 7; 1992, 965.11.7, 1987, c. 21; 1990, c. 7; 1992, 965.11.7, 1988, c. 4; 1988, c. 41; 1992, 1997, c. 31; 1997, c. 85 965.11.8, 1987, c. 21; 1988, c. 4; 1997, 965.11.9, 1987, c. 21; 1988, c. 4; 1997, c. 31; 1987, c. 21; 1988, c. 4; 1997, c. 31; 1987, c. 21; 1988, c. 4; 1997, c. 31; 1997, 1965.11.12, 1988, c. 4; 1997, c. 31; 1997, 1965.11.14, 1988, c. 4; 1997, c. 31; 1997, 1965.11.15, 1988, c. 4; 1997, c. 31; 1997, 1965.11.16, 1988, c. 4; 1997, c. 31; 1 | c. 7; 1992, c. 1; 1996, c. 39; 1997, c. 3 c. 1; 1997, c. 3 c. 1; 1997, c. 3 g, c. 1; 1994, c. 16; 1996, c. 39; 1997, c. 3; c. 3 c. 3 |
| | 965.11.17 , 1988, c. 4; 1997, c. 3; 1997, 965.11.18 , 1988, c. 4; 1997, c. 3 965.11.19 , 1988, c. 4; 1997, c. 3 | |
| | 965.11.19.1 , 1989, c. 5; 1997, c. 3; 1997 965.11.19.2 , 1989, c. 5; 1997, c. 3; 1997 965.11.20 , 1989, c. 5; 1997, c. 3 965.11.20 , 1988, c. 4; 1997, c. 3 965.12 , 1983, c. 44; 1986, c. 15; Ab. 198 | 7, c. 85 90, c. 7 |
| | 965.16.0.1 , 1987, c. 21; 1988, c. 4; 1988 965.16.0.2 , 1988, c. 4; 1989, c. 5; 1990, 965.16.1 , 1983, c. 44; 1984, c. 15; 1984 | . 3 . 4; 1989, c. 5; 1990, c. 7; 1997, c. 3 4; 1989, c. 5; 1990, c. 7; 1996, c. 39; 1997, c. 3 0, c. 5; 1990, c. 7; 1996, c. 39; 1997, c. 3 |
| | 1990, c. 7; 1997, c. 3 965.17, 1983, c. 44; 1990, c. 7; 1997, c. 9 965.17.1, 1992, c. 1; 1997, c. 3 965.17.2, 1992, c. 1; 1996, c. 39; 1997, 965.17.3, 1992, c. 1; 1996, c. 39; 1997, 965.17.4, 1992, c. 1; 1997, c. 3 965.17.4.1, 1997, c. 14 965.17.5, 1992, c. 1; 1997, c. 3 | c. 3 |
| | 965.17.5.1, 1997, c. 14 965.17.6, 1992, c. 1; Ab. 1993, c. 64 965.18, 1983, c. 44; 1988, c. 4; 1989, c. 965.19, 1983, c. 44; 1986, c. 15; 1988, c 965.19.1, 1986, c. 15; 1988, c. 4; 1989, c 965.19.1, 1, 1989, c. 5; 1997, c. 3 965.19.2, 1986, c. 15; 1987, c. 21; 1989, c 965.20, 1983, c. 44; 1986, c. 15; 1987, c | . 4; 1989, c. 5 c. 5; 1990, c. 7; 1992, c. 1; 1993, c. 19 , c. 5; 1990, c. 7; 1992, c. 1 |
| | 1995, c. 1 965.20.1, 1984, c. 35; 1986, c. 15; 1997 965.20.1.1, 1988, c. 4; 1992, c. 1; 1995, 965.20.2, 1986, c. 15; 1997, c. 3 965.20.2.1, 1992, c. 1; 1995, c. 63 965.21, 1983, c. 44; 1985, c. 25; 1987, c 965.22, 1983, c. 44; 1984, c. 15; 1989, c | , c. 3 c. 63 c. 67; 1992, c. 1 |
| | 1997, c. 85 965.23, 1983, c. 44; 1992, c. 1 965.23.0.1, 1997, c. 85 965.23.1, 1991, c. 8; 1992, c. 1; 1997, c 965.23.1.0.1, 1997, c. 85 965.23.1.1, 1992, c. 1; 1997, c. 3; Ab. 1 965.23.1.2, 1992, c. 1; 1997, c. 3 | |

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| | 976.1 , 1984, c. 15; 1985, c. 25; 1991, c. | |
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| | 979.5 , 1985, c. 25 | |
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| | 979.11, 1985, c. 25 979.12, 1985, c. 25 | |
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| | 985.1.2 , 1986, c. 15; 1995, c. 49; 1996, 985.2 , 1978, c. 26; 1995, c. 49; 1997, c. | |
| | 985.2.1, 1986, c. 15; 1987, c. 67; 1995, | |
| | 985.2.2, 1986, c. 15, 1995, c. 49 985.2.3, 1987, c. 67, 1995, c. 49, 1997, | c 3 |
| | 985.2.4 , 1987, c. 67; 1995, c. 49 | c. 0 |
| | 985.3 , 1978, c. 26; 1995, c. 49 985.4 , 1978, c. 26 | |

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| c. I-3 | 985.4.1, 1986, c. 15; Ab. 1990, c. 59 985.4.2, 1986, c. 15; Ab. 1990, c. 59 985.4.3, 1986, c. 15; 1990, c. 59; 1995, 985.5, 1978, c. 26; 1986, c. 15; 1990, c. 59 985.5.1, 1986, c. 15; Ab. 1990, c. 59 985.5.2, 1986, c. 15; 1995, c. 49; 1995, 985.6, 1978, c. 26; 1986, c. 15; 1995, c. 985.8, 1978, c. 26; 1986, c. 15; 1995, c. 985.8, 1, 1986, c. 15; 1995, c. 49 985.9, 1978, c. 26; 1986, c. 15; 1995, c. 49 985.9, 1978, c. 26; 1986, c. 15; 1988, c. 985.9, 1, 1986, c. 15; 1995, c. 49 985.9, 1, 1986, c. 15; 1995, c. 49 985.9, 1, 1986, c. 15; 1998, c. 4; 1992, c. 985.9, 1, 1986, c. 15; 1998, c. 1; 1995, c. 985.9, 1, 1986, c. 15; 1998, c. 1; 1995, c. 985.9, 1, 1988, c. 18; 1997, c. 3 985.9, 1, 1986, c. 15; 1992, c. 1; 1995, c. 985.10, 1978, c. 26; Ab. 1986, c. 15 985.11, 1978, c. 26; Ab. 1986, c. 15 985.12, 1978, c. 26; Ab. 1986, c. 15 985.13, 1978, c. 26; Ab. 1986, c. 15 985.14, 1978, c. 26; 1986, c. 15; 1993, c. 985.16, 1978, c. 26; 1986, c. 15; 1993, c. 985.17, 1978, c. 26; 1986, c. 15; 1993, c. 985.18, 1978, c. 26; 1982, c. 5; Ab. 1986, c. 15 985.12, 1978, c. 26; 1986, c. 15; 1993, c. 985.20, 1978, c. 26; 1986, c. 15; 1995, c. 49 985.18, 1978, c. 26; 1986, c. 15; 1995, c. 985.21, 1978, c. 26; 1986, c. 15; 1995, c. 985.22, 1978, c. 26; 1986, c. 15; 1995, c. 985.23, 1978, c. 26; 1986, c. 15; 1995, c. 985.24, 1993, c. 16; 1995, c. 49 985.34, 1997, c. 14 985.33, 1997, c. 14 985.34, 1997, c. 14 985.35, 1997, c. 14 985.36, 1978, c. 26; 1994, c. 22; 1997, c. 3 987, Ab. 1978, c. 26 989, Ab. 1978, c. 26 999, Ab. 1978, c. 26 991, 1987, c. 31 992, 1978, c. 26; 1994, c. 22; 1997, c. 3 993, 1978, c. 26 991, 1987, c. 31 992, 1978, c. 26 993, 40, 1978, c. 26 994, 40, 1978, c. 26 995, 40, 1978, c. 26 996, 1978, c. 26; 1997, c. 3 996, 1978, c. 26; 1997, c. 3 997, 1986, c. 15; 1986, c. 19; 1989, c. 5 997, 1, 1994, c. 22 998, 1979, c. 18; 1980, c. 13; 1982, c. 5 | 59; 1995, c. 49; 1997, c. 3 c. 63 49 49; 1997, c. 3 18; 1993, c. 64; 1995, c. 49; 1997, c. 14 . 1; 1995, c. 49 . 64; 1995, c. 1; 1995, c. 49 c. 64; 1995, c. 49; 1997, c. 14 6, c. 15 c. 49 c. 16; 1995, c. 49 c. 49; 1995, c. 63; 1997, c. 14; 1997, c. 25 14 ; 1997, c. 31 1997, c. 31 |
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| | 1026.0.1 , 1995, c. 1; 1997, c. 31 1026.0.2 , 1995, c. 1; 1997, c. 85; 1998, | 0.16 |
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| | 1029.8.4, 1988, c. 4; 1989, c. 5; Ab. 199 | 90, c. 7 |
| | 1029.8.5 , 1988, c. 4; 1989, c. 5; Ab. 1991 1029.8.5.1 , 1990, c. 7; 1991, c. 8; 1993 | 90, c. 7 , c. 16; 1993, c. 64; 1995, c. 1; 1995, c. 49; |
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| | 1029.8.9.0.1, 1992, c. 1; 1995, c. 1; 199 | 97, c. 3 |

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| | 1029.8.9.0.1.1, 1993, c. 64; 1997, c. 3 1029.8.9.0.2, 1993, c. 19; 1993, c. 64; 1 | 995 c 1:1997 c 3:1997 c 14 |
| | 1029.8.9.0.3 , 1993, c. 19; 1995, c. 63; 1 | |
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| | 1997, c. 31; 1997, c. 85 1029.8.9.1.1 , 1993, c. 64; 1997, c. 85 | |
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| | 1029.8.11, 1989, c. 5; 1990, c. 7; 1991, | c. 8; 1993, c. 19; 1993, c. 64; 1994, c. 16; |
| | 1995, c. 1; 1995, c. 63; 1997, c. 3; 19 1029.8.12, 1989, c. 5; Ab. 1990, c. 7 | 91, C. 14; 1991, C. 31; 1991, C. 65 |
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| C. 1-0 | 1029.8.36.0.7, 1997, c. 85 1029.8.36.0.8, 1997, c. 85 1029.8.36.0.9, 1997, c. 85 1029.8.36.0.10, 1997, c. 85; 1998, c. 16 1029.8.36.0.11, 1997, c. 85; 1998, c. 16 1029.8.36.0.12, 1997, c. 85 1029.8.36.0.13, 1997, c. 85 1029.8.36.0.14, 1997, c. 85 1029.8.36.0.15, 1997, c. 85 1029.8.36.0.16, 1997, c. 85 1029.8.36.0.16, 1997, c. 85 1029.8.36.3, 1995, c. 1; Ab. 1995, c. 63 1029.8.36.3, 1995, c. 1; Ab. 1995, c. 63; 1997 1029.8.36.4, 1995, c. 1; 1995, c. 63; 1997 1029.8.36.4, 1995, c. 1; 1995, c. 63; 1997 1029.8.36.7, 1995, c. 1; 1995, c. 63; 1997 1029.8.36.7, 1995, c. 1; 1995, c. 63; 1997 1029.8.36.8, 1995, c. 1; 1995, c. 63; 1997 1029.8.36.1, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.1, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.11, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.11, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.13, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.14, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.17, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.18, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.19, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.11, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.13, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.14, 1995, c. 1; 1997, c. 3; Ab. 1029.8.36.15, 1995, c. 1; 1997, c. 63; 199 1029.8.36.17, 1995, c. 1; 1995, c. 63; 199 1029.8.36.19, 1995, c. 1; 1995, c. 63; 199 1029.8.36.20, 1995, c. 1; 1995, c. 63; 199 1029.8.36.21, 1995, c. 1; 1995, c. 63; 199 1029.8.36.22, 1995, c. 1; 1995, c. 63; 199 1029.8.36.23, 1995, c. 1; 1995, c. 63; 199 | . 1997, c. 14 , c. 3; 1997, c. 14; 1997, c. 31 , c. 3; 1997, c. 14; 1997, c. 31 , c. 3; 1997, c. 14; 1997, c. 31 , c. 14 7, c. 3; 1997, c. 14 , c. 14 14 14 14 3; 1997, c. 14 3; 1997, c. 14 3; 1997, c. 31 3 3 3 3 3 3 3 3 3 3 3 3 |
| | 1029.8.36.24, 1995, c. 1: 1997, c. 3 1029.8.36.25, 1995, c. 1; 1995, c. 63; 199 1029.8.36.26, 1995, c. 1; 1995, c. 63; 199 1029.8.36.27, 1995, c. 1; 1995, c. 63; 199 1029.8.36.28, 1995, c. 1; 1997, c. 3 1029.8.36.29, 1995, c. 63; 1997, c. 3; 199 1029.8.36.31, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.32, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.33, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.34, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.35, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.36, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.36, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.37, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.38, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.39, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.40, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.41, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.42, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.44, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.44, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.45, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.46, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.47, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.48, 1995, c. 63; 1997, c. 3; Ab. 1029.8.36.49, 1995, c. 63; 1997, c. 3; Ab. | 7, c. 3 7, c. 3; 1997, c. 31 7, c. 31 1997, c. 14 |

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| c. I-3 | 1029.8.36.52, 1996, c. 39; 1997, c. 3; 191029.8.36.53, 1996, c. 39; 1997, c. 3; 191029.8.36.54, 1997, c. 14; 1997, c. 31; 19029.8.36.55, 1997, c. 14; 1997, c. 31; 19029.8.36.56, 1997, c. 14; 1997, c. 31; 19029.8.36.58, 1997, c. 14; 1997, c. 31; 19029.8.36.58, 1997, c. 14; 1997, c. 31; 19029.8.36.59, 1997, c. 14; 1997, c. 31; 19029.8.36.61, 1997, c. 85; 1029.8.36.61, 1997, c. 85; 1029.8.36.63, 1997, c. 85; 1029.8.36.63, 1997, c. 85; 1029.8.36.64, 1997, c. 85; 1029.8.36.66, 1997, c. 85; 1029.8.36.67, 1997, c. 85; 1029.8.36.67, 1997, c. 85; 1029.8.36.69, 1997, c. 85; 1029.8.36.69, 1997, c. 85; 1029.8.36.69, 1997, c. 85; 1029.8.36.70, 1997, c. 85; 1029.8.36.70, 1997, c. 85; 1029.8.36.72, 1997, c. 85; 1029.8.36.72, 1997, c. 85; 1029.8.36.72, 1997, c. 85; 1029.8.36, 1922, c. 1; Ab. 1997, c. 85; 1029.8.39, 1992, c. 1; Ab. 1997, c. 85; 1029.8.39, 1992, c. 1; Ab. 1997, c. 85; 1029.8.40, 1992, c. 1; Ab. 1997, c. 85; 1029.8.41, 1992, c. 1; Ab. 1997, c. 85; 1029.8.42, 1992, c. 1; Ab. 1997, c. 85; 1029.8.44, 1992, c. 1; 1993, c. 19; 1993, Ab. 1997, c. 85; 1029.8.44, 1992, c. 1; 1994, c. 22; 1995, 1029.8.44, 1992, c. 1; 1995, c. 63; Ab. 19029.8.44, 1992, c. 1; 1995, c. 63; Ab. 190 | 997, c. 85 997, c. 85 c. 31; Ab. 1997, c. 85 c. 63; Ab. 1997, c. 85 c. 64; 1995, c. 1; 1995, c. 63; 1997, c. 14; c. 63; 1997, c. 14; Ab. 1997, c. 85 997, c. 85 997, c. 85 997, c. 85 c. 64; Ab. 1995, c. 63 c. 1; 1995, c. 63; 1997, c. 14; 1997, c. 31; 995, c. 1 995, c. 1 |
| | 1029.8.64, 1995, c. 1; 1995, c. 63 1029.8.65, 1995, c. 1; 1995, c. 63 1029.8.66, 1995, c. 1; 1995, c. 63 1029.8.67, 1995, c. 1; 1997, c. 31; 1997, 1029.8.68, 1995, c. 1; 1997, c. 14 1029.8.69, 1995, c. 1; 1997, c. 14 1029.8.70, 1995, c. 1; 1997, c. 14; 1998, | |
| | 1029.8.71, 1995, c. 1; 1997, c. 14; 1998, 1029.8.72, 1995, c. 1 1029.8.73, 1995, c. 1 1029.8.74, 1995, c. 1 | |

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| | 1029.8.75 , 1995, c. 1 | |
| | 1029.8.76 , 1995, c. 1; 1997, c. 85; 1998, | c. 16 |
| | 1029.8.77, 1995, c. 1; 1997, c. 85 1029.8.77.1, 1997, c. 85 | |
| | 1029.8.78, 1995, c. 1; Ab. 1997, c. 85 | 0.01 |
| | 1029.8.79 , 1995, c. 1; 1995, c. 63; 1997, 1029.8.80 , 1995, c. 1; 1997, c. 85 | C. 31 |
| | 1029.8.80.1, 1997, c. 85 | |
| | 1029.8.81, 1995, c. 1; 1995, c. 63 1029.8.82, 1995, c. 1; Ab. 1997, c. 14 | |
| | 1029.8.83 , 1995, c. 63; 1998, c. 46 | |
| | 1029.8.84 , 1995, c. 63 1029.8.85 , 1995, c. 63 | |
| | 1029.8.86, 1995, c. 63 | |
| | 1029.8.87 , 1995, c. 63; 1998, c. 46 | |
| | 1029.8.88, 1995, c. 63 1029.8.89, 1995, c. 63; 1997, c. 31 | |
| | 1029.8.90 , 1995, c. 63 | |
| | 1029.8.91, 1995, c. 63 1029.8.92, 1995, c. 63 | |
| | 1029.8.93 , 1995, c. 63 | |
| | 1029.8.94, 1995, c. 63; 1997, c. 14; 1997 1029.8.95, 1995, c. 63; Ab. 1997, c. 14 | (, c. 31 |
| | 1029.8.96, 1995, c. 63 | |
| | 1029.8.97, 1995, c. 63 1029.8.98, 1995, c. 63 | |
| | 1029.8.99, 1995, c. 63; 1997, c. 14 | |
| | 1029.8.100 , 1995, c. 63 | |
| | 1029.8.101, 1997, c. 85 1029.8.102, 1997, c. 85 | |
| | 1029.8.103, 1997, c. 85 | |
| | 1029.8.104, 1997, c. 85 1029.8.105, 1997, c. 85 | |
| | 1029.8.106, 1997, c. 85 | |
| | 1029.8.107, 1997, c. 85 1029.8.108, 1997, c. 85 | |
| | 1029.8.109, 1997, c. 85 | |
| | 1029.9 , 1984, c. 35; 1985, c. 25; 1986, c. Ab. 1995, c. 63 | 15; 1986, c. 72; 1987, c. 67; Ab. 1992, c. 1; |
| | 1029.10, 1989, c. 5 | |
| | 1029.11, 1989, c. 5 | |
| | 1029.12, 1989, c. 5 1029.13, 1989, c. 5 | |
| | 1029.14 , 1992, c. 1; 1997, c. 14 | |
| | 1029.15 , 1992, c. 1 1029.16 , 1992, c. 1 | |
| | 1029.17, 1992, c. 1 | |
| | 1029.18, 1992, c. 1 1029.19, 1992, c. 1 | |
| | 1030 , 1983, c. 20; 1983, c. 47; 1986, c. 1 | 9; 1990, c. 58; Ab. 1995, c. 1 |
| | 1031 , 1995, c. 1; 1995, c. 49; 1997, c. 31 | |
| | 1031.1, 1994, c. 22; 1995, c. 1 1032, 1979, c. 18; 1980, c. 11; 1994, c. 2 | 2: 1995, c. 1: 1995, c. 63 |
| | 1033.1, 1989, c. 77; 1995, c. 1; 1997, c. | 3 |
| | 1034 , 1984, c. 15; 1987, c. 67; 1989, c. 7 1034.0.1 , 1986, c. 15; 1995, c. 1; 1995, c | |
| | 1034.0.2 , 1986, c. 15; 1989, c. 77 | |
| | 1034.1, 1980, c. 13; 1988, c. 18; 1989, c | . 77; 1991, c. 25; 1995, c. 1 |
| | 1034.2, 1996, c. 39; 1997, c. 3 1034.3, 1996, c. 39 | |
| | 1034.4 , 1997, c. 85 | |
| | 1034.5, 1997, c. 85 | |

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| | | : 63; 1996, c. 39; 1997, c. 85 : 77; 1995, c. 1; 1996, c. 39; 1997, c. 85 c. 1; 1995, c. 1; 1995, c. 63; 1996, c. 39; |
| | 1037 , 1993, c. 19; 1997, c. 31 1037.1 , 1988, c. 4; 1997, c. 31; Ab. 19 | 98, c. 16 19; 1987, c. 21; 1991, c. 8; 1992, c. 1; |
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| | 1040, 1986, c. 15; 1989, c. 5; 1992, c. 1040.1, 1988, c. 4; 1989, c. 5; 1993, c. 1041, Ab. 1993, c. 16 | |
| | 1042.1, 1984, c. 15 1042.2, 1995, c. 63; 1997, c. 3 | . 19; 1987, c. 67; 1988, c. 4; 1991, c. 25; |
| | 1044.0.1 , 1995, c. 63; 1997, c. 3; 199' 1044.0.2 , 1998, c. 16 1044.1 , 1989, c. 5; Ab. 1994, c. 22 | 7, c. 31 |
| | 1994, c. 22; 1997, c. 14 1045.0.1 , 1995, c. 63; 1997, c. 31 | 49; 1990, c. 7; 1992, c. 31; 1993, c. 64; |
| | 1045.1, 1989, c. 5; Ab. 1994, c. 22 1045.2, 1992, c. 1; 1997, c. 3 1047, Ab. 1990, c. 59 | |
| | 1048 , Ab. 1983, c. 49 1049 , 1978, c. 26; 1979, c. 18; 1990, c 1049 , 0.1, 1988, c. 18; 1995, c. 49; 199 | : 59; 1993, c. 16 97, c. 3; 1998, c. 16 |
| | | , c. 25; 1986, c. 15; 1987, c. 21; 1988, c. 4; |
| | 1990, c. 7; 1997, c. 3 1049.1.0.1 , 1990, c. 7; 1997, c. 3; 198 1049.1.0.2 , 1990, c. 7; 1997, c. 3; 198 1049.1.0.3 , 1992, c. 1; 1997, c. 3 | 7, c. 85 7, c. 85 |
| | 1049.1.0.4, 1992, c. 1; 1997, c. 3 1049.1.0.5, 1992, c. 1; 1993, c. 64; 18 1049.1.1, 1988, c. 4; 1990, c. 7; 1997, | 97, c. 3 |
| | 1049.1.2, 1990, c. 7; 1997, c. 3 1049.1.3, 1992, c. 1; 1997, c. 3 1049.1.4, 1997, c. 85 | G. 9 |
| | 1049.2, 1986, c. 15; 1987, c. 21; 1988 1049.2.0.1, 1990, c. 7; 1997, c. 3 1049.2.0.2, 1992, c. 1; 1997, c. 3 | , c. 4; 1990, c. 7; 1997, c. 3 |
| | 1049.2.1, 1987, c. 21; 1988, c. 4; 1988 1049.2.2, 1987, c. 21; 1988, c. 4; 1988 1049.2.2.0.1, 1989, c. 5; 1990, c. 7 | 9, c. 5; 1997, c. 3 |
| | 1049.2.2.1, 1988, c. 4; 1989, c. 5; 198 1049.2.2.2, 1988, c. 4; 1989, c. 5; 198 1049.2.2.3, 1988, c. 4; 1992, c. 1; 198 | 0, c. 7; 1997, c. 3 7, c. 3 |
| | 1049.2.2.4 , 1988, c. 4; 1992, c. 1; 199 1049.2.2.5 , 1988, c. 4; 1989, c. 5; 199 1049.2.2.5.1 , 1992, c. 1; 1997, c. 3; 1 1049.2.2.5.2 , 1992, c. 1; 1997, c. 3 | 0, c. 7; 1997, c. 3 |
| | 1049.2.2.5.3 , 1997, c. 85 1049.2.2.5.4 , 1997, c. 85 1049.2.2.6 , 1988, c. 4; 1997, c. 3 | |
| | 1049.2.2.7, 1988, c. 4; 1989, c. 5; 198 1049.2.2.8, 1988, c. 4; 1997, c. 3 1049.2.2.9, 1988, c. 4; 1990, c. 7; 198 | |

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| | 1049.2.2.10, 1988, c. 4; 1989, c. 5; 1990 1049.2.2.11, 1990, c. 7; 1992, c. 1; 1997 | |
| | 1049.2.3, 1987, c. 21; 1997, c. 3 1049.2.4, 1987, c. 21; 1988, c. 4; 1990, c | c. 7; 1997, c. 3 |
| | 1049.2.4.1, 1990, c. 7; 1997, c. 3 1049.2.4.2, 1992, c. 1; 1997, c. 3 1049.2.5, 1988, c. 4; 1989, c. 5; 1990, c. | 59 |
| | 1049.2.6 , 1988, c. 4; 1991, c. 8; 1992, c. 1049.2.7 , 1988, c. 4; 1989, c. 5; 1992, c. | 1; 1993, c. 19; 1997, c. 85 |
| | 1049.2.7.1, 1991, c. 8; 1992, c. 1; 1993, 1049.2.7.1.1, 1993, c. 19; 1997, c. 85 | c. 19; 1997, c. 85 |
| | 1049.2.7.2 , 1991, c. 8; 1992, c. 1; 1993, 1049.2.7.3 , 1991, c. 8; 1992, c. 1; 1993, 1049.2.7.4 , 1991, c. 8; 1992, c. 1 | |
| | 1049.2.7.4 , 1991, c. 8; 1992, c. 1 1049.2.7.5 , 1991, c. 8; 1992, c. 1 1049.2.7.6 , 1992, c. 1; 1997, c. 3; 1997, | c. 85 |
| | 1049.2.8, 1990, c. 7; 1997, c. 3 1049.2.9, 1990, c. 7; 1992, c. 1; 1997, c. | |
| | 1049.2.10 , 1990, c. 7; 1992, c. 1; 1997, c. 1049.2.11 , 1990, c. 7; 1997, c. 3 | |
| | 1049.3 , 1986, c. 15; 1987, c. 21; 1997, c 1049.4 , 1986, c. 15; 1987, c. 21; 1990, c 1049.4.1 , 1991, c. 8 | . 3 . 7; 1997, c. 3 |
| | 1049.5.1 , 1991, c. 8 1049.5. , 1986, c. 15; 1991, c. 8 1049.5.1 , 1991, c. 8; 1992, c. 1 | |
| | 1049.5.2, 1992, c. 1 | 4; 1989, c. 5; 1990, c. 7; 1997, c. 3; 1997, c. 1 |
| | 1049.7 , 1986, c. 15 1049.8 , 1986, c. 15; 1997, c. 85 | 9. 1007 6. 14 |
| | 1049.9 , 1986, c. 15; 1990, c. 7; 1997, c. 1 049.9.1 , 1990, c. 7 1049.10 , 1986, c. 15; 1987, c. 21; 1990, | |
| | 1049.10.1, 1990, c. 7; 1997, c. 3; 1997, c. 1049.10.2, 1991, c. 8 | c. 14 |
| | 1049.11. , 1986, c. 15; 1988, c. 4; 1990, c 1049.11.1 , 1987, c. 21 | . 7 |
| | 1049.11.1.1, 1990, c. 7; 1997, c. 14 1049.11.1.2, 1990, c. 7; 1997, c. 14 1049.11.1.3, 1992, c. 1 | |
| | 1049.11.2, 1987, c. 21; 1990, c. 7 1049.11.3, 1988, c. 4 | |
| | 1049.11.4 , 1990, c. 7; Ab. 1993, c. 64 1049.12 , 1986, c. 15; 1987, c. 21; 1988, | |
| | 1049.13 , 1986, c. 15; 1987, c. 21; 1988, 1049.14 , 1986, c. 15; 1987, c. 21; 1988, 1049.14.1 , 1990, c. 7 | |
| | 1049.15 , 1988, c. 4; 1989, c. 5; 1995, c. 1049.16 , 1988, c. 4; Ab. 1989, c. 5 | 63; 1997, c. 3; 1997, c. 14 |
| | 1049.17, 1988, c. 4; 1989, c. 5; 1995, c. 1049.18, 1988, c. 4; 1989, c. 5; 1995, c. | 1; Ab. 1995, c. 63 1; Ab. 1995, c. 63 |
| | 1049.19 , 1988, c. 4; 1989, c. 5; Ab. 1995 1049.20 , 1989, c. 5; 1990, c. 7; 1991, c. | |
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| | 1049.23 , 1990, c. 7; Ab. 1993, c. 64 1049.24 , 1990, c. 7; 1991, c. 25; Ab. 199 1049.25 , 1990, c. 7; Ab. 1993, c. 64 | 93, c. 64 |
| | 1049.26 , 1990, c. 7; Ab. 1993, c. 64 1049.27 , 1990, c. 7; Ab. 1993, c. 64 | |
| | 1049.28 , 1991, c. 8; Ab. 1995, c. 1 1049.29 , 1992, c. 1; 1993, c. 64; 1995, c | e. 1; 1997, c. 3; Ab. 1997, c. 14 |

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| | 1991, c. 8; 1992, c. 1; 1997, c. 85 | 9; 1986, c. 15; 1988, c. 4; 1989, c. 5; 1990, c. 7; |
| | 1052, 1981, c. 12; 1982, c. 38; 1983, c. 4 1991, c. 8; 1992, c. 31; 1997, c. 31; 1 | 997, c. 85 |
| | 1053 , 1983, c. 49; 1985, c. 25; 1986, c. 1 1990, c. 7; 1991, c. 25; 1992, c. 31; 19 1053.0.1 , 1995, c. 63; 1997, c. 3; 1997, | 993, c. 64; 1995, c. 63; 1997, c. 31 |
| | 1053.0.2 , 1997, c. 85 1053.0.3 , 1997, c. 85 1053.1 , 1989, c. 5; Ab. 1994, c. 22 | |
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| | 1055 , 1978, c. 26; 1987, c. 67; 1998, c. 1 1055.1 , 1994, c. 22; 1998, c. 16 1056 , 1985, c. 25; Ab. 1987, c. 67 | |
| | 1056.1 , 1986, c. 103; 1989, c. 4; Ab. 198 1056.2 , 1986, c. 103; 1989, c. 4; Ab. 198 1056.3 , 1986, c. 103; 1989, c. 4; Ab. 198 | 97, c. 85 |
| | 1056.4 , 1993, c. 16; 1997, c. 3 1056.4.1 , 1996, c. 39 1056.5 , 1993, c. 16; 1997, c. 3 | |
| | 1056.6 , 1993, c. 16; 1997, c. 3 1056.7 , 1993, c. 16 1056.8 , 1993, c. 16; 1995, c. 1 | |
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| | 1058 , Ab. 1995, c. 36 1059 , 1995, c. 36; Ab. 1997, c. 85 1060 , 1982, c. 5; 1982, c. 38; 1985, c. 25 | s; 1986, c. 15; 1990, c. 7; 1996, c. 31; |
| | Ab. 1997, c. 85 1060.1, 1986, c. 103; 1993, c. 16; 1994, 1061, 1985, c. 25; 1986, c. 15; 1990, c. 7 | |
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| | 1, 1998, c. 27 3, 1981, c. 14; 1988, c. 44; 1991, c. 43 3.1, 1998, c. 27 4, 1998, c. 27 4, 1998, c. 27 6, 1978, c. 18 9, 1988, c. 44; 1998, c. 27 10, 1997, c. 43 13, 1997, c. 43 14, 1998, c. 27 16, 1997, c. 43 17, 1997, c. 43 18, 1991, c. 43; 1997, c. 43 19, 1998, c. 27 19.1, 1998, c. 27 19.2, 1998, c. 27 19.3, 1998, c. 27 20, 1998, c. 27 20, 1998, c. 27 26, 1990, c. 4; 1998, c. 27 26, 1990, c. 4; 1998, c. 27 26, 1998, c. 27 30.1, 1998, c. 27 30.2, 1998, c. 27 30.2, 1998, c. 27 30.1, 1998, c. 27 31, 1998, c. 27 32, 1997, c. 43 34, 1998, c. 27 35, 1998, c. 27 36, 1997, c. 43 34, 1998, c. 27 36, 1997, c. 43; Ab. 1998, c. 27 37, 1998, c. 27 38, 1998, c. 27 36, 1997, c. 43; Ab. 1998, c. 27 37, 1998, c. 27 38, 1998, c. 27 39, 1998, c. 27 36, 1997, c. 43; Ab. 1998, c. 27 37, 1998, c. 27 38, 1998, c. 27 39, 1998, c. 27 39, 1986, c. 86; 1988, c. 46 48, 1985, c. 30; 1986, c. 86; 1988, c. 46 49, 1998, c. 27 57, 1986, c. 86; 1988, c. 46 | |
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| c. M-23.01 | Act respecting the Ministère des Approvisionnements et Services – Cont'd | |
| | 7.4, 1991, c. 72 7.5, 1991, c. 72; 1993, c. 23 7.6, 1992, c. 50 7.7, 1992, c. 50; 1993, c. 23 7.8, 1993, c. 23 8, 1990, c. 79; 1991, c. 72 8.1, 1990, c. 79 9, 1989, c. 1; 1990, c. 79; 1991, c. 72 15.1, 1988, c. 12; 1991, c. 72 15.2, 1988, c. 12 15.3, 1988, c. 12 15.4, 1988, c. 12 15.5, 1988, c. 12 15.6, 1988, c. 12 15.7, 1988, c. 12 15.8, 1988, c. 12 15.9, 1988, c. 12 | |
| c. M-23.1 | Act respecting immigration to Québec | |
| | Title, 1981, c. 9; 1994, c. 15 1, 1981, c. 9; 1984, c. 47; Ab. 1994, c. 12, 1978, c. 82; 1981, c. 9; 1994, c. 15 3, 1978, c. 82; 1982, c. 41; 1993, c. 70; 3.1, 1978, c. 82; 1992, c. 5; 1993, c. 70 3.1, 1992, c. 5; 1993, c. 70 3.1, 1993, c. 70 3.2, 1978, c. 82; 1979, c. 32; 1993, c. 70 3.2, 1978, c. 82; 1979, c. 32; 1993, c. 70 3.2, 1991, c. 3; 1992, c. 5; 1993, c. 70 3.2, 1991, c. 3; 1992, c. 5; 1993, c. 70 3.2, 1991, c. 3; 1992, c. 5 3.2, 1991, c. 3; 1993, c. 70 3.4, 1993, c. 70 4, 1981, c. 9; Ab. 1994, c. 15 5, 1985, c. 30; Ab. 1988, c. 41 6, 1991, c. 3; 1993, c. 70; 1994, c. 15 7, Ab. 1984, c. 44 8, Ab. 1984, c. 44 8, Ab. 1984, c. 44 9, Ab. 1994, c. 12 10, 1981, c. 9; 1984, c. 47; Ab. 1994, c. 12 12, 1984, c. 47; Ab. 1994, c. 12 12, 1984, c. 47; Ab. 1994, c. 12 12, 1984, c. 47; Ab. 1991, c. 3; 1992, c. 5 12.11, 1993, c. 70 12.12, 1993, c. 70 12.13, 1993, c. 70 12.14, 1993, c. 70 12.14, 1993, c. 70 12.14, 1993, c. 70 12.2, 1978, c. 82; 1991, c. 3 | 1994, c. 15; 1994, c. 15 |
| | 12.3 , 1978, c. 82; 1990, c. 4; 1991, c. 3 12.4 , 1991, c. 3; 1992, c. 5 12.4.1 , 1993, c. 70 12.5 , 1991, c. 3; 1993, c. 70 12.6 , 1991, c. 3; 1993, c. 70 | ; 1992, c. 5; 1993, c. 70 |

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|-----------|--|------------|
| c. M-23.1 | Act respecting immigration to Québec – Cont'd | |
| | 12.7, 1991, c. 3; 1992, c. 5 13, 1984, c. 47; Ab. 1994, c. 15 14, 1984, c. 47; 1988, c. 41; Ab. 1994, c. 15 15, Ab. 1994, c. 15 16, 1992, c. 5; Ab. 1994, c. 15 17, 1991, c. 3 18, 1991, c. 3 19, 1991, c. 3 20, 1991, c. 3 21, 1991, c. 3 22, 1991, c. 3 24, 1991, c. 3 25, 1991, c. 3 26, 1991, c. 3 27, 1991, c. 3 28, 1991, c. 3 29, 1991, c. 3 30, 1991, c. 3 31, 1991, c. 3 32, 1991, c. 3 33, 1991, c. 3 34, 1991, c. 3 35, 1991, c. 3 36, 1991, c. 3 37, 1991, c. 3 38, 1991, c. 3 37, 1991, c. 3 38, 1991, c. 3 39, 1991, c. 3 | |
| c. M-24 | Act respecting the Ministère des Communications | |
| | 2, Ab. 1988, c. 63 3, 1987, c. 45; 1988, c. 31; Ab. 1988, c. 63; 1988, c. 8 4, 1979, c. 11; 1988, c. 8; 1988, c. 63 5, Ab. 1988, c. 63 8.1, 1988, c. 63 11, 1978, c. 18; 1988, c. 63 12, 1988, c. 63 13, 1988, c. 63 14, 1988, c. 63 14, 1988, c. 63 14.2, 1988, c. 63 14.3, 1988, c. 63 14.4, 1988, c. 63 14.4, 1988, c. 63 15, 1982, c. 62 16, 1982, c. 62; 1988, c. 63 17, 1982, c. 62 | 34 |
| | 17.1, 1988, c. 63 18, 1982, c. 62; 1988, c. 63 19, 1982, c. 62; 1988, c. 63 19, 1987, c. 45; 1988, c. 31; 1988, c. 63 19.2, 1987, c. 45; 1988, c. 31 19.3, 1987, c. 45; 1988, c. 31 19.4, 1987, c. 45; 1988, c. 31 19.5, 1987, c. 45; 1988, c. 31 19.6, 1987, c. 45; 1988, c. 31 19.7, 1987, c. 45; 1988, c. 31 19.7, 1987, c. 45; 1988, c. 31 19.8, 1987, c. 45; 1988, c. 31 19.9, 1987, c. 45; 1988, c. 31 19.10, 1988, c. 31 19.10, 1988, c. 31 22, 1990, c. 49 | |

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| c. M-24 | Act respecting the Ministère des Communications – Cont'd | |
| | 29, 1991, c. 73 Ab. , 1994, c. 14 | |
| c. M-24.1 | Act respecting the Ministère des Forêts | |
| | Ab., 1994, c. 13 | |
| c. M-25 | Act respecting the Ministère des Institutions | financières et Coopératives |
| | Ab., 1982, c. 52 | |
| c. M-25.01 | Act respecting the Ministère des Relations av | vec les citoyens et de l'Immigration |
| | 11, 1987, c. 58 | |
| c. M-25.1 | Act respecting the Ministère des Relations in | iternationales |
| | Rp., 1988, c. 41 | |
| c. M-25.2 | Act respecting the Ministère des Ressources | naturelles |
| | 12, 1997, c. 64 15, 1996, c. 14 17.14, 1997, c. 93 | |
| c. M-26 | Act respecting the Ministère des Richesses n | aturelles |
| | Rp., 1979, c. 81 | |
| c. M-27 | Act respecting the Ministère des Terres et Fo | orêts |
| | Rp., 1979, c. 81 | |
| c. M-28 | Act respecting the Ministère des Transports | |
| | | |

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|-----------|--|--------------------------------------|
| c. M-28 | Act respecting the Ministère des Transports – Cont'd | |
| | 12.12, 1990, c. 38; Ab. 1991, c. 72 12.13, 1990, c. 38; Ab. 1991, c. 72 12.14, 1990, c. 38; Ab. 1991, c. 72 12.15, 1990, c. 38; Ab. 1991, c. 72 12.16, 1990, c. 38; Ab. 1991, c. 72 12.17, 1990, c. 38; Ab. 1991, c. 72 12.18, 1990, c. 38; Ab. 1991, c. 72 12.19, 1990, c. 38; Ab. 1991, c. 72 12.19, 1990, c. 38; Ab. 1991, c. 72 12.20, 1990, c. 38; Ab. 1991, c. 72 12.21, 1990, c. 38; Ab. 1991, c. 72 12.22, 1991, c. 32 12.23, 1991, c. 32 12.24, 1991, c. 32 12.24, 1991, c. 32 12.25, 1991, c. 32 12.26, 1991, c. 32 12.27, 1991, c. 32 12.29, 1991, c. 32 12.29, 1991, c. 32 12.29, 1991, c. 32 12.30, 1996, c. 58; 1998, c. 13 12.31, 1996, c. 58 12.32, 1996, c. 58 12.34, 1996, c. 58 12.35, 1996, c. 58 12.36, 1996, c. 58 12.37, 1996, c. 58 12.38, 1996, c. 58 12.39, 1996, c. 58 12.40, 1998, c. 13 12.41, 1998, c. 13 | |
| c. M-29 | Act respecting the Ministère des Travau Ab., 1983, c. 40 | ux publics et de l'Approvisionnement |
| c. M-29.1 | Act respecting the Ministère du Comme | erce extérieur |
| | Rp., 1988, c. 41 | |
| c. M-30 | Act respecting the Ministère du Conseil | exécutif |
| | Act respecting the Ministère du Conseil exécutif 1, 1984, c. 47 1.1, 1984, c. 47 1.2, 1984, c. 47 1.3, 1984, c. 47 1.5, 1984, c. 47 3.0.1, 1997, c. 6; 1997 c. 43; 1997, c. 84 3.0.2, 1997, c. 6 3.0.3, 1997, c. 6 3.0.4, 1997, c. 6 3.0.5, 1997, c. 6 3.0.6, 1997, c. 6 3.1, 1984, c. 47 3.2, 1984, c. 47; 1988, c. 41 3.3, 1984, c. 47; 1988, c. 41 3.4, 1984, c. 47 3.5, 1984, c. 47 3.5, 1984, c. 47 3.5, 1984, c. 47 3.5, 1984, c. 47 3.6, 1984, c. 47 3.6, 1984, c. 47 | |

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| c. M-30 | Act respecting the Ministère du Conseil exécutif – Cont'd | |
| | 3.7, 1984, c. 47 | |
| | 3.8, 1984, c. 47 3.9, 1984, c. 47 | |
| | 3.10 , 1984, c. 47 3.11 , 1984, c. 47; 1988, c. 41; 1988, c. 84 | ; 1990, c. 85 |
| | 3.12 , 1984, c. 47; 1988, c. 41 3.13 , 1984, c. 47; 1988, c. 41 | |
| | 3.14, 1984, c. 47 | |
| | 3.15 , 1984, c. 47; 1988, c. 41 3.16 , 1984, c. 47; 1988, c. 41 | |
| | 3.17, 1984, c. 47; 1986, c. 52; 1988, c. 41 3.18, 1984, c. 47 | ; 1991, c. 4; 1994, c. 18 |
| | 3.19 , 1984, c. 47; Ab. 1988, c. 41 3.20 , 1984, c. 47 | |
| | 3.21, 1984, c. 47 3.22, 1984, c. 47 | |
| | 3.23 , 1992, c. 24; Ab. 1997, c. 91 | |
| | 3.24 , 1992, c. 24; Ab. 1997, c. 91 3.25 , 1992, c. 24; Ab. 1997, c. 91 | |
| | 3.26 , 1992, c. 24; Ab. 1997, c. 91 3.27 , 1992, c. 24; Ab. 1997, c. 91 | |
| | 3.28 , 1992, c. 24; Ab. 1997, c. 91 3.29 , 1992, c. 24; Ab. 1997, c. 91 | |
| | 3.30, 1995, c. 66 | |
| | 3.31, 1995, c. 66 3.32, 1995, c. 66 | |
| | 3.33, 1995, c. 66 3.34, 1995, c. 66 | |
| | 3.35 , 1995, c. 66 3.36 , 1995, c. 66 | |
| | 3.37, 1995, c. 66 3.38, 1995, c. 66 | |
| | 3.39 , 1995, c. 66 | |
| | 3.40 , 1995, c. 66 3.41 , 1995, c. 66 | 205 |
| | 4, 1978, c. 18; 1984, c. 47; 1992, c. 24; 19 4.1, 1984, c. 47; 1992, c. 24; 1997, c. 91 | 997, c. 91 |
| c. M-30.1 | Act respecting the Ministère du Loisir, de | e la Chasse et de la Pêche |
| | Title, 1979, c. 77 | |
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| | 5, 1979, c. 77 10, 1978, c. 18 | |
| | 13 , 1992, c. 61 14 , Ab. 1979, c. 77; 1982, c. 58; Ab. 1987 | 7 c. 12 |
| | 15 , Ab. 1979, c. 77 | , |
| | 16 , Ab. 1979, c. 77 17 , Ab. 1979, c. 77 | |
| | 18, Ab. 1979, c. 77 19, Ab. 1979, c. 77 | |
| | 20, Ab. 1987, c. 15 21, Ab. 1987, c. 15 | |
| | 22 , Ab. 1987, c. 15 | |
| | 23 , Ab. 1987, c. 15 24 , Ab. 1987, c. 15 | |
| | 25, Ab. 1987, c. 15 Rp., 1994, c. 17 | |

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| c. M-31 | Act respecting the Ministère du Revenu | |
| c. M-31 | 1, 1978, c. 25; 1979, c. 9; 1979, c. 12; 19197, c. 31 1.0.1, 1991, c. 67 1.1, 1991, c. 7; 1996, c. 31 1.2, 1997, c. 3 1.3, 1997, c. 85 2, 1990, c. 60; 1995, c. 18; 1995, c. 63 3, 1997, c. 14; 1998, c. 16 4, 1983, c. 44; 1997, c. 14; 1998, c. 16 4, 1982, c. 56; 1997, c. 3; 1998, c. 16 5, 1982, c. 38; 1983, c. 55; 1990, c. 4; 16 6, 1997, c. 14; 1998, c. 16 7, 1978, c. 25; 1982, c. 38; 1997, c. 14; 8, 1983, c. 20; 1997, c. 14; 1998, c. 16 8.0.1, 1991, c. 7; Ab. 1992, c. 57 8.1, 1978, c. 25; Ab. 1983, c. 38 8.2, 1993, c. 79 9, 1978, c. 25; 1984, c. 35; 1985, c. 30; 1990, c. 60 9.0.2, 1990, c. 60 9.0.3, 1990, c. 60 9.0.4, 1995, c. 63; 1998, c. 16 9.0.5, 1995, c. 63 9.1, 1978, c. 18; 1997, c. 14 9.2, 1993, c. 79 10, 1985, c. 25; 1998, c. 16 11, 1991, c. 67; 1997, c. 3 12, 1978, c. 25; 1991, c. 67; 1992, c. 57; 12.0.1, 1993, c. 64 12.1, 1988, c. 4; 1992, c. 31; 1993, c. 79 12.2, 1988, c. 4; 1992, c. 31; 1993, c. 79 12.3, 1990, c. 7; 1991, c. 67; 1997, c. 3; 11 13, 1990, c. 7; 1991, c. 67; 1997, c. 3; 11 1993, c. 7; 1991, c. 67; 1997, c. 3; 11 1990, c. 7; 1991, c. 67; 1997, c. 3; 11 1980, c. 7; 1991, c. 67; 1997, c. 3; 11 1980, c. 7; 1991, c. 67; 1997, c. 3; 11 1980, c. 7; 1991, c. 67; 1997, c. 3; 11 | 983, c. 49; 1991, c. 7; 1993, c. 71; 1996, c. 31; 996, c. 35; 1997, c. 3; 1997, c. 14; 1998, c. 16 1998, c. 16 1993, c. 79; 1997, c. 3 997, c. 85 ; 1987, c. 67; 1990, c. 7; 1991, c. 67; 1992, c. 1 1995, c. 63; 1997, c. 3; 1997, c. 14; 1997, c. 85; c. 7 35 3; 1997, c. 85 ; 1982, c. 56; 1985, c. 25; 1991, c. 67; 1998, c. 16 3; 1998, c. 16 3; 1998, c. 16 3; 1998, c. 16 36 36 37 |

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| c. M-31 | Act respecting the Ministère du Revenu – Cont'd | | |
| | 16.5 , 1991, c. 67; 1997, c. 3 | | |
| | 16.6, 1991, c. 67 16.7, 1991, c. 67 | | |
| | 17, 1993, c. 16; 1995, c. 63; 1997, c. 3; 1 | 998, c. 16 | |
| | 17.1, 1991, c. 67 17.2, 1993, c. 79; 1995, c. 63; 1997, c. 3 | 1997 c 85 | |
| | 17.3 , 1993, c. 79; 1995, c. 63; 1997, c. 3 | , 1001, 0. 00 | |
| | 17.4 , 1993, c. 79; 1997, c. 3 17.5 , 1993, c. 79; 1996, c. 31; 1997, c. 3 | : 1998 c. 16 | |
| | 17.5.1, 1997, c. 14; 1998, c. 16 | , 1000, 0. 10 | |
| | 17.6 , 1993, c. 79 17.7 , 1993, c. 79; 1998, c. 16 | | |
| | 17.8 , 1993, c. 79, 1998, c. 16 | | |
| | 17.9 , 1993, c. 79; 1998, c. 16 17.9.1 , 1998, c. 33 | | |
| | 18.1, 1982, c. 56; 1995, c. 18 | | |
| | 19 , Ab. 1997, c. 14 20 , 1978, c. 25; 1991, c. 67; 1993, c. 79; | 1995 c 49: 1997, c. 3: 1998, c. 16 | |
| | 21 , 1982, c. 38; 1985, c. 25; 1991, c. 67; | 1998, c. 16 | |
| | 21.1 , 1982, c. 38; 1985, c. 25; 1991, c. 6' 1997, c. 85 | 7; 1993, c. 16; 1995, c. 36; 1995, c. 63; | |
| | 22 , 1978, c. 70; Ab. 1983, c. 49 | | |
| | 23 , 1996, c. 31; 1997, c. 85 24 , 1978, c. 25; 1983, c. 49; 1991, c. 67; | 1997. c. 14 | |
| | 24.0.1, 1986, c. 16; 1991, c. 67; 1992, c. | 1; 1994, c. 46; 1995, c. 1; 1995, c. 43; | |
| | 1995, c. 49; 1995, c. 63; 1997, c. 3; 1 24.0.2, 1986, c. 16; 1997, c. 3 | 997, C. 14; 1997, C. 85 | |
| | 24.0.3 , 1997, c. 31 | 9.1007 o 9F | |
| | 24.1 , 1978, c. 25; 1980, c. 11; 1995, c. 6; 25 , 1983, c. 49; 1991, c. 67; 1996, c. 31 | 3; 1997, C. 85 | |
| | 25.1 , 1991, c. 67; 1998, c. 16 | | |
| | 25.1.1, 1995, c.1 25.2, 1991, c. 67; 1993, c. 16; 1996, c. 3 | 1 | |
| | 25.3 , 1991, c. 67; 1998, c. 16 | | |
| | 25.4, 1991, c. 67; 1997, c. 3 26, 1978, c. 25; Ab. 1997, c. 3 | | |
| | 27.0.1, 1995, c.1; 1997, c. 14 | | |
| | 27.0.2 , 1995, c.1 27.1 , 1988, c. 4; 1995, c. 1 | | |
| | 27.2 , 1995, c.1 27.3 , 1996, c. 81 | | |
| | 28 , 1982, c. 38; 1989, c. 5; 1991, c. 67; 1 | .992, c. 1; 1995, c. 36; 1998, c. 16 | |
| | 28.0.1, 1996, c. 31 28.1, 1982, c. 38 | | |
| | 28.2 , 1983, c. 49; 1990, c. 58; 1995, c. 1 | | |
| | 30, 1981, c. 12; 1981, c. 24; 1982, c. 38; 1992, c. 31 | 1989, c. 5; 1991, c. 8; 1991, c. 67; 1992, c. 1; | |
| | 30.1 , 1991, c. 67; 1993, c. 79; 1995, c. 6 | 3 | |
| | 30.2 , 1993, c. 79 30.3 , 1995, c. 63; 1997, c. 14; 1998, c. 1 | 6 | |
| | 30.4 , 1997, c. 14; 1998, c. 16 | | |
| | 30.5 , 1997, c. 85 30.6 , 1997, c. 85 | | |
| | 31, 1981, c. 12; 1981, c. 24; 1985, c. 25; | 1993, c. 72; 1997, c. 85; 1998, c. 16 | |
| | 31.1, 1991, c. 67 31.1.1, 1993, c. 79 | | |
| | 31.1.2 , 1993, c. 79; 1995, c. 63; 1996, c. | 33 | |
| | 31.1.3, 1993, c. 79; 1995, c. 63; 1996, c. | | |
| | 31.1.4 , 1993, c. 79; 1995, c. 63 31.1.5 , 1993, c. 79; 1995, c. 63 | | |
| | 32, 1982, c. 56; 1983, c. 20; 1985, c. 25; | 1995, c. 36 | |

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| c. M-31 | Act respecting the Ministère du Revenu | ı – Cont'd |
| | 1997, c. 85 35.1 , 1983, c. 49; 1991, c. 67 35.2 , 1983, c. 49; 1993, c. 19; 1994, c. 2 35.3 , 1983, c. 49; 1993, c. 19; 1994, c. 2 35.4 , 1983, c. 49; 1996, c. 31; 1997, c. 8 35.5 , 1983, c. 49; 1998, c. 16 | |
| | 35.6, 1983, c. 49 36, 1991, c. 67 36.1, 1996, c. 31 37, Ab. 1983, c. 49 37.1, 1995, c. 1; 1996, c. 31 37.1.1, 1997, c. 14 37.2, 1995, c. 1; Ab. 1996, c. 31 37.3, 1995, c. 1 37.4, 1995, c. 1; Ab. 1996, c. 31 | |
| | 37.5 , 1995, c. 1 37.6 , 1995, c. 1 38 , 1986, c. 95; 1997, c. 14; 1997, c. 86 39 , 1991, c. 67; 1996, c. 31; 1998, c. 16 39.1 , 1991, c. 67 40 , 1982, c. 38; 1986, c. 95; 1988, c. 21 | |
| | 40.1 , 1986, c. 95; 1993, c. 79; 1996, c. 8 40.2 , 1986, c. 95; 1996, c. 31 41 , 1997, c. 14; 1998, c. 16 42 , 1997, c. 14; 1998, c. 16 44 , 1988, c. 21 46 , 1990, c. 4; 1991, c. 67 | 31; 1997, c. 14 |
| | 47 , 1990, c. 4; 1991, c. 67 48 , 1990, c. 4; 1991, c. 67; 1997, c. 3 49 , 1990, c. 4; 1997, c. 3 50 , 1990, c. 4; 1997, c. 3 52 , 1990, c. 4; 1991, c. 67 53 , 1990, c. 4; 1991, c. 67; 1997, c. 3 53.1 , 1990, c. 4; 1991, c. 67 | |
| | 54 , 1990, c. 7 55 , 1990, c. 4; 1990, c. 7; 1995, c. 36 56 , Ab. 1990, c. 7 57 , 1990, c. 4; Ab. 1990, c. 7 58 , 1997, c. 3 58.1 , 1978, c. 25 58.2 , 1990, c. 59; 1991, c. 67 | |
| | 59 , 1983, c. 43; 1990, c. 7; 1991, c. 67; 59.0.1 , 1989, c. 5; Ab. 1994, c. 22 59.0.2 , 1990, c. 59; 1991, c. 67; 1995, c 59.0.3 , 1990, c. 59; 1991, c. 67; 1995, c 59.0.4 , 1990, c. 59; 1997, c. 3 59.1 , 1983, c. 43; 1997, c. 85 | :. 1; 1996, c. 31 :. 1; 1996, c. 31 |
| | 59.2, 1983, c. 49; 1986, c. 15; 1991, c. 6 1997, c. 14 59.2.1, 1997, c. 14 59.2, 1997, c. 14 59.3, 1983, c. 49; 1991, c. 67 59.4, 1983, c. 49 | 37; 1992, c. 31; 1993, c. 19; 1995, c. 63; |
| | | 1990, c. 59; 1992, c. 31; 1997, c. 14; 1997, c. 85 1990, c. 7; 1992, c. 31; 1992, c. 61; 1997, c. 85 |

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| c. M-31 | Act respecting the Ministère du Revenu – | Cont'd |
| C. IVI-01 | 63, 1995, c. 63 64, 1978, c. 25; 1983, c. 49 65, 1983, c. 47; 1995, c. 63 68, 1991, c. 7; 1991, c. 67; 1997, c. 3 68.0.1, 1991, c. 7; 1991, c. 67 68.1, 1982, c. 38; 1983, c. 44; 1986, c. 16; | ; 1991, c. 67 984, c. 35; 1985, c. 25; 1988, c. 4; 1990, c. 4 996, c. 33; 1997, c. 3; 1998, c. 16 ; 1994, c. 46; 1995, c. 1; 1995, c. 36; 996, c. 12; 1996, c. 33; 1997, c. 3; 997, c. 63; 1997, c. 85; 1998, c. 16; 998, c. 44 |
| | 71.2, 1996, c. 33 71.3, 1996, c. 33; 1998, c. 16 71.4, 1996, c. 33 72, 1992, c. 61 72.1, 1992, c. 61 72.2, 1992, c. 61 72.3, 1992, c. 61 72.4, 1992, c. 61 72.5, 1996, c. 31 | |
| | 72.6 , 1996, c. 31 73 , 1990, c. 4; 1992, c. 61 74 , 1978, c. 25; 1990, c. 4 75 , Ab. 1990, c. 4 76 , Ab. 1990, c. 4 76.1 , 1978, c. 25; Ab. 1990, c. 4 77 , 1990, c. 4; 1992, c. 61 78 , 1978, c. 25; 1982, c. 38; 1996, c. 31 78.1 , 1993, c. 79; 1997, c. 3; 1997, c. 14 | |
| | 78.2, 1993, c. 79; 1997, c. 3; 1997, c. 14; 79, 1997, c. 3; 1998, c. 16 80, 1978, c. 25; 1997, c. 3; 1997, c. 14; 19 81, 1991, c. 67; 1997, c. 3; 1997, c. 14; 19 82, 1993, c. 79; 1997, c. 3; 1997, c. 14; 19 83, 1990, c. 59; 1997, c. 3; 1997, c. 14; 19 84, 1978, c. 25; 1997, c. 14; 1998, c. 16 86, 1982, c. 38; 1997, c. 14 87, 1978, c. 25; 1991, c. 67; 1996, c. 31; 1 89, 1991, c. 67; 1996, c. 31 90, 1991, c. 67; 1997, c. 3; 1997, c. 14 91, 1991, c. 67; 1997, c. 3 91.1, 1995, c. 1; 1997, c. 14; 1998, c. 16 92, 1991, c. 67; 1997, c. 3 | 998, c. 16 998, c. 16 998, c. 16 998, c. 16 |

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| | 103.2, 1985, c. 29; Ab. 1991, c. 44 103.3, 1985, c. 29; Ab. 1991, c. 44 103.4, 1985, c. 29; Ab. 1991, c. 44 103.5, 1985, c. 29; Ab. 1991, c. 44 103.6, 1985, c. 29; Ab. 1991, c. 44 | V, NV. 1331, C. 44 |
| | 106, 1986, c. 86; 1988, c. 46 116, 1985, c. 29; 1988, c. 21 117, 1988, c. 21 118, 1992, c. 21; 1994, c. 23 122, 1988, c. 21; 1992, c. 61 | |
| | 131, 1986, c. 86; 1988, c. 46 135, 1986, c. 86; 1988, c. 46 156, 1986, c. 86; 1988, c. 46 158, 1986, c. 86; 1988, c. 46 159, 1986, c. 86; 1988, c. 46 | |
| | 162.1, 1986, c. 95 163, 1985, c. 29; 1991, c. 44 165, 1985, c. 29; 1991, c. 44 166, 1986, c. 86; 1988, c. 46 168, 1985, c. 29; 1991, c. 44 171, 1990, c. 4; 1991, c. 33 172, Ab. 1990, c. 4 175, 1990, c. 4 176, 1990, c. 4 181, 1992, c. 61 182, 1992, c. 21; 1994, c. 23 184, 1986, c. 86; 1988, c. 46 | |
| | Sched. I, 1985, c. 29; 1991, c. 44 | |
| c. R-1 | Forestry Schools and Research Act | |
| . D 0 | Rp., 1986, c. 108 | atatua nagiatama |
| c. R-2 | Act respecting the reconstitution of civil 15 , Ab. 1991, c. 26 | status registers |
| D 0 1 | Ab. , 1992, c. 57 | |
| c. R-2.1 | Act respecting the class action | |
| | 5, 1997, c. 43 7, 1984, c. 46 13, 1986, c. 61 20, 1997, c. 43 21, 1997, c. 43 22, 1997, c. 43 23, 1991, c. 19; 1997, c. 43 25, 1997, c. 43 26, 1997, c. 43 35, 1997, c. 43 36, Ab. 1997, c. 43 37, 1997, c. 43 39, 1986, c. 61 | |

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| | 44 , 1982, c. 37 44.1 , 1982, c. 37 | |
| c. R-2.2 | Act respecting the collection of certain de | ebts |
| | 3, 1996, c. 2 6, 1989, c. 48; 1998, c. 37 11, 1986, c. 95 12, 1986, c. 95 16, 1997, c. 43 17, 1997, c. 43 25, Ab. 1984, c. 47 36, 1997, c. 43 37, Ab. 1997, c. 43 38, Ab. 1997, c. 43 39, Ab. 1997, c. 43 40, Ab. 1997, c. 43 41, Ab. 1997, c. 43 42, Ab. 1997, c. 43 43, Ab. 1997, c. 43 44, Ab. 1997, c. 43 45, Ab. 1997, c. 43 46, Ab. 1997, c. 43 47, Ab. 1997, c. 43 48, Ab. 1997, c. 43 49, Ab. 1997, c. 43 41, Ab. 1997, c. 43 42, Ab. 1997, c. 43 43, Ab. 1997, c. 43 44, Ab. 1997, c. 43 45, 1990, c. 4; Ab. 1992, c. 61 59, 1990, c. 4; Ab. 1992, c. 61 60, Ab. 1990, c. 4 62, 1992, c. 61 67, 1981, c. 10; 1994, c. 12; 1996, c. 21 | |
| c. R-2.3 | Act respecting the reduction of personnel in public bodies and the accountability of deputy ministers and chief executive officers of public bodies see c. I-4.1 | |
| c. R-3 | Act respecting the consolidation of the st | atutes and regulations |
| | Title, 1978, c. 17; 1986, c. 61 1, 1978, c. 17; 1986, c. 61 2, 1978, c. 17; 1986, c. 61 3, 1979, c. 42; 1986, c. 61 4, 1978, c. 17; 1981, c. 23; 1986, c. 61 5, 1986, c. 61 6, 1978, c. 17; 1986, c. 61 7, Ab. 1978, c. 17; 1986, c. 61 9, 1986, c. 61 9, 1986, c. 61 10, 1978, c. 17; 1986, c. 61 11, Ab. 1986, c. 61 12, Ab. 1986, c. 61 13, Ab. 1986, c. 61 14, Ab. 1986, c. 61 15, 1978, c. 17; Ab. 1986, c. 61 16, 1978, c. 17; Ab. 1986, c. 61 17, Ab. 1986, c. 61 18, Ab. 1986, c. 61 19, Ab. 1986, c. 61 20, 1978, c. 17; Ab. 1986, c. 61 21, 1978, c. 17; Ab. 1986, c. 61 22, 1978, c. 17; Ab. 1986, c. 61 23, 1978, c. 17; Ab. 1986, c. 61 24, 1978, c. 17; Ab. 1986, c. 61 25, 1978, c. 17; Ab. 1986, c. 61 27, 1978, c. 17; Ab. 1986, c. 61 28, 1978, c. 17; Ab. 1986, c. 61 29, 1978, c. 17; Ab. 1986, c. 61 21, 1978, c. 17; Ab. 1986, c. 61 22, 1978, c. 17; Ab. 1986, c. 61 23, 1978, c. 17; 1981, c. 23; Ab. 1986, c. 61 | |

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| | 25, 1978, c. 17; 1981, c. 23; Ab. 1986, c 26, 1978, c. 17; 1981, c. 23; Ab. 1986, c 27, 1978, c. 17; 1981, c. 23; 1986, c. 61 27.1, 1986, c. 61 28, Ab. 1981, c. 23 29, 1978, c. 17; 1981, c. 23; 1986, c. 61 30, 1978, c. 17; 1986, c. 61 31, 1978, c. 17; 1986, c. 61 32, 1978, c. 17; 1986, c. 61 33, 1978, c. 17; 1986, c. 61 33, 1978, c. 17 34, 1978, c. 17 | |
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| | 1, 1994, c. 13 2, 1994, c. 13 2.1, 1992, c. 29 3, 1994, c. 13 4, 1992, c. 29; 1993, c. 52; 1994, c. 13 6, 1994, c. 13 7, 1994, c. 13 8, 1991, c. 20; 1992, c. 57; Ab. 1992, c. 2 8.1, 1992, c. 29; 1993, c. 52 8.2, 1992, c. 29; 1994, c. 13 8.3, 1992, c. 29; 1994, c. 13 8.3, 1992, c. 29; 1993, c. 52 10, 1994, c. 13 10.1, 1992, c. 29; 1993, c. 52 12, 1993, c. 52 13, 1988, c. 22 14, 1988, c. 22; 1992, c. 29 15, 1988, c. 22; 1993, c. 52; 1995, c. 33 16, 1988, c. 22; 1993, c. 52 17, 1988, c. 22 18, 1988, c. 22; 1993, c. 52; 1995, c. 33 19, Ab. 1993, c. 52 19.1, 1992, c. 29; 1993, c. 52 19.2, 1992, c. 29; 1993, c. 52 19.2, 1992, c. 29; 1993, c. 52 20, 1993, c. 52 63, 1994, c. 13 | 9; 1993, c. 52; 1994, c. 13 |
| c. R-4 | Act respecting the Régie de l'assurance | automobile du Québec |
| - D.F | see c. S-11.011 | maladia du Outhan |
| c. R-5 | Act respecting the Régie de l'assurance 2, 1979, c. 1; 1981, c. 9; 1985, c. 6; 198 2.1, 1991, c. 42; 1994, c. 8; 1994, c. 12; 6, 1996, c. 2 7, 1979, c. 1; 1991, c. 42; 1998, c. 39 7.1, 1991, c. 42 7.2, 1991, c. 42 10, 1990, c. 56 14, 1990, c. 56 15, 1991, c. 42 16, 1983, c. 38; 1992, c. 57 16.1, 1994, c. 8 16.2, 1994, c. 8 20, 1992, c. 61; 1994, c. 8; 1996, c. 32 22, 1990, c. 56 22.1, 1985, c. 6; 1990, c. 57 | 8, c. 51; 1989, c. 50; 1991, c. 42; 1997, c. 94 |

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| c. R-5 | Act respecting the Régie de l'assurance-maladie du Québec – Cont'd | | |
| | 22.2, 1991, c. 42; 1994, c. 12; 1997, c. 63 24.1, 1991, c. 42 24.2, 1991, c. 42 24.3, 1991, c. 42 24.4, 1991, c. 42 25, 1981, c. 22 28, 1978, c. 70 29, Ab. 1978, c. 70 30, 1978, c. 70 31, Ab. 1978, c. 70 32, 1978, c. 70 33, 1978, c. 70 33, 1978, c. 70 33, 1978, c. 70; 1985, c. 25; 1986, c. 15; 19 | 993, c. 19; 1993, c. 64; 1995, c. 1; | |
| | 1997, c. 14; 1997, c. 85 33.0.1 , 1997, c. 14; 1997, c. 85 33.1 , 1994, c. 22 | | |
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| | 34.0.4, 1997, c. 85 34.0.1, 1991, c. 8; 1992, c. 1; 1993, c. 64; 34.0.2, 1993, c. 19; 1993, c. 64 34.1, 1979, c. 1 34.1.1, 1993, c. 64 34.1.2, 1993, c. 64 | 1995, c. 1; 1997, c. 14; 1997, c. 85 | |
| | 34.1.3 , 1993, c. 64 34.1.4 , 1993, c. 64; 1994, c. 22; 1995, c. 1 1998, c. 16 34.1.5 , 1993, c. 64 34.1.6 , 1993, c. 64 | ; 1995, c. 49; 1995, c. 63; 1997, c. 85; | |
| | 34.1.7 , 1993, c. 64; 1995, c. 1; 1995, c. 49 34.1.8 , 1993, c. 64 34.2 , 1988, c. 4; 1993, c. 64 35 , 1978, c. 70 36 , 1978, c. 70; 1995, c. 63 37 , 1978, c. 70 37.1 , 1996, c. 32; 1997, c. 85 37.2 , 1996, c. 32 | ; 1995, c. 63; 1997, c. 14 | |
| | 37.2.1, 1997, c. 85 37.2.2, 1997, c. 85 37.3, 1996, c. 32; Ab. 1997, c. 85 37.4, 1996, c. 32; 1997, c. 85 37.5, 1996, c. 32; Ab. 1997, c. 85 37.6, 1996, c. 32; 1997, c. 85 37.7, 1996, c. 32; 1997, c. 85 | | |
| | 37.8 , 1996, c. 32; 1997, c. 85 37.9 , 1996, c. 32; 1997, c. 85 37.10 , 1996, c. 32; 1997, c. 85 37.11 , 1996, c. 32; 1997, c. 85 37.12 , 1996, c. 32; 1997, c. 85 37.13 , 1996, c. 32; 1997, c. 85 37.14 , 1996, c. 32 37.15 , 1996, c. 32 | | |
| | 38, 1978, c. 70; 1981, c. 12; 1991, c. 42 39, 1978, c. 70; 1981, c. 12; 1993, c. 64 40, 1978, c. 70; 1981, c. 12 40.1, 1996, c. 32 40.2, 1996, c. 32 40.4, 1996, c. 32 40.4, 1996, c. 32 | | |

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| c. R-6 | Act respecting the Régie de l'électricité et du gaz | |
| | 1, 1983, c. 15; 1986, c. 21 19, 1985, c. 34 23.1, 1985, c. 34 32, 1985, c. 34 32.1, 1985, c. 34 37, 1985, c. 34 40, 1986, c. 95 49, 1978, c. 10 Rp., 1988, c. 23 | |
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| | 16, 1997, c. 83 98, 1997, c. 93 105.1, 1997, c. 55 159, 1997, c. 55 163, Ab. 1997, c. 83 | |
| c. R-6.1 | Act respecting the Régie des alcools, des courses et des jeux | |
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| | 1, 1996, c. 13 3, 1978, c. 83 5, 1978, c. 83 9, 1996, c. 2 10, 1978, c. 83 11, 1978, c. 83 13, 1978, c. 83; 1996, c. 2 14, 1978, c. 83; 1996, c. 2 16.1, 1978, c. 83; 1982, c. 58; 1983, c. 40 17, 1978, c. 83 20, 1996, c. 2 21, 1996, c. 2 22, 1996, c. 2 23, 1996, c. 2 23, 1996, c. 2 23, 1996, c. 2 23, 1996, c. 2 25, 1996, c. 2 25, 1996, c. 2 26, 1996, c. 2 27, 1996, c. 2 28, 1996, c. 2 28, 1996, c. 2 29, 1996, c. 2 29, 1996, c. 2 20, 1996, c. 2 20, 1996, c. 2 21, 1996, c. 2 22, 1996, c. 2 23, 1996, c. 2 25, 1996, c. 2 25, 1996, c. 2 25, 1996, c. 2 | | |
| c. R-8 | Act respecting the Régie des services publics | | |
| | 3, 1988, c. 21 5, 1988, c. 21 6, 1988, c. 21 23.1, 1978, c. 77 23.2, 1978, c. 77 23.3, 1978, c. 77 31, 1978, c. 10 Rp., 1988, c. 8 | | |
| c. R-8.01 | Act respecting the Régie des télécommunication | s | |
| | 2, 1990, c. 51 7.1, 1990, c. 51 8, 1997, c. 43 11, 1997, c. 43 12, 1990, c. 51; 1994, c. 14; 1997, c. 43 13, 1990, c. 51; 1997, c. 43 21, 1990, c. 51; 1997, c. 43 22, Ab. 1996, c. 20; 1997, c. 43 24, 1990, c. 51 25, 1990, c. 51; 1997, c. 43 26.1, 1990, c. 51 27, 1997, c. 43 28, 1997, c. 43 29, 1997, c. 43 35.1, 1997, c. 43 35.1, 1997, c. 43 41, 1997, c. 43 42, 1997, c. 43 43, 1997, c. 43 44, 1997, c. 43 45, 1997, c. 43 46, 1990, c. 51 47, 1990, c. 51 48, Ab. 1990, c. 51 49, 1997, c. 43 50, 1997, c. 43 51, Ab. 1990, c. 51 55, 1997, c. 43 64, 1997, c. 43 65, 1, 1990, c. 51; 1997, c. 43 66, 1990, c. 4 67, 1990, c. 4 68, 1990, c. 4 68, 1990, c. 4; 1990, c. 51 | | |

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| | 19, 1996, c. 2 58, 1996, c. 2 69, 1990, c. 4 70, 1990, c. 4 71, Ab. 1990, c. 4 101, 1994, c. 13 Ab., 1996, c. 61 | | |
| c. R-8.1 | Act respecting the Régie du logement | | |
| | 6, 1981, c. 32; 1997, c. 43 7, 1997, c. 43 7.1, 1997, c. 43 7.2, 1997, c. 43 7.3, 1997, c. 43 7.4, 1997, c. 43 7.5, 1997, c. 43 7.6, 1997, c. 43 7.7, 1997, c. 43 7.8, 1997, c. 43 7.9, 1997, c. 43 7.10, 1997, c. 43 7.11, 1997, c. 43 7.12, 1997, c. 43 7.13, 1997, c. 43 7.14, 1997, c. 43 7.15, 1997, c. 43 7.16, 1997, c. 43 7.17, 1997, c. 43 7.18, 1997, c. 43 7.1997, c. 43 8.1, 1997, c. 43 8.1, 1997, c. 43 8.2, 1997, c. 43 8.3, 1997, c. 43 8.4, 1997, c. 43 9.1, 1997, c. 43 9.2, 1997, c. 43 9.3, 1997, c. 43 9.4, 1997, c. 43 9.7, 1997, c. 43 9.8, 1997, c. 43 9.1, 1997, c. 43 9.1, 1997, c. 43 9.1, 1997, c. 43 9.2, 1997, c. 43 9.3, 1997, c. 43 9.4, 1997, c. 43 9.5, 1997, c. 43 9.7, 1997, c. 43 9.8, 1997, c. 43 10, 1997, c. 43 10, 1997, c. 43 10, 1997, c. 43 11, 1997, c. 43 12, 1997, c. 43 13, 1997, c. 43 14, Ab. 1997, c. 43 15, Ab. 1997, c. 43 16, Ab. 1997, c. 43 17, 1992, c. 61; Ab. 1997, c. 43 20, 1997, c. 43 21, 1981, c. 32; 1982, c. 58; 1986, c. 95 30.2, 1981, c. 32; 1982, c. 58 30.3, 1981, c. 32 | | |

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| c. R-13.1 | Act respecting the land regime in the James Bay and New Québec territories – Cont'd | | |
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| | 619.43, 1992, c. 21 619.44, 1992, c. 21 619.45, 1992, c. 21 619.46, 1992, c. 21 619.47, 1992, c. 21 619.48, 1992, c. 21 619.49, 1992, c. 21 619.50, 1992, c. 21 619.51, 1992, c. 21 619.52, 1992, c. 21 619.53, 1992, c. 21 619.54, 1992, c. 21 619.55, 1992, c. 21 619.57, 1992, c. 21 619.58, 1992, c. 21 619.59, 1992, c. 21 619.60, 1992, c. 21 619.61, 1992, c. 21 619.62, 1992, c. 21 619.63, 1992, c. 21 619.64, 1992, c. 21 619.65, 1992, c. 21 619.66, 1992, c. 21 619.67, 1992, c. 21; 1996, c. 35 619.66, 1992, c. 21; 1996, c. 35 619.67, 1992, c. 21 619.69, 1992, c. 21 619.69, 1992, c. 21 619.69, 1992, c. 21 619.70, 1992, c. 21 619.71, 1992, c. 21 619.72, 1994, c. 23 619.73, 1994, c. 23 620, 1992, c. 21; 1993, c. 58 | |
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| | 72, 1993, c. 48 72.1, 1993, c. 48 72.2, 1993, c. 48 72.3, 1993, c. 48 72.4, 1993, c. 48 72.5, 1993, c. 48 72.6, 1993, c. 48 72.7, 1993, c. 48 72.7, 1993, c. 48 Form 1, 1993, c. 48 Ab., 1997, c. 70 | |
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| | 16, 1982, c. 15 37, 1982, c. 52 38, Ab. 1982, c. 52 40, 1982, c. 52 41, 1982, c. 52 43, 1982, c. 15 44, 1982, c. 15 45, 1983, c. 54 49, 1983, c. 54 53, 1983, c. 54 53, 1983, c. 54 53, 1982, c. 15; 1983, c. 44 53.2, 1982, c. 15; 1983, c. 54 54, 1982, c. 15 55, 1982, c. 15 55, 1983, c. 54 91, 1982, c. 52 101, 1982, c. 52 102, 1982, c. 52 103, 1982, c. 52 104, 1982, c. 52 104, 1982, c. 52 104, 1982, c. 52 111, 1982, c. 52 111, 1982, c. 52 111, 1982, c. 52 111, 1982, c. 52 113, 1982, c. 52 114, 1982, c. 52 115, 1982, c. 52 116, 1982, c. 52 117, 1982, c. 52 118, 1982, c. 52 119, 1982, c. 52 111, 1982, c. 52 113, 1982, c. 52 121, 1982, c. 52 121, 1982, c. 52 123, 1982, c. 52 134, 1982, c. 52 135, 1982, c. 52 144, 1982, c. 52 145, 1982, c. 52 147, 1982, c. 52 147, 1982, c. 52 151, 1982, c. 52 152, 1982, c. 52 153, 1982, c. 52 | |

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| | 392, 1994, c. 22; Ab. 1997, c. 85 393, 1994, c. 22; Ab. 1997, c. 85 394, 1994, c. 22; 1997, c. 85 395, 1994, c. 22; 1997, c. 85 396, 1994, c. 22; 1997, c. 85 397, 1994, c. 22; 1997, c. 85 399, 1997, c. 85 399, 1997, c. 85 400, 1994, c. 22 401, 1997, c. 85 402, 1994, c. 22 402.01, 1994, c. 22 402.01, 1994, c. 22 402.02, 1993, c. 19; Ab. 1995, c. 63 402.2, 1993, c. 19; Ab. 1995, c. 63 402.2, 1995, c. 1; 1995, c. 63 402.4, 1995, c. 1; 1995, c. 63 402.5, 1995, c. 1 403, 1994, c. 22 404, 1994, c. 22 405, 1995, c. 1 407, 1994, c. 22 406, Ab. 1997, c. 14 407, 1994, c. 22; 1995, c. 63 407.1, 1994, c. 22 407.2, 1995, c. 47; 1997, c. 14 407.3, 1995, c. 63 | |
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| | 245 , 1987, c. 91; 1996, c. 2 246.1 , 1987, c. 57 | |
| | 251 , 1979, c. 25; 1987, c. 91; 1996, c. 2 | |
| | 252 , 1987, c. 91; 1996, c. 2 253 , 1987, c. 91; 1996, c. 2 | |
| | 254, 1987, c. 91, 1996, c. 2 261.1, 1996, c. 77 | |
| | 262, 1996, c. 2 | |
| | 265 , 1983, c. 57 265.1 , 1983, c. 57; 1987, c. 91 | |
| | 271, 1996, c. 2 275, 1987, c. 68 | |
| | 275.1, 1987, c. 91 | |
| | 278, 1987, c. 91 280, 1996, c. 2 | |
| | 280.1 , 1982, c. 63; 1987, c. 91; 1996, c. 2 280.2 , 1989, c. 75; 1996, c. 2 | |
| | 281, 1989, c. 75 | |
| | 286 , 1983, c. 57; 1985, c. 27 286.1 , 1985, c. 27 | |
| | 286.2 , 1985, c. 27 289 , 1987, c. 91 | |
| | 294, 1987, c. 91 | |
| | 299, 1987, c. 91 302, 1987, c. 91 | |
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| | 302.2, 1987, c. 91 303, 1987, c. 91 | |
| | 306 , 1987, c. 68 307 , 1987, c. 68 | |
| | 311, 1982, c. 63 | |
| | 314 , 1996, c. 2 316 , 1996, c. 2 | |
| | 323 , 1982, c. 63 328 , 1982, c. 63 | |
| | 330, 1990, c. 4 | |
| | 331, Ab. 1990, c. 4 332, Ab. 1990, c. 4 | |
| | 333 , Ab. 1990, c. 4 | |
| | 334 , 1990, c. 4; 1992, c. 61; 1997, c. 93 335 , 1990, c. 4; 1992, c. 61 336 , 1990, c. 4; 1996, c. 2 | |

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| | 339, 1982, c. 63 | |
| | 340 , 1982, c. 63 | |
| | 341 , 1982, c. 63; 1996, c. 2 342 , 1996, c. 2 | |
| | 350 , 1987, c. 91 | |
| | 351 , 1996, c. 2 351.1 , 1992, c. 6; 1996, c. 2 | |
| | 351.2, 1997, c. 93 | |
| | 353 , 1985, c. 27; 1988, c. 41; 1994, c. 15 | |
| | 353.1 , 1985, c. 27; 1996, c. 2; 1997, c. 95 | 3 |
| | 354, 1996, c. 2 355, 1996, c. 2 | |
| | 356 , 1984, c. 38; 1997, c. 93 | |
| | 357 , 1987, c. 91 358 , 1983, c. 57; 1987, c. 57; 1987, c. 91 | · 1007 c 03 · 1008 c 31 |
| | 358.1, 1983, c. 57; 1997, c. 93 | , 1337, C. 30, 1330, C. 01 |
| | 358.1.1, 1997, c. 93 | |
| | 358.1.2, 1997, c. 93 358.1.3, 1997, c. 93 | |
| | 358.1.4, 1997, c. 93 | |
| | 358.1.5, 1997, c. 93 | |
| | 358.2, 1983, c. 57 358.3, 1983, c. 57; 1997, c. 93 | |
| | 358.4, 1997, c. 93 | |
| | 361, 1987, c. 91; 1996, c. 2 | |
| | 361.1 , 1984, c. 38 362 , 1992, c. 61; 1996, c. 2 | |
| | 362.1, 1982, c. 63; 1996, c. 2 | |
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| | 366, 1996, c. 2 | |
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| | 369 , 1996, c. 2 370 , 1988, c. 75 | |
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| | 372 , 1979, c. 25; 1988, c. 75 373 , 1986, c. 86; 1988, c. 46 | |
| | 374 , 1986, c. 86; 1988, c. 46; 1996, c. 73 | |
| | 375 , 1986, c. 86; 1988, c. 46 | |
| | 376 , 1996, c. 2 377 , 1986, c. 86; 1988, c. 46 | |
| | 378 , 1996, c. 2 | |
| | 379 , 1994, c. 12; 1996, c. 29; 1997, c. 63 | |
| | 382 , 1982, c. 63; 1984, c. 38 383 , 1982, c. 63; 1984, c. 38 | |
| | 384.1, 1987, c. 91; 1996, c. 2 | |
| | 385 , 1996, c. 2 | |
| | 386 , 1996, c. 2 395 , 1996, c. 77 | |
| | 398 , 1984, c. 38; 1985, c. 27 | |
| | 398.1, 1982, c. 63; 1996, c. 2 | |
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| | 401, 1996, c. 2 | |
| | 405 , 1990, c. 4 | |
| | 408 , 1987, c. 57; 1996, c. 2 409 , 1996, c. 2 | |
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| | 411, 1983, c. 57 | |

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|-----------|---|------------|
| c. V-7 | Mining Towns Act | |
| | Ab. , 1988, c. 19 | |
| c. V-8 | Roads Act | |
| | 10, 1984, c. 23; 1986, c. 67; 1991, c. 57 14, 1982, c. 49 15, 1982, c. 49; 1990, c. 4; 1991, c. 33 15.1, 1982, c. 49; 1992, c. 61 16, 1982, c. 49; 1992, c. 61 16, 1982, c. 49; 1990, c. 4; 1991, c. 33 17, 1982, c. 49; Ab. 1988, c. 14 17.1, 1982, c. 49; Ab. 1988, c. 14 17.2, 1982, c. 49; 1986, c. 95; Ab. 1988, c. 14 17.3, 1982, c. 49; Ab. 1988, c. 14; 1990, c. 4 17.4, 1982, c. 49; Ab. 1988, c. 14; 1990, c. 4 17.4, 1982, c. 49; 1988, c. 14; 1990, c. 4; Ab. 1992, c. 18.1, 1982, c. 49; 1988, c. 14; 1990, c. 4; Ab. 1992, c. 18.1, 1982, c. 49; Ab. 1988, c. 14 30, 1990, c. 64 85, 1984, c. 23 90.1, 1982, c. 49 90.2, 1982, c. 49 103, 1982, c. 49 104, 1982, c. 49 105, 1982, c. 49 106, 1982, c. 49 107, 1982, c. 49 107, 1982, c. 49 107, 1982, c. 49 108, 1982, c. 49 | 61 |
| c. V-9 | Act respecting roads | |
| | 5, 1998, c. 35 7, 1997, c. 83 8, 1997, c. 83 12, 1998, c. 35 22.1, 1998, c. 35 22, 1, 1998, c. 35 23, 1998, c. 35 29, 1998, c. 35 30, 1998, c. 35 31, 1998, c. 35 32, 1998, c. 35 33, Ab. 1998, c. 35 34, 1998, c. 35 44, 1998, c. 35 45, Ab. 1998, c. 35 44, Ab. 1998, c. 35 45, Ab. 1998, c. 35 46, Ab. 1998, c. 35 47, 1998, c. 35 48, Ab. 1998, c. 35 49, Ab. 1998, c. 35 50, 1998, c. 35 50, 1998, c. 35 51, 1998, c. 35 52, 1998, c. 35 56, 1998, c. 35 | |

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| | Rp., 1991, c. 64 | |
| 1874-75, c. 3 | | Inited States, European Immigrants and the themselves upon the Wild Lands of the Crown |
| | Ab. , 1987, c. 84 | |
| 1889, c. 80 | Act to incorporate the city of Sorel | |
| | 33 , Ab. 1990, c. 47 407 , Ab. 1990, c. 47 408 , Ab. 1990, c. 47 409 , Ab. 1990, c. 47 | |
| 1901, c. 50 | Act to amend and consolidate the charte | r of the town of Richmond |
| | 3, Ab. 1990, c. 47 | |
| 1902, c. 43 | Act to consolidate the Act incorporating | the Bailiffs of the district of Montreal |
| | Ab., 1989, c. 57 | |
| 1908, c. 89 | Act to amend and consolidate the charte incorporate it into a city | r of the town of Westmount and to |
| | 7, Ab. 1990, c. 47 8, Ab. 1990, c. 47 | |
| 1908, c. 95 | Act to revise and consolidate the charter | of the town of Shawinigan Falls |
| | 11, Ab. 1990, c. 47 | |
| 1921, c. 128 | Act to incorporate the town of Lac Serge | ent |
| | 21, Ab. 1990, c. 47 | |
| R.S., 1925, c. 104 | Act respecting the formation of municipa and Témiscamingue, situate to the north | alities in the territory of the county of Abitibi of the 48 th parallel of latitude |
| | Ab., 1988, c. 19 | |
| 1926, c. 80 | Act to incorporate the Town of Barkmer | e |
| | 19, Ab. 1990, c. 47 | |
| 1931-32, c. 111 | Act to consolidate the charter of the city | of Salaberry-de-Valleyfield |
| | 78, Ab. 1990, c. 47 | |
| R.S., 1941, c. 205 | Act respecting fishermen's bait associati | ons |
| | Ab., 1993, c. 48 | |
| 1943, c. 21 | Act respecting a hydro-electric develop | nent at Mont-Laurier |
| | Rp., 1984, c. 43 | |

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|-------------------------------------|---|--|
| 1945, c. 48 | Act to promote rural electrification by me | eans of electricity cooperatives |
| | Ab. , 1986, c. 21 | |
| 1945, c. 81 | Act to amend the charter of the city of Salaberry-de-Valleyfield | |
| | 7 , Ab. 1990, c. 47 | |
| 1948, c. 51 | Act to amend the charter of the city of Qu | ıebec |
| | 26, Ab. 1990, c. 47 | |
| 1950, c. 60 | Act respecting the leasing of part of the w | vater powers of the Peribonka river |
| | Rp., 1984, c. 19 | |
| 1951-52, c. 38 | Act respecting the acquisition of certain f | orest lands |
| | Ab., 1979, c. 81 | |
| 1954-55, c. 102 | Act to grant to the county corporation of corporation of Charlevoix-West certain po | Charlevoix-East and to the county owers to construct and operate an airport |
| | Ab., 1996, c. 77 | |
| 1955-56, c. 5 | Act to amend the Rural Electrification Ac | t |
| | 3, Ab. 1986, c. 21 | |
| 1955-56, c. 49 | Act to facilitate the industrial developmer Company of Canada, Limited | nt of the Province and respecting Aluminum |
| | Rp., 1984, c. 19 | |
| 1955-56, c. 58 | Act to facilitate the establishment of mun | icipal waterworks and sewer systems |
| | Ab., 1984, c. 38 | |
| 1958-59, c. 105 | Act to amend the charter of the town of P | Préville |
| | 3, Ab. 1990, c. 47 | |
| 1959-60, c. 102 | Act to revise and consolidate the charter | of the city of Montreal |
| | 31, Ab. 1990, c. 47 | |
| 1959-60, c. 161 | Act to incorporate the town of Gagnon, Too Gagnon and the Protestant board of scl | he Catholic school commission of the town hool trustees of the town of Gagnon |
| | Ab., 1990, c. 53 | |
| 1963 (1 st sess.), c. 28 | 28 Act respecting the establishment of an experimental forest by Laval Universi | |
| | Ab., 1986, c. 108 | |
| 1963 (1 st sess.), c. 97 | Act respecting Municipalité de Côte-Nord | -du-Golfe-du-Saint-Laurent |
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| Rp., 1983, c. 37 R.S., 1964, c. 104 Colonization Societies Act Ab., 1982, c. 13 R.S., 1964, c. 107 Pioneering Merit Act | | 8, Ab. 1987, c. 57 9, Ab. 1987, c. 57 10, Ab. 1987, c. 57 11, Ab. 1987, c. 57 12, Ab. 1987, c. 57 13, Ab. 1987, c. 57 14, Ab. 1987, c. 57 15, Ab. 1987, c. 57 16, Ab. 1987, c. 57 17, Ab. 1987, c. 57 18, Ab. 1987, c. 57 19, Ab. 1987, c. 57 20, Ab. 1987, c. 57 21, Ab. 1987, c. 57 22, Ab. 1987, c. 57 23, Ab. 1987, c. 57 24, Ab. 1987, c. 57 25, Ab. 1987, c. 57 26, Ab. 1987, c. 57 27, Ab. 1987, c. 57 28, Ab. 1987, c. 57 29, Ab. 1987, c. 57 30, Ab. 1987, c. 57 31, Ab. 1987, c. 57 32, Ab. 1987, c. 57 33, Ab. 1987, c. 57 34, 1979, c. 71 43.0.1, 1987, c. 57 43.0.2, 1987, c. 57 43.0.3, 1987, c. 57 | |
| R.S., 1964, c. 104 Colonization Societies Act Ab., 1982, c. 13 R.S., 1964, c. 107 Pioneering Merit Act | R.S., 1964, c. 55 | Cinema Act | |
| Ab., 1982, c. 13 R.S., 1964, c. 107 Pioneering Merit Act | | Rp., 1983, c. 37 | |
| R.S., 1964, c. 107 Pioneering Merit Act | R.S., 1964, c. 104 | Colonization Societies Act | |
| | | Ab., 1982, c. 13 | |
| Ab. , 1982, c. 13 | R.S., 1964, c. 107 | Pioneering Merit Act | |
| | | Ab., 1982, c. 13 | |

| Reference | TITLE | Amendments |
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| R.S., 1964, c. 131 | Beach Hay Act | |
| | 3, Ab. 1990, c. 4 8, Ab. 1990, c. 4 9, Ab. 1990, c. 4 | |
| R.S., 1964, c. 216 | Public Charities Act | |
| | 29, 1990, c. 4 | |
| R.S., 1964, c. 226 | Aged Persons Assistance Act | |
| | 9, 1990, c. 4 | |
| R.S., 1964, c. 230 | Taxi Tariffs Act | |
| | Ab., 1983, c. 46 | |
| R.S., 1964, c. 270 | Interior Decorators Act | |
| | 8, 1990, c. 4; 1992, c. 61 | |
| R.S., 1964, c. 288 | Guarantee Companies Act | |
| | see c. C-43 | |
| 1965 (1 st sess.), c. 49 | Roadside Advertising Act | |
| | Ab., 1988, c. 14 | |
| 1965 (1" sess.), c. 59 | Blind Persons Allowances Act | |
| | 16, 1990, c. 4 | |
| 1965 (1 st sess.), c. 60 | Disabled Persons Assistance Act | |
| | 16, 1990, c. 4 | |
| 1965 (2 nd sess.), c. 108 | Act to incorporate the town and the s | chool municipality of Lebel-sur-Quévillon |
| | 8, Ab. 1990, c. 47 | |
| 1966-67, c. 24 | Quebec National Library Act | |
| | 13, Ab. 1988, c. 42 17, Ab. 1988, c. 42 | |
| 1966-67, c. 125 | Act respecting the Commission scolai | re du Littoral |
| | Title , 1988, c. 84 1 , 1988, c. 84 2 , 1988, c. 84 3 , 1988, c. 84 4 , 1988, c. 84 5 , 1988, c. 84 8 , 1988, c. 84 | |
| 1968, c. 110 | Act respecting the School Board of No | ew Québec |
| | Ab., 1986, c. 29 | |
| 1969, c. 51 | Act respecting manpower vocational t | raining and qualification |
| | see c. F-5 | |
| | | |

| Reference | TITLE | Amendments | |
|-------------|--|-------------------------|--|
| 1969, c. 84 | Act respecting the Communauté urbaine de Montréal | | |
| | see c. C-37.2 | | |
| 1971, c. 58 | Act respecting the neighbourhood of Mor | nt Sainte-Anne Park | |
| | 5, 1990, c. 4 Sched., 1986, c. 100 Ab., 1996, c. 19 | | |
| 1971, c. 98 | Act to incorporate the Montreal South Sh | nore Transit Commission | |
| | Rp., 1985, c. 32 | | |
| 1972, c. 24 | Act respecting the application of the Tax | | |
| | 1a, 1997, c. 3; Ab. 1998, c. 16 6, Ab. 1998, c. 16 7, Ab. 1998, c. 16 8, Ab. 1998, c. 16 11, Ab. 1998, c. 16 12, Ab. 1998, c. 16 13, Ab. 1998, c. 16 | | |
| | 18, Ab. 1998, c. 16 19, Ab. 1990, c. 59 | | |
| | 29, Ab. 1998, c. 16 56, Ab. 1986, c. 19 | | |
| | 57, Ab. 1986, c. 19 85, Ab. 1998, c. 16 | | |
| | 86 , Ab. 1998, c. 16 87 , Ab. 1998, c. 16 | | |
| | 88 , 1996, c. 39; 1997, c. 3; Ab. 1998, c. 1 89 , 1997, c. 3; Ab. 1998, c. 16 | 6 | |
| | 90 , 1997, c. 3; Ab. 1998, c. 16 91 , Ab. 1998, c. 16 | | |
| | 93 , Ab. 1986, c. 19 93 a, Ab. 1986, c. 19 | | |
| | 94, Ab. 1986, c. 19 | | |
| | 95 , Ab. 1998, c. 16 96 , Ab. 1998, c. 16 | | |
| | 97 , 1997, c. 3; Ab. 1998, c. 16 98 , Ab. 1998, c. 16 | | |
| | 99, Ab. 1998, c. 16 | | |
| | 101, Ab. 1986, c. 19 102, Ab. 1986, c. 19 | | |
| | 103 , Ab. 1986, c. 19 103 a, Ab. 1998, c. 16 | | |
| | 103 c, Ab. 1986, c. 19 | | |
| | 103 <i>d</i> , Ab. 1986, c. 19 104 , Ab. 1986, c. 19 | | |
| | 107 , Ab. 1986, c. 19 | | |
| | 107 <i>a</i> , Ab. 1986, c. 19 108 , Ab. 1986, c. 19 | | |
| | 109 , Ab. 1986, c. 19 | | |
| | 110, Ab. 1986, c. 19 111, Ab. 1986, c. 19 | | |
| | 112 , Ab. 1986, c. 19 | | |
| | 113, Ab. 1986, c. 19 114, Ab. 1986, c. 19 | | |
| | 115 , Ab. 1986, c. 19 116 , Ab. 1986, c. 19 | | |
| | 117, Ab. 1998, c. 16 | | |
| | 118 , Ab. 1998, c. 16 119 , Ab. 1986, c. 19 | | |

| Reference | TITLE | Amendments | |
|-------------|--|---|--|
| 1972, c. 24 | Act respecting the application of the Tax | ation Act – Cont'd | |
| | 120, Ab. 1986, c. 19 121, Ab. 1986, c. 19 122, Ab. 1986, c. 19 123, Ab. 1986, c. 19 124, Ab. 1986, c. 19 125, Ab. 1986, c. 19 126, Ab. 1988, c. 16 127, Ab. 1998, c. 16 128, Ab. 1998, c. 16 129, Ab. 1986, c. 19 130, 1986, c. 19; 1997, c. 3; Ab. 1998, c. 131, Ab. 1986, c. 19 132, Ab. 1986, c. 19 133, Ab. 1986, c. 19 134, Ab. 1986, c. 19 135, 1997, c. 3; Ab. 1998, c. 16 136, Ab. 1986, c. 19 137, Ab. 1986, c. 19 138, Ab. 1986, c. 19 139, Ab. 1986, c. 19 139, Ab. 1986, c. 19 130, Ab. 1986, c. 19 131, Ab. 1986, c. 19 131, Ab. 1986, c. 19 132, Ab. 1986, c. 19 133, Ab. 1986, c. 19 1340, Ab. 1986, c. 19 1403, 1986, c. 19 150, Ab. 1986, c. 19 151, Ab. 1986, c. 19 152, Ab. 1986, c. 19 154, Ab. 1986, c. 19 | , Ab. 1986, c. 19 , Ab. 1986, c. 19 , Ab. 1986, c. 19 , Ab. 1986, c. 19 , Ab. 1998, c. 16 , Ab. 1998, c. 16 , Ab. 1998, c. 16 , Ab. 1986, c. 19 , 1986, c. 19; 1997, c. 3; Ab. 1998, c. 16 , Ab. 1986, c. 19 , Ab. 1986, c. 19 | |
| 1972, c. 40 | Act to promote special credit to consume | er-egg producers | |
| | 12, 1990, c. 4 | | |
| 1974, c. 72 | Act to amend the Québec Deposit Insura | nce Act | |
| | 1, Ab. 1983, c. 10 2, Ab. 1983, c. 10 | | |
| 1974, c. 88 | Act respecting certain municipalities of t | he Outaouais and Haut-Saguenay | |
| | 12, Ab. 1993, c. 65 13, Ab. 1993, c. 65 14, Ab. 1993, c. 65 15, Ab. 1993, c. 65 16, Ab. 1993, c. 65 | | |
| 1975, c. 48 | Act respecting the Société du port ferrov | iaire de Baie-Comeau – Hauterive | |
| | 21, 1984, c. 47 | | |
| 1975, c. 51 | Act to establish the Office de la construc the Construction Industry Labour Relation | | |
| | 32 , 1993, c. 61 33 , 1993, c. 61 34 , 1993, c. 61; 1995, c. 8 | | |

| Reference | TITLE | Amendments |
|-------------|--|---|
| 1975, c. 57 | Act respecting the placing of certain labou | r unions under trusteeship |
| | 1, 1977, c. 43; 1983, c. 5; 1994, c. 12; 1996 5, 1977, c. 43 5a, 1977, c. 43 5b, 1977, c. 43 10, 1977, c. 43; 1983, c. 5 10a, 1977, c. 43 15, 1977, c. 43 20, 1977, c. 43 | 3, c. 29 |
| 1976, c. 5 | Act to amend the Charter of human rights and freedoms Ab., 1996, c. 10 | |
| 1976, c. 22 | Act to amend the Petroleum Products Tra | de Act |
| | Rp., 1987, c. 80 | |
| 1976, c. 43 | Act respecting the Olympic Village | |
| | 1, 1996, c. 13 23, 1990, c. 4 | |
| 1976, c. 72 | Act to incorporate the Association of Build | ling Contractors of Québec |
| | 2, 1993, c. 61; 1995, c. 8 | |
| 1977, c. 18 | Act to make provisions respecting the progeneral and the enforcement of parking an Department Act | secution of offences by the Procureur ad traffic by-laws, and to amend the Justice |
| | 6 , Ab. 1982, c. 58 | |
| 1977, c. 31 | Act to amend the Mining Act | |
| | 9, Ab. 1983, c. 54 10, Ab. 1983, c. 54 22, 1983, c. 54 23, Ab. 1984, c. 47 | |
| 1977, c. 76 | Act to amend the Act to promote conciliat the Civil Code and other legislation | ion between lessees and property-owners, |
| | Rp., 1979, c. 48 | |
| 1978, c. 11 | Act to amend the Legislature Act and the | Executive Power Act |
| | 10, 1979, c. 56 | |
| 1978, c. 19 | Act to amend the Courts of Justice Act and establish the Conseil de la magistrature | d the Code of Civil Procedure and to |
| | 36, 1980, c. 11 37, Ab. 1990, c. 44 38, Ab. (part) 1990, c. 44 39, Ab. 1990, c. 44 40, Ab. 1990, c. 44 41, Ab. 1990, c. 44 42, 1979, c. 42; Ab. 1990, c. 44 43, Ab. 1990, c. 44 43, 1979, c. 42; 1980, c. 11; Ab. 1990, c. | 44 |

| Reference | TITLE | Amendments |
|--------------|--|--------------------------------------|
| 1978, c. 19 | Act to amend the Courts of Justice Act and the establish the Conseil de la magistrature – Cons | |
| | 43 <i>b</i> , 1980, c. 11; Ab. 1990, c. 44 53 , Ab. 1990, c. 44 | |
| 1978, c. 26 | Act to amend the Taxation Act and certain fisc | cal legislation |
| | 94, 1979, c. 18 | |
| 1978, c. 54 | Act to amend the Electricians and Electrical Installations Act and the Br Contractors Vocational Qualifications Act | |
| | 24 , 1979, c. 75 27 , 1979, c. 75 33 , 1979, c. 75 | |
| 1978, c. 57 | Act to amend the Workmen's Compensation A | ct and other legislation |
| | 93, 1980, c. 11 | |
| 1978, c. 94 | Act to again amend the Environment Quality A | Act |
| | 2 , 1980, c. 11; Ab. 1988, c. 49 | |
| 1978, c. 99 | Act to amend the Civil Code and the Companies and Partnerships Declaration Act | |
| | 8, 1980, c. 11; 1981, c. 14 | |
| 1978, c. 100 | Act to prolong certain provisions of the Act to between lessees and property-owners, the Civ | |
| | Rp., 1979, c. 48 | |
| 1979, c. 1 | Act to amend the Health Insurance Act and ot | her legislation |
| | 62, 1980, c. 11 | |
| 1979, c. 36 | Act to amend the Municipal Code, the Cities at | nd Towns Act and other legislation |
| | 42 , 1980, c. 11 104 , 1980, c. 11 | |
| 1979, c. 38 | Act to again amend the Taxation Act and to ar | mend other legislation |
| | 27, 1980, c. 13 | |
| 1979, c. 79 | Act to amend the Securities Act in its applicabor of franchising | oility to the contract of concession |
| | Rp., 1982, c. 48 | |
| 1980, c. 8 | Act respecting the forestry fund | |
| | 2, 1990, c. 64 4, 1990, c. 64 5, 1990, c. 64 6, 1990, c. 64 Ab., 1993, c. 55 | |

| Reference | TITLE | Amendments |
|-------------|--|---|
| 1980, c. 11 | Act to amend various legislative provision | s |
| | 31, 1985, c. 22 | |
| 1980, c. 13 | Act to amend the Taxation Act and certain | n legislation |
| | 3, 1982, c. 5 | |
| 1980, c. 28 | Act to amend the Companies Act and the | Companies and Partnerships Declaration Ac |
| | 1, Ab. 1983, c. 54 2, Ab. 1983, c. 54 | |
| 1980, c. 39 | Act to establish a new Civil Code and to re | eform family law |
| | 1, Rp. 1991, c. 64 68, 1982, c. 17 69, 1982, c. 17 70, 1982, c. 17 71, 1982, c. 17 78, 1982, c. 17 | |
| 1980, c. 52 | Act respecting the town of Gagnon | |
| | Ab., 1990, c. 53 | |
| 1982, c. 2 | Act to amend various legislative provision | s respecting municipalities |
| | 85, 1982, c. 63 | |
| 1982, c. 16 | Act to amend the Professional Code and t | he Labour Code |
| | 8 , 1982, c. 32 | |
| 1982, c. 18 | Act to amend the Act respecting the Communauté urbaine de Montréal | |
| | 180, 1985, c. 31 | |
| 1982, c. 24 | Act to favour the pursuit of the objects of | LA LIGUE DE TAXIS DE MONTRÉAL INC. |
| | 39, 1990, c. 4 40, 1990, c. 4; Ab. 1992, c. 61 | |
| 1982, c. 25 | Act to amend the Environment Quality Ac | et and other legislation |
| | 35, Ab. 1990, c. 4 40, Ab. 1992, c. 57 | |
| 1982, c. 28 | Act respecting the Raffinerie de sucre du | Québec |
| | 35, Ab. 1986, c. 60 38, Ab. 1986, c. 60 | |
| 1982, c. 35 | Act respecting remuneration in the public | e sector |
| | 15, Ab. 1982, c. 45 | |
| 1982, c. 37 | Act to amend the Labour Code, the Code | of Civil Procedure and other legislation |
| | 12, 1984, c. 45 13, 1984, c. 45 | |
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| Reference | TITLE | Amendments | |
|-------------|---|--------------------------------|--|
| 1982, c. 45 | Act respecting the conditions of employme | nt in the public sector | |
| | 2, 1983, c. 1 6, 1982, c. 58 | | |
| 1982, c. 51 | Act respecting the abolition of compulsory sectors and amending various legislation re | | |
| | 41, 1983, c. 24 70, Ab. 1983, c. 24 128, 1983, c. 24 | | |
| 1982, c. 59 | Act to amend the Automobile Insurance Ac | et and other legislation | |
| | 42 , Ab. 1986, c. 91 43 , Ab. 1986, c. 91 44 , Ab. 1986, c. 91 45 , Ab. 1986, c. 91 46 , Ab. 1986, c. 91 | | |
| 1982, c. 61 | Act to amend the Charter of human rights | and freedoms | |
| | 25, 1996, c. 10 33, 1996, c. 10 | | |
| 1983, c. 12 | Act to favour early retirement and improve | the surviving spouse's pension | |
| | 28.1, 1983, c. 54 | | |
| 1983, c. 20 | Act to amend certain fiscal legislation | | |
| | 5, 1983, c. 49 7, 1983, c. 44 8, 1983, c. 44 | | |
| 1983, c. 22 | Act to amend the Labour Code and various | legislation | |
| | 103, Ab. 1990, c. 73 | | |
| 1983, c. 24 | Act to amend pension plans and various leg | gislation | |
| | 97, Ab. 1996, c. 53 | | |
| 1983, c. 38 | Archives Act | | |
| | see c. A-21.1 | | |
| 1983, c. 50 | Act to amend the Civil Code and other legi- | slation respecting adoption | |
| | 14, 1984, c. 46 | | |
| 1984, c. 23 | Act to amend various legislation respecting | g transport | |
| | 4, Ab. 1986, c. 91 5, Ab. 1986, c. 91 6, Ab. 1986, c. 91 | | |
| 1984, c. 41 | Act to amend the Securities Act | | |
| | 14, 1985, c. 30 36, 1987, c. 40 40, 1987, c. 40 | | |

| Reference | TITLE | Amendments |
|-------------|--|--|
| 1984, c. 42 | Act respecting the Société de transport d | e la Ville de Laval |
| | 17, 1987, c. 57 18, 1985, c. 35 21, 1985, c. 35 24.1, 1987, c. 68 30, 1985, c. 35 31, 1985, c. 35 47, 1995, c. 65 48, 1995, c. 65 49, 1989, c. 17; 1994, c. 15; 1996, c. 21 50, 1985, c. 35; 1988, c. 25 51, 1986, c. 64 52.1, 1985, c. 35 53, 1986, c. 64 55, 1986, c. 64 55, 1986, c. 64 56, 1988, c. 25 57, 1986, c. 64 58, 1991, c. 45 69, 1997, c. 53 72.0.1, 1997, c. 53 72.0.2, 1997, c. 53 72.0.3, 1997, c. 53 72.0.4, 1997, c. 53 72.0.4, 1997, c. 53 72.0.4, 1997, c. 53 72.0.5, 1986, c. 41 100, Ab. 1996, c. 77 77, 1990, c. 41; 1995, c. 65 78, 1990, c. 41 100, Ab. 1996, c. 52 102, 1996, c. 52 103, 1985, c. 27 104, 1985, c. 27 105, 1985, c. 27; 1988, c. 76; Ab. 1996, c. 106, 1985, c. 27; 1988, c. 76; Ab. 1996, c. 106, 1985, c. 27; 1988, c. 76; Ab. 1996, c. 106, 1, 1985, c. 27; 1988, c. 76; Ab. 1996, c. 106, 1, 1985, c. 27; 1988, c. 76; Ab. 1996, c. 106, 1, 1985, c. 27; 1988, c. 76; Ab. 1996, c. 106, 1, 1985, c. 27; 1988, c. 76; Ab. 1996, c. 106, 1, 1985, c. 27; 1988, c. 76; Ab. 1996, c. 119, 1990, c. 4 121, 1992, c. 61 122, 1992, c. 61 123, Ab. 1990, c. 4 124, 1997, c. 43 128, 1986, c. 64; 1988, c. 25 | . 52 |
| 1984, c. 45 | Act to amend various legislation respecting | ng labour relations |
| | 31, 1985, c. 30 | |
| 1984, c. 48 | Act respecting the transfer of certain put to the Société de gestion du réseau infor | olic servants from the Ministère de l'Education matique des commissions scolaires |
| | 6, 1996, c. 35 7, 1996, c. 35 8, 1996, c. 35 9, 1996, c. 35 | |
| 1984, c. 61 | Act to amend the Charter of the City of G | Québec |
| | 76, 1993, c. 34 | |

| Reference | TITLE | Amendments |
|-------------|---|--|
| 1985, c. 8 | Act to amend the Education Act and various legislation | |
| | 54, 1986, c. 10 | |
| 1985, c. 23 | Act to amend various legislation respecti | ing social affairs |
| | 26, 1987, c. 89 27, 1987, c. 89 | |
| 1985, c. 25 | Act to amend the Taxation Act and other | r fiscal legislation |
| | 7, 1986, c. 15 86, 1987, c. 67 | |
| 1985, c. 31 | Act to amend the Act respecting the Corlegislation | nmunauté urbaine de Montréal and other |
| | 33, Ab. 1986, c. 64 | |
| 1985, c. 32 | Act respecting the Société de transport of | de la rive sud de Montréal |
| | 21, 1987, c. 57 27.1, 1987, c. 68 60, 1995, c. 65 61, 1995, c. 65 62, 1989, c. 17; 1994, c. 15; 1996, c. 21 63, 1988, c. 25 68, 1986, c. 64 69, 1986, c. 64 70, 1988, c. 25 71, 1986, c. 64 90, 1997, c. 53 91, 1995, c. 34; 1995, c. 71; 1997, c. 53; 93, 1997, c. 53 93.0.1, 1997, c. 53 93.0.2, 1997, c. 53 93.0.3, 1997, c. 53 93.0.4, 1997, c. 53 93.1, 1988, c. 25 97.1, 1996, c. 77 99, 1991, c. 32 100, 1986, c. 40; 1991, c. 29; 1991, c. 32 100, 1986, c. 40; 1991, c. 32; 1995, c. 65 118, 1991, c. 32 103, 1990, c. 41; 1991, c. 32; 1995, c. 65 118, 1991, c. 52 129, 1996, c. 52 121, 1986, c. 40 126, Ab. 1996, c. 52 132, 1988, c. 76; Ab. 1996, c. 52 134, Ab. 1986, c. 64 146, 1990, c. 4 147, 1990, c. 4 147, 1990, c. 4 148, 1992, c. 61 149, 1992, c. 61 150, Ab. 1990, c. 4 151, 1997, c. 43 155.1, 1988, c. 25 155.2, 1996, c. 27 161, 1991, c. 32 168, Ab. 1988, c. 76 169, Ab. 1986, c. 64 | |

| Reference | TITLE | Amendments |
|-------------|--|---|
| 1985, c. 68 | Act respecting the Collège militaire Royal d | e Saint-Jean |
| | 1, 1993, c. 26 | |
| 1986, c. 5 | Act respecting the establishment of the bou | andaries of electoral divisions |
| | Ab. , 1987, c. 28 | |
| 1986, c. 21 | Act respecting the Coopérative régionale d' Rouville and repealing the Act to promote r cooperatives | |
| | 2 , 1996, c. 61 3 , 1996, c. 61 9 , 1996, c. 61 10 , 1996, c. 61 | |
| 1986, c. 43 | Act respecting the transfer of certain emplo to the Société de radio-télévision du Québe | |
| | 8, 1996, c. 35 9, 1996, c. 35 10, 1996, c. 35 | |
| 1986, c. 51 | Act respecting the town of Schefferville | |
| | Ab. , 1990, c. 43 | |
| 1986, c. 55 | Act to amend the Code of Civil Procedure | |
| | 9, 1986, c. 85 | |
| 1986, c. 58 | Act respecting various financial provisions | relating to the administration of justice |
| | 68, Ab. 1986, c. 109 | |
| 1986, c. 60 | Act respecting the sale of the Raffinerie de | sucre du Québec |
| | 1, Ab. 1986, c. 60 2, Ab. 1986, c. 60 3, Ab. 1986, c. 60 | |
| 1986, c. 62 | Act to amend the Civil Code, the Registry C | Office Act and the Territorial Division Act |
| | 3, Ab. 1992, c. 57 | |
| 1986, c. 74 | Act to ensure that essential services are masector | aintained in the health and social services |
| | see c. M-1.1 | |
| 1986, c. 87 | Act to amend the Act respecting the establ divisions | ishment of the boundaries of electoral |
| | Ab. , 1987, c. 28 | |
| 1986, c. 92 | Act to amend the Transport Act | |
| | 13, Ab. 1987, c. 97 | |

| Reference | TITLE | Amendments |
|--------------|---|---------------------------------|
| 1987, c. 18 | Act to add the reformed law of persons, successions and property to the Civil Co of Québec | |
| | Rp., 1991, c. 64 | |
| 1987, c. 50 | Act to amend the Courts of Justice Act | |
| | 10, Ab. 1990, c. 44 11, Ab. (part) 1990, c. 44 12, Ab. 1990, c. 44 13, Ab. (part) 1990, c. 44 14, Ab. 1990, c. 44 15, Ab. 1990, c. 44 16, Ab. 1990, c. 44 17, Ab. 1990, c. 44 | |
| 1987, c. 67 | Act to amend the Taxation Act and other fisca | al legislation |
| | 19, 1988, c. 18 20, 1988, c. 18 55, 1988, c. 18 103, 1990, c. 59 104, 1990, c. 59 106, 1990, c. 59 107, 1990, c. 59 141, 1988, c. 18 166, 1988, c. 18 189, 1988, c. 18 190, 1988, c. 18 | |
| 1987, c. 85 | Act to establish the Commission des relations legislation | du travail and to amend various |
| | 39 , 1992, c. 61 47 , Ab. 1992, c. 61 51 , Ab. 1992, c. 61 52 , Ab. 1992, c. 61 87 , Ab. 1990, c. 4 | |
| 1987, c. 94 | Act to amend the Highway Safety Code and of | ther legislation |
| | 1, Ab. 1990, c. 83 101, 1990, c. 4 | |
| 1987, c. 102 | Act to amend the Act respecting land use plan Towns Act and the Municipal Code of Québec | |
| | 48 , 1989, c. 46 152 , 1989, c. 46 | |
| 1988, c. 4 | Act to amend the Taxation Act and other fisca | al legislation |
| | 124, 1988, c. 18 | |
| 1988, c. 18 | Act to again amend the Taxation Act and other | er fiscal legislation |
| | 51, 1993, c. 16 52, 1990, c. 59; 1993, c. 16 53, 1993, c. 16 54, 1990, c. 59; 1993, c. 16 | |
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| Reference | TITLE | Amendments |
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| 1988, c. 55 | Act respecting the municipal reorganization of the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent | |
| | Title , 1996, c. 2 1 , 1996, c. 2 2 , 1993, c. 65; 1996, c. 2 3 , 1996, c. 2 4 , 1996, c. 2 6 , 1993, c. 65; 1996, c. 2 8 , 1996, c. 2 9 , 1996, c. 2 | |
| 1988, c. 56 | Act to amend the Code of Civil Procedure payments | e in respect of the collection of support |
| | 1, 1993, c. 72 1.1, 1993, c. 72 11, Ab. 1988, c. 51 | |
| 1988, c. 74 | Act respecting certain aspects of the stat | us of municipal judges |
| | 1, 1989, c. 52 2, 1989, c. 52 3, 1989, c. 52 5, 1989, c. 52 | |
| 1988, c. 76 | Act to amend various legislation respecting intermunicipal bodies | ng the finances of municipalities and |
| | 97 , 1988, c. 85 | |
| 1989, c. 5 | Act to amend the Taxation Act and other respecting retail sales tax | legislation and to make certain provisions |
| | 52 , 1989, c. 77 85 , 1993, c. 19 86 , 1990, c. 7; 1993, c. 64; 1995, c. 1 88 , 1990, c. 7 197 , 1990, c. 7 216 , 1990, c. 7 217 , 1990, c. 7 236 , 1990, c. 7 252 , 1990, c. 7 | |
| 1989, c. 7 | Act to amend the Act to preserve agricul | tural land |
| | 35, Ab. 1996, c. 26 | |
| 1989, c. 15 | Act to amend the Automobile Insurance | Act and other legislation |
| | 25, 1991, c. 58 | |
| 1989, c. 52 | Act respecting municipal courts and ame | ending various legislation |
| | see c. C-72.01 | |
| 1989, c. 113 | Act to replace the Act respecting La Con et d'économie Desjardins du Québec | fédération des caisses populaires |
| | 1, 1993, c. 111 5, 1994, c. 77 5.1, 1994, c. 77 10, 1993, c. 111 | |

| Reference | TITLE | Amendments |
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| 1989, c. 113 | Act to replace the Act respecting La C et d'économie Desjardins du Québec – | |
| | 11.1, 1993, c. 111 13, 1994, c. 77 24, 1996, c. 69 31, 1994, c. 77 42, 1993, c. 111; 1994, c. 77 50.1, 1993, c. 111 86, 1990, c. 4 | |
| 1990, c. 4 | Act to amend various legislative provis of Penal Procedure | ions respecting the implementation of the Code |
| | 293 , Ab. 1992, c. 61 442 , 1992, c. 61 591 , Ab. 1992, c. 61 739 , 1992, c. 61 871 , 1992, c. 61 876 , 1992, c. 61 | |
| 1990, c. 7 | Act to amend the Taxation Act and oth | ner fiscal legislation |
| | 11, 1992, c. 1 12, 1992, c. 1 13, 1992, c. 1 143, 1991, c. 8 148, 1992, c. 1 152, 1992, c. 1 153, 1992, c. 1 154, 1992, c. 1 156, 1992, c. 1 157, 1992, c. 1 157, 1992, c. 1 161, 1992, c. 1 162, 1991, c. 8; 1992, c. 1 163, 1992, c. 1 164, 1992, c. 1 164, 1992, c. 1 166, 1992, c. 1 166, 1992, c. 1 166, 1992, c. 1 166, 1992, c. 1 169, 1992, c. 1 169, 1992, c. 1 | |
| 1990, c. 9 | Act to ensure continuity of electrical se | ervice by Hydro-Québec |
| | Sched. I, 1991, c. 41 Ab., 1991, c. 53 | |
| 1990, c. 34 | Act to establish the Commission on the | e Political and Constitutional Future of Québec |
| | 5, 1990, c. 45 8, 1990, c. 45 24, 1990, c. 45 | |
| 1990, c. 41 | Act respecting the Conseil métropolita various legislation | in de transport en commun and amending |
| | see c. C-59.001 | |
| 1990, c. 44 | Act to amend the Courts of Justice Act of the Court of Québec | with respect to the pension plans of the judges |
| | 45 , 1991, c. 25 | |

| Reference | TITLE | Amendments |
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| 1990, c. 55 | Act to amend the Public Health Protection Act | |
| | 1, 1992, c. 21 2, 1992, c. 21 3, 1997, c. 77 6, 1992, c. 21 10, 1992, c. 21 12, 1992, c. 21; 1994, c. 23 | |
| 1990, c. 58 | Act respecting the computation of interest | t applicable to tax claims |
| | Ab. , 1995, c. 1 | |
| 1990, c. 59 | Act to again amend the Taxation Act and o | other fiscal legislation |
| | 3, 1991, c. 25 21, 1993, c. 16 55, 1993, c. 16 61, 1993, c. 16 71, 1991, c. 25 91, 1991, c. 25 92, 1995, c. 49 107, 1993, c. 16 110, 1993, c. 16 156, 1993, c. 16 168, 1991, c. 25 206, 1993, c. 16 251, 1992, c. 1 | |
| 1990, c. 61 | Act respecting the establishment of the bo | oundaries of electoral divisions |
| | 1, 1991, c. 36 | |
| 1990, c. 83 | Act to amend the Highway Safety Code an | d other legislative provisions |
| | 140 , 1996, c. 56 257 , Ab. 1996, c. 56 | |
| 1990, c. 85 | Act to amend various legislation respectin | g the Outaouais intermunicipal bodies |
| | 152, 1991, c. 32 | |
| 1991, c. 8 | Act to amend the Taxation Act and other | fiscal legislation |
| | 77, 1992, c. 1 80, 1992, c. 1 | |
| 1991, c. 22 | Act to extend the terms of office of certain establishments in the health and social set | |
| | Ab., 1992, c. 21 | |
| 1991, c. 25 | Act to again amend the Taxation Act and | other fiscal legislation |
| | 2, 1993, c. 16 5, 1993, c. 16; 1995, c. 49; 1996, c. 39 24, 1993, c. 16 25, 1993, c. 16 26, 1993, c. 16 27, 1993, c. 16 | |

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| 1991, c. 25 | Act to again amend the Taxation Act and o | ther fiscal legislation – Cont'd |
| | 28, 1993, c. 16 29, 1993, c. 16 30, 1993, c. 16 31, 1993, c. 16 32, 1993, c. 16 33, 1993, c. 16 34, 1993, c. 16 36, 1993, c. 16 38, 1993, c. 16 39, 1993, c. 16 49, 1993, c. 16 52, 1993, c. 16 54, 1993, c. 16 67, 1992, c. 1 68, 1992, c. 1 69, 1993, c. 16 94, 1993, c. 16 94, 1993, c. 16 142, 1993, c. 16 159, 1993, c. 16 161, 1993, c. 16 161, 1993, c. 16 | |
| 1991, c. 32 | Act to amend various legislative provisions | respecting municipal finances |
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| 1991, c. 34 | Act respecting the process for determining of Québec | the political and constitutional future |
| | Preamble , 1992, c. 47 1 , 1992, c. 47 | |
| 1991, c. 37 | Real Estate Brokerage Act | |
| | see c. C-73.1 | |
| 1991, c. 41 | Act respecting the placing of a temporary of | ceiling on remuneration in the public sector |
| | 8 , 1992, c. 39 9 , 1992, c. 39 13 , 1992, c. 39 | |
| 1991, c. 42 | Act respecting health services and social se | ervices and amending various legislation |
| | see c. S-4.2 | |
| 1991, c. 49 | Act to amend the Tourist Establishments A | Act |
| | 2, Ab. 1993, c. 22 3, Ab. 1993, c. 22 4, 1993, c. 22 5, Ab. 1993, c. 22 6, Ab. 1993, c. 22 7, Ab. 1993, c. 22 8, Ab. 1993, c. 22 9, Ab. 1993, c. 22 | |

| Reference | TITLE | Amendments |
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| 1991, c. 49 | Act to amend the Tourist Establishments | Act – Cont'd |
| | 10 , 1993, c. 22 11 , Ab. 1993, c. 22 | |
| 1991, c. 56 | Act respecting the Conseil médical du Que | ébec |
| | see c. C-59.0001 | |
| 1991, c. 64 | Civil Code of Québec | |
| | 21, 1992, c. 57; 1998, c. 32 23, 1998, c. 32 26, 1997, c. 75 27, 1997, c. 75 28, 1997, c. 75 29, 1997, c. 75 30, 1997, c. 75 30, 1997, c. 75 63, 1996, c. 21 67, 1996, c. 21 200, 1998, c. 51 201, 1998, c. 51 202, 1998, c. 51 203, 1996, c. 21 377, 1996, c. 21 377, 1996, c. 21 423, 1992, c. 57 585, 1996, c. 68 587.2, 1996, c. 68 587.3, 1996, c. 68 587.3, 1997, c. 80 701, 1997, c. 80 702, 1997, c. 80 701, 1992, c. 57 776, 1992, c. 57 777, 1998, c. 51 948, 1992, c. 57 993, 1992, c. 57 | |
| | 1263, 1998, c. 5 1575, 1992, c. 57 1641, 1992, c. 57 1644, 1992, c. 57 1696, 1992, c. 57 1745, 1998, c. 5 1749, 1998, c. 5 1750, 1998, c. 5 | |
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| | 2939, 1992, c. 57 2961.1, 1998, c. 5 2969, 1998, c. 5 2971.1, 1998, c. 5 2975, 1992, c. 57 2993, 1995, c. 33 3000, 1998, c. 5 3018, 1998, c. 5 3024, 1992, c. 57 3031, 1995, c. 33 3003, 1992, c. 57 3038, 1995, c. 33 3069, 1992, c. 57 3104, 1992, c. 57 3105, 1992, c. 57 3105, 1992, c. 57 3113, 1992, c. 57 3119, 1992, c. 57 | |
| 1991, c. 67 | Act respecting the Québec sales tax and see c. T-0.1 | amending various fiscal legislation |
| 1991, c. 72 | | istère des Approvisionnements et Services |
| | 18, 1993, c. 23 | |
| 1991, c. 73 | Act to amend the Financial Administration | on Act and other legislation |
| | 12, 1993, c. 23 | |
| 1991, c. 74 | Act to amend the Building Act and other | legislation |
| | 78, 1998, c. 46 170, Ab. 1992, c. 61 | |
| 1992, c. 1 | Act to amend the Taxation Act and other | fiscal legislation |
| | 16 , 1993, c. 16 42 , 1993, c. 19 178 , Ab. 1993, c. 19 | |
| 1992, c. 8 | Act respecting the Conseil de la santé et | du bien-être |
| | see c. C-56.3 | |
| 1992, c. 19 | Act to amend the Health Insurance Act | |
| | 9, Ab. 1996, c. 32 10, Ab. 1996, c. 32 11, Ab. 1996, c. 32 | |
| 1992, c. 33 | Act respecting Société Innovatech du Gr | and Montréal |
| | see c. S-17.2 | |
| 1992, c. 44 | Act respecting the Société québécoise de | e développement de la main-d'oeuvre |
| | see c. S-22.001 | |
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|-------------|--|---|
| 1992, c. 46 | Act to promote the capitalization of small | l and medium-sized businesses |
| | see c. A-33.01 | |
| 1992, c. 57 | Act respecting the implementation of the | e reform of the Civil Code |
| | 98, Ab. 1998, c. 5 107, Ab. 1998, c. 5 136, 1995, c. 33 137, Ab. 1998, c. 5 138, 1995, c. 33 149, 1995, c. 33 149.1, 1995, c. 33 149.2, 1995, c. 33 154, 1995, c. 33 155, 1995, c. 33 156, 1995, c. 33 157.1, 1995, c. 33 157.2, 1995, c. 33 157.2, 1995, c. 33 157.2, 1995, c. 33 157.2, 1995, c. 33 158, 1995, c. 33 159, 1995, c. 35 162, Ab. 1998, c. 5 312, 1993, c. 72 324, 1993, c. 72 326, 1993, c. 72 | |
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| 1992, c. 61 | Act respecting the implementation of ceremonal procedure and amending various legislat | |
| 1992, c. 68 | 571, Ab. 1993, c. 71 Act respecting private education | |
| | 1, 1993, c. 25; 1993, c. 51 5, Ab. 1993, c. 51 44, 1993, c. 25 45, 1993, c. 25 49, 1993, c. 25 50, 1993, c. 51 51, Ab. 1993, c. 25 79, 1993, c. 25 83, 1993, c. 25 84, 1993, c. 25 91, 1993, c. 51 104, 1993, c. 51 107, 1993, c. 51 109, 1993, c. 51 110, 1993, c. 55 172, 1993, c. 25 174, 1993, c. 25 | |
| 1993, c. 6 | Act to amend the Labour Code and the A | Act respecting the Ministère du Travail |
| · | 10, Ab. 1996, c. 30 | |

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|-------------|---|--|
| 1993, c. 15 | Act to amend the Act respecting the Québec Pension Plan and other legisla provisions | |
| | 93, Ab. 1993, c. 64 94, 1993, c. 64 96, Ab. 1993, c. 64 | |
| 1993, c. 16 | Act to amend the Taxation Act and other | fiscal legislation |
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| 1993, c. 19 | Act to again amend the Taxation Act and | other legislation |
| | 60 , 1995, c. 63 62 , 1995, c. 63 96 , 1993, c. 64 148 , 1993, c. 64 | |
| 1993, c. 37 | Act respecting the conditions of employments sector | nent in the public sector and the municipal |
| | 20, Ab. 1996, c. 82 21, Ab. 1996, c. 82 22, Ab. 1996, c. 82 23, 1993, c. 51; 1994, c. 16; Ab. 1996, c. 82 24, Ab. 1996, c. 82 25, Ab. 1996, c. 82 28, Ab. 1996, c. 82 34, 1996, c. 82 35, 1996, c. 82 40, Ab. 1996, c. 82 41, Ab. 1996, c. 82 42, Ab. 1996, c. 82 44, Ab. 1996, c. 82 44, Ab. 1996, c. 82 | 82 |
| 1993, c. 50 | Act repealing the Act respecting the Insti and providing for the continuation of the | itut québécois de recherche sur la culture activities of the Institut |
| | 7 , 1994, c. 16 | |
| 1993, c. 54 | Act respecting assistance and compensat | ion for victims of crime |
| | 146, 1998, c. 36 | |
| 1993, c. 61 | Act to amend the Act respecting labour remanagement in the construction industry | elations, vocational training and manpower vand other legislative provisions |
| | 63 , Ab. 1995, c. 8 73 , Ab. 1995, c. 8 77 , 1995, c. 8 83 , 1995, c. 8 85 , 1995, c. 8 | |
| 1993, c. 64 | Act to again amend the Taxation Act and | various legislative provisions |
| | 11, 1995, c. 63 16, 1995, c. 63 59, 1995, c. 1 | |

| Reference | TITLE | Amendments |
|--------------|--|---|
| 1993, c. 64 | Act to again amend the Taxation Act and 155, 1995, c. 63 156, 1995, c. 63 157, 1995, c. 63 162, 1994, c. 22 | various legislative provisions – Cont'd |
| 1993, c. 70 | 194, 1994, c. 22 Act respecting the Ministère des Commun | autés culturelles et de l'Immigration |
| | 8, Ab. 1998, c. 15 | |
| 1993, c. 71 | Act to amend the Act respecting the Régie and various Acts concerning the activities | |
| | 29, 1997, c. 43 | |
| 1993, c. 72 | Act to amend the Code of Civil Procedure | and various legislative provisions |
| | 16, Ab. 1997, c. 85 | |
| 1993, c. 80 | Act respecting Société Innovatech Québec | e et Chaudière-Appalaches |
| | see c. S-17.3 | |
| 1993, c. 102 | Act respecting the Compagnie de chemin | de fer de l'Outaouais |
| | 2 , 1993, c. 75 4 , 1993, c. 75 | |
| 1994, c. 9 | du Québec | tion of the Parity Committee for the Flat mation des vitriers et travailleurs du verre |
| | 2, 1996, c. 29 3, 1995, c. 22; 1996, c. 29 10, 1996, c. 29 11, 1996, c. 29 17, 1996, c. 29 20, 1995, c. 22; 1996, c. 29 28, 1996, c. 29 | |
| 1994, c. 22 | Act to amend the Taxation Act, the Act refiscal provisions | especting the Québec sales tax and other |
| | 41, 1995, c. 49 247, 1995, c. 49 266, 1995, c. 63 270, 1995, c. 63 370, 1995, c. 1 382, Ab. 1995, c. 1 425, 1995, c. 63 486, 1995, c. 63 497, 1995, c. 63 559, 1995, c. 1 567, 1995, c. 1 574, 1995, c. 63 579, 1995, c. 1 | |
| 1994, c. 27 | Act respecting the Société du tourisme du | ı Québec |
| | see c. S-16.02 | |

| Reference | TITLE | Amendments |
|-------------|--|---|
| 1995, c. 1 | Act to amend the Taxation Act, the Act respecting the Québec sales tax and other legislative provisions | |
| | 14, 1997, c. 14 20, 1997, c. 14 28, 1998, c. 16 30, 1997, c. 14 38, 1997, c. 14 69, 1997, c. 14 74, Ab. 1995, c. 63 84, 1997, c. 14 120, 1997, c. 14 120, 1997, c. 31 132, 1995, c. 63 134, 1995, c. 63 134, 1995, c. 63 144, 1995, c. 63 144, 1995, c. 63 219, 1997, c. 14 261, 1997, c. 85 | |
| 1995, c. 8 | Act to amend the Act respecting labour relat management in the construction industry and | ions, vocational training and manpower d other legislative provisions |
| | 74, 1996, c. 29 | |
| 1995, c. 22 | Act to amend the Act respecting the provisio Committee for the Flat Glass Industry and th et travailleurs du verre du Québec | onal administration of the Parity de Corporation de formation des vitriers |
| | 3, 1996, c. 29 | |
| 1995, c. 27 | Act respecting the Commission des droits de | la personne et des droits de la jeunesse |
| | 30 , 1996, c. 35 31 , 1996, c. 35 33 , 1996, c. 35 | |
| 1995, c. 43 | Act to foster the development of manpower t | training |
| | see c. D-7.1 | |
| 1995, c. 44 | Act respecting the national capital commission | |
| | see c. C-33.1 | |
| 1995, c. 47 | Act to amend the Tobacco Tax Act and the A | Act respecting the Québec sales tax |
| | 10, 1995, c. 63 | |
| 1995, c. 48 | Act to establish Fondaction, le Fonds de dévides syndicats nationaux pour la coopération | |
| | see c. F-3.1.2 | |
| 1995, c. 49 | Act to amend the Taxation Act and other fisc | cal provisions |
| | 248 , Ab. 1996, c. 39 | |
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| Reference | TITLE | Amendments |
|-------------|---|--|
| 1995, c. 63 | Act to amend the Taxation Act, the Act relegislative provisions | especting the Québec sales tax and other |
| | 122 , 1997, c. 31 175 , 1997, c. 14 | |
| | 177 , 1996, c. 39 193 , 1997, c. 14 | |
| | 210, Ab. 1997, c. 14 219, 1996, c. 39 | |
| | 230 , 1996, c. 39 | |
| | 231 , 1996, c. 39 232 , 1996, c. 39 | |
| | 299 , 1997, c. 85 305 , 1997, c. 85 | |
| | 307, 1997, c. 85 312, 1997, c. 85 | |
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| | 550.1 , 1997, c. 85 | |

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|-------------|--|---|
| 1995, c. 63 | Act to amend the Taxation Act, the Act res legislative provisions – Cont'd | specting the Québec sales tax and other |
| | 550.2, 1997, c. 85 550.3, 1997, c. 85 550.4, 1997, c. 85 550.5, 1997, c. 85 551.1, 1997, c. 85 551.2, 1997, c. 85 551.3, 1997, c. 85 551.4, 1997, c. 85 552, 1997, c. 85 | |
| 1995, c. 65 | Act respecting the Agence métropolitaine de legislative provisions | de transport and amending various |
| | see c. A-7.02 | |
| 1996, c. 16 | Act to amend the Act respecting child day | care and other legislative provisions |
| | 75 , Ab. 1997, c. 58 80 , Ab. 1997, c. 58 82 , 1997, c. 58 | |
| 1996, c. 21 | Act respecting the Ministère des Relations amending other legislative provisions | avec les citoyens et de l'Immigration and |
| | see c. M-25.01 | |
| 1996, c. 26 | Act to amend the Act to preserve agricultu order to promote the preservation of agriculture. | |
| | 78, 1997, c. 93 | |
| 1996, c. 27 | Act to amend the Cities and Towns Act, the legislative provisions | e Municipal Code of Québec and other |
| | 32, Ab. 1997, c. 53 33, Ab. 1997, c. 53 34, Ab. 1997, c. 53 101, Ab. 1997, c. 53 102, Ab. 1997, c. 53 103, Ab. 1997, c. 53 146, Ab. 1997, c. 53 | |
| 1996, c. 32 | Act respecting prescription drug insurance | and amending various legislative provisions |
| | see c. A-29.01 | |
| 1996, c. 52 | Act to amend the constituent Acts of the u provisions | rban communities and other legislative |
| | 13, Ab. 1997, c. 53 20, Ab. 1997, c. 53 32, 1997, c. 53 33, Ab. 1997, c. 53 34, Ab. 1997, c. 53 39, 1997, c. 53 40, Ab. 1997, c. 53 41, Ab. 1997, c. 53 42, Ab. 1997, c. 53 84, Ab. 1997, c. 53 | |

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| 1996, c. 52 | Act to amend the constituent Acts of the provisions – $Cont'd$ | e urban communities and other legislative |
| | 85, Ab. 1997, c. 53 94, Ab. 1997, c. 53 95, Ab. 1997, c. 53 96, Ab. 1997, c. 53 97, Ab. 1997, c. 53 98, Ab. 1997, c. 53 99, Ab. 1997, c. 53 100, Ab. 1997, c. 53 101, Ab. 1997, c. 53 | |
| | 103 , Ab. 1997, c. 53 104 , Ab. 1997, c. 53 | |
| 1996, c. 54 | Act respecting administrative justice | |
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| 1996, c. 60 | Act respecting off-highway vehicles | |
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| 1996, c. 61 | Act respecting the Régie de l'énergie | |
| | see c. R-6.01 | |
| 1996, c. 66 | Act to establish a departure incentive m | nanagement fund |
| | see c. F-3.2.0.2 | |
| 1996, c. 67 | Act to establish an administrative review amend other legislative provisions | w procedure for real estate assessment and to |
| | 68, 1997, c. 93 | |
| 1997, c. 3 | Act to harmonize certain legislative proof Québec | visions of a fiscal nature with the Civil Code |
| | 71, 1997, c. 31 | |
| 1997, c. 14 | Act to amend the Taxation Act, the Act legislative provisions | respecting the Québec sales tax and other |
| | 289 , 1997, c. 85 354 , 1997, c. 85 | |
| 1997, c. 20 | Act to amend the Act to foster the deve legislative provisions | lopment of manpower training and other |
| | 17, Ab. 1997, c. 63 | |
| 1997, c. 27 | Act to establish the Commission des lés legislative provisions | ions professionnelles and amending various |
| | 58, 1997, c. 43 58.1, 1997, c. 43 64, 1997, c. 43 | |
| 1997, c. 41 | Act respecting mixed enterprise compa | nies in the municipal sector |
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| 1997, c. 43 | Act respecting the implementation of the | Act respecting administrative justice |
| | 185 , Ab. 1997, c. 93 363 , Ab., 1997, c. 70 490 , 1997, c. 70 833 , 1997, c. 93 840 , 1997, c. 93 | |
| 1997, c. 47 | Act to amend the Education Act, the Act legislative provisions | respecting school elections and other |
| | 18, Ab. 1997, c. 96 23, Ab. 1997, c. 96 24, Ab. 1997, c. 96 Sched., 1997, c. 98 | |
| 1997, c. 50 | Act to amend various legislative provisions parapublic sectors | s of the pension plans in the public and |
| | 101, 1997, c. 71 | |
| 1997, c. 53 | Act to amend various legislative provisions | s concerning municipal affairs |
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| 1997, c. 57 | Act respecting family benefits | |
| | see c. P-19.1 | |
| 1997, c. 60 | Act respecting the reconstruction and red torrential rains of 19 and 20 July 1996 in t | |
| | 18 , 1997, c. 43 | |
| 1997, c. 63 | Act respecting the Ministère de l'Emploi e Commission des partenaires du marché du | t de la Solidarité and establishing the 1 travail |
| | see c. M-15.001 | |
| 1997, c. 85 | Act to again amend the Taxation Act, the other legislative provisions | Act respecting the Québec sales tax and |
| | 418 , 1998, c. 16 430 , 1998, c. 16 454 , 1998, c. 16 639 , 1998, c. 16 716 , 1998, c. 16 | |
| 1997, c. 98 | Act respecting the election of the first cor amending various legislative provisions | nmissioners of the new school boards and |
| | 12.1, 1998, c. 12 14.1, 1998, c. 12 | |

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The entries below are references to legislative provisions passed in 1998 which amend generally or affect one or several Acts rather than specific sections.

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|---|---------------------------|
| An Act respecting Investissement-Québec and Garantie-Québec | 1998, c. 17, s. 64 |
| An Act respecting Société Innovatech du Grand Montréal | 1998, c. 19, s. 44 |
| An Act respecting Société Innovatech Québec et Chaudière- Appalaches | 1998, c. 21, s. 44 |
| An Act respecting Société Innovatech du sud du Québec | 1998, c. 22, s. 44 |
| An Act respecting income support, employment assistance and social solidarity | 1998, c. 36, ss. 201, 209 |
| An Act respecting the distribution of financial products and services | 1998, c. 37, s. 578 |
| An Act respecting the Institut de la statistique du Québec | 1998, c. 44, s. 60 |
| An Act to amend various legislative provisions relating to building and the construction industry | 1998, c. 46, s. 135 |

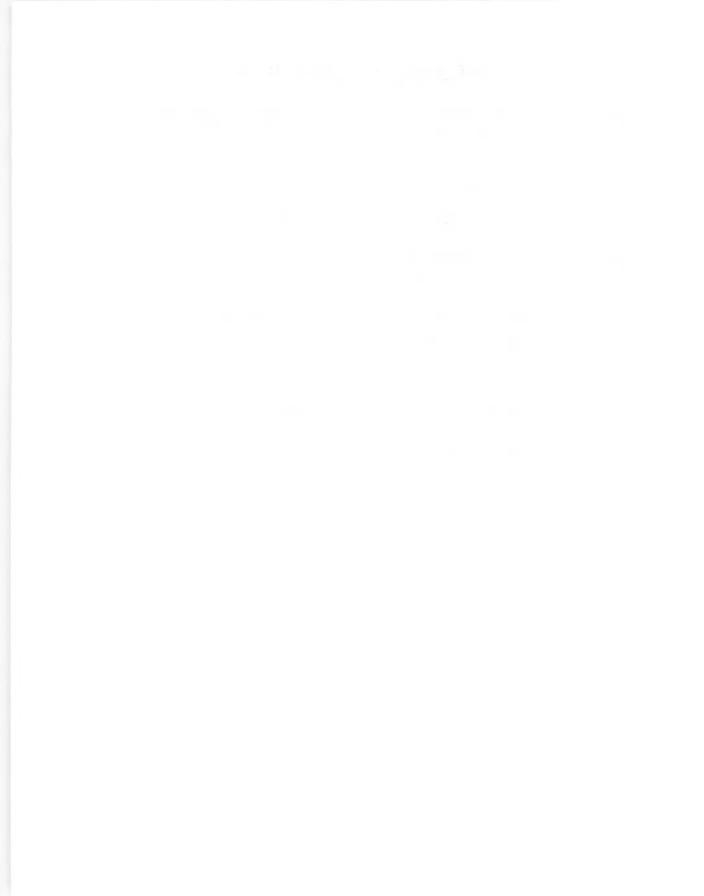


TABLE OF CORRECTIONS MADE TO THE ENGLISH TEXT OF THE REVISED STATUTES

The corrections made to the French text are indicated in the corresponding table of the French volume of the Statutes

Updating to 1 November 1980

| Reference | Title | Provisions corrected |
|-----------------|--------------------------------------|-----------------------|
| R.S.Q., c. A-16 | Social Aid Act | s. 31 |
| R.S.Q., c. A-24 | Cooperative Associations Act | s. 19 |
| R.S.Q., c. C-12 | Charter of human rights and freedoms | s. 50 |
| R.S.Q., c. C-15 | Professional Chemists Act | ss. 6, 10, 11, 13, 14 |
| R.S.Q., c. C-19 | Cities and Towns Act | s. 466 |
| R.S.Q., c. C-20 | An Act to promote good citizenship | s. 25 |
| R.S.Q., c. C-26 | Professional Code | s. 59 |
| R.S.Q., c. D-6 | Municipal Officers Dismissal Act | s. 12 |
| R.S.Q., c. J-2 | Jurors Act | s. 16 |
| R.S.Q., c. M-10 | Agricultural Merit Act | s. 2 |
| R.S.Q., c. M-13 | Mining Act | s. 298 |
| R.S.Q., c. T-12 | Transport Act | s. 8 |

Updating to 31 December 1981

| Reference | Title | Provisions corrected |
|-----------------|------------|----------------------|
| R.S.Q., c. P-13 | Police Act | s. 1 |
| R.S.Q., c. T-10 | Stamp Act | s. 30 |

Updating to 1 July 1982

| Reference | Title | Provisions corrected |
|-----------------|---|----------------------|
| R.S.Q., c. C-35 | An Act respecting the Commission municipale | s. 47 |
| R.S.Q., c. C-55 | An Act respecting the Conseil consultatif du travail et de la main-d'oeuvre | s. 2 |
| R.S.Q., c. C-75 | Farm Credit Act | s. 46 |
| R.S.Q., c. N-2 | Notarial Act | s. 129 |
| R.S.Q., c. V-3 | An Act respecting the sale of unclaimed goods | ss. 8, 10 |

Updating to 1 January 1983

| Reference | Title | Provisions corrected |
|------------------|---|----------------------|
| R.S.Q., c. C-38 | Companies Act | Concordance Table |
| R.S.Q., c. C-55 | An Act respecting the Conseil consultatif du travail et de la main-d'oeuvre | s. 13 |
| R.S.Q., c. E-2.1 | An Act respecting elections in certain municipalities | s. 46 |
| R.S.Q., c. E-3.1 | Election Act | Schedule B |
| R.S.Q., c. F-2.1 | An Act respecting municipal taxation | s. 252 |
| R.S.Q., c. L-4.1 | An Act respecting electoral lists | Form 9 |
| R.S.Q., c. M-13 | Mining Act | s. 27 |
| R.S.Q., c. N-1.1 | An Act respecting labour stan- dards | Schedule I |
| R.S.Q., c. P-8 | An Act respecting Forillon Park and its surroundings | s. 4 |
| R.S.Q., c. R-10 | An Act respecting the Govern- ment and Public Employ- ees Retirement Plan | s. 2 |
| R.S.Q., c. T-9 | Lands and Forests Act | s. 31 |

Updating to 1 July 1983

| Reference | Title | Provisions corrected |
|-------------------|---|----------------------|
| R.S.Q., c. A-14 | Legal Aid Act | s. 81 |
| R.S.Q., c. C-34 | An Act respecting the Com- mission des affaires sociales | s. 21 |
| R.S.Q., c. C-38 | Companies Act | s. 7 |
| R.S.Q., c. D-11 | Territorial Division Act | ss. 13, 14 |
| R.S.Q., c. I-3 | Taxation Act | s. 1 |
| R.S.Q., c. P-15 | Summary Convictions Act | Schedule B |
| R.S.Q., c. S-18.1 | An Act respecting the Makivik Corporation | s. 4 |
| R.S.Q., c. T-8 | Colonization Land Sales Act | s. 17 |

Updating to 1 January 1984

| Reference | Title | Provisions corrected |
|------------------|---|----------------------|
| R.S.Q., c. L-4.1 | An Act respecting electoral lists | Schedule II |
| R.S.Q., c. R-14 | An Act respecting the Syndical Plan of the Sûreté du Québec | s. 8 |
| R.S.Q., c. S-36 | An Act respecting grants to school boards | Division IX |

Updating to 1 July 1984

| Reference | Title | Provisions corrected |
|-------------------|--|---------------------------|
| R.S.Q., c. C-27.1 | Municipal Code of Québec | Preliminary Title, a. 347 |
| R.S.Q., c. F-5 | An Act respecting manpower vocational training and qualification | s. 30 |

Updating to 1 March 1985

| Reference | Title | Provisions corrected |
|-------------------|--|----------------------|
| R.S.Q., c. C-27.1 | Municipal Code of Québec | aa. 1061, 1094 |
| R.S.Q., c. C-70 | An Act respecting municipal and intermunicipal transit corporations | s. 38 |
| R.S.Q., c. D-2 | An Act respecting collective agreement decrees | s. 22 |
| R.S.Q., c. E-8.1 | An Act respecting public ele- mentary and secondary education | s. 137 |
| R.S.Q., c. I-3 | Taxation Act | s. 182 |
| R.S.Q., c. I-14 | Education Act | s. 137 |
| R.S.Q., c. P-1 | An Act respecting the payment of allowances to certain self- employed workers | s. 1 |
| R.S.Q., c. R-10 | An Act respecting the Govern- ment and Public Employ- ees Retirement Plan | Schedule II |

| Reference | Title | Provisions corrected |
|------------------|--|----------------------|
| R.S.Q., c. C-27 | Labour Code | s. 1 |
| R.S.Q., c. O-3 | An Act respecting the Office de planification et de déve- loppement du Québec | ss. 4, 12 |
| R.S.Q., c. P-7 | An Act respecting Mauricie Park and its surroundings | s. 3 |
| R.S.Q., c. P-8 | An Act respecting Forillon Park and its surroundings | s. 4 |
| R.S.Q., c. R-0.2 | An Act respecting the determi- nation of the causes and cir- cumstances of death | s. 33 |
| R.S.Q., c. S-11 | An Act respecting the Société de développement immobi- lier du Québec | Note on Status |

Updating to 1 September 1986

| Reference | Title | Provisions corrected |
|--------------------|--|----------------------|
| R.S.Q., c. A-3.001 | An Act respecting industrial accidents and occupational diseases | Schedule IV |
| R.S.Q., c. A-25 | Automobile Insurance Act | Repeal Schedules |
| R.S.Q., c. A-29 | Health Insurance Act | ss. 19, 19.1 |
| R.S.Q., c. C-19 | Cities and Towns Act | ss. 70.9, 72, 309 |
| R.S.Q., c. F-3.2 | An Act respecting the Fondation Jean-Charles-Bonenfant | Title, ss. 1, 19 |
| R.S.Q., c. I-14 | Education Act | s. 1 |
| R.S.Q., c. S-16 | An Act respecting the Société du parc industriel et com- mercial aéroportuaire de Mirabel | Schedule C |

| Reference | Title | Provisions corrected |
|---------------------|---|--|
| R.S.Q., c. A-3.01 | An Act respecting the accredi- tation and financing of stu- dents' associations | ss. 2, 10, 18, 21, 27, 32, 34, 35, 42, 43, 44, 46 Division VII, ss. 52, 53, 59, 63 |
| R.S.Q., c. A-4.1 | An Act respecting the acquisition of farm land by non-residents | s. 1 |
| R.S.Q., c. A-21.1 | Archives Act | Schedule |
| R.S.Q., c. C-12 | Charter of human rights and freedoms | s. 23 |
| R.S.Q., c. C-64.1 | Referendum Act | Appendix 2, s. 447 |
| R.S.Q., c. D-11 | Territorial Division Act | s. 9 |
| R.S.Q., c. E-3.2 | Election Act | s. 339 |
| R.S.Q., c. P-37 | Tree Protection Act | s. 1 |
| R.S.Q., c. S-18.2.1 | An Act respecting the Société québécoise d'assainissement des eaux | Alphanumerical designation |

Updating to 1 March 1987

| Reference | Title | Provisions corrected |
|-----------------|----------------------------|----------------------|
| R.S.Q., c. S-25 | Agricultural Societies Act | s. 24 |
| R.S.Q., c. T-10 | Stamp Act | s. 27 |

Updating to 1 September 1987

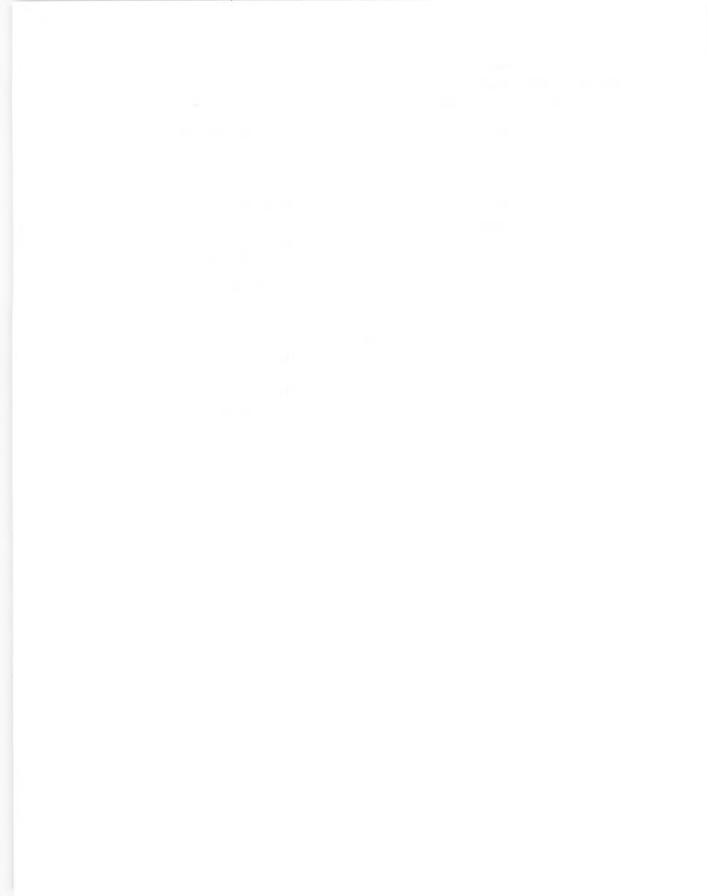
| Reference | Title | Provisions corrected |
|-------------------|---|---|
| R.S.Q., c. A-19.1 | An Act respecting land use planning and development | s. 65 |
| R.S.Q., c. F-1 | An Act respecting fabriques | Schedule |
| R.S.Q., c. P-7 | An Act respecting Mauricie Park and its surroundings | Schedule B |
| R.S.Q., c. R-9 | An Act respecting the Québec Pension Plan | s. 1 |
| R.S.Q., c. R-11 | An Act respecting the Teachers Pension Plan | Schedule III |
| R.S.Q., c. S-5 | An Act respecting health services and social services | ss. 2, 24.1, 34, 43, 78, 82, 118.5, 135 |
| R.S.Q., c. S-25 | Agricultural Societies Act | s. 18 |

| Reference | Title | Provisions corrected |
|-------------------|---|----------------------|
| R.S.Q., c. A-7.1 | An Act respecting the Agence québécoise de valorisation industrielle de la recherche | s. 16 |
| R.S.Q., c. A-29.1 | An Act respecting farm-loan insurance and forestry-loan insurance | s. 25 |
| R.S.Q., c. C-26 | Professional Code | s. 184 |
| R.S.Q., c. C-52.1 | An Act respecting the conditions of employment and the pension plan of the Members of the National Assembly | Running head |
| R.S.Q., c. E-9 | An Act respecting private edu- cation | s. 2 |

Updating to 1 March 1988

| Reference | Title | Provisions corrected |
|------------------|--------------------------------------|----------------------|
| R.S.Q., c. F-2.1 | An Act respecting municipal taxation | s. 211 |
| R.S.Q., c. I-17 | University Investments Act | s. 1 |

| Reference | Title | Provisions corrected |
|------------------|--|----------------------|
| R.S.Q., c. S-3.2 | An Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec | ss. 14, 48 |
| R.S.Q., c. S-17 | An Act respecting the Société générale de financement du Québec | s. 16 |



EQUIVALENCE TABLE OF CHAPTERS OF CONSOLIDATED STATUTES FOR 1998

| FORMER CHAPTERS | NEW CHAPTERS | |
|------------------|--------------------|--|
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| 1998, chapter 19 | chapter S-17.2.0.1 | |
| 1998, chapter 20 | chapter S-17.5 | |
| 1998, chapter 21 | chapter S-17.4 | |
| 1998, chapter 22 | chapter S-17.2.2 | |
| 1998, chapter 33 | chapter T-0.01 | |
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| 1998, chapter 37 | chapter D-9.2 | |
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| 1998, chapter 40 | chapter P-30.3 | |
| 1998, chapter 41 | chapter H-1.1 | |
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LIST OF LEGISLATIVE PROVISIONS BROUGHT INTO FORCE BY PROCLAMATION OR ORDER TO 1 MARCH 1999 DATE OF COMING INTO FORCE

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| Reference | SUBJECT | |
|----------------|---|--|
| 1964 | An Act respecting the Revised Statutes, 1964 1965-09-09 | |
| 1965, c. 10 | An Act to amend the Territorial Division Act 1966-04-18 ss. 1-78 | |
| 1965, c. 11 | An Act to amend the Legislature Act and the Executive Power Act $1966\text{-}04\text{-}18$ s. 1 | |
| 1965, c. 17 | An Act to amend the Courts of Justice Act 1966-09-01 ss. 1-4, 22, 26-41 | |
| 1965, c. 51 | An Act to amend the Professional Syndicates Act 1965-11-01 ss. 3, 4 | |
| 1965, c. 59 | Blind Persons Allowances Act 1966-02-14 | |
| 1965, c. 60 | Disabled Persons Assistance Act 1966-02-14 | |
| 1965, c. 61 | Aged Persons Assistance Act 1966-02-14 | |
| 1965, c. 67 | An Act to amend the Education Act 1966-05-15 s. 10 | |
| 1965, c. 80 | Code of Civil Procedure 1966-09-01 | |
| 1966-67, c. 18 | An Act to amend the Courts of Justice Act 1968-03-11 ss. 2, 3 | |
| 1966-67, c. 21 | An Act to amend the Liquor Board Act 1968-03-01 ss. 1, 4, 5, 7, 9-11, 12 (par. a), 13-16, 19-22, 24, 26 | |
| 1966-67, c. 24 | Quebec National Library Act 1968-01-01 | |
| 1966-67, c. 61 | An Act to again amend the Education Act 1970-09-15 s. 1 | |
| 1966-67, c. 72 | Financial Institutions, Companies and Cooperatives Department Act 1968-05-28 | |

| Reference | SUBJECT |
|----------------|--|
| 1966-67, c. 73 | Quebec Deposit Insurance Act 1970-07-01 ss. 23, 24, 29, 33 |
| 1968, c. 42 | An Act to amend the Animal Health Protection Act 1972-01-01 |
| 1968, c. 48 | An Act to establish the Office for the Prevention and Treatment of Alcoholism and other Toxicomanias $1970\hbox{-}05\hbox{-}01$ |
| 1968, c. 67 | Private Education Act 1969-07-02 ss. 9, 15, 23, 73 |
| 1968, c. 82 | An Act respecting civil marriage 1969-04-01 |
| 1969, c. 21 | Probation and Houses of Detention Act 1973-10-01 s. 17 |
| 1969, c. 51 | Manpower Vocational Training and Qualification Act 1971-01-01 ss. 64-95, 99 1971-03-06 ss. 59-61 |
| 1969, c. 58 | Wild-life Conservation Act 1970-06-15 |
| 1969, c. 59 | An Act to amend the Hotels Act 1975-05-07 |
| 1969, c. 61 | Stuffing and Upholstered and Stuffed Articles Act 1973-01-01 |
| 1969, c. 63 | Social Aid Act 1970-09-10 Div. V, ss. 30-41, 65 1970-11-01 Div. I, II, III, IV, VI, VII, VIII, IX, except ss. 58, 59 1972-05-01 s. 60 |
| 1969, c. 67 | An Act to amend the Education Act 1970-03-31 |
| 1970, c. 10 | An Act to again amend the Courts of Justice Act 1971-10-30 ss. 1, 2 |
| 1970, c. 27 | An Act to amend the Mining Act 1971-12-01 ss. 11-18, 20-23, 32 |
| 1971, c. 20 | Quebec Liquor Corporation Act 1993-09-30 s. 25 (3 rd par.), date from which a beer distributor's permit may be issued |
| 1971, c. 33 | Petroleum Products Trade Act 1973-01-01 ss. 1-29, 36 1974-05-01 ss. 30-35 |

| Reference | SUBJECT |
|-------------|--|
| 1971, c. 47 | An Act to amend the Health Insurance Act and the Health Insurance Board Act $1972-05-23$ s. 3 $1972-08-01$ ss. $1, 2, 9-17$, exceptions excluded $1974-01-01$ ss. 1 (par. f (part)), 2 (2^{nd} par. (par. b)), 16 (part) $1974-05-01$ s. 15 (par. a , subpar. c^1) |
| 1971, c. 48 | An Act respecting health services and social services 1972-06-01 ss. 1-148, 150-168 |
| 1971, c. 50 | Real Estate Assessment Act 1972-10-15 s. 129 1972-11-30 ss. 130, 132 |
| 1971, c. 81 | Public Curatorship Act 1972-06-01 |
| 1972, c. 4 | An Act to amend the Territorial Division Act 1973-09-25 ss. 1, 2 |
| 1972, c. 14 | Legal Aid Act 1973-06-04 ss. 2-10, 22 (par. a, j), 24-28, 50-55, 57, 58, 60, 62-79, 82, 83, 91-94 |
| 1972, c. 42 | Public Health Protection Act 1974-04-17 ss. 25-35 |
| 1972, c. 49 | Environment Quality Act 1975-01-22 ss. 54-56, 58, 59, 64, 66, 67 1984-05-16 s. 45 |
| 1972, c. 52 | An Act respecting the General Investment Corporation of Québec 1973-04-27 ss. 4, 6-9, 12-14 |
| 1972, c. 53 | An Act to amend the Québec Pension Plan 1973-05-01 ss. 4-8, 66, 68 |
| 1972, c. 55 | Transport Act 1973-05-24 ss. 52-73, 182, 183 (par. b) 1973-07-09 ss. 98, 101 (part), 102 1973-07-18 s. 101 (part) 1974-05-13 ss. 101 (part), 125 1974-05-27 s. 101 (part) 1974-08-14 ss. 99, 100 |
| 1973, c. 26 | An Act to amend the Animal Health Protection Act 1987-07-01 s. 31 |
| 1973, c. 30 | An Act to amend the Health Insurance Act and the Québec Health Insurance Board Act 1974-01-01 s. 15 1975-05-07 s. 17 |
| 1973, c. 37 | 1975-06-11 ss. 1 (par. a), 2 (par. d), 3-5, 8, 13 (par. e) An Act to amend the Transport Act |
| 1010, 0.01 | 1973-08-06 s. 4 |

| Reference | SUBJECT |
|-------------|---|
| 1973, c. 38 | Expropriation Act 1975-06-19 ss. 68-87, 143, 144, 145 1976-04-01 ss. 34-44, 48-66, 88, 92, 98, 99, 103, 104, 110-112, 114-117, 121, 136, 139-142 |
| 1973, c. 43 | Professional Code 1974-09-01 s. 101 1974-10-27 ss. 241-244 1975-02-12 ss. 239, 240 |
| 1973, c. 46 | Medical Act 1974-09-01 s. 37 (1 st par.) |
| 1973, c. 50 | Denturologists Act 1974-06-01 |
| 1973, c. 54 | Hearing-aid Acousticians Act 1974-10-21 s. 17 |
| 1973, c. 55 | Podiatry Act 1974-10-21 s. 19 |
| 1973, c. 56 | Chiropractic Act 1974-10-21 s. 15 |
| 1974, c. 6 | Official Language Act 1976-01-01 ss. 78-99 1976-01-28 s. 34 1976-09-01 ss. 26-29, 39 |
| 1974, c. 10 | An Act to amend the Civil Service Superannuation Plan 1977-07-01 ss. 2, 4, 5, 6 (s. 16c), 11, 14, 16, 17 (s. 52a), 26 |
| 1974, c. 13 | Bailiffs Act 1975-09-20 ss. 2-21, 26-34, 36, 38 |
| 1974, c. 14 | An Act to amend the Liquor Permit Control Commission Act 1975-05-26 s. 59 1975-07-01 ss. 1, 8-10, 12, 13 (par. a), 16, 18-22, 23 (par. a, d), 24 (par. c), 30, 32, 39, 40, 56, 64-67, 73, 75, 82 |
| 1974, c. 15 | Intergovernmental Affairs Department Act 1976-06-01 s. 21 |
| 1974, c. 31 | Crop Insurance Act 1977-04-15 ss. 23 (1st par.), 30, 31, 34, 35, 37, 43, 44 (4th, 5th par.) 1977-05-18 ss. 32, 33, 36, 38-42, 45 1977-10-19 s. 44 (1st, 2mt, 3rd par.) |
| 1974, c. 33 | An Act to amend the Act to promote credit to farm producers 1975-06-01 |
| 1974, c. 35 | Agricultural Products and Food Act 1975-07-15 ss. 1-5, 6 (except 1^{st} par. (par. b)), 7-42, 44-53 |
| 1974, c. 39 | Social Affairs Commission Act 1975-08-01 |

| Reference | SUBJECT |
|-------------|---|
| 1974, c. 40 | An Act to amend the Health Insurance Act and the Québec Health Insurance Boar Act |
| | 1975-04-11 s. 15 (par. j , except "or research scholarships", par. k) 1975-05-07 s. 21 1975-06-11 s. 5 |
| | 1975-07-16 ss. 15 (par. j, "or research scholarships"), 18 1979-04-04 s. 4 |
| 1974, c. 42 | An Act to amend the Act respecting health services and social services |
| | 1980-11-04 s. 66 |
| 1974, c. 53 | Travel Agents Act 1975-04-30 |
| 1974, c. 59 | An Act respecting the protection of children subject to ill-treatment |
| | 1975-04-11 ss. 1 (ss. $14a-14g$, $14i$), 2-4 1975-10-04 s. 1 (ss. $14h$, $14j-14q$) |
| 1974, c. 61 | An Act to amend the Transport Act |
| | 1974-08-14 ss. 1, 2, 4-11 1974-08-28 s. 3 |
| 1974, c. 63 | An Act to amend the Teachers Pension Plan |
| | 1975-07-01 ss. 1 (par. b), 3, 5, 9, 10 |
| 1974, c. 67 | An Act to amend the Trust Companies Act |
| | 1975-09-24 ss. 4, 8 |
| 1974, c. 70 | An Act respecting insurance |
| | 1976-10-20 ss. 1-274, 276-336, 340-481 1979-11-21 s. 275 |
| 1975, c. 6 | Charter of human rights and freedoms |
| | 1976-06-28 ss. 1-56, 66-89, 91-96 |
| 1975, c. 7 | An Act to amend the Territorial Division Act 1980-01-01 |
| 1975, c. 12 | An Act to constitute the "Société québécoise d'information juridique" 1976-04-01 |
| 1975, c. 45 | An Act to amend the Transport Act and other legislation |
| | 1976-05-03 ss. 7, 37 1976-08-04 s. 30 |
| 1975, c. 50 | An Act to amend the Construction Industry Labour Relations Act $1976-09-15$ s. 3 (ss. $32m$, $32n$) |
| 1975, c. 58 | An Act to repeal the Health Units Act |
| , | 1976-04-01 |
| 1976, c. 22 | An Act to amend the Petroleum Products Trade Act 1987-06-10 |
| 1976, c. 46 | An Act approving the Agreement concerning James Bay and Northern Québec 1977-10-31 ss. 2 (par. 1-5, 7), 3, 4, 5 |

| Reference | SUBJECT |
|-------------|---|
| 1976, c. 51 | An Act to prolong and to amend the Act to promote conciliation between lessees and property-owners 1977-04-01 ss. 2, 3, 8, 10, 11 |
| 1976, c. 58 | An Act respecting the city of Hull 1981-08-19 |
| 1977, c. 20 | Youth Protection Act 1979-01-15 ss. 2-11, 23-27, 30, 32-137, 140, 146, 147, 150-153, 155 |
| 1977, c. 52 | An Act to amend the Cities and Towns Act 1978-08-01 ss. 21, 22 |
| 1977, c. 53 | An Act to amend the Municipal Code 1978-08-01 s. 37 |
| 1977, c. 55 | An Act to amend the Environment Quality Act $1984-05-16$ ss. $1, 2$ |
| 1977, c. 60 | An Act to facilitate conversion to the international system of units (SI) and to other customary units 1983-11-01 ss. 16, 18, 19 |
| 1977, c. 62 | An Act to amend the Charter of the Québec Deposit and Investment Fund 1979-04-11 ss. 4, 5, 8-11 |
| 1977, c. 68 | Automobile Insurance Act 1978-07-05 ss. 140, 236 |
| 1978, c. 7 | An Act to secure the handicapped in the exercise of their rights 1979-08-01 s. 92 1980-11-15 ss. 68, 69, 70 (2 nd par.) 1983-01-01 s. 63 |
| 1978, c. 9 | Consumer Protection Act $\begin{array}{lll} & \text{Ss. 1 (subpar. } i, j, \ l, \ p), 291\text{-}299, 301\text{-}304, 350\text{-}352, 362 (2^{\text{nd}}, 3^{\text{nd}} \text{ par.}), 363} \\ & 1980\text{-}04\text{-}30 & \text{ss. 1 (subpar. } a\text{-}h, \ k, \ m\text{-}o), 2\text{-}5, 6 (\text{par. } a, \ b), 7\text{-}155, 156 (\text{subpar. } a\text{-}g, \ i), } \\ & & 157\text{-}222, 224\text{-}245, 247\text{-}255, 257\text{-}290, 300, 305\text{-}307, 309\text{-}349, 353\text{-}361, 362} \\ & & (1^{\text{m}} \text{ par.}) \\ & 1981\text{-}03\text{-}01 & \text{ss. 256, 308} \\ & 1982\text{-}06\text{-}02 & \text{s. 223} \end{array}$ |
| 1978, c. 18 | An Act respecting certain legislative provisions 1979-04-04 ss. 28, 29, 31, 32, 36, 37 1979-05-09 ss. 14, 15 |
| 1978, c. 22 | An Act to promote the parole of inmates 1979-04-04 ss. 19-48, 51, 52, 54 1979-05-09 ss. 55, 56 |
| 1978, c. 36 | An Act respecting lotteries, racing, publicity contests and amusement machines 1980-07-30 ss. 20 (part), 23 (part), 24-26, 27 (part), 28 (part), 29, 30, 31 (2 nd par.), 34 (part), 36 (part), 38-44, 45 (part), 46, 53 (part), 56, 57, 67 (part), 70 (part), 73, 77 (part), 125 (part) |

| Reference | SUBJECT |
|-------------|--|
| 1978, c. 54 | An Act to amend the Electricians and Electrical Installations Act and the Building Contractors Vocational Qualifications Act |
| | 1979-03-01 ss. 1-23, 35 1980-04-01 ss. 24-34 |
| 1978, c. 55 | An Act to amend the Pipe-Mechanics Act and to again amend the Building Contractors Vocational Qualifications Act $1980-04-01$ |
| 1978, c. 56 | An Act to amend the Stationary Enginemen Act 1981-09-01 |
| 1978, c. 57 | An Act to amend the Workmen's Compensation Act and other legislation 1981-01-01 s. 67 1981-03-11 s. 24 |
| 1978, c. 64 | An Act to amend the Environment Quality Act 1984-05-16 s. 18 |
| 1978, c. 66 | An Act to amend the Charter of the General Investment Corporation of Québec 1979-08-15 s. 5 |
| 1978, c. 75 | An Act to amend the Highway Code 1979-09-17 ss. 2, 3, 5, 7 |
| 1978, c. 98 | An Act approving the Northeastern Québec Agreement 1979-07-04 ss. 2 (par. 1-5, 7), 3, 4 |
| 1979, c. 1 | An Act to amend the Health Insurance Act 1982-03-24 s. 40 (par. a, b) |
| 1979, c. 17 | An Act to amend the Adoption Act 1980-10-08 ss. 3 (s. 37.3), 4 (s. 41 (1" par., subpar. f)) 1981-04-15 s. 3 (s. 37.2) |
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| | ss. 1-7, 17-54, 55 (1*, 2nd par.), 56-61, 62, 63 (offence reports), 64, 65, 66 (1*, 2nd par.), 67-70, 71 (par. 1, 2 except the words "statement of offence or" 3-7), 72-86, 88, 89, 90 (1* par.), 92-128, 143, 150-155, 169 (1*, 2nd par.), 170-173, 174 (par. 1-4, 6-8), 175-179, 181-183, 184 (1* par. (subpar. 1-3 5-8)), 184 (2nd par.), 185 (except the reference to subpar. 4 of s. 184), 186 (189-221, 222 (2nd par.), 223-229, 231-243, 244 (except the second sentence of the 2nd par.), 245, 246 (except the words "or under article 165") 247-249, 250 (1* par.), 251-256, 257 (1* par.), 258-260, 265, 266 (except the words "or the proceeds of the sale thereof"), 267, 268 (except the words "or, even if he was not a party to the proceedings, the Attorney General, even if he was not a party to the proceedings,"), 292, 293, 294 (the following words: "An appeal shall be brought before the Court of Appeal sitting at Montréal or at Québec according to where an appead from a judgment in a civil matter would lie"), 295-315, 316 (1* par.), 317-362, 364, 365, 367-386 and the schedule ss. 8-16, 55 (3* par.), 62, 63, 66 (3* par.), the words "statement of offence or" in 71 (par. 2), 87, 90 (2nd par.), 91, 129-142, 144-146, 147 (1*, 3nd par.) 148, 149, 156-168, 169 (3nd par.), 174 (par. 5), 180, 184 (1* par. (subpar. 4)) 185 (reference to subpar. 4 of s. 184), 187 (1* par.), 188, 222 (1*, 3* par.) 230, 261, 262 (1* par.), 263, 264, 266 (the words "or, even if he was not a party to the proceedings,"). 363, 366 (ss. 187 (2nd par.), 244 (2nd par. (2nd par.), 294 (the words "and the Attorney General"), 291 (the words "and the Attorney General, even if he was not a party to the proceedings,"). 363, 366 (ss. 187 (2nd par.), 244 (2nd par. (2nd par.), 294 (the words "or, also where the judgment was rendered in the judicial district contemplated in the second paragraph of article 187, according to where the appeal from the judgment would lie if it had been rendered in the district where |
| | proceedings were instituted"), 316 (2 nd par.) |
| 1987, c. 97 | An Act respecting truck transportation 1988-06-30 ss. 10, 14, 15, 51, 63 1989-02-01 s. 101 |
| 1987, c. 103 | An Act respecting horse racing 1988-03-31 |
| 1987, c. 141 | An Act respecting Les Clairvoyants, Compagnie Mutuelle d'Assurance de Dommages 1988-04-15 |
| 1988, c. 14 | Roadside Advertising Act 1989-09-15 ss. 1-38 |
| 1988, c. 19 | An Act respecting municipal territorial organization 1996-09-01 s. 235 |
| 1988, c. 24 | An Act to again amend the Act respecting the conservation and development o wildlife with regard to wildlife habitats 1992-08-06 ss. 3, 4 1993-07-29 ss. 1, 2, 5-8 |
| 1988, c. 33 | An Act to amend the Act respecting the Communauté urbaine de Québec and othe legislation concerning industrial promotion and development 1989-11-01 ss. 3, 5 |
| 1988, c. 42 | An Act respecting the Bibliothèque nationale du Québec 1989-04-01 ss. 1-62 |

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| 1988, c. 45 | An Act to amend the Consumer Protection Act |
| | 1989-08-03 ss. 2, 6, 8-15 |
| 1988, c. 46 | An Act to amend various legislation respecting public security 1989-04-01 ss. 2, 10-23, 26-31 |
| 1988, c. 47 | An Act to amend the Act respecting health services and social services 1989-03-08 ss. 2 (ss. 149.1-149.4, 149.6-149.25, 149.27, 149.29, 149.30, 149.33, 149.34), 4 (par. 2, 4), 7, 8, 14, 15, 17-24, 26-30 1989-07-17 ss. 1, 2 (ss. 149.5, 149.26, 149.28, 149.31, 149.32), 3, 4 (par. 3), 6, 9, 16, 25 1990-09-01 ss. 11-13 |
| 1988, c. 49 | An Act to amend the Environment Quality Act and other legislation |
| | 1993-04-28 ss. 3, 8, 9 (par. 3), 12 (par. 2), 18 (s. 106.2), 28, 29, 37 1993-12-02 s. 4 (par. 2) |
| 1988, c. 51 | An Act respecting income security |
| | 1989-07-01 ss. 41, 43, 137 1989-08-01 ss. 1-40, 42, 45, 62-84, 86-97, 100-136, 141, 142 |
| 1988, c. 52 | An Act to repeal the Act respecting the Société du parc industriel et commercial aéroportuaire de Mirabel |
| | 1990-10-03 ss. 1, 2 |
| 1988, c. 56 | An Act to amend the Code of Civil Procedure in respect of the collection of support payments |
| | 1992-01-22 s. 1 (s. 553.10) |
| 1988, c. 57 | An Act to ensure safety in guided land transport |
| | 1989-05-17 ss. 1-3, 19-22, 24-26, 28, 30-35, 37-43, 48, 69-88 |
| 1988, c. 61 | An Act to amend the Act respecting occupational health and safety |
| | 1989-03-22 ss. 1, 2 (ss. 62.2-62.21), 3-6 1989-10-01 s. 2 (s. 62.1) |
| 1988, c. 64 | Savings and Credit Unions Act |
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| 1988, c. 65 | An Act to amend the Jurors Act |
| | 1989-06-15 ss. 1-10 |
| 1988, c. 67 | An Act to amend the Transport Act |
| , | 1990-06-01 s. 7 |
| 1988, c. 69 | An Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters |
| | 1989-12-01 ss. 8, 10, 29, 43-45, 48, 54 |
| 1988, c. 74 | An Act respecting certain aspects of the status of municipal judges |
| , | 1989-05-17 s. 3 (s. 609) |
| 1988, c. 75 | An Act respecting police organization and amending the Police Act |
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| | 1990-06-27 s. 35 1990-08-31 ss. 14-19, 21-26, 236, 244-254 1990-09-01 ss. 36, 47-88, 108-134, 169-201, 205-210, 212-222, 224-235, 237-240, 242, 243, 255-271, Schedule I, Schedule II |

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| 1988, c. 84 | Education Act 1997-08-13 ss. 111, 112, 205, 207, 516-521, 523, 524, 526, 527, 530-535, 537-540 1998-01-01 ss. 262, 263, 402 |
| 1989, c. 1 | Election Act 1990-04-15 s. 1 (subpar. 4) |
| 1989, c. 22 | An Act to amend the Act respecting the National Assembly 1990-05-09 s. 1 |
| 1989, c. 25 | An Act to amend the Chartered Accountants Act 1990-04-15 s. 1 (par. 1) |
| 1989, c. 36 | An Act respecting school elections 1990-04-15 s. 12 (par. 4) |
| 1989, c. 38 | Supplemental Pension Plans Act 1990-09-01 ss. 89, 107-110, 244 (1 st par. (subpar. 7)), 264 (1 st par. (subpar. 3)) |
| 1989, c. 48 | An Act respecting market intermediaries 1991-05-01 ss. 1 (def. of "market intermediary in insurance business", "market intermediary in damage insurance" and "market intermediary in insurance of persons"), 2 (1st par.), 14 (1st par.) 1991-09-01 ss. 1 (definitions not in force), 2 (2st par.), 3-13, 14 (2st, 3st, 4st, par.), 15-25, 27, 28, 29 (except second sentence of 1st par.), 31-38, 40-48, 161-183, 205-209, 213, 214, 222-253, 257, 258 |
| 1989, c. 51 | An Act to amend the Charter of human rights and freedoms concerning the commission and establishing the Tribunal des droits de la personne 1990-06-27 ss. 14, 15 1990-09-01 ss. 16 (ss. 100-102), 22 1990-12-10 ss. 1-13, 16 (ss. 103-133), 17-21 |
| 1989, c. 52 | An Act respecting municipal courts 1991-04-01 ss. 1-66, 68-205, 207-218, Schedule I (par. 1-59, 62-130) |
| 1989, c. 54 | An Act respecting the Public Curator and amending the Civil Code 1990-04-15 ss. 1-154, 156-207 |
| 1989, c. 57 | An Act to amend the Bailiffs Act 1990-02-14 ss. 23, 36, 37 |
| 1989, c. 66 | An Act to amend the Act respecting electrical installations 1990-08-02 s. 12 |
| 1990, c. 4 | An Act to amend various legislative provisions respecting the implementation of the Code of Penal Procedure 1993-11-01 ss. 744, 745, 1127 |
| 1990, c. 38 | An Act to amend the Act respecting the Ministère des Transports 1991-04-01 |
| 1990, c. 41 | An Act respecting the Conseil métropolitain de transport en commun and amending various legislation 1994-07-20 ss. 72, 82, 86-97, 99 |

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| 1990, c. 54 | An Act to amend the Act respecting the Barreau du Québec 1991-09-30 ss. 2, 78, 81 1994-01-06 s. 43 |
| 1990, c. 71 | An Act to repeal the Act respecting the Agence québécoise de valorisation industrielle de la recherche 1991-04-01 |
| 1990, c. 75 | An Act to amend the Pharmacy Act 1998-07-01 ss. 1-10 |
| 1990, c. 77 | An Act to amend the Securities Act 1991-03-15 ss. 1, 2, 5-10, 12-28, 31-58 1991-08-01 ss. 4, 29 1992-04-15 s. 30 |
| 1990, c. 78 | An Act to amend the Education Act and the Act respecting private education 1997-08-13 s. 18 |
| 1990, c. 80 | An Act to amend the Agricultural Products, Marine Products and Food Act $1992-01-01$ s. 5 (par. 2, subpar. m and n) |
| 1990, c. 81 | An Act to amend the Act respecting the Société québécoise d'initiatives agro- alimentaires 1991-03-15 |
| 1990, c. 82 | An Act to amend the Act respecting transportation by taxi 1991-05-01 ss. 2 (par. 2), 6, 7, 12 (par. 4), 13 |
| 1990, c. 83 | An Act to amend the Highway Safety Code 1991-11-13 ss. 209, 213 1991-11-14 ss. 3-6, 8-11, 13, 14, 18, 19, 24, 26-29, 31-34, 36, 37 (par. 2), 44-47, 51 (par. 1), 52, 53 (par. 1, 3), 54, 56, 60, 61, 69, 70, 75-79, 81-85, 87-91, 93, 95, 214 (par. 1), 216 (s. 553 (1" par.)), 217 (par. 1), 220 (par. 1), 226 (par. 1- 11), 227 (par. 1, 2, 4, 6, 9), 227 (par. 3 concerning par. 6 and 6.4 of s. 619), 228, 231, 242 (par. 1), 244-250, 261, 262 |
| 1990, c. 86 | An Act to amend the Act respecting insurance |
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| 1990, c. 88 | An Act to again amend the Financial Administration Act $1991-04-24$ s. 1 |
| 1991, c. 15 | An Act to amend the Fuel Tax Act 1992-04-01 ss. 1 (except par. 3, 4 and 6-10, to the extent that they were put into force by O.C. 1205-91), 2-7, 8 (par. 3), 9, 10 (except ss. 23, 23.1, 25, 28, 30 and 31.1-31.5 of R.S.Q., c. T-1 that it enacts, to the extent that they were put into force by O.C. 1205-91), 11-19, 20 (except s. 43.2 of R.S.Q., c. T-1 that it enacts), 21-34 |
| 1991, c. 20 | An Act to repeal the Stamp Act 1992-05-01 |

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| 1991, c. 23 | An Act to amend the Mining Act 1995-03-09 ss. 4, 6, 7, 9, 10 |
| 1991, c. 24 | An Act to amend the Consumer Protection Act 1992-05-15 ss. 14, 15, 18 1992-06-30 ss. 1-13, 16, 17, 19 |
| 1991, c. 28 | An Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances $1992\text{-}10\text{-}01$ |
| 1991, c. 37 | Real Estate Brokerage Act 1993-05-17 ss. 178-181 1993-12-15 s. 184 1994-01-15 ss. 1-63, 67, 70-73, 81-87, 93, 97-100, 107-141, 156, 157, 163, 164, 167-175, 182, 183, 185 1994-08-01 s. 79 |
| 1991, c. 42 | An Act respecting health services and social services and amending various legislation 1992-06-17 ss. 478 (assistance to victims of violence), 479, 480, 481, 482, 484 s. 148 (2nd, 3nd, 4th par.) 1992-08-01 ss. 571, 572, 583 ss. 553, 560, 569, 574 (par. 1), 577 (par. 1), 581 (par. 1, 2, 3), 592 ss. 1-108, 110-118, 148 (1th par.), 160-164, 166-172, 173 (par. 2-5), 174-192, 194-213, 214 (except subpar. d of subpar. 7 of 1th par.), 215-258, 260-338, 340, 343-359, 367, 368, 369 (except subpar. 3 of 1th par.), 370-396, 405 (1th par., 2nd par. (par. 1, 2, 4)), 406-413, 415-417, 419 (par. 3, 4), 431-477, 478 (with exceptions), 485-504, 508-520, 531-555, 558 (par. 1), 578, 594, 620 ss. 259 (1th sentence), 568 ss. 259 (1th sentence), 568 ss. 109, 214 (subpar. d of subpar. 7 of 1th par.), 360 (1th par.), 361-366, 369 (1th par.) (subpar. 3)), 565, 566, 581 (par. 5, 6), 582, 584 |
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| 1991, c. 49 | An Act to amend the Tourist Establishments Act 1993-11-10 ss. 1, 4 (par. 2), 10 (par. 1, 6), 12, 13 |
| 1991, c. 51 | An Act to amend the Act respecting liquor permits and the Act respecting the Société des alcools du Québec 1992-05-20 s. 20 1992-08-27 ss. 1, 3, 5 (par. 3), 8, 9, 11, 13 (par. 3), 16, 19, 22 (par. 2, 3), 23, 26 (par. 1, 2), 29, 35 |
| 1991, c. 53 | An Act to repeal the Act to ensure continuity of electrical service by Hydro-Québec 1992-04-15 |
| 1991, c. 58 | An Act to amend the Automobile Insurance Act and the Act to amend the Automobile Insurance Act and other legislation $1993\text{-}07\text{-}01 \text{s. } 14$ |
| 1991, c. 59 | An Act to amend the Transport Act 1993-05-31 s. 4 |

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| 1991, c. 62 | An Act to amend the Act respecting the Société d'habitation du Québec and othe legislation |
| | 1993-07-07 ss. 3, 6, 7 |
| 1991, c. 64 | Civil Code of Quebec |
| | 1994-01-01 ss. 1-3168 |
| 1991, c. 72 | An Act to amend the Act respecting the Ministère des Approvisionnements et Serv ces and other legislation |
| | 1992-04-01 ss. 4 (par. 2 to the extent that it concerns the mail and messenger service fund) (par. 3 relating to the supplies and services fund to the extent that it concerns the mail and messenger service fund) (par. 3 relating to the supplies and services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent that it concerns the mail and messenger services fund to the extent t |
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| 1991, c. 73 | An Act to amend the Financial Administration Act and other legislation |
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| 1991, c. 74 | An Act to amend the Building Act and other legislation |
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| | and owner-builders), 70 (par. 2) (in any respect other than the qualification of contractors and owner-builders) |
| | 1997-01-15 ss. 72 (par. 2), 73 (par. 2) |
| 1991, c. 80 | An Act to amend the Environment Quality Act |
| | 1993-06-09 ss. 1 (par. 4), 6 (s. 70.19) 1997-12-01 ss. 1 (par. 1, 2, 3), 2-5, 6 (with respect to ss. 70.1-70.18 of R.S.G chapter Q-2), 7-16 |
| 1991, c. 82 | An Act to amend the charter of the city of Montréal |
| | 1993-01-11 ss. 6, 11-26, 29-32 |
| 1991, c. 84 | An Act to amend the Charter of the city of Québec |
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| 1991, c. 85 | An Act to amend the charter of the city of Longueuil |
| | 1993-05-31 ss. 1-3 |
| 1991, c. 87 | An Act respecting the city of Saint-Hubert |
| | 1993-05-01 s. 48 |
| 1991, c. 106 | An Act respecting Aéroports de Montréal |
| | 1992-08-29 |
| 1992, c. 21 | An Act to amend various legislative provisions concerning the application of the A respecting health services and social services and amending various legislation |
| | 1993-04-28 s. 68 (s. 619.27 (2 nd par.); date of application) 1993-04-28 ss. 78, 82, 300 (par. 3, 4), 301-310, 311 (par. 2), 312-319, 320 (par. 1), 32 |
| | 323-326, 327 (par. 2), 329 (par. 1), 331, 332 1993-05-01 s. 68 (s. 619.13 (1st par.)) 1993-07-01 ss. 268-273 1993-09-01 s. 113 |
| 1992, c. 24 | An Act to amend various legislative provisions concerning regional affairs |
| | 1993-04-01 s. 7 (Note: Section 6 repealing the Act respecting the Office de planific tion et de développement du Québec (R.S.Q., c. O-3) comes into force of 1 April 1993, by virtue of the same Order in Council) |

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| 1992, c. 32 | An Act respecting the Société de financement agricole and amending other legislative provisions |
| | 1993-06-17 ss. 1-52 |
| 1992, c. 44 | An Act respecting the Société québécoise de développement de la main-d'oeuvre |
| | 1993-03-24 ss. 21, 23, 30, 39, 77, 78 (1" par.), 84-91, 94 1993-04-01 ss. 16-20, 22, 24-29, 31-38, 40-46, 55-66, 70, 71 (par. 1), 72, 73 (par. 1), 75, 76, 78 (2" par.), 79, 80, 82, 83, 92, 93 |
| 1992, c. 50 | An Act to amend the Financial Administration Act and the Act respecting the Ministère des Approvisionnements et Services |
| | 1993-08-18 ss. 1-3 |
| 1992, c. 56 | An Act to amend the Environment Quality Act |
| | 1993-02-15 ss. 14, 16, 18 1993-02-15 replaced by: s. 14 |
| 1992, c. 57 | An Act respecting the implementation of the reform of the Civil Code |
| | 1994-01-01 ss. 1-716, 719 |
| 1992, c. 61 | An Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions |
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| 1992, c. 63 | An Act to amend the Code of Civil Procedure with respect to the recovery of small claims |
| | 1993-11-01 ss. 1-20 |
| 1992, c. 64 | An Act respecting the Conseil des aînés 1993-10-27 ss. 1-24 |
| 1992, c. 66 | An Act respecting the Conseil des arts et des lettres du Québec 1993-07-07 ss. 1-50 |
| 1993, c. 1 | An Act to amend the Code of Civil Procedure regarding family mediation 1997-05-01 s. 4 (to the extent that that section enacts the first sentence of a.827.2 of the Code of Civil Procedure) |
| 1993, c. 3 | An Act to amend the Act respecting land use planning and development and other legislative provisions 1997-04-16 $$ s. 31 (par. 3) |
| 1993, c. 12 | An Act to amend the Act respecting transportation by taxi 1996-01-01 ss. 2, 4, 24 (ss. 90.6, 91.1), 27 |
| 1993, c. 34 | An Act respecting the Société du Centre des congrès de Québec 1994-05-30 s. 32 |

| 1993, c. 45 | An Act to amend the Supplemental Pension Plans Act |
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| 1993, c. 49 | An Act to amend the Act respecting the Société québécoise d'initiatives agro- alimentaires |
| | 1994-01-01 ss. 1-5, 7-12 1994-04-27 s. 6 |
| 1993, c. 55 | An Act to amend the Forest Act and to repeal various legislative provisions |
| | 1994-05-04 s. 30 (par. 1) 1994-09-07 ss. 27, 30 (par. 2) |
| 1993, c. 58 | An Act to amend the Act respecting health services and social services |
| | 1995-04-01 s. 1 (ss. 530.40, 530.41) s. 1 (ss. 530.1-530.10, 530.16, 530.18, 530.20-530.24, 530.27-530.29, 530.31-530.39, 530.42) |
| 1993, c. 61 | An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions |
| | 1994-01-01 ss. 11 (par. 1), 89, 90 1994-07-01 ss. 1 (par. 3, 5, 7), 19, 21-33, 35, 40, 43-47, 57 (par. 1, 2) 1995-01-01 ss. 1 (par. 4, 6, 8, 9), 4 (par. 1, 2, 4), 6, 11 (par. 3), 13-18, 20, 34, 36-39, 41 42, 51, 52, 53 (par. 1) [except for the amendment concerning the second |
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| 1993, c. 70 | An Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration |
| | 1994-10-31 ss. 2, 3 (par. 2), 4, 6, 10, 11 (par. 4, 10) 1996-10-01 ss. 11 (par. 1), 12 |
| 1993, c. 71 | An Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision |
| | 1994-02-03 provisions concerning the activities under the supervision of the Régie provisions respecting the renewal of amusement machine licences or registrations and the revocation of such licences or registrations |
| 1993, c. 72 | An Act to amend the Code of Civil Procedure and various legislative provisions |
| | 1995-05-11 ss. 17, 18, 19 |
| 1993, c. 77 | An Act to amend the Pesticides Act |
| | 1997-04-23 ss. 1-8, 10 (in respect of the repeal of s. 108 of R.S.Q., chapter P-9.3), 12, 13 |
| 1994, c. 23 | An Act to amend the Act respecting health services and social services and other legislative provisions |
| | 1995-05-01 ss. 4, 6, 8-15, 17-21, 23 |
| 1994, c. 24 | An Act to amend the Supplemental Pension Plans Act |
| , | 1995-08-17 s. 7 1995-12-31 ss. 13, 14 |
| 1994, c. 28 | An Act to amend the Code of Civil Procedure |
| -, | 1995-10-01 ss. 1-26, 28-42 |
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| 1994, с. 35 | An Act to amend the Youth Protection Act |

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| 1994, c. 37 | An Act respec | ting acupuncture |
| | | ss. 46-50 ss. 2, 5, 8-20, 22-25, 28-33, 36-45 |
| 1994, c. 40 | An Act to ame | nd the Professional Code and other Acts respecting the professions |
| | | s. 406 (the provisions of s. 406 having the effect of repealing ss. 107 to 112 of the Notarial Act (R.S.Q., c. N-2), those having the effect of repealing the provisions of par. c , d and e of s. 113 of that Act and those having the effect of repealing ss. 114 and 118 of that Act) |
| | | ss. 238, 244 (the provisions of s. 238 having the effect of repealing the provisions of subparagraph d of the first paragraph of s. 43 of the Act respecting the Barreau du Québec (R.S.Q., c. B-1) and the provisions of s. 244 having the effect of repealing the provisions of subparagraphs b , c and d of the first paragraph of s. 50 of that Act and those repealing ss. 51 and 54 of that Act) |
| 1994, c. 41 | An Act to ame | nd the Environment Quality Act and other legislative provisions |
| | 1996-06-01 | s. 21 |
| 1995, c. 18 | An Act to facil | litate the payment of support |
| | | ss. 81 and 96 (where the collector of support is charged with compulsory |
| | | execution of a judgment awarding support), 97, 98, 99 (1" par. (subpar. 1)) ss. 80, 85, 87, 88, 100 |
| 1995, c. 23 | An Act to esta other legislativ | ablish the permanent list of electors and amending the Election Act and we provisions |
| | | ss. 12 (where it enacts sections 40.2, 40.3 and 40.4 except, in the 3^{nd} line of the 1^{nd} par., the words "by electors and on the basis of the information transmitted" and except, in the 2^{nd} and 3^{nd} lines of the 2^{nd} par., the words "or by the person responsible for a municipal poll", 40.7-40.9, 40.11, 40.12, 40.39-40.42), 91 |
| | | ss. 12 (where it enacts sections 40.1, 40.4 (in the 3 rd line of the 1 st par., the words "by electors and on the basis of the information transmitted"), 40.5, 40.6), 51, and the amendment appearing in the schedule opposite s. 570 ss. 12 (where it enacts sections 40.4 (in the 2 rd and 3 rd lines of the |
| | | 2 nd par., the words" or by the person responsible for a municipal poll"), 40.10), 57-76, 84-90 ss. 77, 78, 79 (where it enacts s. 39), 80-83 |
| 1995, c. 38 | An Act to ame | and the Consumer Protection Act |
| | | ss. 3 (par. 1), 9 (the second sentence of s. 302 of the Consumer Protection Act (R.S.Q., chapter P-40.1) enacted by s. 9) |
| 1995, c. 51 | An Act to ame | and the Code of Penal Procedure and other legislative provisions |
| | 1996-07-15 | ss. 1, 3, 5, 7-9, 12, 13 (par. 2, 3, 4, 5), 15, 16, 19, 20, 22, 27, 31, 33-45, 47-49 ss. 4, 17, 23, 24 ss. 6 (s. 62.1 (1* par.) of the Code of Penal Procedure), 18, 21, 32 |
| | | |
| 1995, c. 55 | Insurance Act | end the Act respecting the Québec Pension Plan and the Automobile ss. 1-9 |
| 1005 - 61 | | |
| 1995, c. 61 | | nd the Act respecting the Régie du logement and the Civil Code of Québec ss. $1,2$ |
| 1995, c. 67 | | and the Cooperatives Act and other legislative provisions ss. 1-149, 151-201 |

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| 1995, c. 69 | An Act to amend the Act respecting income security and other legislative provisions | |
| | 1996-03-01 ss. 10, 14, 21, 26 1996-04-01 ss. 3-7, 9, 17, 23, 25 1996-04-01 ss. 1 (par. 2), 20 (par. 2, 6), 24 1996-07-18 ss. 11, 20 (par. 4 and 7 [but solely in respect of s. 91 (subpar. 24.1 of 1st par.) of the Act respecting income security]) 1996-07-18 ss. 20 (par. 7 [in respect of s. 91 (subpar. 23 and 24 of 1st par.) of the Act respecting income security]) | |
| | 1996-08-01 ss. 1 (par. 1), 20 (par. 1) 1996-10-01 ss. 18, 20 (par. 4 [but solely in respect of s. 91 (subpar. 24.2 of 1st par.) of the Act respecting income security] 1997-01-01 ss. 12, 13, 20 (par. 5, 8, 9) | |
| 1996, c. 6 | An Act respecting the implementation of international trade agreements $1996-07-10$ ss. $1-10$ | |
| 1996, c. 18 | An Act to amend the Act respecting the conservation and development of wildlife 1998-04-29 $$ s. 7 | |
| 1996, c. 20 | An Act respecting the Société de télédiffusion du Québec and amending the Act respecting educational programming and other legislative provisions 1996-12-18 ss. 1-41 | |
| 1996, c. 21 | An Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions 1996-09-04 ss. 1-74 | |
| 1996, c. 23 | An Act to amend the Legal Aid Act 1996-07-17 s. 59 1996-08-28 ss. 42, 43 1996-09-26 ss. 1-5, 6 (ss. 4, 4.1, 4.4-4.13), 7-41, 44-58, 60 1997-01-01 s. 6 (ss. 4.2, 4.3) | |
| 1996, c. 24 | An Act to amend the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec 1996-11-13 s. 8 | |
| 1996, c. 26 | An Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities 1997-06-20 ss. 1-89 | |
| 1006 - 00 | | |
| 1996, c. 32 | An Act respecting prescription drug insurance and amending various legislative provisions 1996-08-01* ss. 3 (except the words ", or by the insurers insuring transacting group insurance or the administrators of private-sector employee benefit plans,"), 5, 8 (1" par. except the words " in Québec"), 9, 11 (1", 3" par.) (4" par. except the words "or by an insurer or employee benefit plan, as the case may be"), 12, 13 (1" sentence which reads: "The maximum contribution for a reference period of one year shall not exceed \$750 per adult;"), 14, 15 (par. 1 except the words "who are not members of a group insurance contract or employee benefit plan that is applicable to a group of persons determined on the basis of current or former employment status, profession or any other habitual occupation and that includes basic plan coverage, and who are not beneficiaries under such a contract or plan;"), 15 (par. 2, 3), 22 (1" par.) (2" par. except the words " and, with respect to medications provided by an institution, according to the price established in that list"), 31 | |

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| 1996, c. 32 | An Act respe- | cting prescription drug insurance and amending various legislative provision | |
| | | (*The coming into force of the provisions of the sections referred to in the preceding paragraph have effect: — from 1996-08-01, in respect of the persons referred to in s. 15 (par. to 3) of 1996, c. 32; — on the date or dates determined by the Government, in respect of the | |
| | 1996-08-01 | other persons eligible for the basic prescription drug insurance plants. 1, 51-82, 87, 88, 89 (par. 1 (3 rd par. of s. 3 of the Health Insurance Ac except, in the introductory sentence, the words "and, where applicable the cost of medications provided as part of the services provided by a institution in accordance with the third paragraph of section 8 of the Ac respecting prescription drug insurance and amending various legislativ provisions", except, in subpar. a of 3 rd par. the words "and is not a membe of a group insurance contract or employee benefit plan that is applicable to a group of persons determined on the basis of current or forme employment status, profession or any other habitual occupation and the includes basic plan coverage, and is not a beneficiary under such a plantand except subpar. c of 3 rd par.)), 89 (par. 2 (4 th par. of s. 3 of the Healt Insurance Act except the words "and, where applicable, the cost of medications provided as part of the services provided by an institution if accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions" | |
| | 1996-09-01 | 89 (par. 3), 90, 92-94, 98-105, 109-116, 118 ss. 17, 19 (1" par.), 20, 21, 43 (2" par.) (*The provisions of 1996, c. 32 that came into force on 1996-08-01 an that have effect only in respect of the persons referred to in s. 15 (par. 3) have effect, from 1997-01-01, in respect of every person eligible for the | |
| | 1997-01-01 | basic prescription drug insurance plan.) ss. 3 (except the words ", or by the insurers insuring transacting grou insurance or the administrators of private-sector employee benefit plans," 5, 8 (1" par. except the words "in Québec"), 9, 11 (1", 3" par.) (4" pa except the words "or by an insurer or employee benefit plan, as the cas may be"), 12, 13 (1" sentence which reads: "The maximum contribution for a reference period of one year shall not exceed \$750 per adult;"), 1-15 (par. 1 except the words "who are not members of a group insurance contract or employee benefit plan that is applicable to a group of person determined on the basis of current or former employment status, profesion or any other habitual occupation and that includes basic plan coverage and who are not beneficiaries under such a contract or plan;"), 15 (par. 3), 22 (1" par.) (2 nd par. except the words "and, with respect to medication provided by an institution, according to the price established in that list" 31 | |
| | 1997-01-01 | ss. 2,3 (the words "or by the insurers transacting group insurance or the administrators of private sector employee benefit plans"), 4, 6, 7, 8 (1 par., the words "in Québec") (2 nd par., 3 nd par. except the words "or are other institution recognized for that purpose by the Minister that situated outside Québec in a region bordering on Québec"). 10, 11 (2 par.) (4 th par., the words ", or by an insurer or employee benefit plan, a the case may be"), 13 (2 nd sentence which reads "this amount includes are amounts paid by the adult as a deductible amount and coinsurance payment for a child of the adult or a person suffering from a functional impairment who is domiciled with the adult."), 15 (par. 1, the words "who are not members of a group insurance contract or employee benefit plan applicabe to a group of persons determined on the basis of current or formed employment status, profession or habitual occupation and that include basic plan coverage, and who are not beneficiaries under such a contract or plan"), 15 (par. 4), 16, 18, 19 (2 nd par.), 22 (2 nd par., the words "amount respect to medications provided by an institution, according to the price established in that list"), 23-30, 32-37, 38 (except, in subpar. 2 of 1 par., the words "otherwise binding the policy-holder" and except, subpar. 3 of 1" par., the words "administered by or on behalf of the policy holder"), 39 (except, in subpar. 2 of 1" par., the words "otherwise binding the plan administrator") and except, in subpar. 3 of 1" par., the words "otherwise binding the plan administrator") and except, in subpar. 3 of 1" par., the words "otherwise binding the plan administrator") and except, in subpar. 3 of 1" par., the words "otherwise binding the plan administrator") and except, in subpar. 3 of 1" par., the words "otherwise binding the plan administrator") and except, in subpar. 3 of 1" par., the words "otherwise binding the plan administrator") and except, in subpar. 3 of 1" par., the words "otherwise binding the plan administrator") | |

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| 1996, c. 32 | An Act respec | ting prescription drug insurance and amending various legislative provisions | |
| | | "binding the plan administrator"), 41, 42, 43 (1st par.), 44, 45 (except, in the first sentence, the words "or the plan member" and except the second sentence, which reads "Any notice of non-renewal or of a change in the premium or assessment from the insurer must be sent to the last known address of the plan member not later than 30 days preceding the date of expiry."), 46-50, 83-86, 89 (par. 1, introductory sentence of 3th par. of s. 3 of the Health Insurance Act, the words "and, where applicable, the cost of medications provided as part of the services provided by an institution in accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions"), 89 (par. 1, subpar. a of a par. of s. 3 of the Health Insurance Act, the words "and is not a member of a group insurance contract or employee benefit plan applicable to a group of persons determined on the basis of current or former employment status, profession, or habitual occupation and that includes basic plan coverage, and is not a beneficiary under such a plan"), 89 (par. 1, subpar. a of a par. of s. 3 of the Health Insurance Act, the words "and, where applicable, the cost of medications provided as part of the services provided by an institution in accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions"), 91 (except a par. of s. 10 of the Health Insurance Act, introduced by par. 2), 95 (s. 22.1.0.1 of the Health Insurance Act, except, in a par., the words "or institution"), 96, 97, 106-108, 117 | |
| 1996, c. 51 | of agricultura | eting reserved designations and amending the Act respecting the marketing l, food and fish products | |
| | 1997-10-15 | ss. 1-27 | |
| 1996, c. 54 | | cting administrative justice | |
| | 1997-09-24 1997-09-24 1998-04-01 | ss. 16, 17, 61, 63, 64, 68, 69, 70, 79, 80, 86 (1 st par.), 98, 199 s. 14 (1 st par.) [for the sole purposes of the preceding sections] ss. 1-13, 14 (in all other respects), 15, 18-60, 62, 65-67, 71-78, 81-85, 86 (2 nd par.), 87-92, 99-164, 177, 178, 182-198, schedules | |
| 1996, c. 56 | An Act to ame | et to amend the Highway Safety Code and other legislative provisions | |
| | 1997-12-01 1998-12-24 | ss. 46, 51, 156 ss. 103, 104 (par. 1), 106, 107 | |
| 1996, c. 60 | An Act respec | cting off-highway vehicles | |
| | 1997-10-02 | ss. 1-10, 11 (1st, 2nd par. (subpar. 1, 2, 4, 5, 6), 3nt par.), 12-17, 18 (1st, | |
| | 1998-02-02 | 3 rd par.), 19-26, 28-82, 84-87 ss. 11 (par. 3), 27 | |
| 1996, c. 61 | An Act respec | cting the Régie de l'énergie | |
| | 1997-02-05 | ss. 8, 165 s. 134 (with the exception of s. 16 (1st par.) of R.S.Q., chapter S-41) ss. 6, 7, 9, 10, 12, 60-62, 122, 135, 148, 171 ss. 4, 13-15, 19-22 ss. 2, 3, 5, 11, 16, 17, 18 (1st par.), 23, 26-30, 31 (2st par.), 33, 34, 37-41, 63-71, 77-79, 81-85, 104-109, 113, 115, 128, 129, 132, 142-144, 146, 157-159, 161, 162, 166, 170; and, as they apply to natural gas, ss. 1, 25, 31 (1st par., subpar. 1, 2, 4, 5), 32, 35, 36, 42-54, 73-75, 80, 86- | |
| | 1997-10-15 | 103, 110-112, 114 (par. 1-6), 116, 117, 147 ss. 24, 127, 130, 131, 149-156, 168, and, as they do not apply to natural gas, ss. 1, 25 (1st par. (subpar. 3), 2md par.), 35, 36, 42-47, 75, 87-89, 110-112, 116 (2md par., subpar. 4), 117 | |

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| 1996, c. 61 | An Act respecting the Régie de l'énergie – <i>Cont'd</i> |
| | 1997-11-01 ss. 137, 138, 140, 141, and, as they apply to petroleum products, |
| | ss. 55-58, 116 1998-01-01 as they do not apply to natural gas, |
| | ss. 102, 103 ss. 18 (2 nd par.), 59, 118, 139 (s. 45.1, par. <i>d</i> of subpar. 1 of 3 nd par. R.S.Q., chapter U-1.1), 160, 167 (1 nd par.), 169, and, as they do not app to natural gas, |
| | ss. 25 (1ª par., subpar. 2), 31 (1ª par., subpar. 4), 86, 90-101, 147 1998-03-18 ss. 31 (1ª par. (subpar. 2, 5)), 32 (par. 3), 114 (par. 4) [as they do n apply to natural gas] |
| | 1998-05-02 ss. 121, 123, 125, 133, 1 st par. of s. 16 of R.S.Q., chapter S-41, as enact by s. 134, 136, 145, 164 and, as they do not apply to natural gas, subpar of 1 st par. of s. 25, subpar. 1 of 1 st par. of s. 31, par. 1 and 4 of s. 32, 48-5 53, 54 and, as it does not apply to natural gas and petroleum produc subpar. 1 of 2 st par. of s. 116 |
| | 1998-08-11 s. 114 (par. 7) and, as it does not apply to natural gas, s. 114 (par. 6) |
| | 1998-11-01 ss. 31 (1st par. (subpar. 3)), 72, 76, 119, 120, 124 and, as they apply |
| | steam, ss. 55-58 and, as they do not apply to natural gas, ss. 32 (par. 2), 73, 74, 80, 114 (par. 1-3, 5) and, as they do not apply natural gas and petroleum products, s. 116 (1st par., 2nd par. (subpar. 2)) |
| 1996, c. 68 | An Act to amend the Civil Code of Québec and the Code of Civil Procedure as regards t determination of child support payments |
| | 1997-05-01 ss. 1-4 |
| 1996, c. 69 | An Act to amend the Savings and Credit Unions Act |
| | 1997-02-15* ss. 1-3, 7-13, 14 (par. 1), 15, 16 (par. 1), 17 (par. 1, 3), 18, 19, 20 (par. 21-165, 167-182, 184 |
| | (*Subject to the following provisions which come into force 1997-02-1 |
| | Provisions relating to the structure of credit unions and federations |
| | The new provisions relating to the structure of credit unions a federations whose fiscal period ended before 1 February 1997, a that therefore have eight months in which to hold their annual meeting apply thereto from the time at which their respective annual meeting is held. Pending the annual meeting, such credit unions and federations meeting to a permanent shares following the allocation of the annual surplus earnings. In such case, the new provisions relating to structual apply thereto only from the time at which the annual meeting is he Credit unions and federations that do not take advantage of the extended time period may postpone until a later special meeting, he before 1 October 1997, the election of the members of their board directors and board of audit and ethics, in which case the new provisic relating to structure will apply thereto only from the time at which that meeting is held. In the case of credit unions and federations whose fiscal period en between 1 February 1997 and 31 May 1997 and that must therefe hold their annual meeting before 1 October 1997, the same provisic will apply from the time at which their respective annual meeting a held. In the case of credit unions and federations whose fiscal period en between 1 June 1997 and 31 August 1997 and that therefore are replicated to held their annual meeting proving the form 1 October 1997, the case of the period and all August 1997 and that therefore are replicated to held their annual meeting proving the form 1 October 1997, the case of the period and period the period to the period of the period are period and all August 1997 and that therefore are replicated to held their annual meeting proving the form 1 October 1997, the case of the period and period the period to the period of the period to the period of the period of |
| | obliged to hold their annual meeting before 1 October 1997, the sar provisions will apply, from the latter date, except where such cre unions or federations hold a special meeting before that time, in whi case those same provisions apply thereto from the time at which the meeting is held. |

| Reference | SUBJECT | | |
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| 1996, c. 69 | An Act to amend the Savings and Credit Unions Act – Cont'd | | |
| | 4. Notwithstanding the foregoing, where, on 15 February 1997, cre unions are involved in a process of amalgamation, the new provision relating to structure will apply thereto from the time at which the amalgamation becomes effective, if the amalgamation agreement complies with those provisions. Where the agreement does not comply, the amalgamating credit union have until 30 September 1997 to remedy the situation at a single special meeting of all the members of the credit unions that are becamalgamated. | | |
| | Provisions relating to administration | | |
| | Decisions rendered by credit committees before they were abolish may be reviewed by any employee who is appointed for that purports and whose position allows him to grant credit. Representatives of legal persons who are members of a credit unit and have been acting as directors or members of the board supervision shall continue to act in that capacity until the end of the term of office. The provisions of section 54 of the Act to amend the Savings at Credit Unions Act apply immediately to officers who, on 15 Februa 1997, are under suspension from duty. Credit unions, federations and confederations have 18 months for the coming into force of paragraph 4 of section 36 of that Act provide liability insurance for directors and officers. The reports on activities that would have been submitted by the credit and whose provided in the committee of the co | | |
| 1996, c. 70 | committees and ethics committees, had they not been abolished, she drafted by the boards of audit and ethics.) An Act to amend the Act respecting industrial accidents and occupational diseases a | | |
| 1000, 0. 10 | the Act respecting occupational health and safety | | |
| | ss. 9 (insofar as it enacts s. 284.2 of the Act respecting industrial ac dents and occupational diseases (R.S.Q., chapter A-3.001)), 39 (inso as it enacts the second paragraph of s. 357.1 of the Act respect industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) 40, 44 (par. 2, insofar as it enacts subpar. 4.2 of the first paragraph o 454 of the Act respecting industrial accidents and occupational disease (R.S.Q., chapter A-3.001)) ss. 8, 10-18, 19 (par. 2), 20 (par. 1), 24, 25, 28, 30, 34 (par. 1), 38, (par. 2, insofar as it enacts subpar. 4.3 of the first paragraph of s. 454 | | |
| | the Act respecting industrial accidents and occupational diseases (R.S. chapter A-3.001)), 44 (par. 3-5) 1999-01-01 ss. 4, 19 (par. 1), 20 (par. 2), 22, 23, 26, 27, 29, 31, 32, 33, 39 (insofar a enacts the first paragraph of s. 357.1 of the Act respecting industriaccidents and occupational diseases (R.S.Q., chapter A-3.001)), 41-43, (par. 6-11, 13) | | |
| 1996, c. 74 | An Act to amend various legislative provisions relating to the construction industry | | |
| | 1997-01-15 ss. 2, 10 (par. 4), 15-27 1997-01-15 ss. 7, 8 | | |
| 1996, c. 78 | An Act to amend the Act respecting income security | | |
| | 1997-04-01 ss. 2-5, 6 (par. 2, 3, 4) 1997-10-01 ss. 1, 6 (par. 1) | | |
| 1996, c. 79 | An Act to amend the Act respecting financial assistance for students and the Gene and Vocational Colleges Act | | |
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| Reference | SUBJECT | | |
|-------------|--|--|--|
| 1997, c. 8 | An Act to amend the Election Act and other legislative provisions as regards the permanent list of electors | | |
| | ss. 10 (par. 4), 11 (par. 1, the words "and a list of the addresses for which no electors' names are entered"), 13 (where it enacts s. 198.1 of the Election Act (R.S.Q., chapter E-3.3)) | | |
| 1997, c. 16 | An Act respecting the Saguenay — St. Lawrence Marine Park | | |
| | 1998-06-12 ss. 1-26 | | |
| 1997, c. 20 | An Act to amend the Act to foster the development of manpower training and other legislative provisions | | |
| | 1998-04-01 s. 8 (s. 23.1 of R.S.Q., chapter D-7.1) 1998-02-04 ss. 13, 15 1998-04-01 s. 16 | | |
| 1997, c. 23 | An Act to amend the Act respecting the Conseil consultatif du travail et de la main-d'oeuvre | | |
| | 1997-11-26 ss. 1, 2 | | |
| 1997, c. 24 | An Act to amend the Charter of the French language | | |
| | 1997-09-01 ss. 1, 2, 7-21, 23-26 1998-01-01 ss. 3-6, 22 | | |
| 1997, c. 27 | An Act to establish the Commission des lésions professionnelles and amending various legislative provisions | | |
| | 1997-10-29 ss. 24 (enacting ss. 429.1, 429.5 (1" par.), 429.12 of R.S.Q., chapter A-3.001), 30 (enacting s. 590 of R.S.Q., chapter A-3.001) [for the sole purpose of declaring the Minister of Labour responsible for the provisions of the latter Act concerning the Commission des lésions professionnelles], 62 ss. 1-23, 24 (ss. 367-429, 429.2-429.4, 429.5 (2" par.), 429.6-429.11, 429.13-429.59), 25-29, 31-61, 63-68 | | |
| 1997, c. 29 | An Act respecting the Centre de recherche industrielle du Québec | | |
| | 1997-06-30 ss. 1-42 | | |
| 1997, c. 39 | An Act respecting certain flat glass setting or installation work 1997-07-09 ss. 1-3 | | |
| 1997, c. 43 | An Act respecting the implementation of the Act respecting administrative justice | | |
| 2001, 0. 13 | 1997-09-24 ss. 845 (2 nd par.), 848-850 (as regards persons governed by s. 853), 853 | | |
| | (except the words "Until 1 December 1997") 1997-09-24 s. 14 (1st par.) [for the sole purposes of the preceding sections] 1997-10-29 s. 866 (s. 58.1 of the Act to establish the Commission des lésions profes- | | |
| | sionnelles and amending various legislative provisions (1997, chapter 27)) ss. 1-10, 14-105, 111 (par. 1), 121 (par. 1), 124-184, 186-211, 216-337, 340-360, 362, 364-404, 410-565, 567 (par. 3), 568, 576 (par. 1), 577 (par. 1, 3, 4), 578-759, 761-824, 826-832, 833 (except the provisions of the second paragraph respecting proceedings already before the Commission municipale du Québec, in matters of real estate or business tax exemptions), 835-844, 845 (1" par.), 846, 847, 848-850 (as regards the persons governed by s. 841), 851, 852, 855-864 ss. 11, 12, 13, 865, 867, 876 (par. 4) | | |
| 1997, c. 44 | An Act respecting the Commission de développement de la métropole | | |
| , | 1997-06-20 s. 103 | | |
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| Reference | SUBJECT |
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| 1997, c. 47 | An Act to amend the Education Act, the Act respecting school elections and other legislative provisions |
| | 1997-08-13 ss. 2, 3, 16, 17, 25, 29-50, 52, 54-59, 61-63, 67-71 ss. 1, 4-15, 18-24, 26, 27, 28 (subject to s. 68), 51, 53, 60, 64-66 |
| 1997, c. 49 | An Act to amend the Act respecting the Société de l'assurance automobile du Québec and other legislative provisions 1998-07-02 ss. 4-7, 9 |
| 1997, c. 50 | An Act to amend various legislative provisions of the pension plans in the public and parapublic sectors 1997-03-22 ss. 52, 53 (effective date) |
| 1997, c. 53 | |
| 1997, C. 55 | An Act to amend various legislative provisions concerning municipal affairs 1998-07-01 ss. 7 (par. 3), 18 (par. 3), 24 (par. 2), 29 (par. 2), 33 (par. 2), 36 (par. 3), 42 (par. 2), 47 (par. 2), 52 (par. 4) |
| 1997, c. 54 | An Act to amend the Act respecting lotteries, publicity contests and amusement machines $1997-09-24$ ss. $1-9$ |
| 1997, c. 55 | An Act respecting the Agence de l'efficacité énergétique |
| | 1997-10-22 ss. 1-11, 14, 15, 35 1997-12-03 ss. 12, 13, 16-31, 34 |
| 1997, c. 58 | An Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care |
| | 1997-07-02 ss. 1-19, 21 (par. 4), 24 (par. 3), 25-41, 44, 52, 59 (par. 4), 68, 98, 106 (par. 1), 121, 133, 134, 135 (par. 3), 136 (par. 3), 142-155 |
| 1997, c. 63 | An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail |
| | 1997-09-10 ss. 16, 17 (1" par. (the part preceding subpar. 1, subpar. 8)), 21-29, 31, 32 ss. 37, 38 (the part preceding par. 1, par. 2, 5), 40-46 ss. 58-68, 107 (par. 4), 110, 119 (the part preceding par. 1, par. 2), 135, 145, 147 |
| | 1998-01-01 ss. 17 (1st par. (subpar. 1-7)), 18-20, 30, 33-36, 38 (par. 1, 3, 4, 6, 7), 39, |
| | 120-123, 136, 137 1998-04-01 ss. 17 (2 nd par.), 69-96, 97 (par. 2, 3), 98-105, 107 (par. 1, 2), 108, 111-118, 119 (par. 1), 125, 127, 129-134, 138 (par. 4), 140-143, 146 |
| 1997, c. 64 | An Act to amend the Act respecting the use of petroleum products and other legislative provisions |
| | 1999-02-24 ss. 1, 2 (enact. ss. 5, 7, 8 (2 nd par.), 14 (2 nd par.), 22 (subpar. 3), 23, 25 (subpar. 2, 5), 27 (3 nd par.), 37, 39, 41, 50, 51, 54, 59), 14 (enact. ss. 96, |
| | 97, 114, 115, 116), 15, 17, 18, 25 (3rd par.) ss. 2 (enact. ss. 1-4, 6, 8 (1r par.), 9-13, 14 (1r par.), 15-21, 22 (subpar. 2 of 1r par., 2rd par.), 24, 25 (subpar. 1, 4 of 1r par., 2rd par.), 26, 27 (1r, 2rd, 4rd par.), 28-30, 32-38, 40, 42-49, 52, 53, 55-58, 60-66), 3-13, 14 (enact. ss. 98-113), 16, 19-24, 25 (1r, 2rd par.) |
| | 1999-07-01 s. 2 (enact. ss. 22 (subpar. 1), 25 (subpar. 3), 31) |
| 1997, c. 75 | An Act respecting the protection of persons whose mental state presents a danger to themselves or to others |
| | 1998-06-01 ss. 1-60 |
| 1997, c. 77 | An Act to amend the Public Health Protection Act 1998-02-15 ss. 3-7 |

| Reference | SUBJECT |
|-------------|---|
| 1997, c. 80 | An Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator 1998-12-16 ss. 36, 37 |
| | |
| 1997, c. 83 | An Act to abolish certain bodies |
| | 1998-03-18 ss. 25, 31, 32, 33, 38 (par. 1), 41, 42, 43, 44, 49 (par. 3), 50 (par. 3), 56 (par. 3) |
| 1997, c. 85 | An Act to again amend the Taxation Act, the Act respecting the Québec sales tax and other legislative provisions |
| | 1998-09-16 ss. 5-9, 395-399 |
| 1997, c. 87 | An Act to amend the General and Vocational Colleges Act and other legislative provisions |
| | 1998-03-11 ss. 1-5, 7-11, 14, 21, 23-28, 34, 35 1998-07-01 ss. 6, 12, 13, 16-19, 22, 29-33 1999-01-01 ss. 15, 20 |
| 1997, c. 90 | An Act to amend the Act respecting financial assistance for students |
| | 1998-04-01 ss. 1, 2, 3, 13, 14 1998-05-01 ss. 4, 5, 6, 7, 8, 9, 10, 11, 12 |
| 1997, c. 91 | An Act respecting the Ministère des Régions |
| | 1998-04-01 ss. 1-7, 16-66, 68 |
| 1997, c. 96 | An Act to amend the Education Act and various legislative provisions 1998-04-01 ss. 107, 109-111, 126 (par. 2), 131, 163, 178, 180-183, 187-191 |
| 1998, c. 15 | An Act to amend the Act respecting immigration to Québec and other legislative provisions |
| | 1998-09-07 ss. 8, 10 (par. 8) |
| 1998, c. 17 | An Act respecting Investissement-Québec and Garantie-Québec 1998-08-21 ss. 1-83 |
| 1998, c. 19 | An Act respecting Société Innovatech du Grand Montréal 1998-06-30 ss. 1-45 |
| 1998, c. 20 | An Act respecting Société Innovatech Régions ressources 1998-06-30 ss. 1-42 |
| 1998, c. 21 | An Act respecting Société Innovatech Québec et Chaudière-Appalaches 1998-06-30 ss. 1-45 |
| 1998, c. 22 | An Act respecting Société Innovatech du sud du Québec 1998-06-30 ss. 1-45 |
| 1998, c. 27 | An Act to amend the Act to promote the parole of inmates 1999-01-27 s. 13 |
| 1998, c. 30 | An Act to amend the Act respecting municipal courts and the Courts of Justice Act 1998-09-09 ss. 6, 7, 14, 16, 21 1998-10-15 ss. 4, 5, 8-13, 18, 19, 22-28, 30, 31, 36, 40-42, 44 |
| 1998, c. 33 | Tobacco Act 1998-10-01 ss. 67, 71 1998-11-01 ss. 32-40, 55-57 |

| Reference | | SUBJECT |
|-------------|---|--|
| 1998, c. 36 | | ng income support, employment assistance and social solidarity |
| 1998, c. 37 | 1998-08-26 ss | ng the distribution of financial products and services s. 158-184, 194, 229, 231, 244-248, 251-255, 256 (1st, 2md par.), 257, 284- 87, 288 (1st par.), 296 (2md par.), 297 (2md par.), 299, 302-311, 312 (1st par.), 23-326, 504-506, 510, 568, 572, 577, 579, 581 |
| | 2) (2 3) | s. 1-11, 13 (2nd par.), 58, 59, 61-65, 70, 72, 185, 189, 190, 193, 195, 196, 00-217, 223-228, 232, 233 (1st par.), 258-273, 274 (3nd par.), 279-283, 312 2nd par.), 313, 314, 315 (2nd par.), 316, 319, 321, 322, 327, 328, 331-333, 51, 352, 355-358, 364, 365, 366, 370, 408 (2nd par.), 411-414, 416, 423, 24, 426, 440, 443, 503, 543, 573 (2nd par.) |
| 1998, c. 38 | An Act to establ | lish the Grande bibliothèque du Québec |
| | 1998-08-05 ss | s. 1-3, 4 (1 st par. (subpar. 1, 3), 2 nd par.), 5-22, 24-33 |
| 1998, c. 40 | An Act respecti | ng owners and operators of heavy vehicles |
| | th 1 (1 1998-11-27 s. 1998-12-24 ss | s. 1-4, 6-14, 19, 20, 22-46, 48, 49, 51, 54, 55 (par. 1), 55 (par. 2, as regards the definition of "tool vehicle"), 58, 59, 62, 65, 66, 69, 71-76, 78, 79, 94, 17, 120-123, 125, 126, 128 (par. 1), 144 (par. 7, 8, 12), 146-148, 150 par. 1, 2), 154-162, 171, 172, 174-182, 144 (par. 9, 10) s. 130, 131, 132 s. 15 (1st, 3st par.), 16 (1st par.), 17, 18 |
| 1998, c. 41 | An Act respecti | ng Héma-Québec and the haemovigilance committee |
| | | s. 1, 2, 4-54, 56-75 s. 3, 55 |
| 1998, c. 42 | - | ng Institut national de santé publique du Québec s. 1-3, 4 (1 st par. (subpar. 5), 2 nd par.), 5-48 |
| 1998, c. 44 | • | ng the Institut de la statistique du Québec |
| | | s. 1, 14-19, 21-24, 63 |
| 1998, c. 46 | An Act to amend industry | d various legislative provisions relating to building and the construction |
| | 1 re | s. 1, 3, 25, 41, 42 (par. 1), 43-50, 58, 60-63, 68-70, 81, 82, 84-86, 88-100, 10-113, 120, 122 (par. 1) [which enacts s. 123 (par. 8.4) of the Act especting labour relations, vocational training and manpower management in the construction industry], 122 (par. 2), 125-135 |
| 1998, c. 47 | | ng certain facilities of Ville de Montréal s. 1-42 |

LIST OF LEGISLATIVE PROVISIONS NOT YET BROUGHT INTO FORCE BY PROCLAMATION OR ORDER TO 1 MARCH 1999

Provisions not in force on 1 March 1999 and rendered inapplicable or obsolete following the coming into force of other provisions are not included in this table.

| Reference | SUBJECT | | | | |
|-------------|---|--|--|--|--|
| 1969, c. 51 | Manpower Vocational Training and Qualification Act s. 62 | | | | |
| 1971, c. 48 | An Act respecting health services and social services s. 149 | | | | |
| 1972, c. 55 | Transport Act ss. 126, 151 (par. a), 155 (par. a) | | | | |
| 1977, c. 64 | An Act respecting municipal and intermunicipal transit corporations ss. 78-81 | | | | |
| 1977, c. 68 | Automobile Insurance Act s. 93 | | | | |
| 1978, c. 7 | An Act to secure the handicapped in the exercise of their rights s. 71 | | | | |
| 1978, c. 9 | Consumer Protection Act s. 6 (par. c, d) | | | | |
| 1979, c. 45 | An Act respecting labour standards ss. 5 (par. 4), 29 (par. 4, 6), 39 (par. 6, 7), 112, 136-138 | | | | |
| 1979, c. 63 | An Act respecting occupational health and safety ss. 204-215 | | | | |
| 1979, c. 64 | An Act respecting the protection of persons and property in the event of disaster ss. 17, 19 (2^{md} par.), 23, 45, 47 | | | | |
| 1979, c. 85 | An Act respecting child day care ss. 5, 6, 97 | | | | |
| 1979, c. 86 | An Act respecting safety in sports ss. 31, 39 | | | | |
| 1980, c. 39 | An Act to establish a new Civil Code and to reform family law ss. 63, 64 (1st, 2nd par.), 70 (1st par.) | | | | |
| 1981, c. 31 | An Act respecting the sociétés d'entraide économique and amending various legislation ss. 57-59, 124 (2 nd par. (par. 3)), 126, 127 (2 nd par.), 129 (the word and figure "or 126") 168 (1 st par., subpar. 4 (the words "matters provided for by section 107, paragraph 3 o section 108, section 115 and paragraphs 1 to 3, 5 and")), 182-188 | | | | |
| 1982, c. 17 | An Act to provide for the carrying out of the family law reform and to amend the Code of Civil Procedure s. 81 (par. 3) | | | | |

| Reference | SUBJECT | | | | | |
|-------------|---|--|--|--|--|--|
| 1982, c. 25 | An Act to amend the Environment Quality Act and other legislation ss. 27-34 | | | | | |
| 1982, c. 61 | An Act to amend the Charter of human rights and freedoms ss. 6 (par. 2), 21 (R.S.Q., c. C-12, s. 86.2 (former), 1st par.), 25, 30 | | | | | |
| 1983, c. 23 | An Act to promote the advancement of science and technology in Québec ss. 66-79, 83-93, 94 (1st par.), 95 (1st, 3rt par.), 96 and 97, to the extent that they relate t the Fonds established by par. 3 of s. 65 and ss. 65 (par. 3), 82, 125, 126 | | | | | |
| 1983, c. 38 | Archives Act s. 82 | | | | | |
| 1983, c. 39 | An Act respecting the conservation and development of wildlife ss. 43, 46 | | | | | |
| 1983, c. 43 | An Act respecting restaurant and hotel workers who derive income from gratuities ss. 1, 3-6, 8, 10, 11, 12, to the extent that they refer to an allocation of gratuities or t gratuities that are allocated | | | | | |
| 1983, c. 53 | An Act to amend the Agricultural Products, Marine Products and Food Act s. 3 (par. 2, 3) | | | | | |
| 1983, c. 54 | An Act to amend various legislative provisions s. 81 (R.S.Q., c. S-25.1, s. 53 (par. 3)) | | | | | |
| 1984, c. 16 | An Act respecting commercial fisheries and aquaculture and amending other legislationss, $4,11$ | | | | | |
| 1984, c. 41 | An Act to amend the Securities Act s. 19 | | | | | |
| 1985, c. 26 | An Act to amend the Act to preserve agricultural land ss. 12, 17 | | | | | |
| 1985, c. 34 | Building Act ss. 2 (except with regard to the qualification of contractors and owner-builders), 3, 5, 6 10, 12-27, 29-40, 112 (except with regard to the qualification of contractors and owner- builders), 113, 114, 115 (except with regard to the qualification of contractors and owner-builders), 116, 119-128, 132-139, 151 (par. 1-5) (except with regard to the qualification of contractors and owner-builders), 194 (par. 2, 4, 7) (except with regard to the qualification of contractors and owner-builders), 194 (par. 3, 6), 198, 199, 210 214 (except where it concerns the Act respecting building contractors vocational quali fications (R.S.Q., c. Q-1)), 215 (except where it concerns the provisions of regulations adopted under the Act respecting building contractors vocational qualifications), 236 (par. 1-3), 239, 245 (par. 1-3), 259, 260, 263, 267, 279, 282, 283, 291 (except where it concerns a licence issued under the Act respecting building contractors vocational qualifications) | | | | | |
| 1986, c. 51 | An Act respecting the town of Schefferville s. 9 | | | | | |
| 1986, c. 60 | An Act respecting the sale of the Raffinerie de sucre du Québec ss. 16, 17, 19 | | | | | |

| Reference | SUBJECT | | | | | |
|--------------|--|--|--|--|--|--|
| 1986, c. 62 | An Act to amend the Civil Code, the Registry Office Act and the Territorial Division Act s. 4 (par. 12 (Montmorency)) | | | | | |
| 1986, c. 91 | Highway Safety Code ss. 332, 496 | | | | | |
| 1986, c. 109 | An Act to amend the Act respecting the conservation and development of wildlife at the Parks Act s. 21 | | | | | |
| 1987, c. 25 | An Act to amend the Environment Quality Act s. 1 | | | | | |
| 1987, c. 29 | Pesticides Act ss. 11-13, 63 (par. 2), 105-107 | | | | | |
| 1987, c. 36 | An Act to again amend the Act respecting probation and houses of detention in respect of close supervision | | | | | |
| 1987, c. 85 | An Act to establish the Commission des relations du travail and to amend var legislation ss. 1-21, 23-46, 48-50, 53, 55-59, 62-70, 73-82, 86, 88-107 | | | | | |
| 1987, c. 94 | An Act to amend the Highway Safety Code and other legislation ss. 49, 50, 62, 70 (R.S.Q., c. C-24.2, s. 519.14), 77, 78 | | | | | |
| 1987, c. 102 | An Act to amend the Act respecting land use planning and development, the Cities a Towns Act and the Municipal Code of Québec s. 22 | | | | | |
| 1988, c. 39 | An Act to amend the Act respecting the conservation and development of wildlife and the Parks Act ss. $9,12$ | | | | | |
| 1988, c. 47 | An Act to amend the Act respecting health services and social services and other legislation s. 10 | | | | | |
| 1988, c. 51 | An Act respecting income security s. 85 | | | | | |
| 1988, c. 56 | An Act to amend the Code of Civil Procedure in respect of the collection of support payments ss. 1 (R.S.Q., c. C-25, ss. 553.3-553.9), 2-10, 12 | | | | | |
| 1988, c. 57 | An Act to ensure safety in guided land transport ss. 4-18, 23, 27, 29, 36, 44-47, 49-68 | | | | | |
| 1988, c. 75 | An Act respecting police organization and amending the Police Act and various legislation ss. $202, 211, 223, 241$ | | | | | |
| 1988, c. 84 | Education Act ss. 123, 124, 131, 137, 139, 206, 210, 354, 355, 509-515, 522, 525, 528, 529, 536 | | | | | |
| 1988, c. 86 | An Act to amend the charter of the city of Montreal s. 2 (par. 1) | | | | | |

| Reference | SUBJECT | | | | | |
|-------------|--|--|--|--|--|--|
| 1989, c. 7 | An Act to amend the Act to preserve agricultural land s. 2 | | | | | |
| 1989, c. 15 | An Act to amend the Automobile Insurance Act and other legislation s. 1 (R.S.Q., c. A-25, s. 72) | | | | | |
| 1989, c. 47 | An Act to amend the Automobile Insurance Act s. 11 (R.S.Q., c. A-25, s. 179.3, the words "and the amount of his indemnity") | | | | | |
| 1989, c. 48 | An Act respecting market intermediaries s. 26 | | | | | |
| 1989, c. 52 | An Act respecting municipal courts and amending various legislation s. 67, Sched. I (par. 60, 61, 131) | | | | | |
| 1989, c. 59 | An Act to amend the Act respecting child day care s. 4 | | | | | |
| 1990, c. 11 | An Act respecting financial assistance to students ss. 1 (par. 2), 8, 32-36, 56 (1" par. (par. 3)) | | | | | |
| 1990, c. 26 | An Act to amend the Environment Quality Act s. 4 (R.S.Q., c. Q-2, ss. 31.46-31.51) | | | | | |
| 1990, c. 55 | An Act to amend the Public Health Protection Act | | | | | |
| 1990, c. 77 | An Act to amend the Securities Act ss. 3, 11 | | | | | |
| 1990, c. 78 | An Act to amend the Education Act and the Act respecting private education ss. 3, 13-17, 19-22 | | | | | |
| 1990, c. 80 | An Act to amend the Agricultural Products, Marine Products and Food Act s. 5 (par. 1, 2 (R.S.Q., c. P-29, s. 9 (1st par., par. k, l, l.1, o, p)), 3) | | | | | |
| 1990, c. 83 | An Act to amend the Highway Safety Code and other legislative provisions ss. 2 (par. 3), 40-42, 129, 140, 166, 187, 190, 241, 257 | | | | | |
| 1991, c. 6 | An Act respecting the construction and putting into operation of power control and transformer stations and an aluminium plant in the Deschambault-Portneuf industrial park ss. 3, 4 | | | | | |
| 1991, c. 27 | An Act amending the Education Act and amending the Act respecting private education $s.\ 4$ | | | | | |
| 1991, c. 42 | An Act respecting health services and social services and amending various legislation ss. 259 (2 nd sentence), 360 (2 nd par.), 483, 570, 573, 574 (par. 2), 575, 581 (par. 4) | | | | | |
| 1991, c. 74 | An Act to amend the Building Act and other legislation ss. 2 (except with regard to the qualification of contractors and owner-builders), 3, 5, 6, 8, 9 (R.S.Q., c. B-1.1, s. 11.1, except with regard to the qualification of contractors and owner-builders), 10-17, 20-24, 49 (except with regard to the qualification of contractors and owner-builders), 50-55, 56 (R.S.Q., c. B-1.1, ss. 128.1, 128.3-128.6), 60, 61, 68 (par. 1-4) (except with regard to the qualification of contractors and owner-builders), 70 (par. 1)(except with regard to the qualification of contractors and owner-builders), 78, | | | | | |

| Reference | SUBJECT | | | | | |
|--------------|--|--|--|--|--|--|
| 1991, c. 74 | An Act to amend the Building Act and other legislation – $Cont'd$ | | | | | |
| | 93 (par. 1, 2 and par. 3 (except with regard to the qualification of contractors and owner-builders)), 97, 98, 100 (except with regard to the qualification of contractors and owner-builders), 106 (par. 1), 109, 114, 116, 123 (to the extent that it does not apply to the Bureau des examinateurs électriciens and the Bureau des examinateurs en tuyauterie), 124, 125 (par. 2), 130, 133-135, 138, 165, 169 (to the extent that it concerns R.S.Q., c. B-1.1, ss. 20, 26, 27, 33, 34, 113, 114, 116, 119, 123-128, 132-134, 139) | | | | | |
| 1991, c. 83 | An Act to amend the charter of the city of Laval ss. 5-7 | | | | | |
| 1001 04 | A A () () () () () () () () () | | | | | |
| 1991, c. 84 | An Act to amend the Charter of the city of Québec ss. 45 (s. $601b$ (2^{nd} par.)), 50, 54-56 | | | | | |
| 1991, c. 104 | An Act respecting Cooperants, Mutual Life Insurance Society | | | | | |
| , | ss. 1-13, 14 (2 nd , 3 rd par.), 15-39 | | | | | |
| 1992, c. 21 | An Act to amend various legislative provisions concerning the application of the Act respecting health services and social services and amending various legislation | | | | | |
| | ss. 365-369, 378 | | | | | |
| 1992, c. 29 | An Act to amend the Act to promote the reform of the cadastre in Québec and other legislative provisions | | | | | |
| | ss. 2 (par. 2), 3 | | | | | |
| 1992, c. 35 | An Act to amend the Securities Act | | | | | |
| • | ss. 2, 13 | | | | | |
| 1992, c. 36 | An Act to amend the Act respecting child day care | | | | | |
| | s. 3 | | | | | |
| 1992, c. 43 | An Act respecting the Institut québécois de réforme du droit | | | | | |
| 1992, c. 56 | An Act to amend the Environment Quality Act | | | | | |
| | ss. 1-13, 15-23 | | | | | |
| 1992, c. 61 | An Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions s. 499 | | | | | |
| 1993, c. 1 | An Act to amend the Code of Civil Procedure regarding family mediation | | | | | |
| 1000, C. 1 | ss. 1-3, 4 (R.S.Q., c. C-25, s. 827.4), 5 | | | | | |
| 1993, c. 3 | An Act to amend the Act respecting land use planning and development and other legislative provisions | | | | | |
| | s. 69 | | | | | |
| 1993, c. 18 | An Act to amend the Animal Health Protection Act | | | | | |
| 1000, c. 10 | ss. 1, 6-8 | | | | | |
| 1993, c. 39 | An Act respecting the Régie des alcools, des courses et des jeux and amending various legislative provisions | | | | | |
| | s. 56 (R.S.Q., c. L-6, s. 52.12 (1 st par.)) | | | | | |
| 1993, c. 45 | An Act to amend the Supplemental Pension Plans Act | | | | | |
| | ss. 2, 3 | | | | | |

| Reference | SUBJECT An Act respecting assistance and compensation for victims of crime | | | |
|-------------|--|--|--|--|
| 1993, c. 54 | | | | |
| 1993, c. 61 | An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions | | | |
| | ss. 1 (par. 2), 12, 63 | | | |
| 1993, c. 70 | An Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration | | | |
| | ss. 3 (par. 1), 5, 8, 9, 11 (par. 2, 6, 8, 9) | | | |
| 1993, c. 71 | An Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision | | | |
| | ss. 4, 5 (par. 2, 3), 16 (par. 1), 26 (par. 2 (subpar. i.1)), 29 (par. 2-4), 30, 39-45, 47 | | | |
| 1993, c. 72 | An Act to amend the Code of Civil Procedure and various legislative provisions ss. 10, 11 (par. 2-4), 14-16, 20, 21 | | | |
| 1993, c. 77 | An Act to amend the Pesticides Act | | | |
| | ss. 9, 10 (as regards the repeal of s. 103 of R.S.Q., c. P-9.3), 11 | | | |
| 1994, c. 2 | An Act respecting the Conservatoire de musique et d'art dramatique du Québec ss. 6, 13 (2nd par.), 14-16, 19-27, 29-80, 83-88, 96-98 | | | |
| 1994, c. 8 | An Act to amend the Health Insurance Act and the Act respecting the Régie de l'assurance-maladie du Québec | | | |
| | ss. 2 (par. 5), 7, 9 (par. 2), 10, 15 (par. 6, 8), 21 (par. 1, 3) | | | |
| 1994, c. 27 | An Act respecting the Société du tourisme du Québec | | | |
| 1994, c. 40 | An Act to amend the Professional Code and other Acts respecting the professions | | | |
| | s. 200 (the provisions of section 200 having the effect of repealing the provisions of paragraphs b, c, d and f of section 10 of the Architects Act (R.S.Q., c. A-21) and those repealing section 11 of that Act); s. 208 (par. 2); s. 212 (the provisions of section 212 having the effect of replacing the provisions of subparagraphs c, d, e, f, g and h of the first paragraph of section 37 of that Act and those of the second paragraph of that section); | | | |
| | s. 278; s. 294 (the provisions of section 294 having the effect of repealing the provisions of the first paragraph of section 21 of the Chartered Accountants Act (R.S.Q., c. C-48) and those of the second paragraph of that section, except the words ", provided that they are Canadian citizens or comply with section 44 of the Professional Code (chapter C-26)" the provisions of the first paragraph of section 22 of that Act and those of subparagraphs a, c, d and e of the second paragraph of that section); ss. 343, 345 (the provisions of section 343 repealing section 14 of the Engineers Act (R.S.Q., c. I-9) and those having the effect of repealing the provisions of subsection 2 of section 15 of that Act, except the words "any Canadian citizen and any candidate who fulfils the conditions prescribed by section 44 of the Professional Code" and the provisions of section 345 having the effect of repealing the provisions of the first paragraph of section 17 of that Act, except the word "Canadian"); s. 436 | | | |
| 1994, c. 41 | An Act to amend the Environment Quality Act and other legislative provisions | | | |
| | ss. 1-20, 22-33 | | | |
| 1995, c. 23 | An Act to establish the permanent list of electors and amending the Election Act and other legislative provisions | | | |
| | s. 79 (where it enacts s. 39.1) | | | |
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| Reference | SUBJECT | | | | | |
|-------------|--|--|--|--|--|--|
| 1995, c. 33 | An Act to amend the Act respecting the implementation of the reform of the Civil Code and other legislative provisions as regards security and the publication of rights s. 17 | | | | | |
| 1995, c. 51 | An Act to amend the Code of Penal Procedure and other legislative provisions ss. 2, 6 (s. 62.1 (2^{nd} par.) of the Code of Penal Procedure), 10, 11, 13 (par. 1, 6), 26, 28-30 | | | | | |
| 1995, c. 52 | An Act to amend the Transport Act s. 2 | | | | | |
| 1995, c. 65 | An Act respecting the Agence métropolitaine de transport and amending various legislati provisions s. 159 | | | | | |
| 1995, c. 67 | An Act to amend the Cooperatives Act and other legislative provisions s. 150 | | | | | |
| 1995, c. 69 | An Act to amend the Act respecting income security and other legislative provisions ss. 2, 8, 20 (par. 3) | | | | | |
| 1996, c. 12 | An Act to amend the Financial Administration Act and other legislative provisions ss. 1, 2, 9 | | | | | |
| 1996, c. 18 | An Act to amend the Act respecting the conservation and development of wildlife ss. $4,13$ | | | | | |
| 1996, c. 27 | An Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions | | | | | |
| 1006 - 00 | ss. 32-34, 101-103, 146 | | | | | |
| 1996, c. 32 | An Act respecting prescription drug insurance and amending various legislative provisions ss. 8 (3" par., the words "or any other institution recognized for that purpose by the Minister that is situated outside Québec in a region bordering on Québec"), 38 (in subpar. 2 of 1" par., the words "otherwise binding the policy-holder") (in subpar. 3 of 1" par., the words "administered by or on behalf of the policy-holder"), 39 (in subpar. 2 of 1" par., the words "otherwise binding the plan administrator") (in subpar. 3 of 1" par., the words "binding the plan administrator"), 40, 45 (in 1" sentence, the words "or the plan member" and the 2" sentence, which reads: "Any notice of non-renewal or of a change in the premium or assessment from the insurer must be sent to the last known address of the plan member not later than 30 days preceding the date of expiry."), 89 (par. 1 (subpar. b)), 91 (3" par. of s. 10 of the Health Insurance Act, introduced by par. 2) | | | | | |
| 1996, c. 44 | An Act to amend the Act respecting the Société générale de financement du Québec s. 6 (s. 8.1) | | | | | |
| 1996, c. 50 | An Act to amend the Agricultural Products, Marine Products and Food Act and the Environment Quality Act | | | | | |
| 1996, c. 52 | An Act to amend the constituent Acts of the urban communities and other legislative provisions ss. 13, 20, 32 (par. 2), 33, 34, 39 (par. 2), 40-42, 84, 85, 94-101, 103, 104 | | | | | |
| 1996, c. 53 | An Act respecting the Commission administrative des régimes de retraite et d'assuran and amending various legislative provisions as regards pension plans ss. 2, 9, 13 (par. 1) | | | | | |

| Reference | SUBJECT An Act respecting administrative justice Sched. IV (par. 27) | | | | | |
|-------------|---|--|--|--|--|--|
| 1996, c. 54 | | | | | | |
| 1996, c. 56 | An Act to amend the Highway Safety Code and other legislative provisions ss. 53, 82, 84, 93, 99, 108, 118, 119, 121, 137 (par. 6), 149, 150 | | | | | |
| 1996, c. 60 | An Act respecting off-highway vehicles ss. 18 (2 nd par.), 83 | | | | | |
| 1996, c. 61 | An Act respecting the Régie de l'énergie ss. 52 (as it applies to electric power), 126, 167 (2 nd par., 3 rd par.) | | | | | |
| 1996, c. 62 | An Act to amend the Act respecting the conservation and development of wildlife s. 1 (par. 1) | | | | | |
| 1996, c. 69 | An Act to amend the Savings and Credit Unions Act ss. 4, 5, 6, 14 (par. 2), 16 (par. 2), 17 (par. 2), 20 (par. 2), 166 | | | | | |
| 1996, c. 71 | An Act to amend the Act respecting collective agreement decrees ss. 17, 41 (2 nd , 3 rd , 4 th , 5 th par.) | | | | | |
| 1997, c. 8 | An Act to amend the Election Act and other legislative provisions as regards the permanent list of electors $ss.\ 5,\ 8$ | | | | | |
| 1997, c. 34 | An Act to amend the Act respecting elections and referendums in municipalities ss. 20 (par. 2), 37 (where it enacts the second paragraph of s. 546.1 of the Act respecting elections and referendums in municipalities)[on the date fixed for the coming into force of s. 10 (par. 4) of 1997, c. 8] | | | | | |
| 1997, c. 37 | An Act to amend the Act respecting safety in sports s. 2 (ss. 46.17, 46.18) | | | | | |
| 1997, c. 43 | An Act respecting the implementation of the Act respecting administrative justice ss. 106-110, 111 (par. 2), 112-115, 116 (par. 2), 117-120, 121 (par. 2), 122, 123, 185, 363, 833 (2 nd par.)[those provisions respecting proceedings already before the Commission municipale du Québec, in matters of real estate or business tax exemptions], 834, 853 (the words "Until 1 December 1997" of the second and third paragraphs), 854 (the words "until 1 December 1997" of the second paragraph) | | | | | |
| 1997, c. 59 | An Act to amend the Act respecting the Agence métropolitaine de transport s. 1 (s. 21.2) | | | | | |
| 1997, c. 64 | An Act to amend the Act respecting the use of petroleum products and other legislative provisions ss. 1-15, 17-25 s. 16 [will come into force on the date of coming into force of s. 12 (par. 15) of the Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2)] | | | | | |
| 1997, c. 72 | An Act to again amend the Act respecting labour standards ss. 5, 6 | | | | | |
| 1997, c. 77 | An Act to amend the Public Health Protection Act ss. 1, 2, 8, 9, 10 | | | | | |

| Reference | SUBJECT An Act to amend the Act to ensure safety in guided land transport ss. 1-19 | | | | | |
|--------------|--|--|--|--|--|--|
| 1997, c. 78 | | | | | | |
| 1997, c. 80 | An Act to amend the Public Curator Act and other legislative provisions relations property under the provisional administration of the Public Curator ss. 1-27, 29-31, 33-35, 39-43, 45-78, 81 | | | | | |
| 1997, c. 83 | An Act to abolish certain bodies s. 29 comes into force on the date of coming into force of s. 230 (par. 2) of the Build Act (R.S.Q., chapter B-1.1); s. 30 comes into force on the date of coming into force of s. 245 (par. 2) of the Build Act (R.S.Q., chapter B-1.1) | | | | | |
| 1997, c. 123 | An Act respecting the Association de villégiature du Mont Sainte-Anne ss. 1-9, schedule | | | | | |
| 1998, c. 3 | An Act to amend the Act respecting stuffing and upholstered and stuffed articles ss. $1-10$ | | | | | |
| 1998, c. 5 | An Act to amend the Civil Code and other legislative provisions as regards the publication of personal and movable real rights and the constitution of movable hypothecs without delivery | | | | | |
| | ss. 1-9, 12, 13, 19, 21, 23, 24, 25 | | | | | |
| 1998, c. 18 | An Act to amend the Professional Code with respect to the title of psychotherapist ss. 1, 2, 3 (ss. 187.1, 187.4) | | | | | |
| 1998, c. 24 | An Act to amend the Mining Act and the Act respecting the lands in the public domain | | | | | |
| | ss. 1-45, 46 (to the extent that it repeals ss. 85, 86, 87, 88 of the Mining Act), 46 (to the extent that it repeals s. 89 of the Mining Act), 47-51, 56-109, 113-120, 122-134, 136, 142-145, 148-152, 154-158 | | | | | |
| 1998, c. 30 | An Act to amend the Act respecting municipal courts and the Courts of Justice Act ss. 15, 37, 38, 39 | | | | | |
| 1998, c. 33 | Tobacco Act ss. 2-15, 20, 41-45, 49, 58-66, 68-70, 76 | | | | | |
| 1998, c. 35 | An Act to amend the Roads Act and other legislative provisions ss. 12-14, 16 | | | | | |
| 1998, c. 36 | An Act respecting income support, employment assistance and social solidarity ss. 1-175, 178-202, 204, 206, 209-213, 216, 217, 219-226, 228, 229 | | | | | |
| 1998, c. 37 | An Act respecting the distribution of financial products and services ss. 12, 13 (1st par.), 14-57, 60, 66-69, 71, 73-157, 186, 187, 188, 191, 192, 197, 198, 199, 218-222, 230, 233 (2st par.), 234-243, 249, 250, 256 (3st par.), 274 (1st, 2st par.), 275-276, 288 (2st par.), 289-295, 296 (1st par.), 297, (1st par.), 298, 300, 301, 315 (1st par.), 317, 318, 320, 329, 330, 334-350, 353, 354, 359-363, 367-369, 371-407, 408 (1st par.), 409, 410, 416, 417-422, 425, 427-439, 441, 442, 444-502, 507-509, 511-542, 544-567, 569-571, 57 (1st par.), 574-576, 578, 580, 582 | | | | | |
| 1998, c. 38 | An Act to establish the Grande bibliothèque du Québec ss. 4 (1st par. (subpar. 2)), 23 | | | | | |

| Reference | SUBJECT | | |
|-------------|--|--|--|
| 1998, c. 39 | An Act to amend the Act respecting health services and social services and amending various legislative provisions | | |
| | ss. 63 (par. 2), 94-97, 139, 141-149, 160, 171, 202, 207, 208 | | |
| 1998, c. 40 | An Act respecting owners and operators of heavy vehicles | | |
| | ss. 5, 15 (2^{nd} par.), 16 (2^{nd} par.), 21, 47, 50, 52, 53, 55 (par. 2, as regards the definition of "heavy vehicle"), 56, 57, 60, 61, 63, 64, 67, 68, 70, 77, 80-93, 95-116, 118, 119, 124, 127, 128 (par. 2), 129, 133-143, 144 (par. 1-6, 11, 13-24), 145, 149, 150 (par. 3), 151, 152, 153, 163-170, 173 | | |
| 1998, c. 42 | An Act respecting Institut national de santé publique du Québec s. 4 (1 st par. (subpar. 1-4)) | | |
| 1998, c. 44 | An Act respecting the Institut de la statistique du Québec ss. 2-13, 20, 25-62 | | |
| 1998, c. 46 | An Act to amend various legislative provisions relating to building and the construction industry | | |
| | ss. 4-13, 29-32, 35 (par. 1), 36-39, 40 (to the extent that the provisions do not apply to the vocational qualification of contractors and owner-builders), 55 (to the extent that the provisions do not apply to the vocational qualification of contractors and owner-builders), 71 , 73 , 75 , 76 , 78 , 80 | | |
| 1998, c. 51 | An Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters ss. 1-27, 29 | | |
| 1998, c. 52 | An Act to amend the Election Act, the Referendum Act and other legislative provisions ss. 46, 47, 55, 56, 81, 94 (par. 3, 4), but only after the first general election subsequent to 21 October 1998 | | |

LETTERS PATENT

TABLE I

Showing the date of coming into force of letters patent issued from 1 January 1998 to 31 December 1998 to replace all or some of the provisions of charters of municipalities, cities or towns and of the legislative provisions they repeal (R.S.Q., chapter C-19, section 3)

| Municipality | Date | Provision repealed |
|---------------------|--------------|--|
| Saint-Jérôme, Ville | 10 June 1998 | 1950, chapter 103, sections 7, 8, 9, 10, 30, 41, 45, 46, 47, 53, the 2 ^{mt} and 3 ^{mt} paragraphs of section 55, 56 1951-52, chapter 77, section 7 1953-54, chapter 77, section 4 1955-56, chapter 84, section 4 1958-59, chapter 73, sections 5 and 6 |

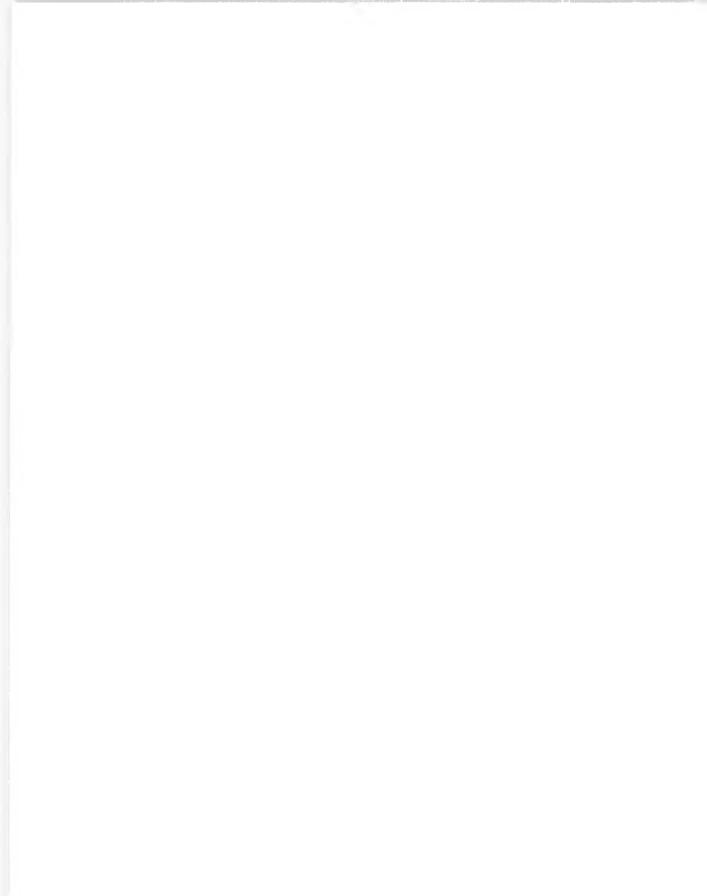
TABLE OF CONCORDANCE Chapter — Bill

| Chapter | Bill | Chapter | Bill | Chapter | Bill |
|---------|------|---------|------|---------|------|
| 1 | 408 | 25 | 405 | 49 | 394 |
| 2 | 414 | 26 | 417 | 50 | 395 |
| 3 | 412 | 27 | 419 | 51 | 443 |
| 4 | 413 | 28 | 420 | 52 | 450 |
| 5 | 181 | 29 | 421 | 53 | 455 |
| 6 | 401 | 30 | 422 | 54 | 456 |
| 7 | 410 | 31 | 427 | 55 | 277 |
| 8 | 416 | 32 | 432 | 56 | 267 |
| 9 | 415 | 33 | 444 | 57 | 266 |
| 10 | 418 | 34 | 453 | 58 | 234 |
| 11 | 428 | 35 | 115 | 59 | 279 |
| 12 | 452 | 36 | 186 | 60 | 265 |
| 13 | 159 | 37 | 188 | 61 | 262 |
| 14 | 406 | 38 | 403 | 62 | 206 |
| 15 | 423 | 39 | 404 | 63 | 272 |
| 16 | 424 | 40 | 430 | 64 | 275 |
| 17 | 431 | 41 | 438 | 65 | 221 |
| 18 | 433 | 42 | 439 | 66 | 247 |
| 19 | 434 | 43 | 440 | 67 | 270 |
| 20 | 435 | 44 | 441 | 68 | 276 |
| 21 | 436 | 45 | 442 | 69 | 268 |
| 22 | 437 | 46 | 445 | 70 | 278 |
| 23 | 446 | 47 | 447 | | |
| 24 | 182 | 48 | 448 | | |

TABLE OF CONCORDANCE Bill — Chapter

| Bill | Chapter | Bill | Chapter | Bill | Chapter |
|------|---------|------|---------|------|---------|
| 115 | 35 | 401 | 6 | 432 | 32 |
| 159 | 13 | 403 | 38 | 433 | 18 |
| 181 | 5 | 404 | 39 | 434 | 19 |
| 182 | 24 | 405 | 25 | 435 | 20 |
| 186 | 36 | 406 | 14 | 436 | 21 |
| 188 | 37 | 408 | 1 | 437 | 22 |
| 206 | 62 | 410 | 7 | 438 | 41 |
| 221 | 65 | 412 | 3 | 439 | 42 |
| 234 | 58 | 413 | 4 | 440 | 43 |
| 247 | 66 | 414 | 2 | 441 | 44 |
| 262 | 61 | 415 | 9 | 442 | 45 |
| 265 | 60 | 416 | 8 | 443 | 51 |
| 266 | 57 | 417 | 26 | 444 | 33 |
| 267 | 56 | 418 | 10 | 445 | 46 |
| 268 | 69 | 419 | 27 | 446 | 23 |
| 270 | 67 | 420 | 28 | 447 | 47 |
| 272 | 63 | 421 | 29 | 448 | 48 |
| 275 | 64 | 422 | 30 | 450 | 52 |
| 276 | 68 | 423 | 15 | 452 | 12 |
| 277 | 55 | 424 | 16 | 453 | 34 |
| 278 | 70 | 427 | 31 | 455 | 53 |
| 279 | 59 | 428 | 11 | 456 | 54 |
| 394 | 49 | 430 | 40 | | |
| 395 | 50 | 431 | 17 | | |





NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 55 AN ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BELLECHASSE AND MUNICIPALITÉ RÉGIONALE DE COMTÉ DES ETCHEMINS

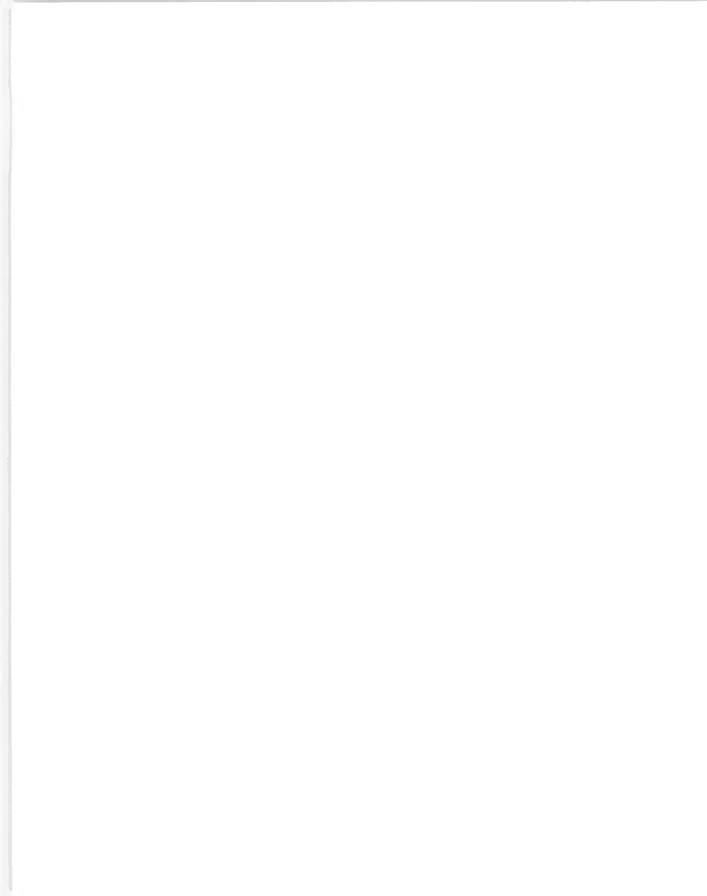
Bill 277

Introduced by Mr Claude Lachance, Member for Bellechasse Introduced 9 June 1998
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Coming into force: 20 June 1998

Legislation amended: None







Chapter 55

AN ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BELLECHASSE AND MUNICIPALITÉ RÉGIONALE DE COMTÉ DES ETCHEMINS

[Assented to 20 June 1998]

Preamble.

WHEREAS Municipalité régionale de comté de Bellechasse adopted By-law No. 87-98 on 20 May 1998 to create and determine the location of the Parc régional Massif du Sud;

Whereas Municipalité régionale de comté des Etchemins adopted By-law No. 046-98 on 13 May 1998 to create and determine the location of the Parc régional Massif du Sud;

Whereas those regional county municipalities wish to entrust, by agreement, the organization, management and operation of the Parc régional Massif du Sud to a non-profit organization constituted as a legal person;

Whereas it is necessary to grant certain powers to those regional county municipalities for that purpose;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Agreement.

1. Municipalité régionale de comté de Bellechasse and Municipalité régionale de comté des Etchemins may, by agreement, entrust the organization, management and operation of the Parc régional Massif du Sud to a non-profit organization constituted as a legal person, including the works and purchases required for those purposes.

Agreement.

The regional county municipalities may also, by agreement, entrust to that organization the exercise, on their behalf and according to the conditions determined for each municipality in the agreement, of the powers provided for in article 688.1 and the first paragraph of article 688.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

Surety.

2. Each regional county municipality may become surety for the organization referred to in section 1. It must, however, obtain the authorization of the Minister of Municipal Affairs to become surety for an obligation of \$50,000 or more.

Approval.

The Minister may, before giving that authorization, order the regional county municipality to submit the resolution or by-law authorizing the suretyship for approval to the qualified voters of the local municipalities that have not exercised the right of withdrawal under the third paragraph of section 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) in relation to a by-law under article 688 of the Municipal Code of Québec.

Provisions applicable.

The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), adapted as required, applies to the approval referred to in the second paragraph.

Subsidies.

Each regional county municipality may also grant subsidies to the organization referred to in section 1.

Provisions applicable.

3. Articles 935 to 936.2, 938 and 938.1 of the Municipal Code of Québec, adapted as required, apply to the non-profit organization in the carrying out of the agreement referred to in section 1.

Coming into force.

4. This Act comes into force on 20 June 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 56 AN ACT RESPECTING VILLE DE SAINT-LAURENT

Bill 267

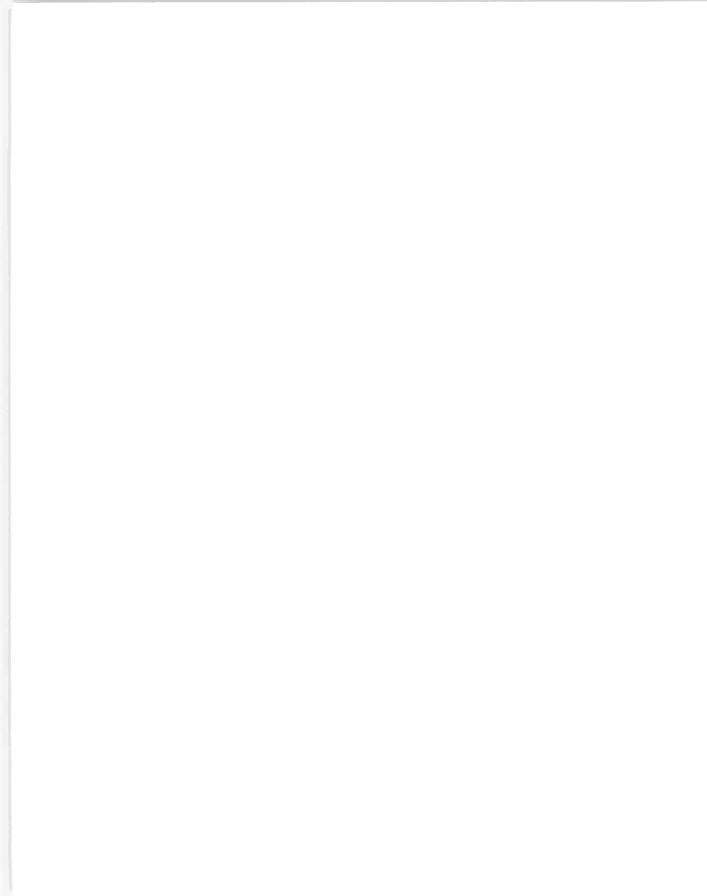
Introduced by Mr Camille Laurin, Member for Bourget Introduced 2 June 1998 Passage in principle 19 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998

Legislation amended:

Act respecting the city of Saint-Laurent (1992, chapter 69)







Chapter 56

AN ACT RESPECTING VILLE DE SAINT-LAURENT

[Assented to 20 June 1998]

Preamble. WHEREAS it is in the interest of Ville de Saint-Laurent that certain powers

be granted to it;

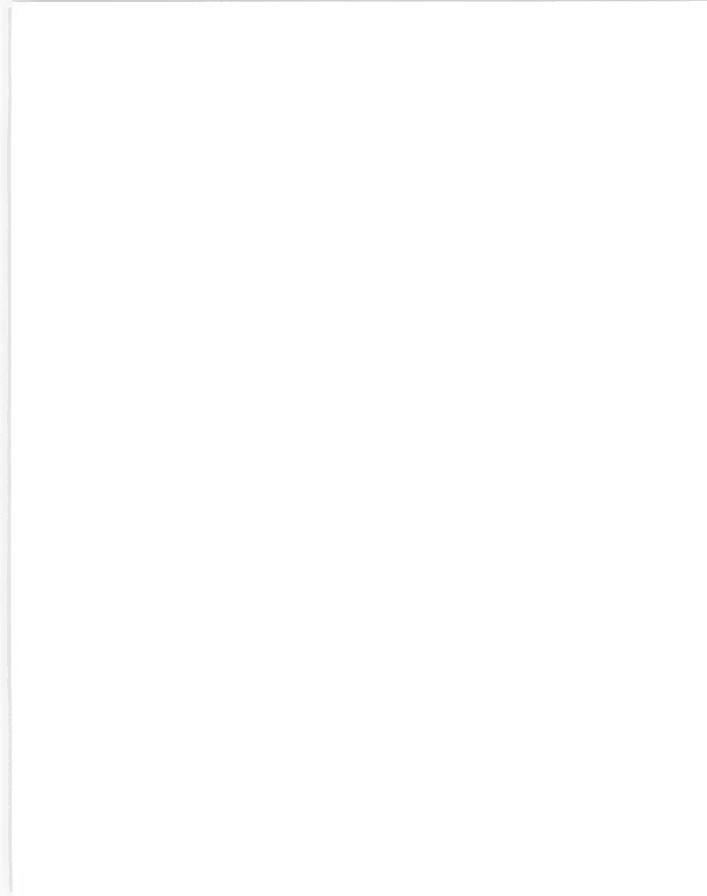
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1992, c. 69, s. 8, am.

Section 8 of the Act respecting the city of Saint-Laurent (1992, chapter 69) is amended by striking out ", with the authorization of the Minister of

Municipal Affairs," in the second paragraph.

Coming into force. **2.** This Act comes into force on 20 June 1998.



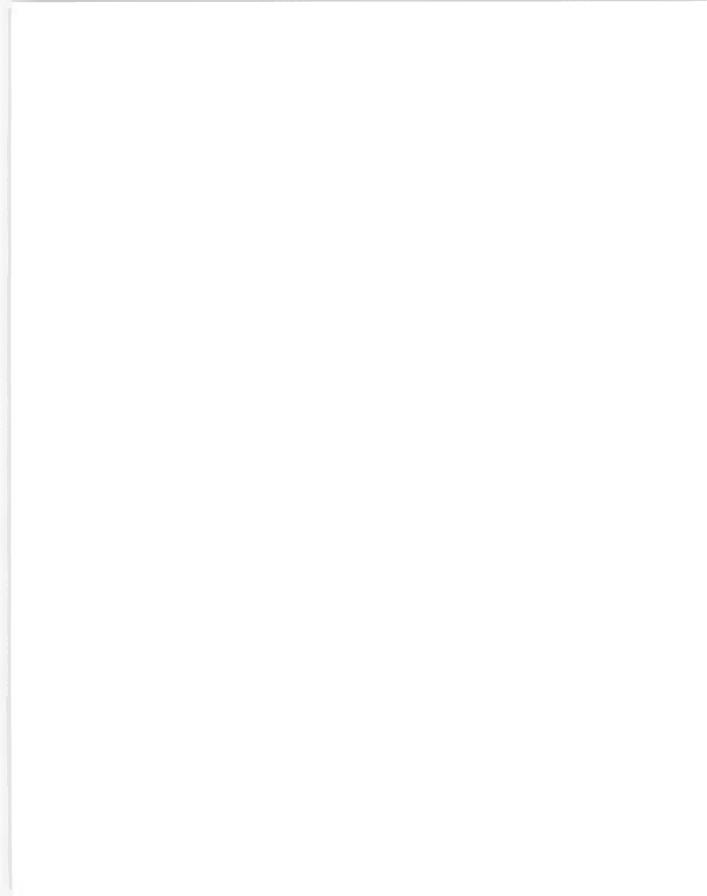
1998, chapter 57 AN ACT RESPECTING VILLE DE VERDUN

Bill 266

Introduced by Mr Henri-François Gautrin, Member for Verdun Introduced 9 June 1998 Passage in principle 19 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998







AN ACT RESPECTING VILLE DE VERDUN

[Assented to 20 June 1998]

Preamble.

WHEREAS it is in the interest of Ville de Verdun that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Special tax.

1. The council may impose the special tax for the acquisition of immovables on the basis of the municipal assessment, on all the taxable immovables of the territory of the municipality, of Île des Soeurs or of that part of the territory of the municipality situated on the island of Montréal.

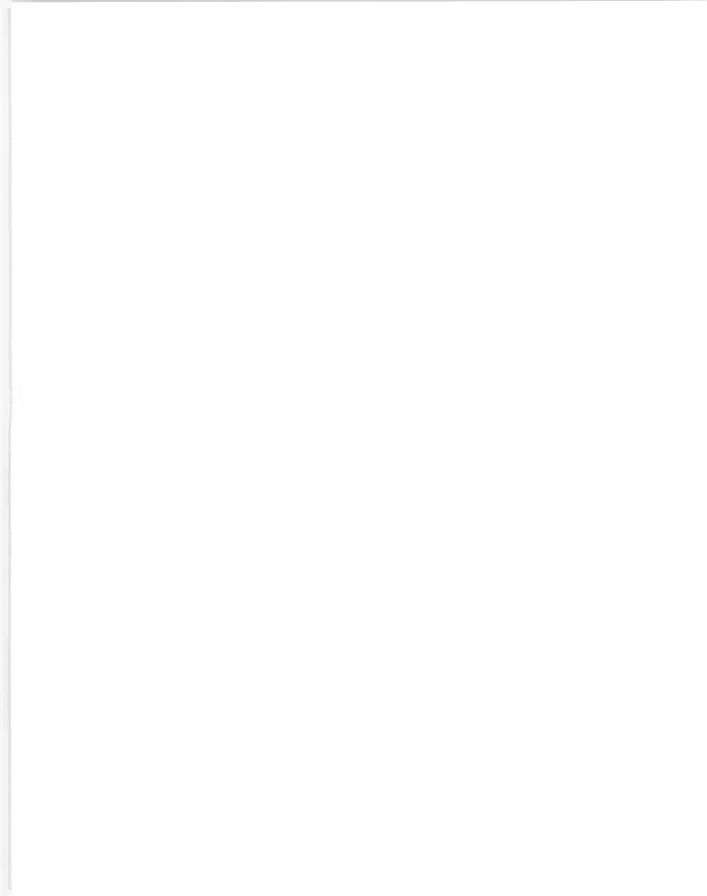
By-law 1625.

2. By-law 1625 of the city which provides for the acquisition of lot 4740-1024 of the official cadastre of the municipality of the parish of Montréal for park purposes on Île des Soeurs and which orders the borrowing of a sum of \$1,140,000 for such purposes may not be declared invalid on the ground that the tax ordered by the by-law is imposed on the immovables of only one sector of the territory of the city.

Authorization.

3. The city is authorized, subject to the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), to enter into a memorandum of agreement with Jacques Cartier and Champlain Bridges Incorporated on the joint use of certain immovables, the pooling of municipal services or the joint carrying out of studies and works in respect of road traffic or any other public services matter.

Coming into force.



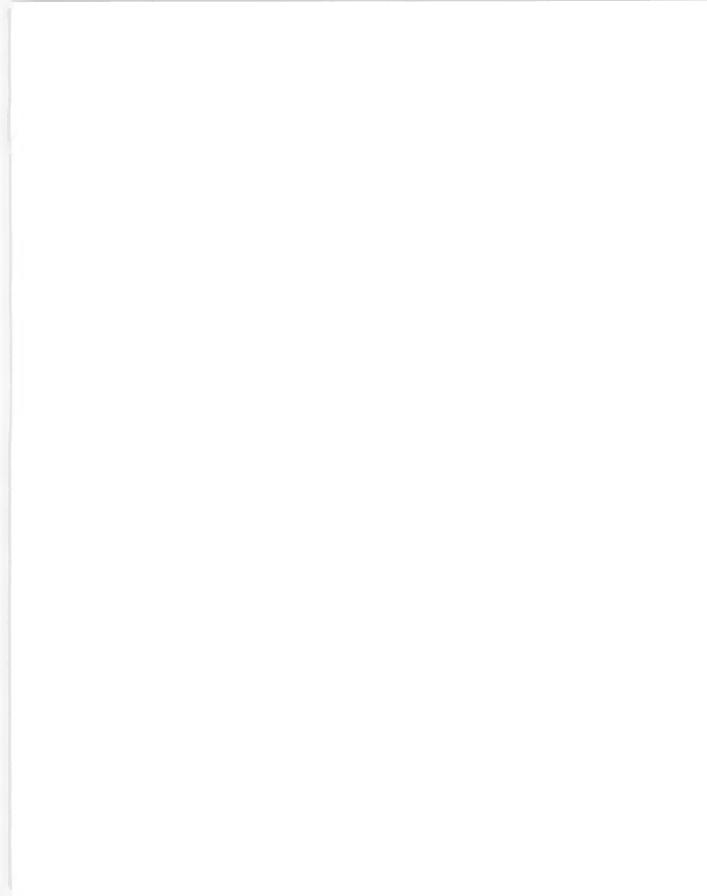
1998, chapter 58 AN ACT RESPECTING VILLE DE GRANBY

Bill 234

Introduced by Mr Roger Paquin, Member for Saint-Jean Introduced 2 June 1998 Passage in principle 19 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998







AN ACT RESPECTING VILLE DE GRANBY

[Assented to 20 June 1998]

Preamble.

WHEREAS it is in the interest of Ville de Granby that its title to certain immovables situated in its territory and used as public roads be regularized;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Ownership.

1. Ville de Granby hereby becomes the owner of the immovables constituted of the lots, parts of lots and other immovables mentioned in the schedule that are used as public roads and situated in its territory, subject to the right of the owners of those immovables to claim compensation.

Compensation.

The right to claim compensation is prescribed in accordance with article 2925 of the Civil Code of Québec.

Publication.

This section and the schedule shall be published at least twice in a newspaper circulated in the territory of the city, the first time within 15 days after 20 June 1998 and the second time not more than 15 days before or 15 days after 20 December 1998.

Publication.

2. Publication of this Act shall be effected by entry in the land register of a notice referring to this Act and to the land surveyor's plan mentioned therein and designating the immovables referred to in this Act and, where applicable, in the plan.

Entry in register.

The land surveyor's plan mentioned in this Act and a certified copy of this Act shall be entered in the register together with the notice.

Provisions not applicable.

3. The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to transfers under section 1.

Coming into force.

SCHEDULE (Section 1)

WHOLE LOTS

The following whole lots:

Cadastre of Québec

| 1009335 | 1011074 | 1011911 | 1013999 | 1014035 | 1014071 |
|---------|---------|---------|---------|---------|---------|
| 1009383 | 1011076 | 1011957 | 1014000 | 1014036 | 1014072 |
| 1009413 | 1011094 | 1012263 | 1014001 | 1014038 | 1014073 |
| 1009506 | 1011137 | 1012279 | 1014004 | 1014039 | 1014075 |
| 1009524 | 1011178 | 1012333 | 1014005 | 1014040 | 1014076 |
| 1009595 | 1011180 | 1012343 | 1014006 | 1014041 | 1014078 |
| 1009596 | 1011181 | 1012395 | 1014007 | 1014042 | 1014080 |
| 1009627 | 1011205 | 1012407 | 1014008 | 1014043 | 1014081 |
| 1009699 | 1011241 | 1012434 | 1014009 | 1014044 | 1014084 |
| 1009700 | 1011278 | 1012435 | 1014010 | 1014045 | 1014085 |
| 1010399 | 1011309 | 1012626 | 1014014 | 1014046 | 1014086 |
| 1010622 | 1011359 | 1013975 | 1014015 | 1014047 | 1014087 |
| 1010623 | 1011379 | 1013976 | 1014017 | 1014049 | 1014088 |
| 1010743 | 1011380 | 1013977 | 1014018 | 1014050 | 1014089 |
| 1010775 | 1011416 | 1013978 | 1014021 | 1014051 | 1014090 |
| 1010987 | 1011418 | 1013979 | 1014022 | 1014052 | 1014091 |
| 1011030 | 1011419 | 1013980 | 1014025 | 1014053 | 1014092 |
| 1011051 | 1011420 | 1013982 | 1014026 | 1014055 | 1014093 |
| 1011059 | 1011459 | 1013987 | 1014027 | 1014058 | 1014094 |
| 1011060 | 1011467 | 1013988 | 1014028 | 1014060 | 1014095 |
| 1011069 | 1011492 | 1013992 | 1014029 | 1014061 | 1014097 |
| 1011070 | 1011539 | 1013993 | 1014030 | 1014064 | 1014099 |
| 1011073 | 1011819 | 1013996 | 1014031 | 1014066 | 1014100 |
| | 1011897 | 1013998 | 1014034 | 1014068 | 1014102 |
| | | | | | |
| 1014103 | 1014165 | 1014231 | 1063252 | 1143408 | 1143596 |
| 1014105 | 1014166 | 1014232 | 1063254 | 1143412 | 1143598 |
| 1014106 | 1014167 | 1014233 | 1063255 | 1143413 | 1143613 |
| 1014107 | 1014168 | 1014234 | 1063257 | 1143415 | 1143614 |
| 1014108 | 1014169 | 1014235 | 1063258 | 1143416 | 1143620 |
| 1014112 | 1014171 | 1014236 | 1063259 | 1143435 | 1143623 |
| 1014113 | 1014173 | 1014237 | 1063260 | 1143443 | 1143625 |
| 1014114 | 1014174 | 1014240 | 1063318 | 1143444 | 1143627 |
| 1014117 | 1014175 | 1014241 | 1063332 | 1143445 | 1143632 |
| 1014118 | 1014177 | 1014242 | 1063334 | 1143450 | 1143637 |
| 1014122 | 1014178 | 1014245 | 1063337 | 1143451 | 1143638 |
| 1014124 | 1014181 | 1014247 | 1063338 | | 1143640 |
| 1014125 | 1014182 | 1014248 | 1063342 | | 1143641 |
| 1014127 | 1014183 | 1014249 | 1073554 | | 1143642 |
| 1014128 | 1014184 | 1014251 | 1100720 | | 1143643 |
| | | | | | |

| 1014129 | 1014186 | 1014252 | 1100754 | 1143452 | 1143644 |
|--------------------|--------------------|--------------------|---------|-----------|---------|
| 1014131 | 1014189 | 1014254 | 1119906 | 1143462 | 1143647 |
| 1014132 | 1014190 | 1014255 | 1119908 | 1143473 | 1143650 |
| 1014133 | 1014191 | 1014256 | 1119909 | 1143484 | 1143651 |
| 1014134 | 1014192 | 1014257 | 1119911 | 1143492 | 1143653 |
| 1014135 | 1014193 | 1014258 | 1119912 | 1143495 | 1143662 |
| 1014138 | 1014194 | 1014259 | 1119915 | 1143496 | 1143665 |
| 1014139 | 1014195 | 1014260 | 1141609 | 1143502 | 1143671 |
| 1014141 | 1014196 | 1014261 | 1141610 | 1143503 | 1143675 |
| 1014142 | 1014197 | 1014262 | 1141981 | 1143507 | 1143678 |
| 1014143 | 1014198 | 1014263 | 1141984 | 1143508 | 1143683 |
| 1014144 | 1014202 | 1014264 | 1141985 | 1143509 | 1143686 |
| 1014145 | 1014204 | 1014265 | 1141986 | 1143510 | 1143687 |
| 1014146 | 1014205 | 1014270 | 1141987 | 1143511 | 1143688 |
| 1014147 | 1014207 | 1014271 | 1141988 | 1143515 | 1143689 |
| 1014148 | 1014208 | 1014273 | 1141989 | 1143516 | 1143691 |
| 1014149 | 1014209 | 1014276 | 1141992 | 1143517 | 1143692 |
| 1014150 | 1014210 | 1014278 | 1141993 | 1143519 | 1143693 |
| 1014151 | 1014211 | 1014279 | 1141999 | 1143523 | 1143695 |
| 1014152 | 1014212 | 1014282 | 1143389 | 1143529 | 1143697 |
| 1014153 | 1014215 | 1014284 | 1143393 | 1143530 | 1143698 |
| 1014154 | 1014216 | 1014289 | 1143394 | 1143531 | 1143699 |
| 1014155 | 1014218 | 1014291 | 1143395 | 1143540 | 1143700 |
| 1014156 | 1014219 | 1014292 | 1143396 | 1143542 | 1143702 |
| 1014157 | 1014223 | 1014293 | 1143397 | 1143547 | 1143703 |
| 1014158 | 1014225 | 1014296 | 1143398 | 1143548 | 1143705 |
| 1014159 | 1014226 | 1014297 | 1143399 | 1143556 | 1143706 |
| 1014160 | 1014227 | 1014298 | 1143400 | 1143560 | 1143707 |
| 1014161 | 1014229 | 1063250 | 1143407 | 1143577 | 1143708 |
| 1014163 | 1014230 | 1063251 | | 1143578 | 1143709 |
| 1140711 | 11.42700 | 1142057 | 1140074 | 11 120 10 | |
| 1143711 | 1143780 | 1143857 | 1143874 | 1143948 | |
| 1143725 | 1143794 | 1143858 | 1143875 | 1143949 | |
| 1143767 | 1143795 | 1143859 | 1143878 | 1143981 | |
| 1143769 | 1143844 | 1143860 | 1143911 | | |
| 1143770 | 1143845 | 1143861 | 1143912 | | |
| 1143771 1143772 | 1143846 | 1143862 1143863 | 1143913 | | |
| | 1143847 | | 1143914 | | |
| 1143773 | 1143848 1143849 | 1143864 1143865 | 1143915 | | |
| | | | 1143916 | | |
| 1143775 1143776 | 1143850 1143851 | 1143866 | 1143917 | | |
| 1143776 | | 1143869 | 1143927 | | |
| 1143777 | 1143852 | 1143870 | 1143939 | | |
| | 1143853 | 1143871 | 1143940 | | |
| 1143779 | 1143856 | 1143873 | 1143941 | | |

Cadastre of the township of Granby

| 245-7 | 628-514 | 628-1090 | 632-160 | 937 | 1011 |
|---------|---------|----------|---------|------|------|
| 431-3 | 628-734 | 628-1227 | 632-161 | 956 | 1012 |
| 544-254 | 628-755 | 628-1231 | 632-172 | 959 | 1034 |
| 544-260 | 628-762 | 628-1250 | 632-196 | 960 | 1045 |
| 547-429 | 628-794 | 628-1301 | 633-413 | 966 | 1060 |
| 547-486 | 628-813 | 628-1303 | 633-960 | 967 | 1114 |
| 549-128 | 628-840 | 628-1353 | 633-966 | 994 | 1115 |
| 551-132 | 628-844 | 629-449 | 633-986 | 995 | 1117 |
| 556-83 | 628-927 | 631-108 | 729-5 | 996 | 1141 |
| 556-84 | 628-960 | 632-152 | 936 | 1001 | 1713 |

1715

1717

1732

1737

1738

1739

1745

1757 1760

1761

Cadastre of Bromont

973, 1118 and 1123

Cadastre of the village of Granby

584

PARTS OF LOTS

The part or parts of the following lots indicated as public roads on plan No. 6250 of the minutes of Daniel Jodoin, land surveyor, and to which Ville de Granby has no title:

Cadastre of the township of Granby

| 232 part 233 part | 242 part 244 part | 321 part 324 part | 332 part 333 part | 425 part 429 part | 437 part 439 part |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| ~ | | | ^ | - | |
| 234 part | 245 part | 326 part | 334 part | 430 part | 440 part |
| 235 part | 246 part | 326-10 part | 420 part | 431 part | 441 part |
| 236 part | 246-7 part | 326-19 part | 421 part | 433 part | 442 part |
| 237 part | 247 part | 329 part | 422 part | 434 part | • |
| 239 part | 319 part | 330 part | 423 part | 435 part | |
| 241 part | 320 part | 331 part | 424 part | 436 part | |

LAND NOT IMMATRICULATED

The public roads shown on the original plan of the cadastre of the township of Granby, and shown on plan No. 6250 of the minutes of Daniel Jodoin, land surveyor, as being the following streets or forming part thereof:

rue Bergeron Ouest

rue Denison Ouest

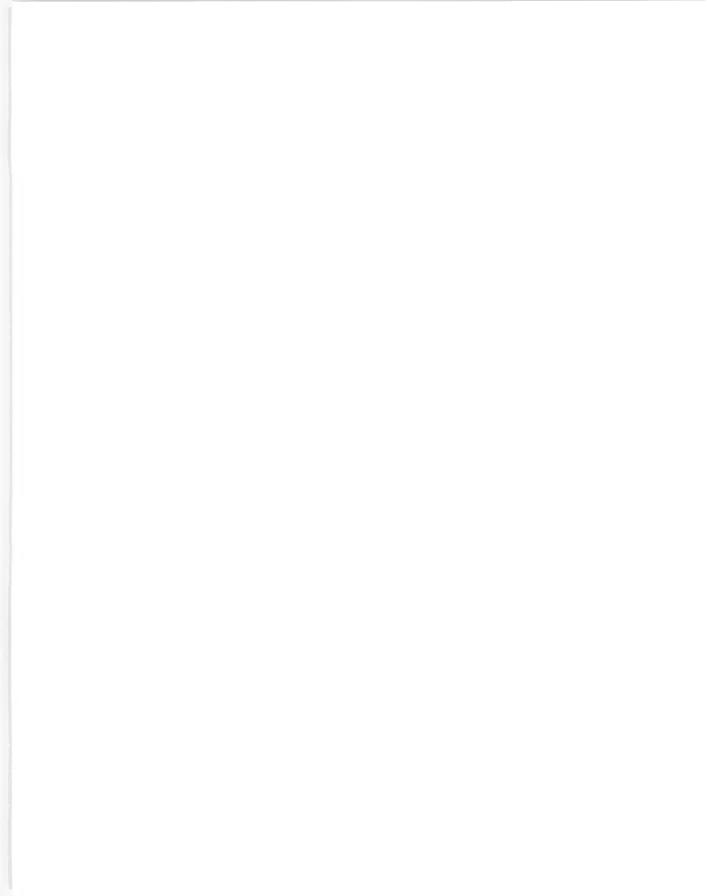
rue Guertin

rue Lemonde

rue Lorenzo

rue St-Charles Sud

rue Scott.



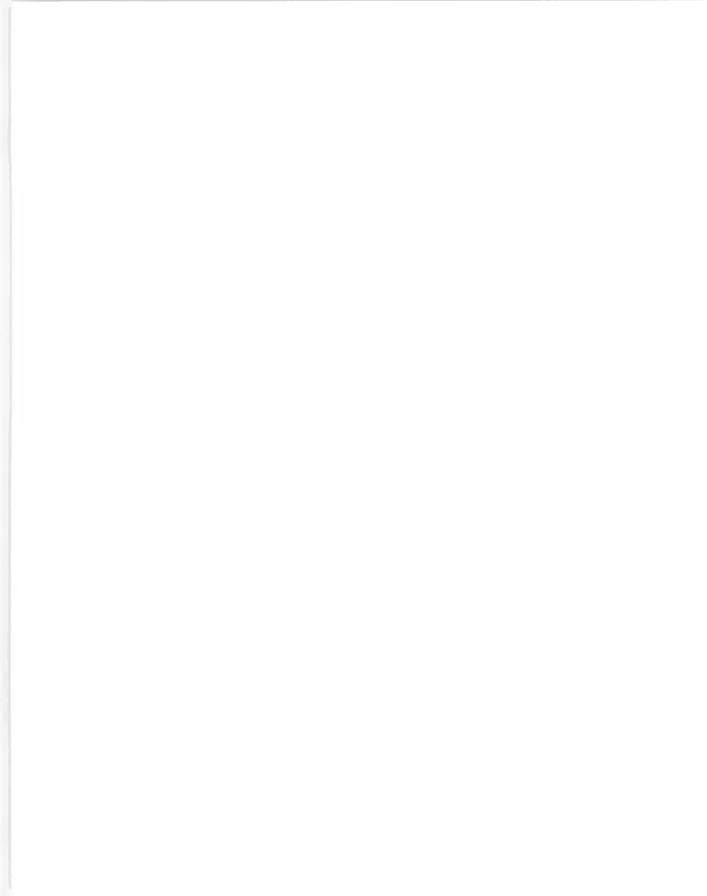
1998, chapter 59 AN ACT RESPECTING VILLE DE VAL-D'OR

Bill 279

Introduced by Mr André Pelletier, Member for Abitibi-Est Introduced 10 June 1998 Passage in principle 19 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998







AN ACT RESPECTING VILLE DE VAL-D'OR

[Assented to 20 June 1998]

Preamble.

WHEREAS the town council of Ville de Val-d'Or, in accordance with the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, chapter 2) and under a resolution passed on 19 March 1998, has reduced the labour costs provided for in its 1998 budget by 5.05%;

Whereas as a consequence of that reduction, the town passed Resolution 98-104 amending the budget for the 1998 fiscal year and By-law 98-19 reducing the rate of property tax by \$0.04 per \$100 of property assessment;

Whereas it is expedient to validate that by-law and that resolution and to give to the town and its officers the power to grant any tax remission resulting therefrom:

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

By-law 98-19.

1. By-law 98-19 of Ville de Val-d'Or, passed on 20 April 1998, is validated to the extent that it was not passed within the time and according to the formalities prescribed by the law. It will come into force in accordance with the law.

Resolution 98-104.

2. Resolution 98-104 has effect as if it had been passed within the time and according to the terms and conditions prescribed by the law for the adoption of the annual budget of a municipality notwithstanding paragraphs 4 and 5 of the resolution.

Taxes and interest.

3. The town council and its officers or employees are authorized to remit taxes and any interest thereon pursuant to the new rates of taxes under By-law 98-19.

Set-off.

In the case of a ratepayer who, on 20 June 1998, has not paid the total amount of the taxes payable on that date for the 1998 fiscal year, the tax shall be remitted by way of set-off against the amount of taxes due and payable on 1 July 1998.

Extension.

The council may extend by not more than 30 days that latter date.

Reference.

4. The clerk shall enter a reference to this Act in the record of the by-laws of the town council of Ville de Val-d'Or at the end of By-law 98-01 as amended by By-law 98-19.

Case pending. 5. This Act does not affect a case pending on 4 May 1998.

Coming into force. **6.** This Act comes into force on 20 June 1998.

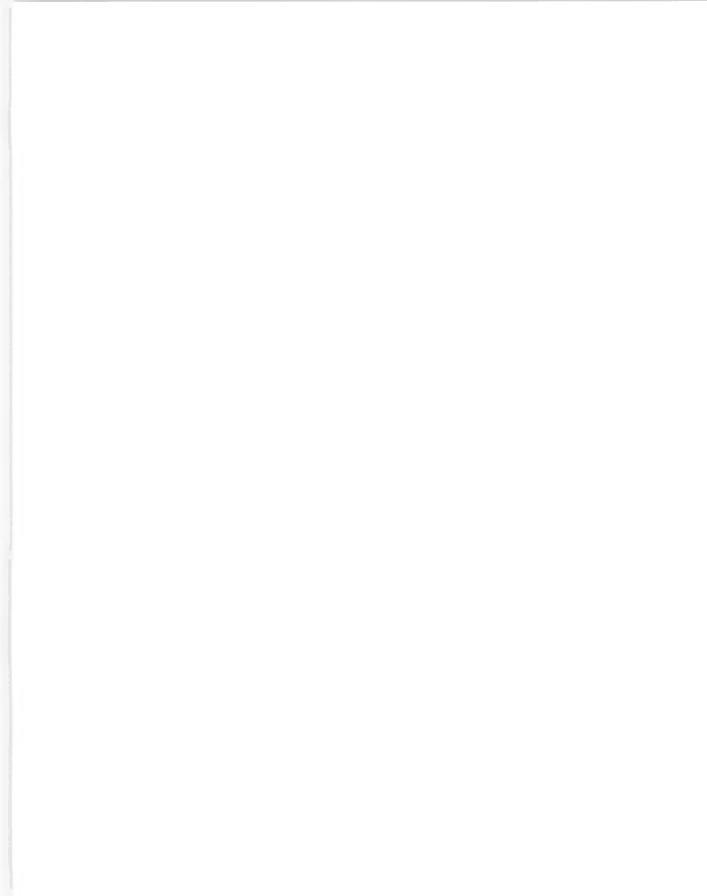
1998, chapter 60 AN ACT RESPECTING VILLE DE LATERRIÈRE

Bill 265

Introduced by Mr Gérard R. Morin, Member for Dubuc Introduced 3 June 1998
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Coming into force: 20 June 1998







AN ACT RESPECTING VILLE DE LATERRIÈRE

[Assented to 20 June 1998]

Preamble.

WHEREAS it is expedient to validate certain by-laws of Ville de Laterrière under which allowance roads must be maintained;

Whereas it is in the interest of Ville de Laterrière that it be granted jurisdiction over the maintenance of allowance roads;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

By-laws.

1. By-laws 91-178, 92-187, 92-190, 92-251, 94-223, 95-266 and 95-268 of Ville de Laterrière may not be invalidated on the ground that the council did not have jurisdiction to pass those by-laws.

Powers.

2. The town may exercise the powers provided for in the Municipal Code of Québec (R.S.Q., chapter C-27.1) with regard to allowance roads in respect of chemin du Puits consisting of lots 5A-22 and 5A-23 of Range Ouest Rivière-Chicoutimi of the cadastre of the township of Laterrière and in respect of parts of certain lots of the same cadastre and of the cadastre of the township of Chicoutimi that are also known to constitute the right of way of chemin des Prés, chemin Gravel, chemin des Copains, chemin Edgar, chemin des Saint-Bernard and chemin Grenon shown on the plans and technical descriptions signed by Pierre Thibault, land surveyor, under minutes Nos. 2974, 2975, 2976, 2977, 2979 and 2980, the whole in accordance with the schedule.

Coming into force.

SCHEDULE (Section 2)

| Name of road | Minute No. | Parts of certain lots of the cadastre of the township of Laterrière |
|-----------------------------|------------|---|
| chemin des Prés | 2974 | 4-2 of Range 3 |
| chemin Gravel | 2975 | 15B, 15B-2 and 15B-3 of Range Sud Rivière-Chicoutimi |
| chemin des Copains | 2976 | 15 and 16 of Range Nord Rivière- Chicoutimi |
| chemin Edgar | 2977 | 7A and 7A-58 of Range 6 |
| chemin des Saint-Bernard | 2980 | A-2 and B-1 of Range Sud Rivière- Chicoutimi |
| Name of road | Minute No. | Part of a lot of the cadastre of the township of Chicoutimi |
| chemin Grenon | 2979 | 19A of Range 4 sud-ouest |

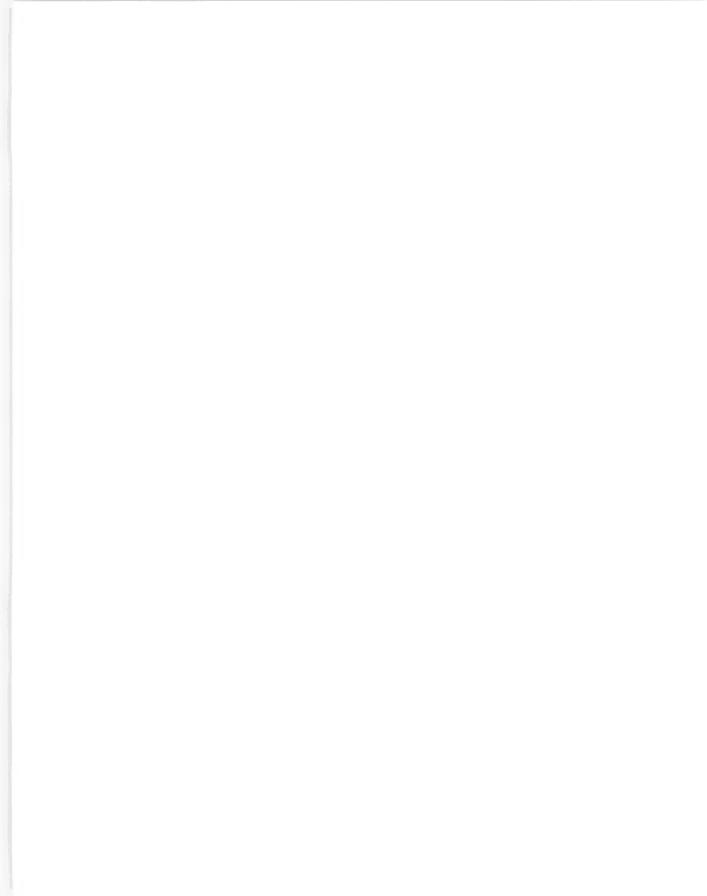
1998, chapter 61 AN ACT RESPECTING VILLE DE MONTRÉAL-EST

Bill 262

Introduced by Madam Nicole Léger, Member for Pointe-aux-Trembles Introduced 13 November 1997 Passage in principle 19 June 1998 Passage 19 June 1998 Assented to 20 June 1998

Coming into force: 20 June 1998







AN ACT RESPECTING VILLE DE MONTRÉAL-EST

[Assented to 20 June 1998]

Preamble.

WHEREAS it is in the interest of Ville de Montréal-Est that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Revitalization program.

1. The council may, by by-law, adopt a revitalization program for the sector described in the schedule. The second paragraph of section 542.1 and section 542.2 of the Cities and Towns Act (R.S.Q., chapter C-19) apply to the program.

Coming into force.

SCHEDULE

A sector situated in Ville de Montréal-Est, in the cadastre of the parish of Pointe-aux-Trembles, comprising lots numbers P.1 and P.2 as described as follows:

PART OF LOT 1

Of irregular shape, bounded on the southeast and on the south by part of lot 1 (Metropolitan Boulevard), on the southwest by lots 1 005 729, 1 148 003, 1 005 727, 1 144 220, 1 144 221, 1 144 222, 1 144 218, 1 144 219 and 1 144 242 of the cadastre of Québec, on the northwest by part of lot 1, and on the northeast by part of lot 2, measuring 54.01 m and 31.39 m to the southeast, 67.12 m along an arc of circle having a radius of 42.67 m and 76.61 m along an arc of circle having a radius of 48.77 m to the south, 59.49 m and 1,571.58 m to the southwest, 202.54 m to the northwest, and 1,668.82 m to the northeast; containing an area of 303,918.4 square metres.

The northwest corner of such part of lot 1 being situated 31.55 metres from the southeast corner of lot 1-1, measured along the dividing line between lots 1 and 2.

PART OF LOT 2

Of irregular shape, bounded on the southeast by part of lot 2 (Metropolitan Boulevard), on the southwest by part of lot 1, on the northwest by part of lot 2, and on the northeast by lot 584, measuring 88.81 m to the southeast, 1,668.82 m to the southwest, 85.95 m to the northwest, and 1,645.88 m to the northeast; containing an area of 142,430.0 square metres.

The northwest corner of such part of lot 2 being situated 31.55 metres from the southeast corner of lot 2-1, measured along the dividing line between lots 2 and 584.

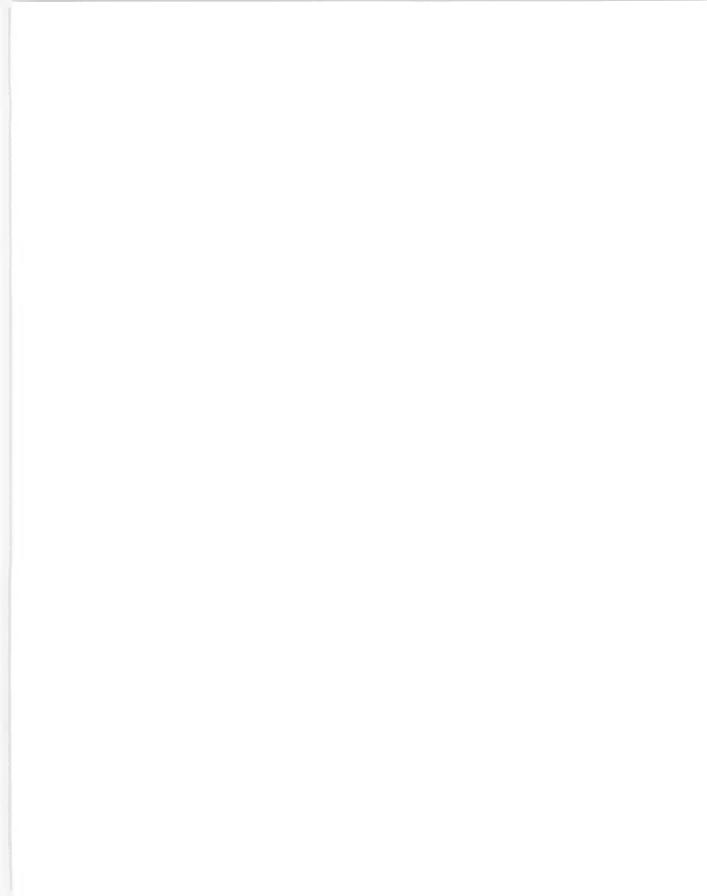
1998, chapter 62 AN ACT RESPECTING MUNICIPALITÉ DE CHERTSEY AND MUNICIPALITÉ DE SAINT-CALIXTE

Bill 206

Introduced by Mr Lévis Brien, Member for Rousseau Introduced 20 March 1997 Passage in principle 19 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998







AN ACT RESPECTING MUNICIPALITÉ DE CHERTSEY AND MUNICIPALITÉ DE SAINT-CALIXTE

[Assented to 20 June 1998]

Preamble.

WHEREAS following the annexation of part of the territory of Municipalité de Saint-Calixte to that of Municipalité de Chertsey, it is expedient to provide for measures to ensure the apportionment of the assets and liabilities resulting from the dismemberment of the territory of Saint-Calixte and to determine for each municipality financial compensations consequential to the annexation;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Agreement.

1. Municipalité de Saint-Calixte and Municipalité de Chertsey shall negotiate an agreement on the apportionment of the assets and liabilities relating to the territory annexed by Municipalité de Chertsey under its by-law 033-93 passed on 7 June 1993.

Notice.

2. For that purpose, the Minister of Municipal Affairs shall send the municipalities a notice in writing setting out the name of the conciliator he appoints for the negotiation of the agreement and the time he grants for an agreement to be reached. The conciliator must be a member of the Commission municipale du Québec.

Provisions applicable.

3. Sections 156 to 160 and 214.3 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), adapted as required, apply to the agreement.

Sums paid.

4. The agreement shall take into account the sums already paid by the municipalities in relation to the apportionment of the assets and liabilities.

Special tax.

Municipalité de Chertsey may impose by by-law a special tax on the immovables situated in the annexed territory or require a mode of tariffing to provide, if necessary, for payment of the amounts that may be payable under the provisions of the agreement and the expenditures required to establish it. The tax shall be imposed in accordance with article 979 of the Municipal Code of Québec (R.S.Q, chapter C-27.1) and the mode of tariffing shall be required in accordance with Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

Loan by-law.

For those purposes, Municipalité de Chertsey may also pass a loan by-law which requires only the approval of the Minister of Municipal Affairs.

Cases pending.

6. This Act does not affect cases pending on 17 June 1994.

Coming into force.

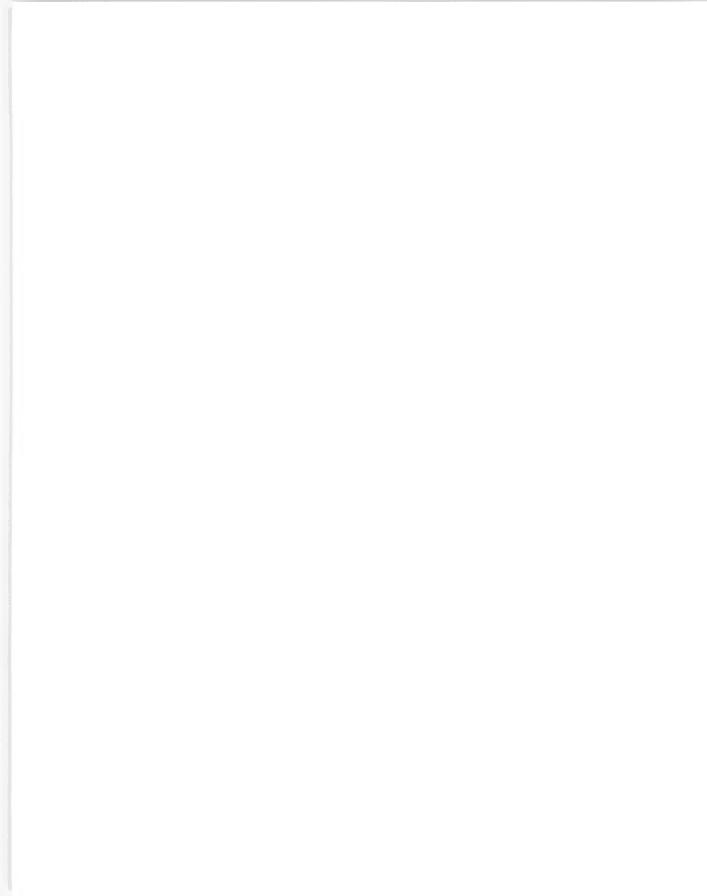
1998, chapter 63 AN ACT RESPECTING MUNICIPALITÉ DE SAINT-JEAN-DES-PILES

Bill 272

Introduced by Mr Yves Beaumier, Member for Champlain Introduced 12 May 1998 Passage in principle 19 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998







AN ACT RESPECTING MUNICIPALITÉ DE SAINT-JEAN-DES-PILES

[Assented to 20 June 1998]

Preamble.

WHEREAS it is expedient to validate certain compensation payable to and levied by Municipalité de Saint-Jean-des-Piles in respect of immovables situated in its territory;

Whereas it is in the public interest that the carrying out of certain work near Lac des Piles and the loans and expenses incurred for that purpose by the municipality be validated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

By-laws.

- **1.** Loan By-laws 285-11-92 and 325-11-95 of Municipalité de Saint-Jean-des-Piles as well as the work carried out, the expenses incurred and the contracts awarded under those by-laws may not be invalidated on any of the following grounds:
 - (1) work was carried out on lands that did not belong to the municipality;
- (2) a contract was not awarded in accordance with articles 934 to 936 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);
- (3) a contract was not approved by the council before being concluded, contrary to article 142 of the Municipal Code of Québec.

Judicial recourse.

No judicial recourse may be exercised on any of the grounds mentioned in the first paragraph.

Compensation.

2. No compensation payable and levied under the by-laws referred to in section 1 and no payment in a single instalment made under article 1072.1 of the Municipal Code of Québec may be invalidated on any of the grounds mentioned in section 1 or because the amount of the compensation payable and levied or of the payment made is not the amount that it should have been.

Loan by-law.

3. A loan by-law passed by the council before 18 September 1998 to complete the work carried out under the by-laws referred to in section 1 may provide, notwithstanding article 1072.1 of the Municipal Code of Québec, that a ratepayer required to pay compensation may be exempted therefrom by paying in one instalment that portion of the capital which, upon maturity of the loan, would have been provided by the compensation.

New compensation.

The by-law may also amend the provisions of By-laws 285-11-92 and 325-11-95 that establish a compensation; the new compensation and the new tax so ordered shall have effect retroactively to the date of coming into force of those by-laws.

Transfer of land.

The Amicale des Écoles de Grand-Mère may transfer, by agreement, to the municipality the portion of its land which the municipality proposes to acquire under section 3 of By-law 360-04-98 passed on 20 April 1998, even without the consent of 90% of all its members in good standing, as provided for in the amendment brought to its charter on 27 May 1962.

Reapportionment.

4. The municipality shall, before 18 October 1998, establish a reapportionment of the tax burden imposed by loan By-laws 285-11-92 and 325-11-95 as amended by the by-law referred to in section 3.

Amount.

The municipality shall establish, in particular, for each ratepayer concerned by compensation that is amended by the by-law,

- (1) the total amount of the taxes and compensation that should have been paid, each year, pursuant to the amended provisions or, as the case may be, the amount that should have been paid pursuant to article 1072.1 of the Municipal Code of Québec;
- (2) the total amount of compensation paid each year or, as the case may be, the amount paid pursuant to article 1072.1 of the Municipal Code of Québec.

Copy.

A copy of the reapportionment shall be sent to the Minister of Municipal Affairs.

Tax account.

5. Where the amount established under subparagraph 1 of the second paragraph of section 4 exceeds the amount established under subparagraph 2 of that paragraph, the municipality shall send to the ratepayer, before 17 November 1998, a tax account in an amount equal to that difference.

Claim.

Where a ratepayer has, under article 1072.1 of the Municipal Code of Québec, paid the ratepayer's portion of the loan ordered by By-law 285-11-92 in one instalment, the municipality shall send to the ratepayer, within the same time, a claim for the difference between the two amounts.

Exemption.

The ratepayer is exempted from the payment of the compensation ordered by the by-law, pursuant to article 1072.3 of the Municipal Code of Québec, only if the ratepayer pays the amount claimed within 30 days of the claim. Where no such payment is made, the ratepayer is exempted only in the proportion that the amount paid by the ratepayer is of the amount that the ratepayer should have paid.

Set-off.

6. Where the amount established under subparagraph 2 of the second paragraph of section 4 exceeds the amount established under subparagraph 1 of that paragraph, the amount of that difference shall be paid by the municipality

to the person concerned or be set off against any sum payable to the municipality by that person.

Servitudes.

7. The servitudes of right of way established on the private road situated on lots 368 (part), 369 (part), 370 (part) and 371 (part) of the official cadastre of the parish of Sainte-Flore by the acts published at the registry office of the registration division of Shawinigan under Nos. 167281, 164391, 157559 and 142126 and at the registry office of the registration division of Champlain under Nos. 132476, 196792, 164713, 159169 and 179576, are extinguished.

Servitudes.

In addition, the servitudes of right of way established on the private road situated on lots 373 (part) and 374 (part) of the official cadastre of the parish of Sainte-Flore by the acts published under No. 123843 at the registration division of Shawinigan and No. 180573 at the registration division of Champlain are also extinguished.

Servitudes.

Every servitude of right of way established before 1 December 1997 on any of the private roads mentioned in this section and not published on that date is also extinguished.

Publication.

8. On application by the municipality, the cancellation of the servitudes referred to in the first and second paragraphs of section 7 shall be effected by the publication, at the registry office of the registration division of Shawinigan and at the registry office of the registration division of Champlain, of a notice referring to section 7 and reproducing the provisions thereof, and certifying that the work ordered by a by-law under sections 1 and 3 is completed.

Signature.

Notwithstanding articles 2981, 2990 and 2991 of the Civil Code of Québec, the signature of the secretary-treasurer of Municipalité de Saint-Jean-des-Piles on the notice is sufficient.

Cancellation.

Where a servitude referred to in the third paragraph of section 7 is published after 1 December 1997, it may be cancelled in accordance with this section.

Compensation,

9. The compensation required, under a loan by-law referred to in section 3, of the beneficiaries of the servitudes extinguished under section 7 shall not exceed 60% of the compensation required of the ratepayers whose immovables are situated on the shore of Lac des Piles and who were not entitled to any access to the public highway before the beginning of the work provided for by By-laws 285-11-92 and 325-11-95.

Indemnity and damages.

The difference between the two compensations referred to in the first paragraph shall be in lieu of any indemnity and any damages related to the cancellation of the servitudes extinguished under this Act.

CHAP. **63**

Municipalité de Saint-Jean-des-Piles

1998

Reference.

10. The secretary-treasurer of the municipality shall enter a reference to this Act in the book of the by-laws of the municipality at the end of each by-law referred to in this Act.

Case pending.

11. This Act does not affect any case pending on 1 December 1997.

Effect.

12. Section 3 has effect from 20 April 1998.

Effective date.

13. Section 7 becomes effective on the day of the publication of the notice referred to in section 8.

Coming into force.

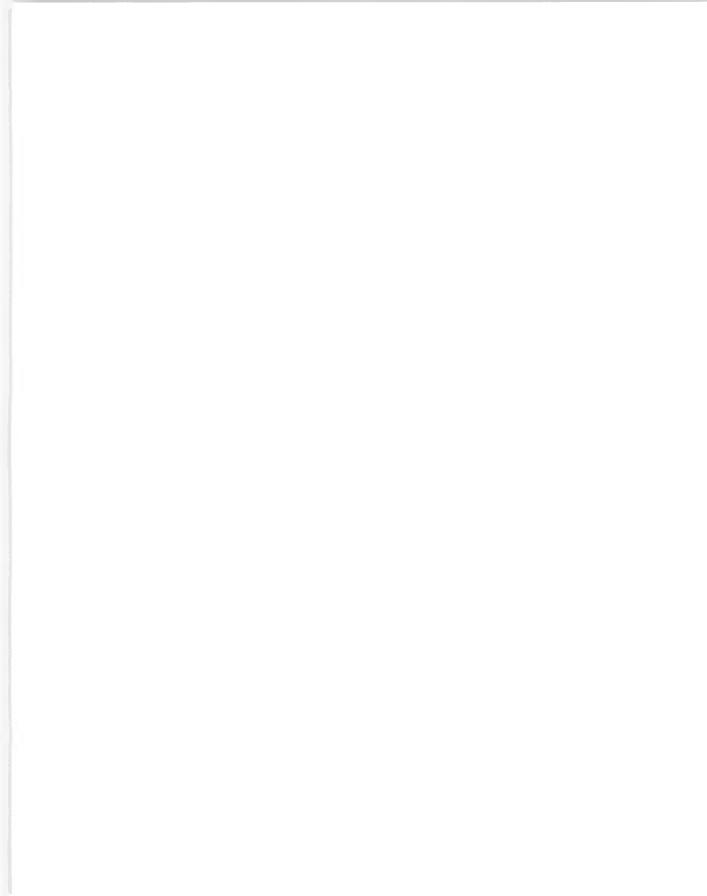
1998, chapter 64 AN ACT RESPECTING CERTAIN IMMOVABLES OF THE CADASTRE OF THE PARISH OF SAINT-LOUIS-DE-TERREBONNE

Bill 275

Introduced by Madam Céline Signori, Member for Blainville Introduced 11 June 1998 Passage in principle 19 June 1998 Passage 19 June 1998 Assented to 20 June 1998

Coming into force: 20 June 1998, except sections 1 to 3 which take effect on the date of registration in the land register of the notice referred to in section 5







Chapter 64

AN ACT RESPECTING CERTAIN IMMOVABLES OF THE CADASTRE OF THE PARISH OF SAINT-LOUIS-DETERREBONNE

[Assented to 20 June 1998]

Preamble.

WHEREAS it is expedient to confirm the titles of ownership pertaining to certain immovables of the cadastre of the parish of Saint-Louis-de-Terrebonne;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Title of ownership.

The title of ownership to part of lot 12 and part of lot 13 of the cadastre of the parish of Saint-Louis-de-Terrebonne, registration division of Terrebonne, granted to Ville de Bois-des-Filion by the acts published on 24 February 1992 and 14 June 1989 under numbers 982317 and 873350, respectively, is hereby validated.

Title of ownership.

2. The title of ownership to part of lot 16 of the cadastre of the parish of Saint-Louis-de-Terrebonne, registration division of Terrebonne, granted to Pauline Ouimet Lebeau and Denise Despré Damboise by a notice of adjudication published on 20 March 1972 under number 337, is hereby validated.

Real rights.

3. The real rights extinguished by section 1 are replaced by personal rights exercisable against Ville de Bois-des-Filion. The value of the personal rights is equal to the value of the real rights at the time of the registration of the real rights by means of the acts referred to in section 1.

Public notice.

- **4.** Not later than the thirtieth day after 20 June 1998, the clerk of Ville de Bois-des-Filion shall, in accordance with the Cities and Towns Act (R.S.Q., chapter C-19), give a public notice
- (1) informing the readers of the passage of this Act, and mentioning the title and bill number of and date of assent to this Act;
- (2) mentioning the fact that under this Act, the titles of ownership of Ville de Bois-des-Filion to certain immovables are validated as of the date of registration of a notice in the land register under the number of the lots concerned:
- (3) describing, using street names whenever possible, the perimeter of the immovables referred to in section 1 and illustrating them by means of a sketch:

(4) indicating how a copy of this Act and any information concerning its provisions may be obtained free of charge from the city.

Publication.

5. The publication, in the registry office of the registration division of Terrebonne, of the rights resulting from this Act is effected by means of a notice referring to this Act and containing the enacting terms of this Act and the description of immovables set out in the Schedule. The notice shall also mention the issue of the newspaper in which the notice referred to in section 4 appeared.

Signature.

Notwithstanding articles 2981, 2990 and 2991 of the Civil Code of Québec, the notice need only be signed by the clerk of Ville de Bois-des-Filion.

Titles validated.

6. The titles validated by sections 1 and 2 do not constitute transfers within the meaning of section 1 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1).

Judicial proceeding.

7. This Act does not affect any judicial proceeding in progress on 17 April 1998.

Coming into force.

8. This Act comes into force on 20 June 1998, except sections 1 to 3 which take effect on the date of registration in the land register of the notice referred to in section 5.

SCHEDULE

TECHNICAL DESCRIPTION

Cadastre of the parish of Saint-Louis-de-Terrebonne Registration division of Terrebonne Ville de Bois-des-Filion

1. Part of lot 12

A parcel of land situated in the said municipality, being part of original lot TWELVE (12 Pt) of the said cadastre, as indicated by the figures "16-15-19-18-17-16" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lot 12, on the southeast and northeast by another part of lot 12-78, on the southeast by lot 12-2 and on the southwest by part of lot 5.

MEASURING thirty-five and four hundredths metres (35.04 m) to the northwest (16-15), twelve and sixty-six hundredths metres (12.66 m) to the southeast (15-19), two and twenty-seven hundredths metres (2.27 m) to the northeast (19-18), twenty-one and ninety-six hundredths metres (21.96 m) again to the southeast (18-17) and seven and forty-four hundredths metres (7.44 m) to the southwest (17-16).

CONTAINING an area of one hundred and thirty-nine and four tenths square metres (139.4 m²).

2. Part of lot 12

A parcel of land situated in the said municipality, being part of original lot TWELVE (12 Pt) of the said cadastre, as indicated by the figures "22-23-24-25-22" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by lots 12-41, 12-40, 12-39 and 12-38, on the northeast by lots 12-51, 12-50, 12-49, 12-48, 12-47, 12-46, 12-45, 12-44 and 12-74, on the south by part of lot 11 and on the southwest by part of lot 5.

MEASURING twenty and seventy hundredths metres (20.70 m) to the northwest (22-23), seventy-three and fourteenth hundredths metres (73.14 m) to the northeast (23-24), twenty-seven and forty-eight hundredths metres (27.48 m) to the south (24-25) and fifty-four and seventy-three hundredths metres (54.73 m) to the southwest (25-22).

CONTAINING an area of one thousand three hundred and twelve and five tenths square metres $(1,312.5 \text{ m}^2)$.

3. Part of lot 12

A parcel of land situated in the said municipality, being part of original lot TWELVE (12 Pt) of the said cadastre, as indicated by the figures "26-27-28-26" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by lot 12-42 (street), on the northeast by part of lot 13 and on the south by part of lot 11.

MEASURING eight and forty-four hundredths metres (8.44 m) to the northwest (26-27), four and seven hundredths metres (4.07 m) to the northeast (27-28) and ten and sixty-three hundredths metres (10.63 m) to the south (28-26).

CONTAINING an area of sixteen square metres (16.0 m²).

4. Part of lot 12-78

A parcel of land situated in the said municipality, being part of lot SEVENTY-EIGHT of original lot TWELVE (12-78 Pt) of the said cadastre, as indicated by the figures "19-15-14-21-20-19" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lot 12 and by another part of lot 12-78, on the northeast by lot 12-79 (street), on the southeast by lot 12-72 and on the southwest by lot 12-2 and part of lot 12.

MEASURING twelve and sixty-six hundredths metres (12.66 m) to the northwest (19-15), eighteen and two hundredths metres (18.02 m) again to the northwest (15-14), six and forty-eight hundredths metres (6.48 m) to the northeast (14-21), thirty and forty-eight hundredths metres (30.48 m) to the southeast (21-20) and nine and forty-four hundredths metres (9.44 m) to the southwest (20-19).

CONTAINING an area of two hundred and fifty-five square metres (255.0 m²).

5. Part of lot 13

A parcel of land situated in the said municipality, being part of original lot THIRTEEN (13 Pt) of the said cadastre, as indicated by the figures "8-7-6-5-2-1-8" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lot 13, on the northeast by part of lot 14, on the southeast by lot 13-62, on the west by part of lot 13-39, on the south by lot 13-1 (avenue Des Bois-Francs) and on the southwest by lots 13-37 and 13-38 and part of lot 13-42.

MEASURING nineteen and thirty hundredths metres (19.30 m) to the northwest (8-7), sixty-four and forty-seven hundredths metres (64.47 m) to the northeast (7-6), sixteen and forty hundredths metres (16.40 m) to the southeast (6-5), fifteen and eighty-four hundredths metres (15.84 m) to the west (5-2), twenty-nine and twenty-nine hundredths metres (29.29 m) to the south (2-1) and thirty-one and forty-four hundredths metres (31.44 m) to the southwest (1-8).

CONTAINING an area of nine hundred and eighty-seven and four tenths square metres (987.4 m²).

6. Part of lot 13

A parcel of land situated in the said municipality, being part of original lot THIRTEEN (13 Pt) of the said cadastre, as indicated by the figures "27-30-29-28-27" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by lots 13-1 (avenue Des Bois-Francs), 13-8, 13-7, 13-6, 13-5, 13-4, 13-3 and 13-2, on the northeast by part of lot 14, on the south by part of lot 11 and by lot 11-380 (park) and on the southwest by part of lot 12.

MEASURING sixty-two and eighty-five hundredths metres (62.85 m) to the northwest (27-30), thirty-four and thirty-nine hundredths metres (34.39 m) to the northeast (30-29), seventy-nine and seventeen hundredths metres (79.17 m) to the south (29-28) and four and seven hundredths metres (4.07 m) to the southwest (28-27).

CONTAINING an area of one thousand one hundred and twenty-four and four tenths square metres (1,124.4 m²).

7. Part of lot 13-39

A parcel of land situated in the said municipality, being part of lot THIRTY-NINE of original lot THIRTEEN (13-39 Pt) of the said cadastre, as indicated by the figures "3-2-5-4-3" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the north by lot 13-1 (avenue Des Bois-Francs), on the east by part of lot 13, on the southeast by lot 13-62 and on the southwest by lots 13-34, 13-35 and 13-36.

MEASURING seventeen and ninety hundredths metres (17.90 m) along an arc of circle having a radius of thirty-four and eighty-seven hundredths metres (34.87 m) to the north (3-2), fifteen and eighty-four hundredths metres (15.84 m) to the east (2-5), three and five hundredths metres (3.05 m) to the southeast (5-4) and twenty and thirty-two hundredths metres (20.32 m) to the southwest (4-3).

CONTAINING an area of one hundred and eighty and one tenth square metres (180.1 m²).

8. Part of lot 13-41

A parcel of land situated in the said municipality, being part of lot FORTY-ONE of original lot THIRTEEN (13-41 Pt) of the said cadastre, as indicated by the figures "10-9-11-10" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lot 13-41, on the southeast by part of lot 13-42 and on the southwest by lot 13-1 (street).

MEASURING twenty-eight and eighty-nine hundredths metres (28.89 m) to the northwest (10-9), twenty-eight and fifty-seven hundredths metres (28.57 m) to the southeast (9-11) and four and twenty-seven hundredths metres (4.27 m) to the southwest (11-10).

CONTAINING an area of sixty and nine tenths square metres (60.9 m²).

9. Part of lot 13-42

A parcel of land situated in the said municipality, being part of lot FORTY-TWO of original lot THIRTEEN (13-42 Pt) of the said cadastre, as indicated by the figures "11-9-8-13-12-11" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lots 13-41 and 13-42, on the northeast by part of lot 13, on the southeast by lot 13-38 and on the southwest by lot 13-1 (street).

MEASURING twenty-eight and fifty-seven hundredths metres (28.57 m) to the northwest (11-9), one and ninety-three hundredths metres (1.93 m) again to the northwest (9-8), eight and eighty-six hundredths metres (8.86 m) to the northeast, thirty and forty-eight hundredths metres (30.48 m) to the southeast (13-12) and nine and fourteen hundredths metres (9.14 m) to the southwest (12-11).

CONTAINING an area of two hundred and seventy-eight and four tenths square metres (278.4 m²).

Together with the following lots: 12-1 (avenue Des Laurentides), 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12, 12-13, 12-14, 12-15, 12-16, 12-17, 12-18, 12-19, 12-20, 12-21, 12-22, 12-23, 12-24, 12-25, 12-26, 12-27, 12-28, 12-29, 12-30, 12-31, 12-32, 12-33, 12-38, 12-39, 12-40, 12-41, 12-42 (street), 12-44, 12-45, 12-46, 12-47, 12-48, 12-49, 12-50, 12-51, 12-52, 12-53, 12-54, 12-55, 12-56, 12-57, 12-58, 12-59, 12-60, 12-61, 12-62, 12-63, 12-64, 12-65, 12-66, 12-67, 12-68, 12-69, 12-70, 12-71, 12-72, 12-74, 12-75, 12-76, 12-77, 13-1 (avenue Des Bois-Francs), 13-2, 13-3, 13-4, 13-5, 13-6, 13-7, 13-8, 13-9, 13-20, 13-21, 13-22, 13-23, 13-24, 13-25, 13-26, 13-27, 13-28, 13-29, 13-30, 13-31, 13-32, 13-33, 13-34, 13-35, 13-36, 13-37, 13-38, 13-43,

13-44, 13-45, 13-46, 13-47, 13-48, 13-49, 13-50, 13-51, 13-52, 13-53, 13-54, 13-55, 13-56, 13-57, 13-58, 13-59, 13-60, 13-61, 13-62.

All dimensions in this description in METRES (SI).

Gilles Legault Land Surveyor

Cadastre of the parish of Saint-Louis-de-Terrebonne Registration division of Terrebonne Ville de Bois-des-Filion

10. Part of lot 16

A parcel of land situated in the said municipality, being part of original lot SIXTEEN (16 Pt) of the said cadastre, as indicated by the letters "A-B-C-D-A" on the plan prepared under minute number 39676 by the undersigned land surveyor on 11 June 1998.

BOUNDED on the southwest by part of lot 14, by lot 14-621, by another part of lot 14, by lots 14-576, 14-577, 14-578, 14-579, 14-580, 14-581, 14-582, 14-583, 14-584, 14-585, 14-586, 14-587, 14-588, 14-624, 14-625, 14-626, 14-627, 14-628, 14-629, 14-630, 14-631 and 14-632 and by another part of lot 14, on the northwest by another part of lot 16, on the northeast by part of lot 17 and on the southeast by part of lot 14.

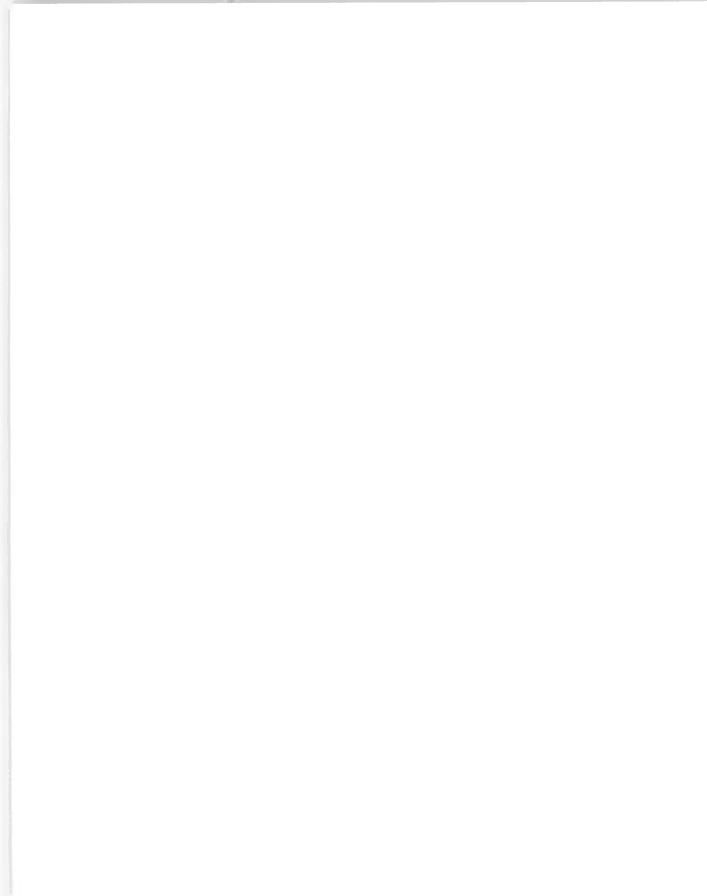
MEASURING three hundred and twenty-eight and forty-seven hundredths metres (328.47 m) to the southwest (B-C), sixty and seventeen hundredths metres (60.17 m) to the northwest (C-D), three hundred and fourteen and fifty-five hundredths metres (314.55 m) to the northeast (D-A) and fifty-nine and ninety-one hundredths metres (59.91 m) to the southeast (A-B).

CONTAINING an area of nineteen thousand one hundred and sixty-eight and five tenths square metres (19,168.5 m²).

All dimensions in this description and on the attached plan in METRES (SI).

PREPARED AT BOISBRIAND on this eleventh day of the month of June nineteen hundred and ninety-eight under minute number 39676.

Jacques Noury Land Surveyor



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 65 AN ACT RESPECTING TD TRUST COMPANY AND CENTRAL GUARANTY TRUST COMPANY

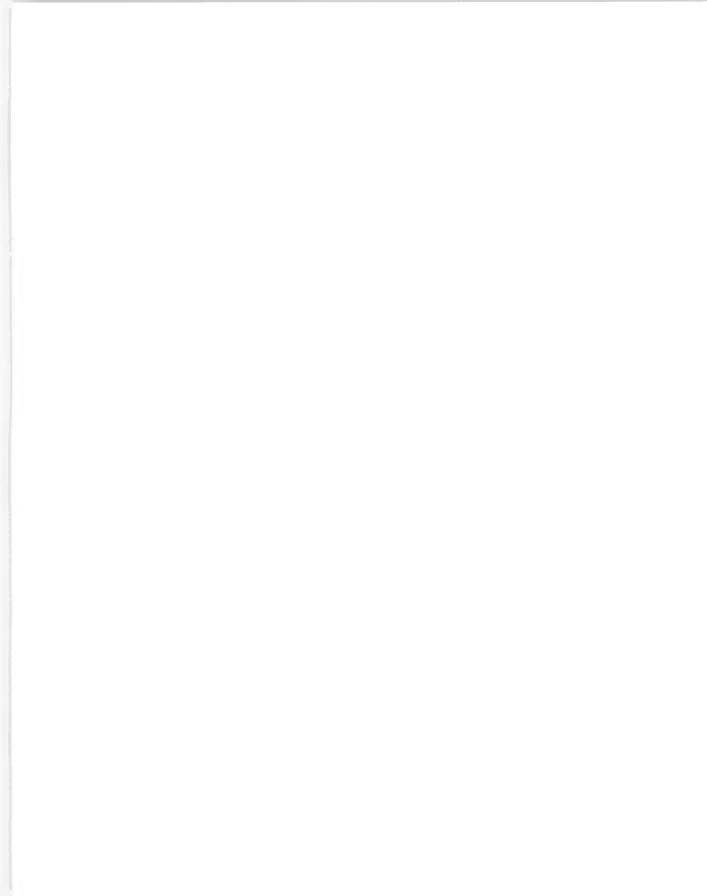
Bill 221

Introduced by Mr Gilles Baril, Member for Berthier Introduced 18 December 1997
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Coming into force: 20 June 1998

Legislation amended: None







Chapter 65

AN ACT RESPECTING TO TRUST COMPANY AND CENTRAL GUARANTY TRUST COMPANY

[Assented to 20 June 1998]

Preamble.

WHEREAS Central Guaranty Trust Company is issued from the amalgamation on 31 December 1988, between Central Trust Company, Guaranty Trust Company of Canada, Nova Scotia Savings and Trust Company and Yorkshire Trust Company, and thereafter from the amalgamation on 31 December 1989, between the Central Guaranty Trust Company resulting from that first amalgamation and The Central and Guaranty Trust Corporation, and is governed by the Trust and Loan Companies Act (S.C., 1991, chapter 45);

Whereas under the Winding-up and Restructuring Act (R.S.C., 1985, chapter W-11), the Supreme Court of Ontario (General Division) issued on 31 December 1992, a winding-up order concerning Central Guaranty Trust Company;

Whereas TD Trust Company is a trust company organized under the Trust and Loan Companies Act on 22 June 1992, by the issuance of letters patent, and is governed by that Act;

Whereas on 31 December 1992, The Toronto-Dominion Bank and its subsidiaries acquired substantially all of the assets of Central Guaranty Trust Company;

Whereas during the course of the winding-up of Central Guaranty Trust Company, TD Trust Company, a wholly-owned subsidiary of The Toronto-Dominion Bank, acquired the trusteeship and agency business of Central Guaranty Trust Company pursuant to a commercial agreement providing in particular for the appointment of TD Trust Company as successor to Central Guaranty Trust Company regarding such trusteeship and agency business and, until that process is completed, is acting as agent of Central Guaranty Trust Company;

Whereas that commercial agreement provides that TD Trust Company is not liable for damages arising out of any act or omission on the part of Central Guaranty Trust Company that occurred before 1 January 1993 in respect of the trusteeship and agency business referred to in this Act;

Whereas that commercial agreement was approved by the court during the winding-up proceedings of Central Guaranty Trust Company;

Whereas until 31 December 1992, Central Guaranty Trust Company carried on business in Québec and many persons continue to have contractual relations with it:

Whereas since 1 January 1993, TD Trust Company has been acting as agent of Central Guaranty Trust Company relating to its trusteeship and agency business referred to in the commercial agreement between the two trust companies, including in Québec;

Whereas because of the number of trusts and instances of administration of the property of others involved, it would be impractical to apply to the court to have TD Trust Company appointed as successor to Central Guaranty Trust Company;

Whereas the legislatures of Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, Manitoba, Saskatchewan, Alberta and British Columbia have all enacted a statute having the same effect as this Act;

Whereas the enactment by the Parliament of Québec of a statute relating to the transfer of the trusteeship and agency business of Central Guaranty Trust Company to TD Trust Company is in the interest of the persons having relations with the said two trust companies in relation to such trusteeship and agency business, and aims at clarifying their rights and obligations;

Whereas TD Trust Company and Central Guaranty Trust Company have consented to the enactment of this Act:

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Substitution.

1. Effective 1 January 1993, TD Trust Company is substituted *de pleno jure* for Central Guaranty Trust Company with respect to any situation wherein Central Guaranty Trust Company acts for or for the benefit of any person or for private or social utility purposes, as a trust company as defined in section 1 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01), notwithstanding by what document or instrument Central Guaranty Trust Company was appointed and whatever title was used to appoint it.

Substitution.

The fact that some of the movables or immovables referred to in this section are situate outside Québec does not prevent such substitution.

Effect.

2. Subject to sections 5 and 9, where a notarial act or a private writing, a judgment or any other instrument imposes any obligations on Central Guaranty Trust Company in relation to any situation described in section 1, or confers any rights on the same, the name "TD Trust Company" is substituted for the name "Central Guaranty Trust Company".

Transfer of property.

3. Effective 1 January 1993, TD Trust Company is substituted *de pleno jure* for Central Guaranty Trust Company in all rights related to property, corporeal or incorporeal, movable or immovable, vested in the company in

relation to any situation described in section 1, whether in the form in which it was originally acquired by Central Guaranty Trust Company or otherwise, and such substitution is effective without any need of registration or deposit of this Act or any other document indicating such substitution in any register whatsoever in Québec.

Legal proceedings.

4. Subject to sections 5 and 9, no proceeding exercised by or against Central Guaranty Trust Company in relation to any situation described in section 1, before any court or administrative tribunal or any governmental agency in Québec, shall be suspended or terminated as a result of the coming into force of this Act. However, such proceedings may be continued in the name of TD Trust Company, which shall have the same rights and obligations as if they had been commenced in its name or against it, upon a simple written notice served to all interested parties and deposited in the record of such proceedings.

Legal proceedings.

Subject to sections 5 and 9, any proceeding which may have been exercised by Central Guaranty Trust Company as a trust company or against it with respect to any situation described in section 1, may be exercised by TD Trust Company or against it, which shall have the same rights and obligations and shall be subject to the same liabilities in respect thereof as Central Guaranty Trust Company would have had or been subject to if this Act had not been enacted, and for purposes of examination for discovery or production of documents in relation to any such proceeding, Central Guaranty Trust Company and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

Rights of third parties.

5. Nothing in this Act affects the rights of a person having any claim against Central Guaranty Trust Company in relation to any situation described in section 1 nor lessens, changes or affects the liability of the company towards such a person.

Damages.

TD Trust Company is not liable for damages arising out of any act or omission on the part of Central Guaranty Trust Company that occurred before 1 January 1993, which may be qualified as non-performance or bad performance by Central Guaranty Trust Company in respect of its obligations in relation to any situation described in section 1.

Notice.

6. Any person under an obligation to make payments to Central Guaranty Trust Company in relation to any situation described in section 1, may continue to make such payments to such company until TD Trust Company has given notice to such person in writing that the payments shall be made to TD Trust Company in the future and thereupon the person's obligation is owed to TD Trust Company.

Cancellation of registration.

7. For the cancellation, upon TD Trust Company's demand, of the registration of a right or a power of Central Guaranty Trust Company vested in TD Trust Company because of this Act, the document transmitted to the registry office for the registration division concerned or to the register of

personal and movable real rights shall mention that TD Trust Company acts in the rights of Central Guaranty Trust Company pursuant to the substitution operated by this Act and shall refer to this Act.

Rights.

8. This Act does not change or otherwise affect the rights and obligations of TD Trust Company as successor trustee of Central Guaranty Trust Company.

Replacement.

9. This Act does not affect the replacement of Central Guaranty Trust Company by a trustee other than TD Trust Company made between 1 January 1993 and 20 June 1998 upon demand from the settlor, the beneficiary or another interested person.

Interpretation.

Moreover, this Act shall not be interpreted as denying to a person who named Central Guaranty Trust Company as trustee or administrator of the property of others or who is beneficiary of such administration the right, if any, of such person to name such another person other than TD Trust Company.

Property and trusts not affected.

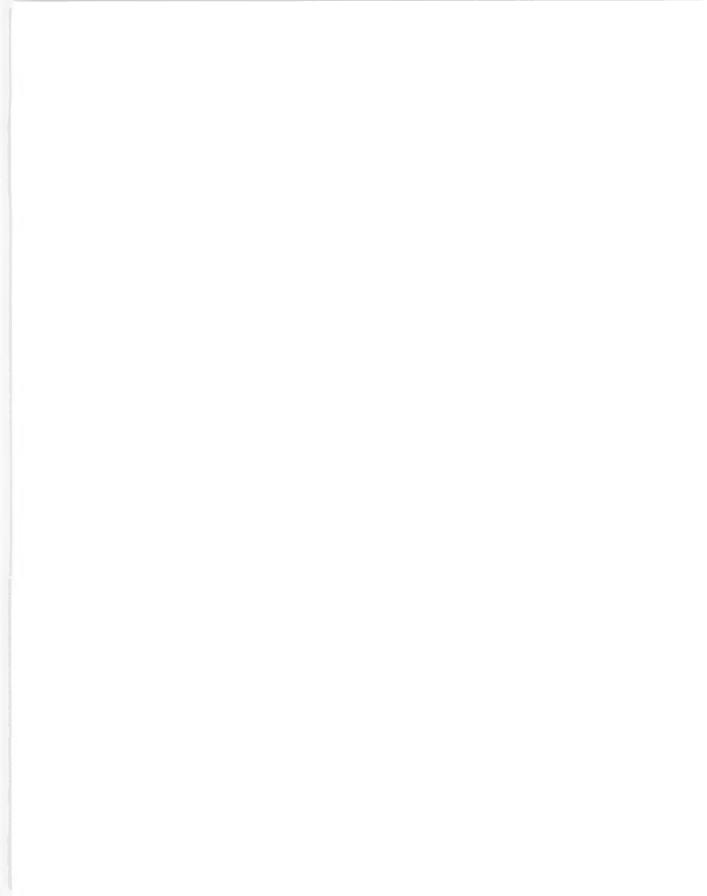
- **10.** This Act does not apply to the following commercial activities and property of Central Guaranty Trust Company:
- (a) property, corporeal or incorporeal, movable or immovable, and each interest in such property, held by Central Guaranty Trust Company, exclusively and for its own use and benefit, and not for the use or benefit of any other person or for any other purpose;
- (b) the trusts relating to money received for guaranteed investment and any property, corporeal or incorporeal, movable or immovable, held in trust by Central Guaranty Trust Company with respect to such guaranteed investment except for trusts relating to money received by Central Guaranty Trust Company and any property, corporeal or incorporeal, movable or immovable, held in trust by Central Guaranty Trust Company, with respect to any registered home ownership savings plan, registered retirement savings plan, retirement income fund, deferred profit sharing plan or income averaging annuity contract, as those terms are defined in the Income Tax Act (R.S.C., 1985, 5th Supplement, chapter 1) or the Taxation Act (R.S.Q., chapter I-3), or other registered or unregistered deferred income or employee benefit plan;
- (c) property, corporeal or incorporeal, movable or immovable, held by Central Guaranty Trust Company or vested in it pursuant to or in respect of the following:
- i. any trust deed or other instrument to which section 1 would otherwise apply, wherein Central Guaranty Trust Company is or may be a trustee and by virtue of which bonds, debentures or other evidences of indebtedness, warrants or rights have been or may be issued,
- ii. any document or trust to which section 1 would otherwise apply, pursuant to which Central Guaranty Trust Company acts as trustee for unit holders in respect of any oil or gas royalty trust fund,

iii. any document or trust to which section 1 would otherwise apply, wherein Central Guaranty Trust Company acts as trustee, manager, advisor, registrar or transfer agent with respect to the Central Guaranty Trust Funds – Canadian Money Market Fund, Central Guaranty Trust Investors Fund (Income and Equity sections), Central Guaranty Property Fund and Central Guaranty Trust Real Estate Fund;

(d) any agreement or other document of any kind whereby Central Guaranty Trust Company is named or may be named, registrar or transfer agent, except for mutual funds not described in subparagraph iii of paragraph c of this section.

Coming into force.

11. This Act comes into force on 20 June 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 66 AN ACT RESPECTING THE BANK OF NOVA SCOTIA TRUST COMPANY, MONTREAL TRUST COMPANY OF CANADA AND MONTREAL TRUST COMPANY

Bill 247

Introduced by Mr Gilles Baril, Member for Berthier Introduced 18 December 1997 Passage in principle 19 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998

Legislation amended: None





Chapter 66

AN ACT RESPECTING THE BANK OF NOVA SCOTIA TRUST COMPANY, MONTREAL TRUST COMPANY OF CANADA AND MONTREAL TRUST COMPANY

[Assented to 20 June 1998]

Preamble.

WHEREAS Montreal Trust Company of Canada is issued from the amalgamation of Montreal Trust Company of Canada and Wellington Trust Company on 1 January 1992;

Whereas Montreal Trust Company is issued from the amalgamation of Montreal Trust Company, Credit Foncier and Credit Foncier Trust Company on 1 January 1987, under the Act to amalgamate Montreal Trust Company, Credit Foncier and Credit Foncier Trust Company (1986, chapter 135), and received its letters patent of continuance on 17 August 1994, under the Trust and Loan Companies Act (S.C., 1991, chapter 45);

Whereas The Bank of Nova Scotia Trust Company was organized by letters patent issued on 22 June 1992, under the Trust and Loan Companies Act;

Whereas on 11 April 1994, The Bank of Nova Scotia acquired all of the voting shares of Montreal Trustco Inc. and thereby acquired all of the shares of Montreal Trust Company of Canada and Montreal Trust Company, each a wholly-owned subsidiary of Montreal Trustco Inc.;

Whereas The Bank of Nova Scotia Trust Company, a wholly-owned subsidiary of The Bank of Nova Scotia, proposes to acquire part of the trusteeship and agency business of both Montreal Trust Company of Canada and Montreal Trust Company in which one of these two companies acts for or for the benefit of a natural person;

Whereas for that purpose, The Bank of Nova Scotia Trust Company must be appointed as successor trustee to Montreal Trust Company of Canada and Montreal Trust Company in relation to that trusteeship and agency business;

Whereas because of the number of trusts and instances of administration of the property of others involved, it would be impractical to apply to the court to have The Bank of Nova Scotia Trust Company appointed as successor to Montreal Trust Company of Canada and Montreal Trust Company;

Whereas the legislatures of the provinces of New Brunswick, Nova Scotia, Prince Edward Island, Ontario, Manitoba, Saskatchewan, Alberta and British

Columbia have all enacted a statute having the same effect as this Act and a bill having the same effect is currently under review before the legislature of the province of Newfoundland;

Whereas the enactment by the Parliament of Québec of a statute relating to the transfer of the trusteeship and agency business of Montreal Trust Company of Canada and Montreal Trust Company to The Bank of Nova Scotia Trust Company is in the interest of the persons having relations with the said three trust companies in relation to such trusteeship and agency business, and aims at clarifying their rights and obligations;

Whereas The Bank of Nova Scotia Trust Company, Montreal Trust Company of Canada and Montreal Trust Company have consented to and wish the enactment of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Substitution.

1. From the date set forth in a notice published in the Gazette officielle du Québec by The Bank of Nova Scotia Trust Company advising of the acquisition of the trusteeship and agency business of Montreal Trust Company of Canada and Montreal Trust Company referred to in this section by The Bank of Nova Scotia Trust Company, the latter is substituted de pleno jure for Montreal Trust Company of Canada and Montreal Trust Company with respect to any situation wherein Montreal Trust Company of Canada or Montreal Trust Company acts for or for the benefit of a natural person, as a trust company as defined in section 1 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01), notwithstanding by what document or instrument Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, was appointed and whatever title was used to appoint it.

Substitution.

The fact that some of the movables or immovables referred to in this section are situate outside Québec does not prevent such substitution.

Effect.

2. Subject to section 8, where a notarial act or a private writing, a judgment or any other instrument imposes any obligations on Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, in relation to any situation described in section 1, or confers any rights on the same, the name "The Bank of Nova Scotia Trust Company" is substituted for the name "Montreal Trust Company of Canada" or "Montreal Trust Company", as the case may be, from the date set forth in the notice published pursuant to section 1 or from the date on which such instrument comes into force if after the date set forth in such notice.

Transfer of property.

3. From the date set forth in the notice published pursuant to section 1. The Bank of Nova Scotia Trust Company is substituted *de pleno jure* for Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, in all rights related to property, corporeal or incorporeal, movable or immovable, vested in either of them in relation to any situation described in section 1, whether in the form in which it was originally acquired by Montreal Trust

Company of Canada or Montreal Trust Company, as the case may be, or otherwise, and such substitution is effective without any need of registration or deposit of this Act or any other document indicating such substitution in any register whatsoever in Québec.

Legal proceedings.

4. Subject to section 8, no proceeding exercised by or against Montreal Trust Company of Canada or Montreal Trust Company in relation to any situation described in section 1, before any court or administrative tribunal or any governmental agency in Québec, shall be suspended or terminated as a result of the coming into force of this Act. However, such proceedings may be continued in the name of The Bank of Nova Scotia Trust Company, which shall have the same rights and obligations as if they had been commenced in its name or against it, upon a simple written notice served to all interested parties and deposited in the record of such proceedings.

Legal proceedings.

Subject to section 8, any proceeding which may have been exercised by Montreal Trust Company of Canada or Montreal Trust Company or against either of them, in relation to any situation described in section 1, may be exercised by The Bank of Nova Scotia Trust Company or against it, which shall have the same rights and obligations and shall be subject to the same liabilities in respect thereof as Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, would have had or been subject to if this Act had not been enacted, and for purposes of examination for discovery or production of documents in relation to any such proceeding, Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

Legal proceedings.

With respect to such proceedings, Montreal Trust Company of Canada and Montreal Trust Company, as the case may be, as well as its officers and employees, are deemed to have been acting for The Bank of Nova Scotia Trust Company with respect to any situation described in section 1.

Rights of third parties.

5. Nothing in this Act affects the rights of a person having any claim in relation to events that occurred before the date set forth in the notice published pursuant to section 1 which may be qualified as non-performance or bad performance by Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, in respect of its obligations in relation to any situation described in section 1, but all such rights as may be enforceable in Québec may be asserted against The Bank of Nova Scotia Trust Company, which shall be responsible for all debts, liabilities and obligations of Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, in respect thereof.

Notice.

6. Any person under an obligation to make payments to Montreal Trust Company of Canada or Montreal Trust Company in relation to any situation described in section 1, may make such payments to such company until The Bank of Nova Scotia Trust Company has given notice to such person in

writing that the payments shall be made to The Bank of Nova Scotia Trust Company in the future and thereupon the person's obligation is owed to The Bank of Nova Scotia Trust Company.

Cancellation of registration.

7. For the cancellation, upon The Bank of Nova Scotia Trust Company's demand, of the registration of a right or a power of Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, vested in The Bank of Nova Scotia Trust Company because of this Act, the document transmitted to the registry office for the registration division concerned or to the register of personal and movable real rights shall mention that The Bank of Nova Scotia Trust Company acts in the rights of Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, pursuant to the substitution operated by this Act and shall refer to this Act.

Interpretation.

8. This Act shall not be interpreted as denying to a person who named Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, as trustee or administrator of the property of others, or who is beneficiary of such administration, the right, if applicable, of such person to name such another person other than The Bank of Nova Scotia Trust Company.

Property and trust not affected.

- **9.** This Act does not apply to the following property and trusts:
- (a) property, corporeal or incorporeal, movable or immovable, and each interest in such property, held by Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, exclusively and for its own use and benefit, and not for the use or benefit of any other person or for any other purpose;
- (b) the trusts relating to money received for guaranteed investment and any property, corporeal or incorporeal, movable or immovable, held in trust by Montreal Trust Company of Canada or Montreal Trust Company with respect to such guaranteed investment, including, without limitation, trusts relating to any registered home ownership savings plan, registered retirement savings plan, retirement income fund, deferred profit sharing plan or income averaging annuity contract, as those terms are defined in the Income Tax Act (R.S.C., 1985, 5th Supplement, chapter 1) or the Taxation Act (R.S.Q., chapter I-3), or other registered or unregistered deferred income or employee benefit plan;
- (c) property, corporeal or incorporeal, movable or immovable, held by or vested in Montreal Trust Company of Canada or Montreal Trust Company or vested in one of these two companies pursuant to or in respect of the following:
- i. any trust deed or other instrument to which section 1 would otherwise apply, wherein Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, is or may be a trustee and by virtue of which bonds, debentures or other evidences of indebtedness, warrants or rights have been or may be issued,

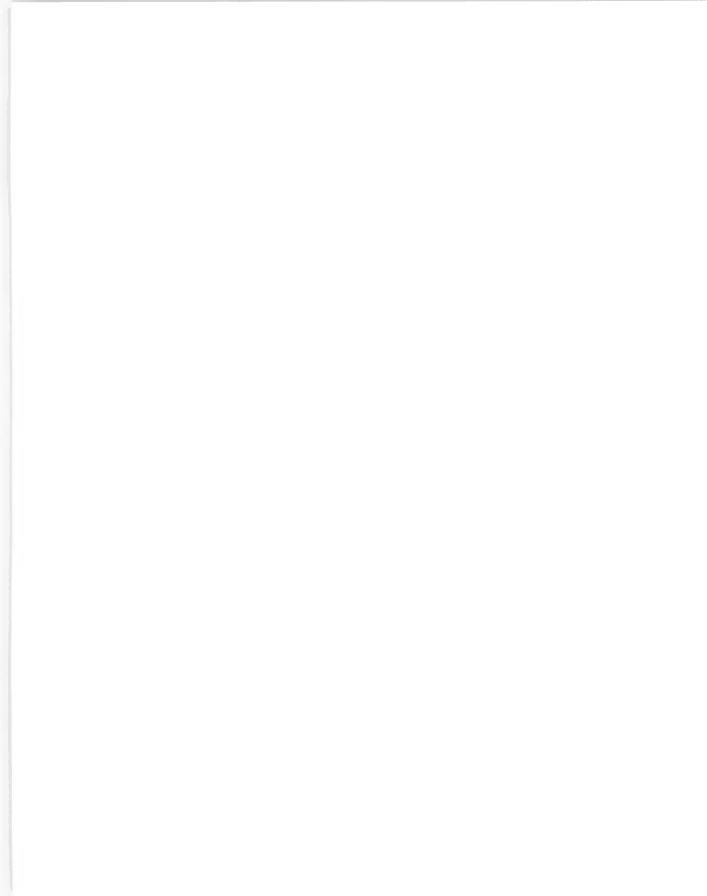
ii. any document or trust to which section 1 would otherwise apply, pursuant to which Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, acts as trustee for unit holders in respect of any oil or gas royalty trust fund,

iii. any document or trust to which section 1 would otherwise apply, wherein Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, acts as manager, advisor, registrar or transfer agent, and

iv. any document or trust to which section 1 would otherwise apply pursuant to which Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, acts as custodian or trustee for the benefit of one or more persons under a plan or other arrangement established by a corporation, partnership or other entity or person other than a natural person.

Coming into force.

10. This Act comes into force on 20 June 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 67 AN ACT RESPECTING THE BANK OF NOVA SCOTIA TRUST COMPANY AND NATIONAL TRUST COMPANY

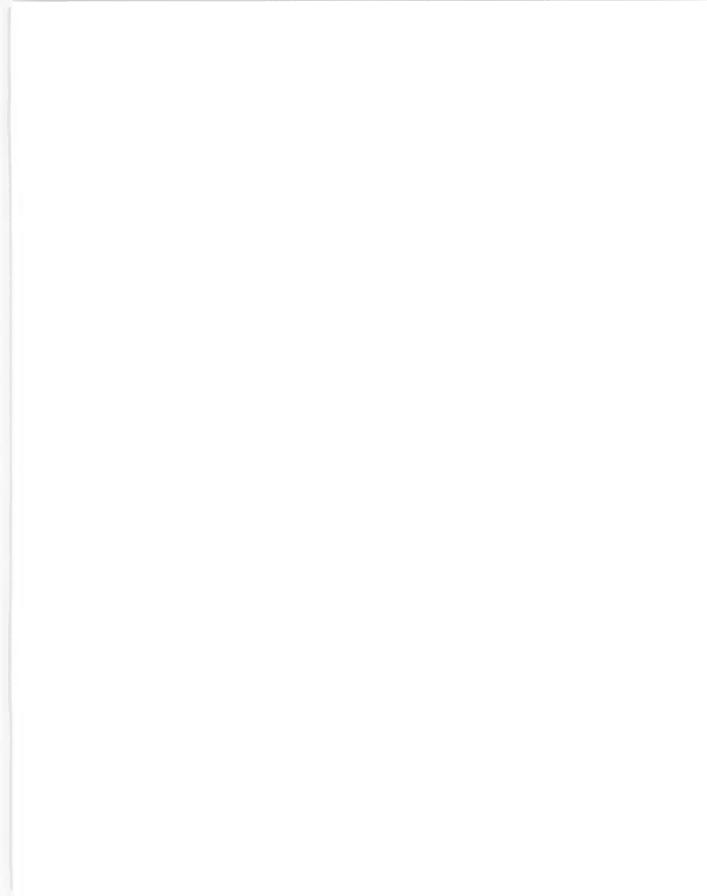
Bill 270

Introduced by Mr Gilles Baril, Member for Berthier Introduced 28 May 1998 Passage in principle 19 June 1998 Passage 19 June 1998 Assented to 20 June 1998

Coming into force: 20 June 1998

Legislation amended: None







Chapter 67

AN ACT RESPECTING THE BANK OF NOVA SCOTIA TRUST COMPANY AND NATIONAL TRUST COMPANY

[Assented to 20 June 1998]

Preamble.

WHEREAS National Trust Company is issued from the amalgamation of National Trust Company and Canborough Corporation on 1 November 1989 and received its letters patent of continuance on 12 March 1998 under the Trust and Loan Companies Act (S.C., 1991, chapter 45);

Whereas The Bank of Nova Scotia Trust Company was organized by letters patent issued on 22 June 1992 under the Trust and Loan Companies Act;

Whereas The Bank of Nova Scotia acquired in August 1997 the voting shares of National Trustco Inc. and thereby acquired control of National Trust Company, a wholly-owned subsidiary of National Trustco Inc.;

Whereas The Bank of Nova Scotia Trust Company, a wholly-owned subsidiary of The Bank of Nova Scotia, proposes to acquire part of the trusteeship and agency business of National Trust Company in which the company acts for or for the benefit of a natural person;

Whereas for that purpose, The Bank of Nova Scotia Trust Company must be appointed as successor trustee to National Trust Company in relation to that trusteeship and agency business;

Whereas because of the number of trusts and instances of administration of the property of others involved, it would be impractical to apply to the court to have The Bank of Nova Scotia Trust Company appointed as successor to National Trust Company;

Whereas the enactment by the Parliament of Québec of a statute relating to the transfer of that trusteeship and agency business of National Trust Company to The Bank of Nova Scotia Trust Company is in the interest of the persons having relations with the said two trust companies in relation to such trusteeship and agency business, and aims at clarifying their rights and obligations;

Whereas The Bank of Nova Scotia Trust Company and National Trust Company have consented to and wish the enactment of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Substitution.

1. From the date set forth in a notice published in the Gazette officielle du Québec by The Bank of Nova Scotia Trust Company advising of the acquisition of the trusteeship and agency business of National Trust Company referred to in this section by The Bank of Nova Scotia Trust Company, the latter is substituted by operation of law for National Trust Company with respect to any situation wherein National Trust Company acts for or for the benefit of a natural person, as a trust company as defined in section 1 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01), notwithstanding by what document or instrument National Trust Company was appointed and whatever title was used to appoint it.

Substitution.

The fact that some of the movables and immovables referred to in this section are situate outside Québec does not prevent such substitution.

Effect.

2. Subject to section 8, where a notarial act or a private writing, a judgment or any other instrument imposes any obligations on National Trust Company in relation to any situation described in section 1, or confers any rights on the same, the name "The Bank of Nova Scotia Trust Company" is substituted for the name "National Trust Company" from the date set forth in the notice published pursuant to section 1 or from the date on which such instrument comes into force if after the date set forth in such notice.

Transfer of property.

3. From the date set forth in the notice published pursuant to section 1, The Bank of Nova Scotia Trust Company is substituted by operation of law for National Trust Company in all rights related to property, corporeal or incorporeal, movable or immovable, vested in it in relation to any situation described in section 1, whether in the form in which it was originally acquired by National Trust Company or otherwise, and such substitution is effective without any need of registration or deposit of this Act or any other document indicating such substitution in any register whatsoever in Québec.

Legal proceedings.

4. Subject to section 8, no proceeding exercised by or against National Trust Company in relation to any situation described in section 1, before any court or administrative tribunal or any governmental agency in Québec, shall be suspended or terminated as a result of the coming into force of this Act. However, such proceedings may be continued in the name of The Bank of Nova Scotia Trust Company, which shall have the same rights and obligations as if they had been commenced in its name or against it, upon a simple written notice served on all interested parties and deposited in the record of such proceedings.

Legal proceedings.

Subject to section 8, any proceeding which might have been exercised by National Trust Company or against it, in relation to any situation described in section 1, may be exercised by The Bank of Nova Scotia Trust Company or against it, which shall have the same rights and obligations and shall be subject to the same liabilities in respect thereof as National Trust Company would have had or been subject to if this Act had not been enacted, and for

purposes of examination for discovery or production of documents in relation to any such proceeding, National Trust Company and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

Legal proceedings.

With respect to such proceedings, National Trust Company as well as its officers and employees, are deemed to have been acting for The Bank of Nova Scotia Trust Company with respect to any situation described in section 1.

Rights of third parties.

5. Nothing in this Act affects the rights of a person having any claim in relation to events that occurred before the date set forth in the notice published pursuant to section 1 which may be qualified as non-performance or bad performance by National Trust Company in respect of its obligations in relation to any situation described in section 1, but all such rights as may be enforceable in Québec may be asserted against The Bank of Nova Scotia Trust Company, which shall be responsible for all debts, liabilities and obligations of National Trust Company in respect thereof.

Notice.

6. Any person under an obligation to make payments to National Trust Company in relation to any situation described in section 1, may make such payments to such company until The Bank of Nova Scotia Trust Company has given notice to such person in writing that the payments shall be made to The Bank of Nova Scotia Trust Company in the future and thereupon the person's obligation is owed to The Bank of Nova Scotia Trust Company.

Cancellation of registration.

7. For the cancellation, upon The Bank of Nova Scotia Trust Company's demand, of the registration of a right or a power of National Trust Company vested in The Bank of Nova Scotia Trust Company because of this Act, the document transmitted to the registry office for the registration division concerned or to the register of personal and movable real rights shall mention that The Bank of Nova Scotia Trust Company acts in the rights of National Trust Company pursuant to the substitution operated by this Act and shall refer to this Act.

Interpretation.

8. This Act shall not be interpreted as denying to a person who named National Trust Company as trustee or administrator of the property of others, or who is beneficiary of such administration, the right, if applicable, of such person to name such another person other than The Bank of Nova Scotia Trust Company.

Property and trust not affected.

- **9.** This Act does not apply to the following property and trusts:
- (a) property, corporeal or incorporeal, movable or immovable, and each interest in such property, held by National Trust Company exclusively and for its own use and benefit, and not for the use or benefit of any other person or for any other purpose;
- (b) the trusts relating to money received for guaranteed investment and any property, corporeal or incorporeal, movable or immovable, held in trust by National Trust Company with respect to such guaranteed investment, including,

without limitation, trusts relating to any registered home ownership savings plan, registered retirement savings plan, retirement income fund, deferred profit sharing plan or income averaging annuity contract, as those terms are defined in the Income Tax Act (R.S.C., (1985) 5th Supplement, chapter 1) or the Taxation Act (R.S.Q., chapter I-3), or other registered or unregistered deferred income or employee benefit plan;

- (c) property, corporeal or incorporeal, movable or immovable, held by or vested in National Trust Company pursuant to or in respect of the following:
- i. any trust deed or other instrument to which section 1 would otherwise apply, wherein National Trust Company is or may be a trustee and by virtue of which bonds, debentures or other evidences of indebtedness, warrants or rights have been or may be issued,
- ii. any document or trust to which section 1 would otherwise apply, pursuant to which National Trust Company acts as trustee for unit holders in respect of any oil or gas royalty trust fund,
- iii. any document or trust to which section 1 would otherwise apply, wherein National Trust Company acts as manager, advisor, registrar or transfer agent, and
- iv. any document or trust to which section 1 would otherwise apply pursuant to which National Trust Company acts as custodian or trustee for the benefit of one or more persons under a plan or other arrangement established by a legal person, partnership or other entity or person other than a natural person.

Coming into force.

10. This Act comes into force on 20 June 1998.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 68

AN ACT TO AUTHORIZE LOEB INC. TO CONTINUE UNDER PART IA OF THE COMPANIES ACT OF QUÉBEC

Bill 276

Introduced by Mr Gilles Baril, Member for Berthier Introduced 9 June 1998 Passage in principle 19 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998

Legislation amended: None





Chapter 68

AN ACT TO AUTHORIZE LOEB INC. TO CONTINUE UNDER PART IA OF THE COMPANIES ACT OF QUÉBEC

[Assented to 20 June 1998]

Preamble.

WHEREAS Loeb Inc. is a business corporation governed by the Canada Business Corporations Act (R.S.C. 1985, chapter C-44) and is the result of an amalgamation which took place on 31 January 1981;

Whereas the said Act enables the corporation to apply for continuance under the laws of another jurisdiction;

Whereas Loeb Inc. wishes to cease to be governed by the said Act and wishes to be continued under Part IA of the Companies Act (R.S.Q., chapter C-38);

Whereas the Companies Act does not contain provisions enabling a company incorporated under the laws of another jurisdiction to be continued under the Companies Act;

Whereas the proposed continuance would not affect the interests of the general public;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Provisions applicable.

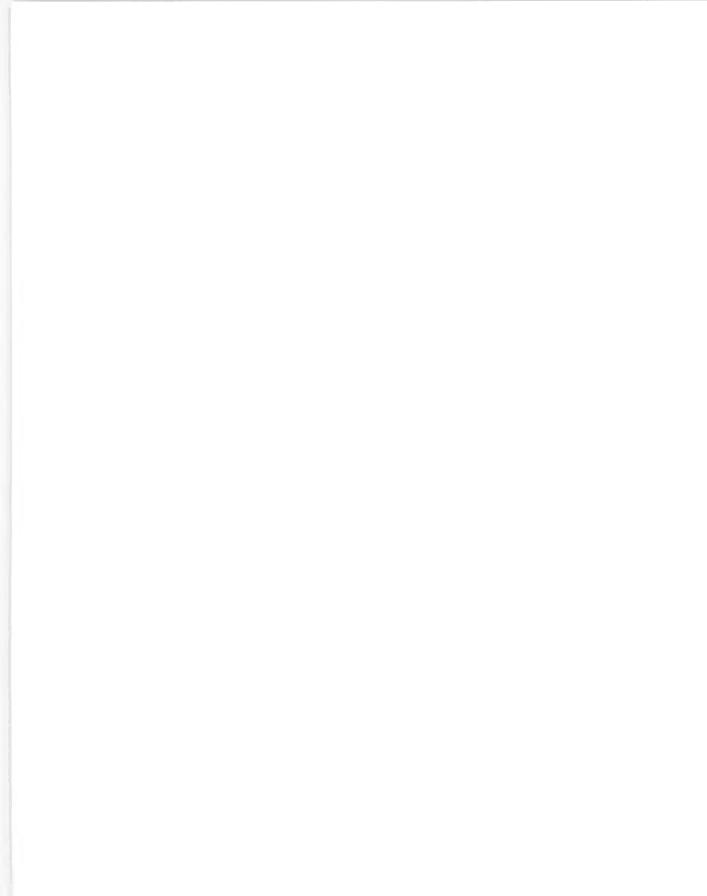
1. Division I of Chapter XVIII of Part IA of the Companies Act (R.S.Q., chapter C-38) applies to Loeb Inc.

Continuance.

- **2.** On the date shown on the certificate of continuance of Loeb Inc. incorporated pursuant to Part IA of the Companies Act,
 - (a) the company so continued is the owner of the property of Loeb Inc.;
 - (b) the company so continued is liable for the obligations of Loeb Inc.;
 - (c) any existing cause of action in respect of Loeb Inc. is unaffected;
- (d) any civil, penal or administrative proceeding instituted by or against Loeb Inc. may be prosecuted by or against the company so continued;
- (e) any judicial or quasi-judicial decision or ruling in favour of or against Loeb Inc. is executory in respect of the company so continued.

Coming into force.

3. This Act comes into force on 20 June 1998.



NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 69 AN ACT RESPECTING PAVILLON DU PARC INC.

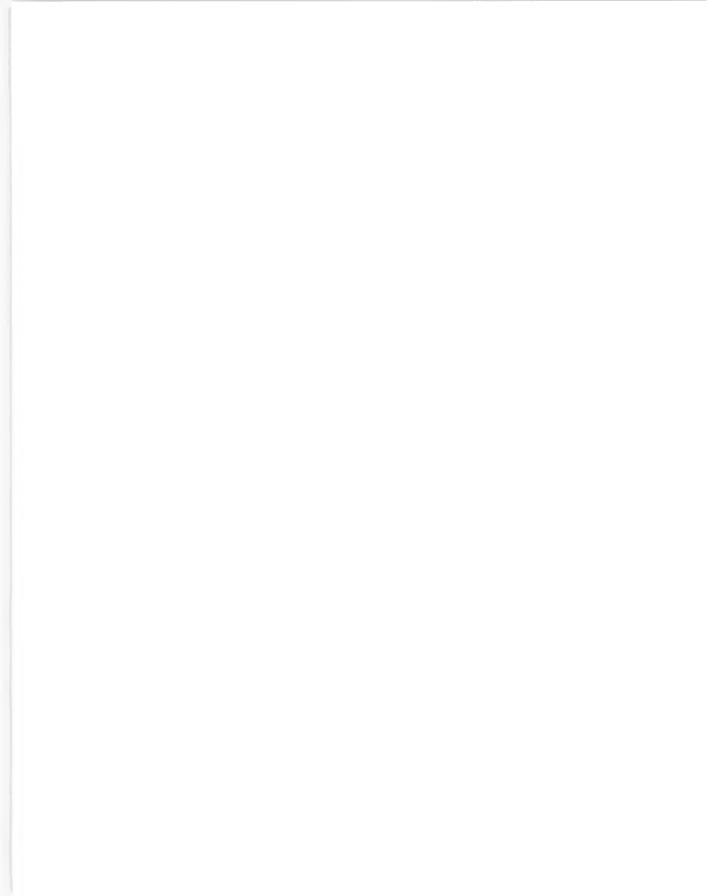
Bill 268

Introduced by Mr Robert Middlemiss, Member for Pontiac Introduced 12 May 1998 Passage in principle 19 June 1998 Passage 19 June 1998 **Assented to 20 June 1998**

Coming into force: 20 June 1998

Legislation amended: None







Chapter 69

AN ACT RESPECTING PAVILLON DU PARC INC.

[Assented to 20 June 1998]

Preamble.

WHEREAS Pavillon du Parc Inc. was constituted as a legal person by letters patent issued on 2 January 1970 under Part III of the Companies Act (R.S.Q., 1964, chapter 271) to organize, administer, direct, supervise, support, help and control, in the Gatineau, Hull, Papineau and Pontiac counties, one or more houses or centres intended for the education of mentally handicapped young persons and adolescents;

Whereas Pavillon du Parc Inc. was authorized, under section 44 of the Act respecting health services and social services (1971, chapter 48), to construct a rehabilitation centre for socially maladjusted persons in the city of Aylmer, at a cost of \$2,500,000, by Order in Council No. 1688-73 dated 10 May 1973 as amended by Order in Council No. 4679-73 dated 12 December 1973;

Whereas, by a deed of sale registered at the registry office of the registration division of Gatineau on 8 February 1973 under No. 107292, Pavillon du Parc Inc. had previously acquired the vacant land described in the schedule from J. Robert Proulx;

Whereas, however, Pavillon du Parc Inc. had not been granted the authorization by order in council, required by the provisions of section 44 of the Act respecting health services and social services, to acquire the land to be used for the construction of the rehabilitation centre for socially maladjusted persons and, as a result, the deed of acquisition of Pavillon du Parc Inc. is null under the provisions of section 48 of that Act;

Whereas three notices of expropriation and transfer of ownership have been served on Pavillon du Parc Inc. by the Attorney General of Québec, acting on behalf of the Minister of Transport (files 500-34-000097-913, 500-34-000064-947 and 500-34-000029-932), in which the Minister of Transport requires part of the vacant land as well as no-access and sewer servitudes for the building of McConnell-Laramée road;

Whereas the absence of the authorization under section 44 of the Act respecting health services and social services does not enable the right of ownership in the immovables required by the Minister of Transport or subject to the abovementioned servitudes to be guaranteed beyond all doubt;

Whereas it is expedient to validate the title of ownership of Pavillon du Parc Inc. in respect of the immovables described in the schedule;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Right of ownership.

1. No irregularity or illegality may be raised against the right of ownership of Pavillon du Parc Inc. with respect to the immovables described in the schedule on the grounds that the deed of acquisition of Pavillon du Parc Inc. was not authorized by order in council, as is required by the provisions of section 44 of the Act respecting health services and social services (1971, chapter 48).

Registration.

2. This Act shall be registered at the registry office of the registration division of Gatineau.

Coming into force.

3. This Act comes into force on 20 June 1998.

SCHEDULE

DESCRIPTION:

The whole of the immovable property situate in the city of Aylmer, in the registration division of Gatineau, Province of Québec, comprised by the following:

- 1. Lots ONE and TWO of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-1 and 15A-1-2) of the official cadastre of the village of Aylmer.
- 2. Lot THREE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-3) of the official cadastre of the village of Aylmer, EXCEPTING AND SUBTRACTING THEREFROM the subdivided part of the aforementioned lot known and described as lot ONE of the subdivision of lot THREE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-3-1) of the official cadastre of the village of Aylmer.
- 3. Lot ONE of the subdivision of lot THREE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-3-1) of the official cadastre of the village of Aylmer.
- 4. Lot FOUR of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-4) of the official cadastre of the village of Aylmer, EXCEPTING AND SUBTRACTING THEREFROM the subdivided parts of the aforementioned lot known and described as lots ONE and TWO of the subdivision of lot FOUR of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-4-1 and 15A-1-4-2) of the official cadastre of the village of Aylmer.
- 5. Lots ONE and TWO of the subdivision of lot FOUR of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-4-1 and 15A-1-4-2) of the official cadastre of the village of Aylmer.
- 6. Lot FIVE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-5) of the official cadastre of the village of Aylmer, EXCEPTING AND SUBTRACTING THEREFROM the subdivided part of the aforementioned lot known and described as lot ONE of the subdivision of lot FIVE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-5-1) of the official cadastre of the village of Aylmer.
- 7. Lot ONE of the subdivision of lot FIVE of the subdivision of lot ONE of the subdivision of original lot FIFTEEN 'A' (15A-1-5-1) of the official cadastre of the village of Aylmer.

OTHERWISE KNOWN AND DESCRIBED:

The whole of which immovable property or parcel of land, irregular in shape and situate in the city of Aylmer, Gatineau county, Province of Québec, being

known and described as part of lot number fifteen 'A' (15A Part) in the official plan and book of reference of the village of Aylmer in the registration division of Gatineau, and being shown in red on the plan prepared by Marcel Ste-Marie, land surveyor, dated 26 January 1973, a certified copy of which shall remain appended to the original of the deed of sale registered in the registry office of the registration division of Gatineau on 8 February 1973 under No. 107292, and with reference to the said plan more specifically described as follows:

Bounded on the north by Chemin McConnel, on the northeast by Chemin Klock, on the south by another part of lot number 15A, and on the west by lot 2182; measuring fifty-nine and ninety-five hundredths feet (59.95') to the north, one thousand five hundred and seventy-one and forty-four hundredths feet (1,571.44') to the northeast, nine hundred and ninety-four and four hundredths feet (994.04') to the south, and one thousand two hundred and ninety-five and fifteen hundredths feet (1,295.15') to the west; containing an area of fifteen and sixty-four hundredths acres (15.64 acres) more or less.

The south boundary of the above-described parcel of land being parallel to and situate at a distance of one hundred feet (100') to the north of the north side of Lakeview road.

All dimensions in English measure.

NATIONAL ASSEMBLY Thirty-fifth Legislature, second session

1998, chapter 70 AN ACT RESPECTING UNIVERSITY EDUCATION PROGRAMS PROVIDED BY THE PRÊTRES DE SAINT-SULPICE DE MONTRÉAL

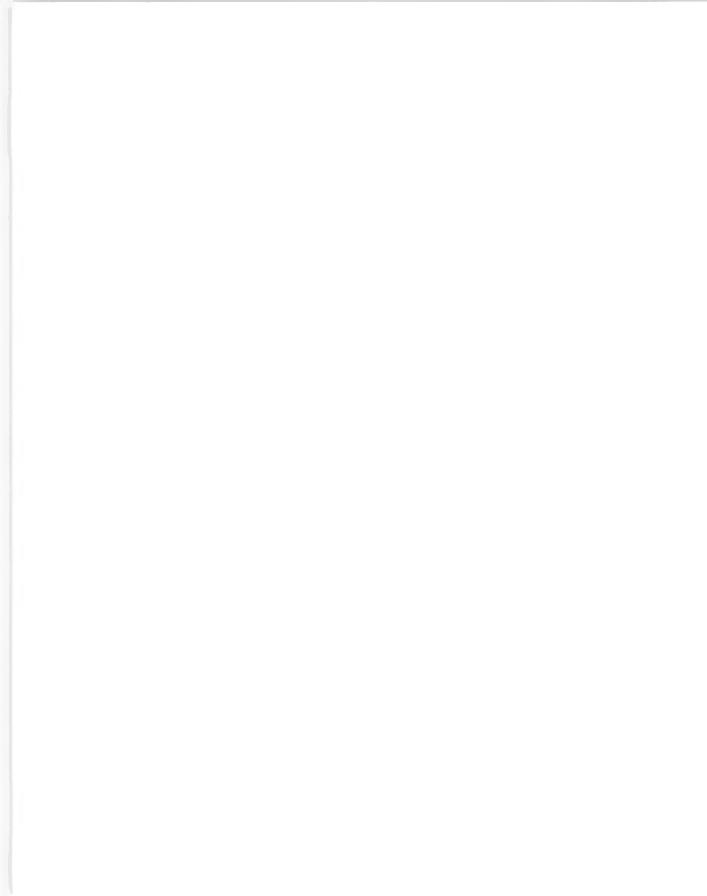
Bill 278

Introduced by Mr Camille Laurin, Member for Bourget Introduced 10 June 1998
Passage in principle 19 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Coming into force: 20 June 1998

Legislation amended: None







Chapter 70

AN ACT RESPECTING UNIVERSITY EDUCATION PROGRAMS PROVIDED BY THE PRÊTRES DE SAINT-SULPICE DE MONTRÉAL

[Assented to 20 June 1998]

Preamble.

WHEREAS the Prêtres de Saint-Sulpice de Montréal have since 1840 been devoted to the work of the Grand Séminaire de Montréal which they founded, for the training of future priests;

Whereas in 1977, the Prêtres de Saint-Sulpice de Montréal established a theological training centre with a view to pursuing the historic mission of the Grand Séminaire by providing higher education in the ecclesiastical sciences;

Whereas on 4 July 1979, the Pontifical University of Latran recognized the theological training centre of the Grand Séminaire by awarding it an affiliation;

Whereas on 16 December 1988, the Institut de formation théologique de Montréal was created by the Congregation for Catholic Education for the purpose of continuing the activities of the theological training centre of the Grand Séminaire;

Whereas the Institut de formation théologique de Montréal, under the aegis of the Prêtres de Saint-Sulpice, offers programs of higher education, including certain university education programs, in the ecclesiastical sciences;

Whereas those education programs lead to diplomas which are recognized by the Pontifical University of Latran and the Congregation for Catholic Education:

Whereas the Minister of Education has recognized those education programs, in particular within the scope of the loans and bursaries program;

Whereas the institute fulfils a unique mission in the field of higher education in Québec;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Authorization.

1. The Prêtres de Saint-Sulpice de Montréal are authorized to provide university education programs and to confer degrees, diplomas, certificates or other attestations of university studies in the ecclesiastical sciences.

Coming into force.

2. This Act comes into force on 20 June 1998.

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