

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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Draft Regulations

Draft Regulation

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Automotive services industry — Montréal — Amendments

Notice is hereby given that the Minister of State for Labour and Employment and Minister of Labour has received petitions for amendments to the Decree respecting the automotive services industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 46) from the current contracting parties as well as from the Association des carrossiers professionnels du Québec, an association concerned by the Decree, and that, under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the “Decree to amend the Decree respecting the automotive services industry in the Montréal region”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the Draft Decree is to make some amendments in the sections of the Decree concerning the names of the contracting parties and overtime hours.

To do so, it proposes to add a new association as a contracting party and to remove for pump attendants the premium to be paid for hours worked between 9:00 p.m. and 7:00 a.m.

During the consultation period, the impact of the amendments sought will be clarified. According to the 1999 annual report of the Comité paritaire de l’Industrie de l’Automobile de Montréal et du district, the Decree governs 3,183 employers, 814 artisans and 15,922 employees.

Further information may be obtained by contacting Mr. Jean Bélanger, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 (telephone: 418-643-4415, fax: 418-528-0559, e-mail: decrets@travail.gouv.qc.ca).

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

ROGER LECOURT,
Deputy Minister of Labour (Acting)

Decree to amend the Decree respecting the automotive services industry in the Montréal region*

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2, 6.1 and 10)

1. Paragraph 1 of section 1.02 of the Decree respecting the automotive services industry in the Montréal region is amended by adding, at the end, the following name:

“Association des carrossiers professionnels du Québec”.

2. Section 4.03 of the Decree is amended by inserting, after the words “except for”, the words “pump attendants and”.

3. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

4117

Draft Regulation

An Act respecting family benefits
(R.S.Q., c. P-19.1)

Family benefits — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting family

* The Decree respecting the automotive services industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 46) was last amended by the regulation made by Order in Council No. 1386-99 dated 8 December 1999 (1999, *G.O.* 2, 4626). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

benefits, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft regulation is intended:

— to set the frequency of payments (quarterly, twice yearly or yearly);

— to set new payment months: January, April, July and October;

— to allow provisional payment of a family allowance for the months of August, September and October where a duly provided statement of income is being processed at the Ministère du Revenu;

— to make an exemption from the requirement to make a new application for a child who has been institutionalized or placed under authority of law where the conditions related to the required contribution have been met;

— to allow recovery deductions to be increased at the verbal request of the debtor.

Further information may be obtained from Ms. Réjane Monette, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3 (tel.: (418) 657-8732).

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the period mentioned above, to Mr. Guy Morneau, President and General Manager of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Child and Family Welfare and to the Minister for Child and Family Welfare.

PAULINE MAROIS,
*Minister of Child and
Family Welfare*

NICOLE LÉGER,
*Minister for Child and
Family Welfare*

Regulation to amend the Regulation respecting family benefits*

An Act respecting family benefits
(R.S.Q., c. P-19.1, s. 7, 12 par. 2 and 3 and 19 par. 2)

1. The Regulation respecting family benefits is amended by inserting the following after section 5:

“5.1. A new application for family benefits is not required where, no later than 12 months after entitlement to such benefits ceased because of failure to respect the conditions related to the contribution mentioned in subparagraph 1 of the first paragraph of section 1 with respect to a child institutionalized or placed under authority of law, the Régie is informed that the institutionalization or placement has ended or where the said conditions have been met.”.

2. The Regulation is amended by inserting the following subdivision after section 12:

“§4. *Provisional amount of the family allowance*

12.1. Where a person who is entitled to a family allowance for July in a given year and his spouse have duly provided the statement of income required under section 10 of the Act, but the said statement is being processed at the Ministère du Revenu, the Régie may, in order to provisionally set the amount of the allowance for the following months of August, September and October, substitute for the missing income the income of the reference year that was used to calculate the family allowance for the said month of July.

A provisional allowance is granted only where the amount of such allowance is at least \$10.

The amount of a family allowance shall be revised where the income to be used pursuant to section 7 is known; where such income is not known in July of the following year, the provisional allowance is, as of that month, recoverable.”.

3. Section 16 of the Regulation is replaced with the following sections:

* The last amendment to the Regulation respecting family benefits, approved by Order in Council 1018-97, dated 13 August 1997 (*G.O.* 1997, 2, 5587), was made by the regulation approved by Order in Council 890-2000, dated 13 July 2000 (*G.O.* 2000, 2, 4729). For the preceding amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

“16. Where the monthly amount of a family allowance, after taking into account the deduction referred to in section 17, if any, is less than \$10, payment shall be made:

(1) where no more than three monthly payments are required to reach a sum of 10 \$, quarterly, in January, April, July and October;

(2) where no more than six monthly payments are required to reach a sum of \$10, twice a year, in January and July;

(3) in all other cases, once a year, in July.

Where payment is made by cheque and the monthly amount is no more than the minimum family allowance provided for in the third paragraph of section 9, the payment shall be made quarterly, in January, April, July and October, unless a longer interval results from the application of the first paragraph. However, this paragraph does not apply where the person who is entitled to a family allowance is likewise entitled to an allowance for handicapped children.

No amount less than \$2 may be paid. Nevertheless, such an amount shall be paid at a later date where, added to another amount paid pursuant to the Regulation, the total of the two is not less than \$2.

16.1. A person who is entitled to a family allowance may request that such allowance be paid at one or the other of the intervals referred to in the first paragraph of section 16 or at a monthly interval. However, where the interval chosen results in payments less than \$2, the Régie shall apply the shortest interval among those mentioned in the first paragraph of section 16.

16.2. A change in the payment interval takes effect in the month following the one in which the conditions related to the new interval have been met.”.

4. Section 17 of the Regulation is amended:

(1) by replacing the second paragraph with the following paragraph:

“Where an allowance is paid at intervals other than monthly, the maximum referred to in subparagraphs 1 and 2 of the first paragraph is multiplied by the number of months covered by the payment.”;

(2) by striking out the words “in writing” in subparagraph 4 of the third paragraph.

5. Section 3 and subparagraph 1 of section 4 shall apply to allowances that are payable from 29 June 2001.

6. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

4120

Draft Regulation

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3)

Financial assistance for education expenses — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting financial assistance for education expenses, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to clarify the notion of the student’s school fees and to amend the period of eligibility for financial assistance and the time limits for completing studies in order to take into account the duration of certain study programs.

To date, study of the draft Regulation has shown no impact on businesses.

Further information may be obtained by contacting Claude Provencher, Director, Aide financière aux études, 1035, rue De La Chevrotière, 19^e étage, Québec (Québec) G1R 5A5; tel. (418) 646-5313.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

FRANÇOIS LEGAULT,
Minister of Education

Regulation to amend the Regulation respecting financial assistance for education expenses*

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3, s. 57)

1. Section 25 of the Regulation respecting financial assistance for education expenses is amended by substituting the following for the first and second paragraphs:

“25. The student’s school fees comprise admission fees, registration fees, tuition fees, fees related to services of instruction and other fees prescribed by the educational institution. They also comprise the amounts allowed for the purchase of educational materials or specialized equipment.

The fees allocated to a student may not exceed 6 000 \$ per trimester.”.

2. Section 47 is amended by substituting the following for the part preceding subparagraph 1 in the fourth paragraph:

“The maximum amount of an authorized loan shall be increased by the fees allowed to the student under section 25 in the following cases:”.

3. Schedule VII is amended by substituting the following for the table:

“ELIGIBILITY PERIOD

Secondary level in vocational training
College level or the equivalent

	Loan and bursary	Loan only	
	Number of trimesters	from	to
(1) secondary level in vocational training:	5	6th trim.	7th trim.

(1) secondary level in vocational training:

(2) secondary level in vocational training, program of studies covered by the apprenticeship system:

(3) college, pre-university studies:

(4) college, pre-university studies lasting six trimesters or more:

(5) college, program of technical studies:

(6) college, program of technical studies lasting seven trimesters:

(7) college, program of technical studies lasting eight trimesters or more:

(8) Conservatoire de musique et d’art dramatique du Québec (program of college studies):

(9) the National Theatre School of Canada:

(10) college, program of technical studies under a cooperative plan:

4. Schedule X is amended by substituting the following for paragraphs 4 and 5 in the first paragraph of the table:

“(4) college, program of technical studies lasting 7 trimesters: 7;

(5) college, program of technical studies lasting 8 trimesters: 8;”.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

* The Regulation respecting financial assistance for education expenses, made by Order in Council 844-90 dated 20 June 1990 (1990, *G.O.* 2, 1685) was last amended by the Regulation made by Order in Council 1214-2000 dated 18 October 2000 (2000, *G.O.* 2, 5183). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Draft Regulation

Legal Aid Act
(R.S.Q., c. A-14)

Legal Aid Plan

— Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation is intended to replace the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 4 April 1997 respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in Council 1455-97 dated 5 November 1997.

In accordance with the first paragraph of section 81 of the Legal Aid Act, the Minister of Justice has negotiated with the Barreau du Québec an agreement respecting in particular the tariff of fees of advocates in private practice under the legal aid plan. The agreement was reached on 14 December 2000.

The purpose of this draft Regulation is to ratify the Agreement.

The draft Regulation will affect advocates in private practice who agree to provide professional services under the legal aid plan, since the agreement sets the fees payable to them and certain conditions of practice for the mandates entrusted to them.

Further information may be obtained by contacting Mr. Yvon Routhier, Direction générale des services de gestion, 1200, route de l'Église, 8^e étage, Sainte-Foy (Québec) G1V 4M1 (tel. (418) 644-6800; fax: (418) 643-4224; E-mail: yrouthier@justice.gouv.qc.ca).

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

LINDA GOUPIL,
Minister of Justice

Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000

Legal Aid Plan
(R.S.Q., c. A-14, s. 81)

1. The Agreement attached hereto, between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000 is hereby ratified.

2. This Regulation comes into force on the fifteenth day following the date of its publication and of the publication of the Agreement it ratifies in the *Gazette officielle du Québec*.

SCHEDULE

AGREEMENT PRELIMINARY

1. For the purposes of this Agreement, the term “legal aid body” means a legal aid centre, a legal aid bureau or the Commission des services juridiques; it includes any organization or person that issues certificates of eligibility for legal aid.

2. This Agreement governs, for the purposes of the legal aid plan, any advocate who agrees to render professional services to a legal aid recipient, with the exception of an advocate who is employed by a legal aid centre.

CHAPTER I CONDITIONS OF PRACTICE

DIVISION I FREE CHOICE OF AN ADVOCATE

3. A person who is financially eligible may consult an advocate in private practice before submitting an application for legal aid under section 62 of the Legal Aid Act.

4. An application for legal aid may be submitted by the advocate himself on behalf of a person in favour of whom a conditional certificate of eligibility may be issued under the Act. In such case, the application shall be verbal.

5. A legal aid body shall, according to the criteria set forth in the Act, distribute equitably among the advocates the mandates for which recipients wish to be represented by an advocate registered in the legal aid plan but have not chosen a particular advocate.

6. Where there is a substitution of attorney to which section 81 of the Regulation respecting the application of the Legal Aid Act applies, the legal aid centre shall notify the advocate of record in writing that the recipient has requested a substitution of attorney and shall inform him of the name of the new attorney.

The preceding provision applies in like manner where the advocate of record or the new attorney is an advocate employed by a legal aid body.

7. An advocate representing a person for the exercising of a right in respect of which the person becomes a legal aid recipient shall retain his mandate, subject to the provisions of the Act.

In such case, the legal aid body issuing the certificate of eligibility shall so inform the advocate of record and shall request his consent to continue the mandate, on the terms set forth by the Legal Aid Act and the Regulations thereunder.

DIVISION II PROFESSIONAL FREEDOM

8. The legal aid plan shall respect an advocate's professional freedom; in particular, the plan shall recognize the advocate's professional autonomy and shall preserve the personal and privileged nature of his relationship with the recipient.

9. Under the legal aid plan an advocate shall maintain his professional autonomy. It is his responsibility to determine which services he must render within the context of a legal aid mandate, while acting in the best interests of the recipient.

An advocate shall comply with the mandate he receives from the legal aid body on behalf of the recipient; the conditions of the mandate are intended to identify the type of legal aid required by the recipient.

10. The legal aid body shall refrain from intervening in the conduct of the advocate's mandate; however, it may satisfy itself that the mandate is fulfilled. The conduct of the advocate's mandate includes recourse to any expert reports that, according to recognized professional practices, may be justified by the nature and scope of the case, in conformity with the Act and the Regulations. The advocate shall obtain the authorization of the gen-

eral manager of the legal aid centre before having recourse to expert reports. The general manager shall fix a maximum amount for the advocate's fees and the fees for expert reports.

11. An advocate is at liberty to accept a legal aid mandate.

12. He may terminate any mandate in accordance with recognized standards of practice; in such case, he shall so notify the legal aid body and the recipient in writing.

13. The advocate shall render an account to the recipient of the conduct of his mandate and shall report to the legal aid body from which he received the mandate concerning the professional services that he has rendered.

In communicating with the Commission or a legal aid body, the advocate shall respect professional secrecy.

DIVISION III REMUNERATION

14. Every legal service rendered in accordance with the provisions of the Legal Aid Act and this Agreement by an advocate or to the extent provided for in section 52 of the Act, by an articling student under his supervision, shall be remunerated according to the tariff appearing in Schedule II to this Agreement.

A professional service related to the exercise of a right consequential to a statute or a regulation and for which this Agreement does not prescribe a rate or the payment of a special consideration is subject to remuneration.

In such case, the legal aid body shall evaluate the advocate's statement of fees and fix the amount of remuneration. Such decisions may be the subject of a dispute.

15. The advocate shall forward his statement of fees to the legal aid body from which he received his mandate within three years following the end of that mandate. That deadline is mandatory. Payment shall be made within 45 days following receipt of the statement, and within 30 days as of 1 January 2002.

In the cases determined by regulation, the statement of fees shall be forwarded to the Commission and shall be paid by it within the same deadline.

Where there is a replacement of advocate under section 81.1 of the Regulation respecting the application of

the Legal Aid Act, the statement of fees shall be sent by the advocate who received the mandate and the payment of fees and disbursements is made as if there had been no replacement.

16. A statement of fees may be an interim or final account. Statements shall be submitted on the form provided by the Commission.

An interim account covers professional services rendered in a case ready for hearing at 30 June of a given year. Professional services rendered for the preparation of the personal information forms referred to in section T193 of Schedule II may be covered by an interim account.

An interim account also covers professional services rendered in the preceding 12 months.

17. Any amount due and unpaid on a statement of fees drawn up in accordance with the Act and this Agreement shall commence to bear annual interest 45 days after it is received by the legal aid body or the Commission, as the case may be. As of 1 January 2002, any amount owing and unpaid on a statement of fees shall commence to bear annual interest 30 days after it is received by the legal aid body or the Commission, as the case may be.

The interest rate shall be equal to the discount rate of the Bank of Canada in force on 1 April and 1 October each year, plus one and one-half percent (1.5%). The rate thus fixed shall be in force for the following six months.

18. A statement of fees is complete when it mentions the services rendered according to the nomenclature in the tariff in Schedule II.

19. Disbursements are part of the statement of fees and include fees for expert reports and other fees pertaining to proceedings incidental to the legal aid mandate, including expenses for subpoena by bailiff or by registered or certified mail.

Notwithstanding the foregoing, disbursements may appear on a separate statement. They shall be paid by the legal aid body which gave the mandate or by the Commission within 45 days of the receipt of a statement of disbursement. As of 1 January 2002, they will be paid within 30 days of the receipt of a statement of disbursement.

20. An advocate shall receive no reimbursement for travel and parking within a radius of 25 km from his office.

The advocate is entitled to the maximum reimbursement for travel expenses for the use of a personal car, fixed by the Règles sur les frais de déplacement des fonctionnaires pour l'utilisation d'un véhicule automobile personnel made by the Conseil du trésor under the Financial Administration Act (R.S.Q., c. A-6),

(1) according to the distance actually travelled, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(2) according to the distance actually travelled, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(3) according to the distance actually travelled, in the case of an attendance at the Supreme Court of Canada, at the Court of Appeal of Québec or at the Federal Court, made beyond a 25-km radius from his office and outside the boundaries of the judicial district where he has his office, or of an attendance at a court or body which carries out its jurisdiction outside the boundaries of the judicial district where the advocate has his office; notwithstanding the preceding, where the advocate has his office in a judicial district other than the one where the legal aid centre which issued the mandate is located, he shall elect to receive either the reimbursement established in subparagraph 2 or a reimbursement established according to the distance between the place where the mandate was issued and that where the court in question sits;

(4) according to the distance actually travelled by the advocate, in the case of a trip made with the authorization of the director general of the legal aid centre, outside the boundaries of the judicial district where he has his office, where the nature or complexity of the matter requires that the mandate be given to that advocate.

An advocate who is entitled to a reimbursement under the provisions of this section is also entitled to the reimbursement of any parking expenses he incurs.

The travelling and parking expenses may not exceed the actual travelling expenses paid by the advocate.

21. Where the tariff in Schedule II provides for a flat-rate fee for a series of services and the mandate is carried out by more than one advocate, each advocate, if he is in private practice, is entitled, subject to the provisions of the third paragraph of section 15, to the part of the flat-rate fee corresponding to the services that he rendered.

22. Where the mandates issued in the name of an advocate during a given fiscal period have generated fees for a total exceeding \$125 000, the fees payable to him for the services that he renders within the scope of those mandates and exceeding that amount shall be reduced by 35%.

23. An advocate representing a recipient in respect of whom legal aid is suspended or withdrawn or a recipient who ceases to be eligible for such aid shall be remunerated according to the provisions of this Agreement for the services rendered before receipt of a notice from the legal aid body, sent by mail or by telecommunications, informing him of the cessation of legal aid and the reasons for the decision.

The preceding provision also applies where the recipient chooses to dispense with legal aid.

24. In a case where legal aid ceases to be provided, the advocate may nevertheless include in his statement of fees legal services that were rendered after receipt of the notice from the legal aid body, for the delivery of conservatory measures necessary to safeguard the person's rights or requested by the court.

25. Where a legal aid body refuses to pay a statement of fees, it shall, within the period allotted for payment of the statement, so notify the advocate in writing, and that notice shall state the reasons for its refusal.

The preceding provision governs the Commission in cases where it assumes the payment of fees.

26. A refusal to pay fees shall be founded upon the non-compliance of the fees asked under the provisions of the Act and this Agreement.

CHAPTER II

PROCEDURE FOR THE SETTLEMENT OF DISPUTES

27. A dispute means any disagreement concerning the interpretation or the application of this Agreement, including any disagreement concerning a statement of fees.

28. A dispute may not be founded on a matter within the disciplinary jurisdiction of the Barreau du Québec.

29. Before submitting a dispute according to section 32, an advocate may refer the matter for conciliation by means of a notice in writing to the body refusing payment of his statement of fees and to the section of the Barreau du Québec to which he belongs.

30. Within 15 days following receipt of the notice, the general manager of the regional centre and the bâtonnier of the section shall each designate an advocate.

31. Within 30 days following their designation, the advocates so appointed and the advocate who is the claimant shall meet, examine one another's claims and endeavour to reach an agreement.

32. A dispute shall be submitted by the advocate by means of a notice addressed to the regional centre or the Commission, as the case may be. The notice shall contain a summary statement of the facts and the relief sought.

A dispute concerning contested fees shall be submitted within six months following receipt of a notice of refusal to pay or the claim for a reimbursement; in such case, a copy of the notice of dispute shall be forwarded to the regional centre.

33. Referral for conciliation interrupts the prescription of six months.

34. Upon receipt of a notice of dispute, the regional centre of the Commission, as the case may be, shall answer in writing.

35. If the advocate is dissatisfied with the answer, or if no answer is forwarded to him within 30 days following submission of the notice of dispute, the advocate shall submit the dispute for arbitration by means of a letter addressed to the Chief Justice of the Court of Québec within six months. A copy of the letter shall be sent by the advocate to the regional centre or the Commission, as the case may be. The Chief Justice or the Senior Associate Chief Justice of the Court of Québec, as the case may be, shall designate one of the judges of that Court to act as arbitrator.

36. The Barreau du Québec may directly submit any dispute of general interest for arbitration; in such case, it shall so notify the Commission.

In particular, any alleged infringement of the provisions relating to the free choice of an advocate or professional freedom may be the subject of a dispute of general interest.

37. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. He may uphold, modify or rescind the disputed decision and, by the terms of his award, order a payment or a reimbursement, assess compensation, restore a right or make any other order he considers fair in the circumstances.

Notwithstanding the foregoing, the arbitrator may not modify the provisions of this Agreement. The arbitrator's award is final and binding on the parties.

38. The arbitrator may issue an interim award at any time.

39. Stenography and tape recording fees, if any, shall be borne by the regional centre or the Commission, as the case may be.

40. The arbitrator shall forward any award by registered mail to the parties and to the Barreau du Québec.

CHAPTER III MISCELLANEOUS

DIVISION I SUPERVISORY COMMITTEE

41. The Minister of Justice and the Barreau du Québec shall form a committee that is entrusted with the supervision of the application of this Agreement and of the Legal Aid Act; they shall determine the committee's mandate.

42. The committee shall be made up of a maximum of 3 representatives of the Ministère de la Justice and of a maximum of 3 representatives of the Barreau du Québec. The chairman of the Commission des services juridiques or his representative shall take part in the meetings of the committee.

43. Upon request, the Commission des services juridiques and the legal aid centres shall provide the committee with the documents, statistics and information that it requires in the conduct of its mandate.

44. The committee shall take the minutes of its meetings. Copies thereof shall be sent to the Minister of Justice and to the Bâtonnier du Québec.

DIVISION II CONSULTATION AND INFORMATION

45. The Minister shall consult the Barreau du Québec concerning any regulation that the Commission submits to him for approval by the Government.

46. The Minister shall consult the Barreau du Québec concerning the draft of any regulation respecting the exclusivity of services referred to in section 52.1 of the Legal Aid Act that he intends to propose to the Government for adoption. He shall also inform the Bar of the facts that warrant the making of such regulation.

47. The Commission shall consult the Barreau du Québec concerning the draft of any directive respecting an application for or the granting of a certificate of qualification or the services of an advocate.

48. The Commission shall consult the Barreau du Québec when implementing necessary administrative mechanisms to ensure the exercise of the free choice of an advocate.

49. The Commission shall consult the Barreau du Québec where it intends to draft or modify the forms that an advocate must fill out for the purposes of the legal aid plan.

50. In accordance with section 22.1 of the Legal Aid Act, the Commission des services juridiques and the legal aid centres shall send to the Barreau du Québec a copy of any guide for the administration of the Legal Aid Act and the regulations made thereunder, as well as of any directive related thereto and dealing with financial eligibility and services for which legal aid is granted. The Commission and the legal aid centres shall also send to the Barreau du Québec any updating of such guide or directives.

51. Schedule I reproduces the directive of the Commission des services juridiques respecting the procedure for the application of section 69 of the Legal Aid Act.

52. This Agreement replaces the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 4 April 1997 respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in council 1455-97 dated 5 November 1997.

53. This Agreement comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

It applies to mandats given from 1 April 2000.

This Agreement terminates on 31 May 2005. Notwithstanding its expiry, it shall continue to apply until replaced. The parties agree that the next negotiations must be entered into early enough so that a negotiated agreement is ready at the expiry of this Agreement.

SCHEDULE I

(s. 51)

DIRECTIVE OF THE COMMISSION DES SERVICES JURIDIQUES RESPECTING THE APPLICATION OF SECTION 69 OF THE LEGAL AID ACT

To all general managers of legal aid centres :

The purpose of the Legal Aid Act is to allow financially eligible persons access to legal services. Notwithstanding the preceding, the legal aid plan does not have to pay costs that an applicant can pay from the amount that he is likely to receive upon settlement of his case.

Therefore, where an agreement can be reached between an applicant and an advocate in private practice regarding extrajudicial fees in cases where such fees are warranted, the general manager or his representative shall refer the applicant to the advocate in private practice.

This directive also applies to matrimonial proceedings in which the state and faculties of the spouse are such that it is reasonable to anticipate the granting to the applicant of support in excess of the eligibility criteria for legal aid or of a compensatory benefit or of a benefit equivalent to his share of the family patrimony which would normally make that person ineligible for legal aid.

SCHEDULE II

(s. 14)

PART 1**GENERAL RULES OF INTERPRETATION AND APPLICATION**

- T1. The fees of an advocate mandated by a legal aid body as a consultant shall be subject to an application for special consideration.
- T2. In a case warranting assistance by junior counsel, the junior counsel shall receive fees in the amount of \$180 a day, for the services in respect of which his assistance was required.

An advocate wishing to be so assisted shall obtain prior authorization from the legal aid body.

This section does not apply in cases where this Schedule provides for professional assistance and fixes the applicable fees.

- T3. For any motion to cease representing \$60
- T4. For any notice to appoint a new attorney, the fee prescribed in section T32(a) applies.
- T5. The hearing includes a hearing by telephone, by videoconference or any other electronic means.
- T6. If the court refuses or is unable to proceed in the presence of the parties on the day fixed for the hearing \$100
- T7. Where the court requests or authorizes to plead in writing, an additional fee of \$150 is payable.
- T8. Payment for the professional services of an advocate may exceed the fees prescribed in the tariff where the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

In such case, the advocate shall submit an application for special consideration with his statement of fees or within six months of sending his statement of fees, according to the form provided by the Commission.

- T9. The Commission shall examine the application and shall fix the amount of the excess fees. Such decisions may be subject to dispute in accordance with Chapter II of the Agreement.
- T10. In reviewing a decision concerning the expediency of granting a special consideration, the arbitrator shall verify whether the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

- T11. In reviewing a decision concerning the amount of the excess fees, the arbitrator shall be guided by the precedents in the application of section 15 of the Tariff of judicial fees relating to a special fee (R.R.Q., 1981, c. B-1, r. 13)
- T12. Sections T8 to T11 apply *mutatis mutandis* in respect of professional services for which this Schedule expressly prescribes the payment of a special consideration.

PART 2

SPECIAL RULES OF INTERPRETATION AND APPLICATION IN CIVIL MATTERS

- T13. The words “application”, “case” or “action” mean a proceeding, whether it is commenced by a statement, writ, motion, joint factum or any other originating document.
- T14. The word “proof” means the examination of a party or a witness as well as the presentation before the court of any document containing an admission of facts, followed by an address.

The terms “settlement” and “settled action” means the termination of proceedings or the end of a mandate for any reason including discontinuance of suit or a notice of suspension. Where the attorney is replaced, the legal aid mandate terminated or if the advocate ceases to represent, he shall be paid for the services rendered up to that stage of the proceedings.

- T15. The word “contestation” includes any opposition to an application by another party.
- T16. An advocate who accepts a mandate from a legal aid body shall apply for costs in his statement of claim.
- T17. Where the advocate of a recipient is entitled to costs awarded against an adverse party who is not a recipient, the advocate may either collect his costs from the adverse party or claim payment from the legal aid body from which he received his mandate, in accordance with this Schedule.
- T18. The collecting of costs from an adverse party has the effect of a discharge by the advocate in favour of the legal aid body from which he received his mandate.
- Where the advocate chooses to claim payment from the legal aid body, he shall subrogate that body in his rights up to the amount of his bill of costs duly taxed.
- T19. An advocate shall receive a fixed amount of \$10 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

PART 3

GENERAL CIVIL TARIFF

CLASSES OF ACTIONS

- T20. I. An application in which the amount or value in dispute is less than \$3 000 ;
- II. An application in which the amount or value in dispute is between \$3 000 and \$10 000 exclusively ;
- III. An application in which the amount or value in dispute
- (a) is between \$10 000 and \$25 000 exclusively ;
- (b) is between \$25 000 and \$50 000 exclusively ;
- IV. An application in which the amount or value in dispute is \$50 000 or more.
- T21. For proceedings or actions not provided for specifically by the tariff but governed by the Code of Civil Procedure, the fees are fixed according to the provisions of the Agreement in respect of similar proceedings or actions. Such proceeding or action in which the amount or value in dispute is indeterminable or inexistent falls under Class II.

- T22. For proceedings related to filiation, disavowal or the deprivation of parental authority, the fees are those prescribed for Class II.
- T23. Hypothecary actions are considered to be purely personal actions.
- T24. In an action by a creditor to enforce a right to become the absolute owner of an immovable, the class of the action is determined according to the balance due on the claim.
- T25. Unless otherwise provided by law, every action to set aside a contract or a will is classified according to the value of the contract or the succession; if in addition a sum of money is claimed, the total amount determines the class of the action.
- T26. Where two or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation one-half of the fee prescribed in section T35 or section T36 of this Schedule, according to the stage of the proceedings. For the purposes of this rule, the intervenor, the impleaded party and the defendant on warranty, if they ask for dismissal of the main action, are each considered to be a defendant filing a separate contestation.
- T27. Where two or more incidental applications can be framed in a single proceeding, the fees are payable only once notwithstanding the multiplicity of proceedings.
- T28. In the matter of a declaratory judgment and a decision on a point of law, the interest in dispute, if it can be evaluated in money, determines the class of the action; otherwise, the fees are those prescribed for Class II.
- T29. In the case of a review of taxation of a bill of costs, the costs are based on the class of action corresponding to the amount of the costs in dispute.
- T30. There are no separate fees in the case of a cross demand, but the class of action corresponds to the highest of the amounts for which judgment is recovered.
- T31. If a settlement is reached between the parties or proceedings are withdrawn before the issue of the originating process, the advocate is entitled to the fees prescribed for an action of that class in the case of such settlement reached after the issue of the originating process and before the serving of any defence or contestation on the merits.

FIRST INSTANCE

	I	II	III		IV
	0-3	3-10	10-25	25-50	50
	\$	\$	A	B	\$
T32. (a) For every notice or putting in default preceding the originating process and required by law	30	30	30	30	30
(b) For every notice or putting in default preceding the originating process and not required by law, only one fee is payable	24	24	24	24	24
T33. For every action settled after the originating process and before service of a defence or contestation on the merits:					
(a) to the plaintiff's attorney	150	180	240	330	420
(b) to the defendant's attorney	90	150	210	330	390

FIRST INSTANCE	I	II	III	IV	
	0-3	3-10	10-25	25-50	50
	\$	\$	A \$	B \$	\$
T34. For judgment on the merits, by default to appear or to plead					
To the plaintiff's attorney:					
(a) without proof	168	210	300	390	480
(b) with proof	210	270	360	450	540
to the defendant's attorney:					
(c) if he is not present at the proof or if there is no proof	60	96	120	162	210
(d) if there is a proof and he is present	120	180	240	330	420
T35. For an action settled after service of a defence or contestation on the merits, or for an application dismissed on a motion under article 165 C.C.P.	300	420	540	660	780
T36. For judgment on the merits of the case in a contested action	420	600	840	960	1200
T37. (a) On every contested incidental proceeding	60	60	60	60	60
(b) Where the incidental proceeding puts an end to the dispute, the fees applicable are those of section T34(a)					
T38. For the examination of a party before or after the defence is filed, excluding an examination during an incidental measure or the trial	36	36	36	36	36
T39. (a) For registration, at the registry office, of the judgment or any other act for the preservation of real rights	30	30	30	30	30
(b) For the preparation and registration, at the registry office, of a prior claim or legal hypothec or a demand under article 1743 of the Civil Code of Québec	90	90	90	90	90
(c) For the preparation and registration of an application for the cancellation of the registration of a right	30	30	30	30	30
(d) For the filing of a declaration of voluntary payment into court of salary or wages and claim on seizure	30	30	30	30	30
T40. (a) For the issue of all writs of executions, whatever their nature or number, only one fee according to the class of the amount claimed	30	30	30	30	30
(b) Examination under article 543 C.C.P.	18	18	18	18	18
T41. For any judgment by default against a garnishee or on his declaration	30	30	30	30	30
T42. For any seizure before judgment, additional fees according to the class of the main action	48	48	48	48	48

FIRST INSTANCE	I 0-3 \$	II 3-10 \$	III 10-25 A \$	IV 25-50 B \$	IV 50 \$
T43. Where a case lasts more than one day, for each additional half-day	150	150	150	150	150
T44. In the case of any pre-trial conference held according to the provisions of article 279 C.C.P. and prior to the day fixed for proof and hearing, the fees are those prescribed in section T38.					
T45. For the taxation of a bill of costs					\$30
For the taxation if contested					\$100
T46. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class IIIA. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class IIIA. The fees shall be calculated in the following manner: when the judgment on the motion for an interlocutory injunction terminates the case or the judgment on the motion for a permanent injunction is not preceded by a judgment on motion for an interlocutory judgment, the advocate is entitled to the fees taxable on a judgment on the merits of the case. Where the judgment on the motion for a permanent injunction follows a judgment on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable on a judgment on the merits increased by one-half.					
T47. In proceedings for boundary delimitation, possessory or petitory proceedings, proceedings for appointment of a receiver, and in actions for declaration or denial of a servitude, the fees are those prescribed for Class II.					
T48. In proceedings for judicial partition and licitation, the class of actions is in accordance with the value of the matter in dispute.					
T49. In proceedings respecting legal persons, for extraordinary recourses and for <i>habeas corpus</i> under Titles V, VI and VII of Book V of the Code of Civil Procedure, the fees are those prescribed for Class II.					
T50. In non-contentious proceedings, the fees are those of section T37(a), Class II, with the exception of the procedure governing the sale of the property of others provided for in Chapter X of Book VI of the Code of Civil Procedure, the class being determined by the value of the property.					
T51. In adoption proceedings, the fees are those prescribed for Class II.					
An application for a declaration of eligibility for adoption, an application for placing a child and an application for adoption constitute separate proceedings. Any other application constitutes an incidental proceeding and is remunerated as such.					
Where an advocate submits separate applications for two or more children in the same family and the grounds for the applications are identical, the fee payable for each additional application after the first is \$75.					
T52. Motion for rectification of the registers of civil status					\$100
T53. In property assessment proceedings, including the quashing or contesting of a role, the fees both before the Administrative Tribunal of Québec and in appeal before the Court of Québec are those prescribed for Class II of the tariff at first instance; section T55 does not apply thereto and the cost of expert reports is not included in the bill of costs.					
T54. In expropriation proceedings, the class of the action is determined by the amount of the compensation.					
Additional fees of 1% of the compensation are added to the fees when, upon a motion accompanied by an affidavit of the advocate, it is demonstrated to the satisfaction of the Administrative Tribunal of Québec, that the advocate's services during the preparation of the case or at proof and hearing, or during the negotiations leading to a compromise, so justify.					

Contestation of the right to expropriation is a separate proceeding. The fees applicable are those prescribed for Class II.

For any proceeding commenced under the Expropriation Act before a court other than the Administrative Tribunal of Québec, immovable property division, the fees applicable are those prescribed for Class II, section T37(a).

For any uncontested proceeding respecting payment of the money awarded, the fees are those prescribed in section T39(b).

T55. Upon judgment in a contested case ordering the defendant to pay an amount greater than \$100 000 in principal, the following additional fees are taxable in favour of the plaintiff:

- 1% of the amount in excess of \$100 000, up to a judgment of \$1 000 000;
- plus, where the amount of the judgment exceeds \$1 000 000, 1/10 of 1% of the amount in excess of \$1 000 000.

Upon judgment dismissing an action in which the amount claimed is greater than \$100 000, the following additional fees are taxable in favour of the defendant:

- 1% of the amount in excess of \$100 000 up to an amount claimed of \$1 000 000;
- plus, where the amount claimed in the action exceeds \$1 000 000, 1/10 of 1% of the amount in excess of \$1 000 000.

Where there is an out-of-court settlement before a defence has been filed, the advocate is entitled to only one-third of the additional fees prescribed in this section.

Where there is an out-of-court settlement after a defence has been filed, the advocate is entitled to only two-thirds of the additional fees prescribed in this section.

The additional fees are payable to an advocate only once, regardless of the number of plaintiffs or defendants.

REPRESENTATION OF CHILDREN IN SUPERIOR COURT

T56. All services rendered, to obtain any judgment in the course of representing a child within the scope of article 394.1 C.C.P.

(a) uncontested	\$275
(b) contested	\$315

However, an advocate is entitled to those fees for no more than two judgments in the same case.

SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS

The rules of Part I, Part II and Part III of this Schedule apply *mutatis mutandis* to matrimonial proceedings.

Principal proceedings

T57. (a) Upon reconciliation or withdrawal of proceedings after the issue of the originating process; to the plaintiff's attorney	\$200
(b) Upon reconciliation or withdrawal of proceedings after appearance or before service of a contestation; to the defendant's attorney	\$200
(c) Upon reconciliation or withdrawal of proceedings for separation by consent or for divorce by consent before judgment; to the attorney representing both parties	\$350

T58.	On reconciliation or withdrawal of proceedings after service of a contestation and before judgment on the merits ; to the plaintiff's attorney	\$400
	to the defendant's attorney	\$300
T59.	For judgment by default to appear or to plead ; to the plaintiff's attorney	\$500
T60.	For judgment by default to appear or to plead ; to the defendant's attorney	\$350
T61.	(a) For judgment on the merits in a contested case with or without a cross demand by the defendant ; to each attorney	\$700
	(b) For judgment on the merits granting a separation or divorce by consent ; to the attorney representing both parties	\$700

Provisional measures, interim orders and incidental proceedings in matrimonial proceedings

T62.	For the first judgment for measures applicable during the proceedings, whether a judgment for provisional measures or an interim order, to each attorney, one fee only (a) after settlement or transaction	\$250
	(b) after proof in a contested case	\$300
T63.	For every judgment rendered under sections T57 to T69, following a judgment referred to in section T62 and 1. extending the application of the measures ordered by the preceding judgment or repelling the preceding judgment : To each attorney, one fee only	\$75
	Each advocate is entitled to such fee for a maximum of two of these judgments in each case.	
	2. amending the measures ordered or extended by the preceding judgment : To each attorney, one fee only (a) after settlement or compromise	\$250
	(b) after proof	\$300
T64.	(a) For any contested incidental proceeding not governed by sections T62 and T63	\$75
	(b) For examination of a party, before or after the filing of a defence, excluding an examination during an incidental measure or the trial	\$50
	(c) If the hearing lasts more than one day, for each additional half-day	\$100
T65.	Where a separate motion is presented by each party regarding the same provisional or interim measure, one fee only is payable regardless of the number of motions.	
T66.	Where a new mandate is issued for one or more new proceedings for separation from bed and board or for divorce within 12 months of the issue of the first mandate, only one-half of the above fees is payable where the same attorney represents the same plaintiff on each occasion ; in every other case where a new mandate is issued within that same period, the fees are payable in full.	

Execution of judgment

T67.	(a) For an examination under article 543 C.C.P.	\$50
	(b) For a requisition for a writ of seizure before judgment	\$50
	(c) For a requisition for a writ of seizure after judgment of movables or immovables or both together	\$50
	(d) For a requisition for a writ of seizure by garnishment after judgment	\$50
	(e) For a judgment for seizure by garnishment after judgment	\$70
	(f) Only one of the two fees prescribed in paragraphs <i>d</i> and <i>e</i> may be claimed.	
	(g) For registration of the judgment at the registry office	\$50

Motions subsequent to final judgment

T68.	(a) Designation to practitioner	\$25
	(b) Homologation of practitioner's report	\$25
	(c) Inscription following homologated report	\$25
	(d) For any judgment on a motion for variation of support, custody of children, visitation and outing rights, without proof of an issue; to each attorney, one fee only	\$300
	(e) For a judgment after proof and contestation with respect to all measures described in paragraph <i>d</i> ; to each attorney, one fee only	\$400

Paragraphs *d* and *e* apply subject to the provisions of section T63.

Motions under article 813.8 C.C.P.

T69.	(a) For any judgment without proof of an issue relating to a motion under article 813.8 C.C.P.; to each attorney	\$300
	(b) For any judgment in a contested case after proof of an issue and concerning a motion under article 813.8 C.C.P.; to each attorney	\$400

This section applies subject to the provisions of section T63.

Declaration of family residence

T70.	Drafting and registration, at the registry office, of a declaration of family residence	\$75
T71.	The fact that an advocate files evidence by affidavit without being present at the proof does not change the fee payable under sections T57 to T69.	

COURTS OF APPEAL

T72.	Disbursements incurred for the preparation of the joint record and the printing of factums are added to the statement of fees.																					
T73.	Sections T47 to T49 of the tariff at first instance apply to the Court of Appeal.																					
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0-3	3-10	10-25	25-50	50																		
		A	B																			
\$	\$	\$	\$	\$																		
T74.	After filing of the inscription; for every case terminated or appeal abandoned	135	375	400	535	675																
T75.	After filing of the factum of the appellant; for every case terminated or appeal abandoned:																					
	(a) to the appellant	400	600	740	940	1 140																
	(b) to the respondent	200	400	470	600	740																
T76.	Motion for extension of the time allowed to file the factum																					
	Without contestation					\$60																
	With contestation					\$120																

	I 0-3 \$	II 3-10 \$	III 10-25 A \$	IV 25-50 B \$	IV 50 \$
T77. After filing of the factum of the respondent and before the hearing ; for every case terminated or appeal abandoned	470	670	800	1 000	1 200
T78. For judgment on the merits of the case	670	1 000	1 150	1 350	1 600
	I 0-3 \$	II 3-10 \$	III 10-25 A \$	IV 25-50 B \$	IV 50 \$
T79. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding	135	135	135	135	135
T80. For an appeal from any interlocutory judgment, excluding the injunction, extraordinary recourses and <i>habeas corpus</i> , the fees applicable are one-half of the fees prescribed for a final judgment, according to the class of action determined by the amount in dispute.					
T81. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class II. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class II. The fees are calculated in the following manner: when the judgment of the Court of Appeal on the motion for an interlocutory injunction terminates the case or the judgment of the Court of Appeal on the action for a permanent injunction is not preceded by a judgment of the Court of Appeal on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable for a judgment on the merits by the Court of Appeal. Where the judgment of the Court of Appeal on the action for an injunction follows a judgment of the Court of Appeal on a motion for an interlocutory injunction, the amount of the fees for the judgment on the merits is equal to one-half of the fees of the class which applies thereto.					
T82. In proceedings for extraordinary recourses and <i>habeas corpus</i> under Titles VI and VII of Book V C.C.P., the fees for a judgment on the merits are those prescribed for Class II.					
	I 0-3 \$	II 3-10 \$	III 10-25 A \$	IV 25-50 B \$	IV 50 \$
T83. For the filing of an additional factum at the request of the court	200	200	200	200	200
T84. Where the hearing of a case lasts more than one day, for each additional half-day	250	250	250	250	250
SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS ON APPEAL					
T85. The disbursements incurred for preparation of the joint record and printing of the factums are added to the statement of fees.					
T86. After filing of the inscription ; for any case terminated or appeal abandoned					\$190

T87.	After filing of the appellant's factum ; for any case terminated or appeal abandoned :	
	(1) to the appellant	\$440
	(2) to the respondent	\$250
T88.	After filing of the respondent's factum and before hearing ; for any case terminated or appeal abandoned	\$565
T89.	For judgment on the merits of the case	\$940
T90.	For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding	\$160
T91.	For an appeal from an interlocutory judgment, the fees are one-half of the fees prescribed for a final judgment.	
T92.	For the filing of an additional factum at the request of the court	\$190
T93.	Where the hearing of the case on the merits lasts more than one day, for each additional half-day	\$250

SUPREME COURT OF CANADA

T94. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for special consideration.

PART 4

TARIFF IN CRIMINAL AND PENAL PROCEEDINGS UNDER THE YOUNG OFFENDERS ACT

Special interpretation and application rules

T95. Where a flat-rate remuneration is prescribed by this Part for professional services, the advocate who receives the mandate during the proceedings and who sees the case through is entitled to the full flat-rate remuneration, if no other legal service was rendered to the recipient in the same case, within the framework of the Legal Aid Act or not, by an advocate employed by a legal aid centre or by another advocate in private practice.

T96. Where the tariff prescribes a *per diem* remuneration for professional services, the advocate is entitled to only one-half of the fees prescribed where his presence in Court was not required for more than one half-day.

For the purposes of this section, 1:00 p.m. is the middle of the day.

Professional services rendered by an advocate at a hearing held in the evening (after 7:00 p.m.) entitle him to remuneration equivalent to one half-day in addition to any remuneration to which he may be entitled under the preceding sections.

T97. Remuneration payable for professional services rendered by an advocate on a finding or a plea of guilty to a lesser and included offence is that which would have been payable in respect of the offence charged.

T98. Where an advocate represents a client indicted by more than one information and the trial or a hearing during which the accused pleads guilty to the various charges is held in the same court and on the same day, the advocate is entitled to the full remuneration for the best paid information and to one-half of the prescribed tariff for each other information.

T99. Where an advocate represents two or more recipients charged with the same offence or with a like offence arising from the same course of events, and where the proceedings are held in the same court at or about the same time, the advocate is entitled to one-half of the remuneration prescribed for the professional services rendered to each of the other recipients, except in the case of a special consideration.

T100. At first instance, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the accused.

On appeal, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the person who, at first instance, was the accused.

T101. An advocate is entitled to reimbursement of his cost of photocopies when proceedings are made in writing or to reproduce authorities, at the rate of \$0.10 a page.

T102. Appearance before a justice of the peace and appearance before a judge for the purpose of entering a plea of not guilty or making an election and adjournment are not considered to be essential aspects of the advocate's mandate.

T103. All professional services related to an application for an extension concerning the execution of a sentence or order of the court \$75

T104. All professional services related to an application for the transfer of a case to another judicial district resulting in the loss of the case \$75

FIRST INSTANCE

Indictable offences within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada)

T105. Preparation of the preliminary inquiry, including interviews with the accused and witnesses, any visits to the scene of the crime and legal research (up to and including preliminary inquiry) \$250

T106. All services rendered on a preliminary objection presented aside from the preliminary inquiry or the trial, where the judgment granting it terminates the prosecution \$335

T107. Preparation for trial, including interviews with the accused and witnesses, visit to the scene of the crime and legal research (between preliminary inquiry and sentence if any) \$500

That fee shall be payable only where the trial is actually held and judgement delivered.

T108. Appearance and all stages of proceedings completed on the same day \$65

The above amount includes the remuneration for the preparation work on those stages of proceedings.

T109. When the prosecution objects to release, for the bail hearing actually held \$100

T110. Waiver of preliminary inquiry under section 549 of the Criminal code (Canada) \$35

T111. Preliminary inquiry, per day \$400

T112. Attendance for order on preliminary inquiry or for voluntary examination (where witnesses are not heard) \$50

T113. Trial, per day \$500

T114. Junior counsel at trial, per day \$180

The fee prescribed above applies only in cases of first-degree or second-degree murder and with the express prior consent of the general manager. The junior counsel is not entitled to preparation fees.

T115. Attendance for the purpose of entering a plea of guilty	\$130
T116. Withdrawal of plea of guilty	\$130
T117. Submissions as to sentence or submissions and sentence	\$130
T118. Sentence only	\$50

The fees prescribed in section T117 or T118 apply only to attendance for sentence on a day other than the day on which the client was found guilty or on which he entered a plea of guilty.

T119. Attendance for adjournment before the Superior Court of criminal jurisdiction or before a court of criminal jurisdiction	\$20
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The advocate may not claim fees for more than two adjournments obtained at his request.

Indictable offences other than those within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada) and other than those within the exclusive jurisdiction of a judge of the provincial court under section 553 of the Criminal Code (Canada)

T120. All professional services rendered up to the final disposition of the case at first instance	\$525
T121. Notwithstanding section T120 and if applicable, where the prosecution objects to release, for a bail hearing actually held	\$100
T122. Notwithstanding section T120, where the case requires a preliminary inquiry lasting more than one day, per additional half-day:	\$200
T123. Notwithstanding section T120, where the case requires a trial lasting more than one day, per additional half-day:	
(a) trial before judge and jury	\$250
(b) trial before judge only	\$200

Indictable offences under section 553 of the Criminal Code (Canada)

T124. All professional services rendered up to the final disposition of the case at first instance	\$315
T125. Notwithstanding section T124, where the case requires a trial lasting more than one day, per additional half-day of trial	\$200
T126. Notwithstanding section T124 and if applicable, where the prosecution objects to release, for a bail hearing actually held	\$100

Summary convictions (charges brought under Part XXVII of the Criminal Code of Canada)

T127. All professional services rendered up to the final disposition of the case at first instance	\$315
T128. Notwithstanding section T127, where the case requires a trial lasting more than one day, per additional half-day of trial	\$200
T129. Notwithstanding section T127 and if applicable, where the prosecution objects to release, for a bail hearing actually held	\$100

Diversion

T130. The remuneration for all professional services rendered in the course of the diversion process will be the subject of specific negotiations when the terms and conditions will be known. That remuneration will not be lower than that paid for the judicial process as provided for in section T120, T124 or T127, as the case may be.

Hearings under section 742.6 of the Criminal Code

T131. All professional services rendered up to the final disposition of the case \$200

Preventive detention

T132. Preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code (Canada), including interviews and other necessary services \$850

T133. Hearing of a motion for preventive detention, per day \$228

Extraordinary remedies

(Habeas Corpus, Certiorari, Prohibition, Mandamus)

T134. Preparation and service of the proceeding \$250

T135. Hearing on the merits \$190

Application for bail or for review of bail for an accused charged with an indictable offence

T136. For all services related to a motion addressed to a judge of the Superior Court of criminal jurisdiction \$152

Special provisions applicable to young offenders

T137. All services rendered up to and including a final decision on an application for transfer under section 16 of the Young Offenders Act \$400

T138. All services rendered up to and including a final decision on an application for review under sections 28 to 32 of the Young Offenders Act \$175

APPEALS**Appeal by way of trial *de novo***

(before a judge of the Superior Court of criminal jurisdiction)

T139. Drafting of all proceedings prior to the hearing, including attendances \$100

T140. Hearing on appeal from a judgment, per day \$400

T141. Hearing on appeal from a sentence only \$150

T142. Hearing on appeal from a judgment and a sentence, per day \$400

Appeal by way of case stated

T143. Drafting and preparation of an application for a case stated \$200

T144. Attendance necessary before the trial court judge for the preparation of a case stated \$100

T145. Preparation of all other proceedings including attendance	\$100
T146. Preparation and drafting of notice of appeal	\$30
T147. Hearing of appeal	\$300

Appeal to Court of Appeal on questions of law in summary conviction proceedings

T148. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$100
T149. Motion for extension of the time to appeal	\$182
T150. Hearing of application for leave to appeal	\$200
T151. Preparation of argument and factum	\$300
T152. Hearing of appeal	\$300

Appeal to Court of Appeal

(A) After verdict by jury

T153. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$200
T154. Hearing of application for leave to appeal	\$200
T155. Motion for extension of the time to appeal	\$182
T156. Preparation of argument and factum, where applicable	\$410
T157. Hearing of appeal	\$300

(B) Appeal from a judgment delivered by a judge without jury, a judge of the Court of Québec, Criminal Division, or a judge of the Court of Québec, Youth Division, under the Young Offenders Act

T158. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$200
T159. Hearing of application for leave to appeal	\$200
T160. Motion for extension of the time to appeal	\$182
T161. Preparation of argument and factum, where applicable	\$310
T162. Hearing of appeal	\$310

(C) Appeal from sentence only

T163. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$200
T164. Hearing of application for leave to appeal	\$200
T165. Motion for extension of the time to appeal	\$182

T166. Preparation of argument of factum, where applicable	\$182
T167. Hearing of appeal	\$200

(D) Appeal from verdict or judgment and sentence

T168. The fees prescribed in A or B are added to those prescribed in C with the exception or	
(1) Hearing of applications for leave to appeal (T154, T164)	\$200
(2) Hearing of appeals (T157, T167)	\$400

(E) Bail

T169. Application for bail pending appeal (all proceedings, including hearing)	\$250
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Appeal to the Supreme Court of Canada

T170. Application for leave to appeal, including preparation of notice of application for leave to appeal, memorandum of discussion and all other necessary preliminary proceedings, including attendances	\$160
T171. Preparation prior to hearing of application for leave to appeal	\$200
T172. All proceedings for bail, including the hearing of the application for leave to appeal	\$515
T173. All proceedings for bail, including the hearing and any other attendance	\$250
T174. Drafting, service and filing of the notice of appeal and preparation of joint record	\$160
T175. Preparation of the case and factum	\$610
T176. Hearing of appeal	\$610

Appeal from a judgment in respect of preventive detention

T177. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$200
T178. Preparation of argument and factum, where applicable	\$410
T179. Hearing of appeal	\$310

**Appeal in respect of extraordinary remedies
(Habeas Corpus, Certiorari, Prohibition, Mandamus)**

T180. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$200
T181. Preparation of argument and factum, where applicable	\$410
T182. Hearing of appeal	\$310
T183. The preparation and hearing of an incidental motion, in appeal, such as a motion to be discharged from a judgment declaring the appeal abandoned	\$200

**Change in a probation order
(Under section 732.2 (5) of the Criminal Code of Canada)**

- T184. Appearance and all stages of the proceedings completed on the same day \$50
The fee prescribed above includes remuneration for preparation work for those stages of the proceedings.
- T185. All professional services rendered after the day of appearance, including the hearing \$85
- T186. All professional services rendered for an application for the issue of an order of imprisonment for default of payment of fines (under section 734.7 of the Criminal Code or article 346 of the Code of Penal Procedure) \$200

**PART 5
TARIFF FOR MISCELLANEOUS PROCEEDINGS**

Special interpretation and application rules

- T187. Where an advocate represents two or more recipients who are joined in law or in fact and are parties to one or more issues based on a cause of action of the same nature and heard before the same court or the same administrative body at or about the same time, the advocate is entitled only to the remuneration prescribed for the professional services rendered to one recipient, except in the case of a special consideration.
- T188. Where a hearing does not terminate before 7:00 p.m. on the day on which it begins, the advocate is entitled to an additional fee of \$150 for the evening and for each additional half-day.

For the purposes of this rule, 1:00 p.m. is the middle of the day.
- T189. Where an appeal is heard in the Court of Québec, the fees are those prescribed for Class II of the civil tariff at first instance *mutatis mutandis*.
- T190. Where an appeal is heard in Superior Court, the fees are those prescribed for Class III-A of the civil tariff at first instance *mutatis mutandis*.
- T191. Where an appeal is heard in the Court of Appeal, the fees are those prescribed for Class II of the tariff of the Court of Appeal.
- T192. An advocate receives a fixed amount of \$10 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

Youth Protection Act

- T193. Intervention with the Director of Youth Protection, including any voluntary measures prior to intervention in court; per attendance \$50
- T194. All services rendered before the Court of Québec, Youth Division, up to a final decision, including any order on a motion to declare the safety or development of a child to be endangered \$370
- T195. All services rendered before the Court of Québec, Youth Division, up to and including a final decision upon a motion for review of a decision or order \$370

The tariff prescribed by this section is payable notwithstanding the provisions of section T196 if contestation on the part of a disputing party requires that a hearing be held.

T196.	Notwithstanding the foregoing, where the final decision under sections T194 and T195 is delivered with consent and without hearing any witness, an advocate is entitled to only half of the fees, specifically	\$185
T197.	Where the recourse under section T194 or T195 is terminated by discontinuance:	\$165
T198.	(a) All services rendered up to and including a final decision upon a motion for temporary shelter	\$130
	(b) Where the recourse is terminated by discontinuance	\$75
T199.	(a) All services rendered up to a final decision upon a motion for extension of an emergency order	\$130
	(b) Where the recourse is terminated by discontinuance	\$75
T200.	Attendance for adjournment	\$22
T201.	Attendance for judgment	\$50

Régie du logement

T202.	All services rendered before the commissioner:	
	(a) Upon a final decision in uncontested proceedings, including an agreement reached at the hearing or upon a final decision embodying a discontinuance at the hearing	\$225
	(b) Upon a final decision in contested proceedings	\$300
	(c) Upon filing of an out-of-court settlement reached before the hearing or upon filing of a discontinuance made before the hearing	\$100
T203.	(a) All services rendered upon a motion for review before the Board up to and including a final decision	\$285
	(b) Upon filing of an out-of-court settlement or upon filing of a discontinuance	\$145
T204.	(a) Incidental motion	\$75
	(b) Motion for revocation of judgment	\$150
T205.	(a) For a decision on any motion filed with the Court of Québec under sections 91 and 94 of the Act respecting the Régie du logement: To each attorney	\$200
	(b) For a settlement reached before the hearing	\$150
T206.	For any motion for provisional execution or suspension of execution of a decision of the Régie du logement	\$120

Proceedings in respect of work accidents and occupational diseases, crime victims compensation, income security, employment insurance, pensions, automobile insurance or proceedings under the Act to secure the handicapped in the exercise of their rights

(A) Review of the decision of an administrative officer

T207.	(a) All services rendered upon a motion for review in a matter of work accident or occupational disease	\$250
	(b) All services rendered upon a motion for review in a matter other than the one governed by section T207(a) up to and including a final decision	\$220

(B) Application before an administrative tribunal of last instance***i. For all services rendered without conciliation under sections 120 and seq. of the Act respecting administrative justice and section 429.44 of the Act respecting industrial accidents and occupational diseases***

T208. When the proceedings terminate by a discontinuance or an out-of-court settlement before proof and hearing at the Administrative Tribunal of Québec	\$250
T209. When there is proof and hearing before the Administrative Tribunal of Québec	\$459

ii. For all services rendered with conciliation under sections 120 and seq. of the Act respecting administrative justice and section 429.44 of the Act respecting industrial accidents and occupational diseases

T210. When the proceedings terminate by a discontinuance or an out-of-court settlement in the process of or after conciliation	\$459
T211. When there is proof and hearing before the Administrative Tribunal of Québec	\$459
Plus \$200 per half-day of proof and hearing, as of the first half-day.	

Motion for leave to appeal against a decision of the administrative tribunal of last instance to the Court of Québec

T212. Upon judgment for any motion for leave to appeal	\$200
T213. Upon settlement reached before hearing	\$150

Motion for clinical psychiatric examination

T214. (a) All services rendered up to and including a final judgment	\$175
(b) Upon filing of a discontinuance	\$75

Bankruptcy**(A) Application for discharge**

T215. All services rendered up to and including a final judgment :	
(a) uncontested	\$100
(b) contested	\$300
T216. All services rendered upon any motion and incidental proceeding	\$60

(B) Contestation of the application for an order requiring payment of a part of salary to the trustee

T217. All services rendered up to and including a final judgment	\$100
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(C) Motion to withdraw property from the assets assigned to creditors

T218. All services rendered up to and including a final judgment	\$100
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Immigration Act**(A) Immigration and Refugee Board**

T219. Preparation of the Personal Information Form :	
(a) main claimant form	\$170
(b) form of each other member of the family in the same file	\$50

T220.	(a) All the other services rendered up to and including a final decision before the adjudication division, the refugee determination division or the appeal division of the Immigration and Refugee Board	\$285
	(b) Services rendered during a hearing concerning detention before the Immigration and Refugee Board	\$100

(B) Federal Court (trial division)

T221.	Preparation of the application for authorization to institute judicial review proceedings	\$345
T222.	Hearing on the merits, per half-day	\$200

Federal Court (appeal division)

T223.	After filing of the notice of appeal, for any case terminated or appeal abandoned	\$375
T224.	Hearing of the appeal on the merits	\$1000

Tariff in parole proceedings

Before the Commission québécoise des libérations conditionnelles

Application for review of parole, application for review of a condition and post-suspension application

T225.	All services rendered up to and including a final decision, whether the decision is made after examination of the record based on the written submissions or after the hearing	\$200
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Appeal before the National Parole Board

T226.	Standard application	
	(a) Preparation of standard hearing	\$350
	(b) Standard hearing, per day	\$350
	(c) Standard hearing, per half-day	\$175
	(d) Hearing on record and written submissions	\$85
T227.	“Post Suspension” hearing	
	(a) Preparation of “post suspension” hearing	\$115
	(b) “Post suspension” hearing, per day	\$350
	(c) “Post suspension” hearing per half-day	\$175
	(d) Hearing on record and written submission	\$85
T228.	(a) For an adjournment before the Board has begun to hear the case	\$30
	(b) For an adjournment when the case is being heard by the Board, the half-day fee prescribed in section T226(c) is payable.	
	(c) The provisions of section T6 apply notwithstanding section T228(a).	

Appeal before the National Parole Board or the Commission québécoise des libérations conditionnelles

T229.	Same advocate at the hearing for parole	
	(a) Meeting(s) with the recipient	\$105
	(b) Preparation of the appeal factum	\$205
T230.	New advocate for appeal	
	(a) Meeting(s) with the recipient	\$105
	(b) Preparation of the appeal factum	\$310

Correctional law in disciplinary proceedings

T231. (a) Preparation for hearing	\$115
(b) Hearing	\$105

T232. The provisions of sections T228(a), T228(b) and T228(c) apply *mutatis mutandis*.

Coroner's inquest

T233. Preparation for coroner's inquest, including interviews with all witnesses, any visit to the scene of the death and legal research	\$85
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T234. Attendance at coroner's inquest, per day	\$200
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Review committee of the Commission des services juridiques

T235. Hearing before the review committee of the Commission des services juridiques if the advocate succeeds	\$100
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Administrative application for a change of name

T236. Administrative motion for a change of name	\$100
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4121

Draft Regulation

An Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (1999, c. 32)

**Fishermen and Fishermen's helpers
— Professionalization**

Notice is hereby given, in compliance with Sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the professionalization of fishermen and fishermen's helpers, the text of which appears hereafter, can be approved with or without amendment by the Government 45 days after publication of this notice.

Any interested persons who wish to comment this matter are invited to do so by sending their comments in writing, before the end of said time-period, to the Minister for Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

This proposed regulation aims to establish the conditions and means governing the issue of fishing trade record booklets which would attest to their holders' training and qualifications. Moreover, it sets out the standards which would be used to recognize the training and qualifications equivalent to those required for fishermen and fishermen's helpers. Finally, it provides for the cases and conditions for which certain exemptions would be allowed.

As of today, the studies and analyses conducted have revealed no impact of an economic nature on either citizens or businesses.

Further information can be obtained by contacting Sylvain Lafrance, Maritime Fisheries Labour Sectorial Committee, 185-2, rue de la Reine, Gaspé (Québec) G4X 1T7, telephone: (418) 368-3774, fax: (418) 368-3875, e-mail: comite@gp.cgocable.ca

JEAN-CLAUDE BLANCHETTE,
*Québec Fishermen and Fishermen's helpers
Accreditation Bureau*

**Regulation on the professionalization of
fishermen and fishermen's helpers**

An Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (1999, c. 32)

**DIVISION I
DEFINITIONS AND GENERAL PROVISIONS**

1. In this regulation, unless the context indicates otherwise, the following words mean:

(a) Fisherman: the holder of a commercial fishing licence, issued by the authority responsible for the en-

forcement of the Fisheries Act in Québec, who uses the licence, with the exception of anyone who holds a fishing licence for seal;

(b) Fisherman's helper: an employee on board a commercial fishing vessel;

(c) Apprentice fisherman: any person who, in accordance with the applicable laws and regulations, applies for a certificate issued under these regulations to engage in the fishing of any species in tidal waters, other than anadromous or catadromous species, or any fisherman or fisherman's helper who has not practiced commercial fishing at least during five weeks, during each one of the two years preceding the date of coming into force of these regulations.

2. The fisherman's booklet issued under these regulations shall include the following information:

- the surname, first name and address of its holder;
- the category of the certificate;
- the date of issue of the certificate;
- the training successfully completed by the certificate holder, related to the profession;
- the experience obtained in the course of his or her fishing activities;
- his or her photograph.

A fisherman's booklet shall remain valid for one year from its date of issue.

DIVISION II **APPRENTICE FISHERMAN'S CERTIFICATE**

3. The Bureau shall issue an apprentice fisherman's certificate to any person who fulfills the following conditions:

(a) the person must submit an application in writing to the Bureau for that purpose;

(b) the person must include, with the application, payment of the fees prescribed in Schedule I.

4. Before they reach the age of 16 years, the sons and daughters of fishermen or of fisherman's helpers may obtain an apprentice fisherman's certificate, but in no event may their time at sea be taken into account for the purposes of this regulation.

5. After they reach the age of 16 years, the sons and daughters of fishermen or of fisherman's helpers who are enrolled full time in a recognized educational institution may maintain their apprentice fisherman's certificate, if they work on board a vessel on which their parents works.

6. After they reach the age of 16 years, the sons and daughters of fishermen or of fisherman's helpers who are not enrolled full time in a recognized educational institution must then comply with the training requirements set out in this regulation.

DIVISION III **FISHERMAN'S HELPER CERTIFICATE**

7. The Bureau shall issue a fisherman's helper certificate to any person who fulfills the following conditions:

(a) the person must submit an application in writing to the Bureau for that purpose;

(b) the person must submit his or her diploma of studies in professional fishing issued by an educational institution recognized by the Ministère de l'Éducation, unless that person benefits from an exemption under this regulation or an equivalent qualification recognized by the Bureau under section 8;

(c) the person must include, with the application, payment of the fees prescribed in Schedule I.

8. Any person who is a member of one of the categories set out below, and who fulfills the conditions provided in the second subsection of section 8, shall benefit from a qualification equivalent to that required under paragraph 7 b:

(a) fishermen or fisherman's helpers who were engaged in commercial fishing at least five weeks, during each one of the two years prior to the coming into force of this regulation;

(b) the holders of a fishing master's certificate issued by Transport Canada and having the amount of sea time required for commercial fishing;

(c) fishermen members of the core group of the Laurentian area at the time of coming into force of this regulation, according to the 1996 fishing licence issuance policy of the Department of Fisheries and Oceans;

(d) fishermen or fishermen's helpers who were engaged in commercial fishing for at least five weeks per year and for at least five (5) years between the years 1990 to 2000 inclusive, and who were registered with the authority responsible for the enforcement of the Fisheries Act.

Persons referred to in the first subsection above, in order to benefit from the equivalence set out therein, must provide an attestation that they have successfully completed the following training courses at the Centre

spécialisé des pêches de Grande-Rivière or at another educational institution recognized by the Ministère de l'Éducation :

- (a) first aid, for a duration of (12) hours ;
- (b) cardiopulmonary resuscitation, for a duration of eight (8) hours ;
- (c) marine emergency duties (MED), for a duration of twenty (20) hours ;
- (d) responsible fishing, two (2) courses out of a choice of ten (10), for a duration of fifteen (15) hours each ;
- (e) organization and team work, for a duration of fifteen (15) hours ;
- (f) conservation and on-board handling of fish, for a duration of twenty (20) hours ;
- (g) fishing technology, for a duration of forty (40) hours ;
- (h) rules of the road (navigational security), for a duration of thirty (30) hours ;
- (i) radiotelephony, for a duration of fifteen (15) hours.

DIVISION IV FISHERMAN'S CERTIFICATE

9. The Bureau shall issue a fisherman's certificate to any person who fulfills the following conditions :

- (a) the person must submit an application in writing to the Bureau for that purpose ;
- (b) the person must submit his or her diploma of studies in professional fishing issued by an educational institution recognized by the Ministère de l'Éducation, unless the person benefits from an exemption under this regulation or from an equivalent qualification recognized by the Bureau under section 8 ;
- (c) the person must hold a commercial fishing licence ;
- (d) the person must include, with the application, payment of the fees prescribed in Schedule I.

10. Persons referred to in the first subsection of section 8, in order to benefit from an equivalent qualification as set out in paragraph 9 b, must provide an attesta-

tion that they have successfully completed the following training courses at the Centre spécialisé des pêches de Grande-Rivière or at another educational institution recognized by the Ministère de l'Éducation :

- (a) first aid, for a duration of (12) hours ;
- (b) cardiopulmonary resuscitation, for a duration of eight (8) hours ;
- (c) marine emergency duties (MED), for a duration of twenty (20) hours ;
- (d) responsible fishing, two (2) courses out of a choice of ten (10), for a duration of fifteen (15) hours each ;
- (e) organization and team work, for a duration of fifteen (15) hours.

DIVISION V EXEMPTIONS

11. Any fisherman or fisherman's helper who satisfies the Bureau of the following shall be exempted from fulfilling the obligation provided in paragraph 7 b, or in paragraph 9 b :

— that a moratorium in the fishery imposed by a competent authority, or an illness, forced him to suspend his fishing activities, provided that he was a fisherman or fisherman's helper registered with the authority responsible for enforcing the Fisheries Act, during the two years preceding his inactivity, and providing that he fished during at least five weeks, during each one of those two years.

12. A fisherman or fisherman's helper shall be exempted from the obligations provided under paragraph 7 b or under paragraph 9 b, if he demonstrates that his inability to comply with these obligations is based, in particular, on the following set of reasons :

- (a) his age ;
- (b) a large gap between his educational background and the level required to register for the program rendering it difficult to undertake the academic training ;
- (c) the number of years of experience acquired in the fishery ;
- (d) the species fished and the types of fishing gear used.

DIVISION VI

OBLIGATIONS OF CERTIFICATE HOLDERS

13. Every holder of a fisherman's certificate or fisherman's helper certificate must, during the year following the third anniversary of the date of issue of his certificate, and subsequently every three years, renew his training in cardiopulmonary resuscitation and first aid provided by an educational institution recognized by the Ministère de l'Éducation or by an organization recognized by the Ministère de la Santé et des Services sociaux.

14. Every holder of an apprentice fisherman's certificate must enroll, in the autumn following his first fishing season, in the program leading to the professional fishing studies diploma, at an educational institution recognized by the Ministère de l'Éducation du Québec, or be in the process of completing the prerequisites for such enrolment, with the exception of the sons and daughters of fishermen as mentioned in sections 4 and 5 of this regulation.

15. Every holder of a fisherman's certificate or fisherman's helper certificate must carry his fisherman's booklet with him while engaged in any fishing activity, and must allow the competent authorities responsible for the enforcement of the Act to verify its validity.

16. Each year, every holder of a certificate must transmit to the BAPAP the information required for the updating of the booklet.

17. Every holder of a fisherman's certificate or fisherman's helper certificate must participate in at least one commercial fishing expedition during the 3 years following the coming into force of this regulation, and must participate in at least one expedition during every subsequent 3-year period, unless the person benefits from the exemption set out in section 11 of this regulation.

18. Any person who has previously held a certificate, but whose certificate has been revoked by reason of inactivity, may resume commercial fishing provided that the person has completed the courses set out in section 8 and 10 of this regulation.

19. Any holder of a fisherman's certificate who is also the master of a fishing vessel shall notify the Bureau if the need arises to hire a person who is not a certificate holder, in order to replace an injured crew member or for any other valid reason. Such hiring must be for a period not exceeding seven (7) days.

DIVISION VII

TRANSITIONAL PROVISIONS

20. Any fisherman or fisherman's helper who benefits from an equivalent qualification, in accordance with section 8 or 10, shall be granted a period of three (3) years in which to complete the training set out in the second subsection of section 8 and in the first subsection of section 10.

21. Any fisherman or fisherman's helper who benefits from an equivalent qualification, in accordance with section 8 or 10, and who has not successfully completed all of the courses set out in the second subsection of section 8 and in the first subsection of section 10, shall be granted an additional time period of two (2) years in which to complete the required training.

DIVISION VIII

COMING INTO FORCE OF THIS REGULATION

22. This regulation will take force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

1. The fees payable to obtain a certificate as an apprentice fisherman, a fisherman's helper or a fisherman shall be as follows:

— \$50.00 if payment is made by January 31 of a given year;

— \$75.00 after January 31 of a given year.

2. The fee payable for the replacement of a lost or damaged booklet shall be \$25.00.

3. The fees payable as set out in this Schedule shall apply for two years from the date of coming into force of this regulation.

4122

Transport

Gouvernement du Québec

O.C. 114-2001, 14 February 2001

An Act respecting roads
(R.S.Q., c. V-9)

Roads under the management of the Minister of Transport

WHEREAS under section 2 of the Act respecting roads (R.S.Q., c. V-9), the Government shall determine, by an order published in the *Gazette officielle du Québec*, the roads which shall be under the management of the Minister of Transport;

WHEREAS under section 3 of that Act, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of the Minister shall, from the date indicated in the order, be managed by a municipality in accordance with subdivision 22.2 of Division XI of the Cities and Towns Act (R.S.Q., c. C-19) or, as the case may be, Chapter 0.1 of Title XIX of the Municipal Code of Québec (R.S.Q., c. C-27.1);

WHEREAS Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000 and 945-2000 dated 26 July 2000 determined, by municipality, the roads under the management of the Minister of Transport;

WHEREAS it is expedient to amend the Schedule to those Orders in Council in order to correct the descriptions of certain roads, to add roads to those under the management of the Minister and to delete certain roads so as to transfer their management, under this Order in Council, to a municipality on whose territory they are located;

WHEREAS it is expedient to list the roads whose right-of-way undergoes a change in width and those that are geometrically redefined;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport and of the Minister for Transport:

THAT the Schedules to Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000 and 945-2000 dated 26 July 2000 concerning roads under the management of the Minister of Transport be amended, with respect to the municipalities indicated, by adding and deleting certain roads listed in the Schedule to this Order in Council, by correcting the descriptions and widths of rights-of-way of the roads listed in that Schedule or by geometrically redefining them;

THAT this Order in Council take effect on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

SCHEDULE

ROADS UNDER THE MANAGEMENT OF THE MINISTER OF TRANSPORT

EXPLANATORY NOTE

A. CORRECTIONS TO DESCRIPTIONS, ADDITIONS, DELETIONS

The roads identified in the “Corrections to descriptions”, “Additions” and “Deletions” divisions appearing in the Schedule to this Order in Council are described under the following 5 headings:

- (1) Route class;
- (2) Section identification;
- (3) Name;
- (4) Beginning of maintenance;
- (5) Length in km.

(1) Route class

The designation of the route classes is taken from the functional classification established by the Ministère des Transports.

(2) Section identification

Roads are identified by a sequence of figures composed of 7 different groups:

- Road:
- Group 1: road number;
 - Group 2: road segment number;
 - Group 3: road section number;
- Sub-road:
- Group 4: the only figure other than zero that may appear in this group is 3, and it is used to identify one or more ramps;
 - Group 5: this group of figures indicates the sequential number of an intersection within a road segment;
 - Group 6: a letter identifying a ramp, if any;
 - Group 7: a letter identifying the type of roadway. (C: contiguous S: separate).

(3) Name

For roads whose number is lower than 1 000, the road number is indicated instead of the road name. For roads whose number is 10 000 or more, the road name is indicated instead of the road number.

Where there are one or more ramps along a road section, the total number of ramps for that section is also indicated; the combined length of all the ramps is indicated under "Length in kilometres".

(4) Beginning of maintenance

The description of a physical landmark used to situate the beginning of a road section is indicated.

(5) Length in kilometres

The length in kilometres is indicated for each road or part of a road. That length, which is determined by the Minister of Transport, corresponds to the actual distance that a vehicle would travel between 2 points without taking into account the configuration of the road (number of lanes, extra width, etc.). Thus, the length is the same whether the road is an autoroute or a feeder road.

B. CHANGES IN WIDTH OF RIGHT-OF-WAY

The roads identified in the "Changes in width of right-of-way" division appearing in the Schedule to this Order in Council are described for each municipality in which they are located under the following 6 headings:

(1) Section identification

From now on, the roads are identified by a sequence of figures composed of 3 different groups:

- Route:
- Group 1: road number;
 - Group 2: road segment number;
 - Group 3: road section number;

(2) Name**(3) Name of land surveyor****(4) Minute number****(5) Plan number****(6) Length in km****C. GEOMETRIC REDEFINITIONS**

The roads identified in the "Geometric redefinitions" division appearing in the Schedule to this Order in Council are described by using the 5 headings of the above "A" division and the plan number, the name of the land surveyor and his minute number.

Note: Due to technical constraints, the place names appearing in the Schedules do not necessarily comply with the standards of the Commission de toponymie.

CORRECTIONS TO DESCRIPTIONS

LA DORÉ, P (9105000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
National	00167-01-060-0-00-2	Route 167	446 metres north of Rivière Pémonca	3.04
is replaced by				
National	00167-01-061-000-C	Route 167	446 metres north of Rivière Pémonca	2.97

NOTRE-DAME-DU-BON-CONSEIL, P (4908000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Regional	00122-01-190-0-00-0	Route 122	Limit Saint-Cyrille-de-Wendover	4.06
is replaced by				
Regional	00122-01-190-000-0	Route 122	Limit Saint-Cyrille-de-Wendover	3.97

PÉRÉ, PART (BAIE-JAMES), NO (9906031)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Res. acc.	00167-03-040-0-00-3	Route 167	Limit Guyon, No	19.18
is replaced by				
Res. acc.	00167-03-042-000-C	Route 167	Limit Guyon, No	11.55
	00167-03-045-000-C	Route 167	Intersection road L-207	7.63

PÉRIBONKA, M (9201000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	46690-03-000-0-00-8	Sixième Rang and Rang des Crêpes	Limit Saint-Augustin, p	6.49
is replaced by				
Feeder	46690-03-010-000-C	Sixième Rang and Rang des Crêpes	Limit Saint-Augustin, p	6.42

SAINT-ALBERT, M (3908500)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	78332-01-000-0-00-2	Former Route 122	Intersection route 122	3.65
is replaced by				
Feeder	78332-01-020-000-C	Rue Principale	Intersection route 122	3.65

SAINT-AUGUSTIN, P (9200500)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	46690-02-000-0-00-0	Sixième Rang	100 metres east of route 7 ^e Rang Dalmas	11.40
is replaced by				
Feeder	46690-02-010-000-C	Sixième Rang	100 metres east of route 7 ^e Rang Dalmas	11.30

SAINT-CHARLES-DE-DRUMMOND, M (4906500)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	78771-03-000-0-00-7	Boulevard Foucault	Bridge on autoroute 20	1.45
is replaced by				
Feeder	78771-03-000-000-C	Boulevard Foucault	Intersection rue Montplaisir	1.17
Feeder	78771-03-010-000-C	Boulevard Foucault	Bridge on autoroute 20	0.29

ADDITIONS AND CORRECTIONS TO DESCRIPTIONS

CHICOUTIMI, V (9405000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Autoroute	00070-01-090-0-00-2	Autoroute 70 13 ramps	Intersection route 170	4.87 5.72
Autoroute	00070-01-100-0-00-0	Autoroute 70 4 ramps	Intersection route 175	1.71 0.76
is replaced by				
Autoroute	00070-01-095-000-S	Autoroute 70 21 ramps	Limit Jonquière, v	6.77 10.98

DRUMMONDVILLE, V (4905700)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Autoroute	00055-03-080-0-00-1	Autoroute 55 4 ramps	Limit Saint-Nicéphore, m	3.35 0.96
Autoroute	00055-03-090-0-00-9	Autoroute 55	Bridge on route 112	2.64
is replaced by				
Autoroute	00055-03-081-000-C	Autoroute 55	Limit Saint-Nicéphore, v	6.00 4.57

ADDITIONS

CHICOUTIMI, V (9405000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	47190-01-010-000-C	Rang Saint-Antoine	Intersection route 170	0.36

JONQUIÈRE, V (9407000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	47193-01-010-000-C	Chemin de la Réserve	Intersection route 170	0.24

SAINT-GEORGES-DE-CACOUNA, P (1206000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Regional	96265-02-010-000-C	Avenue du Port	Intersection route 132	0.32

SAINT-GUILLAUME, M (4911300)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	00224-01-141-000-C	Route 224	Limit Saint-Marcel-de-Richelieu, m	5.68

SAINT-MARCEL-DE-RICHELIEU, M (5412000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	00224-01-130-000-C	Route 224	Intersection chemin du Quatrième Rang	2.39

SOREL-TRACY, V (5305200)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
National	00132-05-062-000-C	Route 132	Beginning of bridge on Rivière Richelieu	0.37

DELETIONS

BAIE-JOHAN-BEETZ, M (9803500)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	50310-01-000-0-00-0	Chemin du Quai de Baie-Johan-Beetz	Intersection route 138	0.25

PÉRÉ, PART (BAIE-JAMES), NO (9906031)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Ress. acc.	00167-03-045-000-C	Route 167	Intersection road L-207	7.63

SAINT-CHARLES-DE-DRUMMOND, M (4906500)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	78771-03-000-000-C	Boulevard Foucault	Intersection rue Montplaisir	1.17

GEOMETRIC REDEFINITIONS

DISRAELI, P (3102000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
National	00112-04-210-0-00-1	Route 112	Limit Disraeli, v	5.22

is replaced by

National	00112-04-210-000-C	Route 112	Limit Disraeli, v	5.22
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according to plan 622-93-DO-121 prepared by Lucien Marquis, l.s., minute No. 461

DOSQUET, M (3304000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Regional	00116-03-260-0-00-3	Route 116	Limit Lyster, m	6.32

is replaced by

Regional	00116-03-261-000-C	Route 116	Limit Lyster, m	6.32
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according to plan 622-99-DO-059 prepared by Lucien Marquis, l.s., minutes Nos. 707 and 710

ROBERVAL, V (9102500)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
National	00169-02-201-0-00-6	Route 169	Limit Saint-Prime, m	5.42
Feeder	45420-01-000-0-00-5	Route de Sainte-Hedwidge	Intersection route 169	5.61

is replaced by

National	00169-02-202-000-C	Route 169	Limit Saint-Prime, m	5.22
Feeder	45420-01-010-0-00-5	Route de Sainte-Hedwidge	Intersection route 169	5.83

according to plan 622-95-BO-202 prepared by Daniel Fortin, l.s., minute No. 3363

SAINT-AMBROISE-DE-KILDARE, P (6104000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	34820-02-010-000-C	Route Sainte-Béatrix	Limit Sainte-Mélanie, m	4.29
is replaced by				
Feeder	34820-02-020-000-C	Route Sainte-Béatrix	Limit Sainte-Mélanie, m	4.18
according to plan 622-88-JO-111 prepared by Jacques Gosselin, l.s., minute No. 1113				

SAINT-PAUL-D'ABBOTSFORD, P (5501500)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Regional	00235-02-060-0-00-5	Route 235	Intersection route 112	5.45
is replaced by				
Regional	00235-02-061-000-C	Route 235	Intersection route 112	0.24
	00235-02-065-000-C	Route 235	242 metres north of route 112	5.12
according to plan 622-84-HO-231 prepared by Marcel Denicourt, l.s., minute No. 4024				

CHANGES IN WIDTH OF RIGHT-OF-WAY

BEAUCEVILLE, V (2702800)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
National	00173-03-130-0-00-6	Route 173	Limit Notre-Dame-des-Pins, p	3.34
is replaced by				
National	00173-01-130-000-C	Route 173	Limit Notre-Dame-des-Pins, p	3.34
according to plan TR80-3471-0031 prepared by Yves Thibodeau, l.s., minute No. 2034				

SAINT-MALACHIE, P (1902500)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Regional	00277-01-110-0-00-9	Route 277	Intersection route 216	4.40
is replaced by				
Regional	00277-01-110-000-C	Route 277	Intersection route 216	4.40
according to the plan prepared by Gaétan Breton, l.s., minute No. 1999				

SAINT-MICHEL-DE-BELLECHASSE, M (1911000)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
National	00132-09-030-0-00-6	Route 132	Limit Saint-Étienne-de-Beaumont, p	3.83
is replaced by				
National	00132-09-030-000-C	Route 132	Limit Beaumont, m	3.83
according to plan TR80-3474-0029 prepared by Lucien Marquis, l.s., minute No. 697				

SAINT-RAPHAËL, M (1908200)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Feeder	00281-01-095-0-00-5	Route 281	Limit Saint-Cajetan-D' Armagh, p	8.37
	00281-01-100-0-00-3	Route 281	Limit Saint-Raphaël, p	2.06
	00281-01-110-0-00-1	Route 281	Limit Saint-Raphaël, vl	3.28
	00281-01-120-0-00-9	Route 281	Intersection route 228	2.65
is replaced by				
Feeder	00281-01-101-000-C	Route 281	Limit Armagh, m	16.33
according to plan 622-99-DO-035 prepared by Lucien Marquis, l.s., minute No. 704				

VALLÉE-JONCTION, M (2601500)

Route class	Section Identification	Name	Beginning of maintenance	Length in km
Regional	00173-01-250-0-00-0	Route 173	Intersection route 112	0.09
	00173-01-260-0-00-8	Route 173	90 metres north of intersection route 112	2.39
is replaced by				
Regional	00173-01-255-000-C	Route 173	Intersection route 112	2.48
according to plan 622-99-DO-057 prepared by Michel Roberge, l.s., minute No. 6900				

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Abbreviations: **A:** Abrogated, **N:** New, **M:** Modified

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