

# Gazette officielle du Québec

## Part 2 Laws and Regulations

Volume 133  
19 September 2001  
No. 38

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Legal deposit — 1st Quarter 1968  
Bibliothèque nationale du Québec  
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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 1066-2001, 12 September 2001**

#### **An Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42)**

##### **— Coming into force**

COMING INTO FORCE of the Act to amend the Civil Code and other legislative provisions relating to land registration

WHEREAS the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42) was assented to on 5 December 2000;

WHEREAS under section 252 of the Act, its provisions come into force on the date or dates fixed by the Government, except those of sections 3 to 9, 12, 22, 23, 27, 33 to 40, 41 where it amends the second paragraph of article 2999.1 of the Civil Code, 53, 59, 63, 66, 68, 70, 79, 80, 82 and 87, 89 where it strikes out the second paragraph of section 146 of the Act respecting the implementation of the reform of the Civil Code, 91 where it repeals the first sentence of section 151 of the Act respecting the implementation of the reform of the Civil Code, the second paragraph of section 152 of the Act and paragraph 2 of section 153 of the same Act, 92 where it repeals paragraphs 2.3 and 2.4 of section 155 of the Act respecting the implementation of the reform of the Civil Code, 94 and 95, 99, 108 to 116, 118, 128, 134 and 135, 137, 144 to 147, 154, 156, 186, 187, 189 to 196, 210, 211, 215, 217, 226 to 228, 237, 239, 240 and 246 to 252 which came into force on 5 December 2000;

WHEREAS it is expedient to fix 9 October 2001 as the date of coming into force of the provisions of the Act that are not already in force, except for section 43 where it deals with the information referred to in article 3005 of the Civil Code on the geodesic reference or geographic coordinates making it possible to describe an immovable and section 67;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice:

THAT 9 October 2001 be fixed as the date of coming into force of the provisions of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42) that are not already in force, except for section 43 where it deals with the information referred to in article 3005 of the Civil Code on the geodesic reference and geographic coordinates making it possible to describe an immovable and section 67.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

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Gouvernement du Québec

### **O.C. 1029-2001, 5 September 2001**

An Act respecting health services and social services for Cree Native persons  
(R.S.Q., c. S-5)

#### **Regional councils and public and private institutions** — **Certain conditions of employment of officers** — **Amendments**

Regulation to amend the Regulation respecting certain conditions of employment of officers of regional councils and public and private institutions referred to in the Act respecting health services and social services for Cree Native persons

WHEREAS under the first paragraph of section 154 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), the Government may, by regulation, determine the standards and scales to be followed by regional councils, public institutions and the private institutions contemplated in sections 176 and 177 for the selection, appointment, remuneration and other conditions of employment of executive directors and senior and intermediate officers and the remuneration and other conditions of employment of the other staff members taking account of the collective agreements in force;

WHEREAS under the second paragraph of that section, the Government may also, by regulation, for the persons contemplated in the first paragraph of that section who are not governed by a collective agreement, establish a procedure of appeal for cases of dismissal, non-renewal or termination of appointment other than cases resulting from proceedings for forfeiture of office. The regulation may also establish a procedure for the settlement of

disagreements arising from the interpretation and implementation of the conditions of employment it determines. Finally, the regulation may prescribe the designation of an arbitrator and the measures that the arbitrator may take following the hearing of the parties;

WHEREAS by Order in Council 600-98 dated 29 April 1998, the Government made the Regulation respecting accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of regional councils and public institutions and private institutions referred to in the Act respecting health services and social services for Cree Native persons;

WHEREAS by Order in Council 1204-2000 dated 11 October 2000, the Government replaced the title of the Regulation for Regulation respecting certain conditions of employment of officers of regional councils and public and private institutions referred to in the Act respecting health services and social services for Cree Native persons;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting certain conditions of employment of officers of regional councils and public and private institutions referred to in the Act respecting health services and social services for Cree Native persons, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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**Regulation to amend the Regulation respecting certain conditions of employment of officers of regional councils and public and private institutions referred to in the Act respecting health services and social services for Cree Native persons\***

An Act respecting health services and social services for Cree Native persons  
(R.S.Q., S-5, s. 154, 1st para., subpar. 1 and 2nd para.)

1. The following is substituted for section 3.3 of the Regulation respecting certain conditions of employment of officers of regional councils and public and private institutions referred to in the Act respecting health services and social services for Cree Native persons:

“3.3 The provisions of the Regulation to amend the Regulation respecting certain terms of employment applicable to officers of regional boards and health and social services institutions, approved by T.B. 196312 dated 10 April 2001, where they deal with professional contributions, compensatory leave, the group registered retirement savings plan, officer physicians, the evaluation of officer positions, professional development, end-of-engagement measures and appeals, shall apply, *mutatis mutandis*, to officers of regional councils and public and private health and social services institutions referred to in the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

The same applies in the case of the provisions of the Regulation referred to in the first paragraph that modify the conditions of employment referred to in sections 1, 3.1 and 3.2.”

2. In section 4,

(1) the following is substituted for paragraph 2:

“(2) the Regulation respecting certain conditions of employment of officers of regional councils and of health and social services establishments, made by Order in Council 988-91 dated 10 July 1991;”;

\* The Regulation respecting certain conditions of employment of officers of regional councils and public and private institutions referred to in the Act respecting health services and social services for Cree Native persons, made by Order in Council 600-98 dated 29 April 1998 (1998, *G.O.* 2, 1818), was amended by the Regulation made by Order in Council 1204-2000 dated 11 October 2000 (2000, *G.O.* 2, 5181). For previous amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

(2) the following is substituted for paragraph 3:

“(3) the Regulation respecting the appointment and remuneration of directors of professional services, made by Order in Council 1095-94 dated 13 July 1994.”.

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

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Gouvernement du Québec

**O.C. 1030-2001, 5 September 2001**

An Act respecting health services and social services for Cree Native persons  
(R.S.Q., c. S-5)

**Regional councils and public institutions  
— Certain conditions of employment of senior administrators  
— Amendments**

Regulation to amend the Regulation respecting certain conditions of employment of senior administrators of regional councils and public institutions referred to in the Act respecting health services and social services for Cree Native persons

WHEREAS under the first paragraph of section 154 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), the Government may, by regulation, determine the standards and scales to be followed by regional councils, public institutions and the private institutions contemplated in sections 176 and 177 for the selection, appointment, remuneration and other conditions of employment of executive directors and senior and intermediate officers and the remuneration and other conditions of employment of the other staff members taking account of the collective agreements in force;

WHEREAS under the second paragraph of that section, the Government may also, by regulation, for the persons contemplated in the first paragraph of that section who are not governed by a collective agreement, establish a procedure of appeal for cases of dismissal, non-renewal or termination of appointment other than cases resulting from proceedings for forfeiture of office. The regulation may also establish a procedure for the settlement of disagreements arising from the interpretation and implementation of the conditions of employment it determines. Finally, the regulation may prescribe the designation of an arbitrator and the measures that the arbitrator may take following the hearing of the parties;



WHEREAS by Order in Council 599-98 dated 29 April 1998, the Government made the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures and procedure of appeal applicable to executive officers of regional councils and public institutions referred to in the Act respecting health services and social services for Cree Native persons;

WHEREAS by Order in Council 1205-2000 dated 11 October 2000, the Government replaced the title of the Regulation for Regulation respecting certain conditions of employment of senior administrators of regional councils and public institutions referred to in the Act respecting health services and social services for Cree Native persons;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting certain conditions of employment of senior administrators of regional councils and public institutions referred to in the Act respecting health services and social services for Cree Native persons, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting certain conditions of employment of senior administrators of regional councils and public institutions referred to in the Act respecting health services and social services for Cree Native persons\***

An Act respecting health services and social services for Cree Native persons  
(R.S.Q., S-5, s. 154, 1st para., subpar. 1 and 2nd para.)

1. The following section is inserted after section 3.2 of the Regulation respecting certain conditions of em-

\* The Regulation respecting certain conditions of employment of senior administrators of regional councils and public institutions referred to in the Act respecting health services and social services for Cree Native persons, made by Order in Council 599-98 dated 29 April 1998 (1998, *G.O.* 2, 1817) was amended by the Regulation made by Order in Council 1205-2000 dated 11 October 2000 (2000, *G.O.* 2, 5182). For previous amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

ployment of senior administrators of regional councils and public institutions referred to in the Act respecting health services and social services for Cree Native persons:

“3.3 The provisions of the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of regional boards and of public health and social services institutions, approved by T.B. 196313 dated 10 April 2001, where they deal with the evaluation of the positions of senior administrators, professional development for senior administrators, mobility measures and the transfer of sick-leave funds, shall apply, *mutatis mutandis*, to the senior administrators of regional councils and public health and social services institutions referred to in the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

The same applies in the case of the provisions of the Regulation referred to in the first paragraph that modify the conditions of employment referred to in sections 1, 3.1 and 3.2.”

2. The following is substituted for paragraph 2 of section 4:

“(2) the Regulation respecting certain conditions of employment applicable to directors general of regional councils and of public health and social services establishments, made by Order in Council 1178-92 dated 12 August 1992.”

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

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Gouvernement du Québec

**O.C. 1032-2001, 5 September 2001**

Master Electricians Act  
(R.S.Q., c. M-3)

**Corporation of the Master Electricians of Québec — Amendments**

Corporation of the Master Electricians of Québec  
(Amendment Regulation)

WHEREAS under paragraph 1 of section 12 of the Master Electricians Act (R.S.Q., c. M-3), the provincial council of administration of the Corporation of Master Electricians of Québec may make regulations respecting the administration of the Corporation and the manage-

ment of its affairs in all respects, the attainment of its objects and purposes, the exercise of the rights and powers granted by the Act to the Corporation, as well as the matters mentioned therein;

WHEREAS the council of the Corporation made the Corporation of the Master Electricians of Québec (Amendment Regulation) on 29 January 2001;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 13 of the Master Electricians Act, a draft of the Corporation of the Master Electricians of Québec (Amendment Regulation) was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the Corporation of the Master Electricians of Québec (Amendment Regulation), attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Corporation of Master Electricians of Québec\* (Amendment Regulation)

Master Electricians Act  
(R.S.Q., c. M-3, s. 12, par. 1, sp. a, c, f, h and i)

1. Section 42 of the Regulation of the Corporation of Master Electricians of Québec is amended:

(1) by replacing, in the second paragraph, the word “everywhere” by the words “on the committees of which he is a member”;

(2) by inserting, in the second paragraph and after the word “elections,” the words “the committee on professional ethics and discipline and the appeals committee,”.

2. Section 55 of this regulation is replaced by the following:

“55. Each member of a committee other than a member of the committee on professional ethics and discipline and of the appeals committee remains in office until replaced or re-appointed.

At its first meeting following the annual general meeting the council must revise the list of members forming these committees to make appropriate appointments or changes that may be necessary.

The council or the executive committee sees to fill in all vacancies arising in any one of these committees.”.

3. Section 57 of this regulation is replaced by the following:

“ 57. All acts and proceedings of committees are subject to revision by the council or the executive committee except those of the committee on professional ethics and discipline and of the appeals committee.

57.1. Each member of the committee on professional ethics and discipline and of the appeals committee is appointed by the council for a three-year term.

However, even if his term is expired, a member of one of these committees may continue to deal with the case of which he was seized.

The council or the executive committee fills in all vacancies arising in any of the committees.”.

4. The first paragraph of section 59 of this regulation is amended by inserting, after subsection *f*, the following:

“*f*.1) the appeals committee;”.

5. The title of subsection 7 of section III of this regulation is replaced by the following:

“§7. *Committee on professional ethics and discipline and appeals committee*”.

6. Section 77 of this regulation is amended:

(1) by inserting, in the first paragraph, after the word “rule”, the words “including a chairman”;

\* The Regulation of the Corporation of Master Electricians of Québec, adopted under the 10 March 1983 decision (1983, *G.O.* 2, 1416), was last amended by the Regulation made by Order in Council 2320-85 dated 7 November 1985 (1985, *G.O.* 2, 4118). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

(2) by inserting, in the second paragraph, after the words “executive committee”, the words “of the council and appeals committee”;

(3) by inserting, after the second paragraph, the following:

“The committee on professional ethics and discipline sits with 3 or 5 members.”.

7. This regulation is amended by inserting, after section 77, the following:

“**77.1.** The appeals committee consists of 5 members in good standing, including a chairman, appointed by the council.

Its functions are to sit on appeal from the decisions rendered by the committee on professional ethics and discipline as well as from the decision of the chairman of this committee rejecting a complaint according to section 82. It is authorized to make any decision that comes under its functions.

The appeals committee sits with 3 or 5 members.

Members of the executive committee, of the council and of the committee on professional ethics and discipline may not act as members of the appeals committee.”.

8. Section 78 of this regulation is amended by inserting, after the word “committee”, the words “on professional ethics and discipline and of the appeals committee”.

9. Section 79 of this regulation is amended, in the first paragraph, by inserting, after the word “committee”, the words “on professional ethics and discipline”.

10. Section 82 of this regulation is amended by inserting, after the word “committee”, the words “on professional ethics and discipline”.

11. Section 83 of this regulation is amended in the part preceding subsection *a*, by inserting, after the word “committee”, the words “on professional ethics and discipline”.

12. Section 85 of this regulation is amended by inserting, after the words “of the committee”, the words “on professional ethics and discipline and of the appeals committee”.

13. Section 86 of this regulation is amended by inserting, after the word “hearing”, the words “before the committee on professional ethics and discipline”.

14. Section 87 of this regulation is repealed.

15. Section 88 of this regulation is amended:

(1) by inserting, after the words “In cases where the committee”, the words “on professional ethics and discipline”;

(2) by inserting, after the words “delegate the chairman”, the words “of the committee”.

16. Section 89 of this regulation is amended by inserting, after the word “committee”, the words “on professional ethics and discipline”.

17. Section 90 of this regulation is amended by inserting, after the words “before the committee”, the words “on professional ethics and discipline”.

18. Section 91 of this regulation is amended by inserting, after the words “before the committee”, the words “on professional ethics and discipline”.

19. Section 92 of this regulation is replaced by the following:

“**92.** The committee on professional ethics and discipline, after deliberating, renders a written decision stating the reasons therefore.

All decisions require the absolute majority of the members who sit on this committee.”.

20. Sections 93 to 97 of this regulation are replaced by the following:

“**93.** An appeal may be made on the initiative of any interested party within 30 days from the date of the sending of the decision of the committee on professional ethics and discipline by means of a summary inscription addressed to the executive secretary of the Corporation.

A \$50 deposit must accompany the summary inscription. This deposit will be returned to the plaintiff if, after the appeal hearing, the decision is amended in his favour.

**94.** Upon receipt of a summary inscription the executive secretary shall forward to the appeals committee the record of first instance and the summary inscription.

**95.** Each party may send to the executive secretary a statement of his contentions no later than 5 days before the hearing of the appeal. The executive secretary then forwards it to the appeals committee.

**96.** A notice of hearing shall be sent to the parties at least 10 days before the hearing.

**97.** In appeal, the record of first instance, the summary inscription and the statement of contentions of the parties are the only documents produced. However, the appeals committee may authorize the deposit of additional documents if it sees fit.

**97.1.** The parties have the right to testify and to make oral representations before the appeals committee. No other witness may be heard, except by authorization of the appeals committee.

**97.2.** After deliberating, the appeals committee renders a written decision stating the reasons therefore.

The appeals committee may reject or maintain the appeal or render the decision that it believes the professional ethics and discipline committee should have rendered.

All decisions require the absolute majority of the members sitting on this committee.”

**21.** Section 98 of this regulation is amended:

(1) by replacing, in the part preceding subsection *a*, the words “discipline committee or executive committee, as the case may be, may” by the words “professional ethics and discipline committee or the appeals committee may”;

(2) by replacing, in subsection *b*, the words “of the discipline committee” by the words “of this committee”.

(3) by adding, at the end, the following paragraphs:

“The committee seized of the matter may, in addition to the disciplinary measures referred to in the first paragraph, recommend that the Régie du bâtiment du Québec suspend or revoke the electrician contractor’s license of the member when it considers that his conduct warrants it. The committee shall also specify the recommended length of disciplinary action and forward the file to the executive secretary of the Corporation.

The Corporation’s executive secretary shall forward the file and the recommendation referred to in the first paragraph to the Régie du bâtiment du Québec so that it may decide on the suspension or revocation of the license.”.

**22.** Section 99 of this regulation is amended by replacing the words “or the council” by the words “on professional ethics and discipline or the appeals committee”.

**23.** Sections 99.1 et 99.2 of this regulation are repealed.

**24.** Section 115 of this regulation is amended in the second paragraph by inserting, after the words “other committee”, the words “except for the committee on professional ethics and discipline and the appeals committee”.

**25.** Section 126 of this regulation is replaced by the following:

“**126.** A member or the representative of a member of the Corporation who is present at a meeting of the council or of the executive committee, or at a meeting or hearing of a standing or temporary committee, is entitled to an allowance of \$84 per day or half-day of sitting, in the form of an attendance allowance.

This allowance is increased, on August 1<sup>st</sup> of each year, according to the rate of change of the consumer price index for Canada for the 12-month period ending on May 31<sup>st</sup> of the same year as determined by Statistics Canada.

These increased allowances are rounded off by increasing or decreasing them to the hundredth of a dollar.

The council decrees by resolution concerning allowances for travelling, hotel and meals expenses and the conditions for their payment. If these expenses exceed those provided by the resolutions adopted, they may be paid upon presentation of vouchers.”.

**26.** The present regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

**O.C. 1067-2001, 12 September 2001**

Civil Code of Québec  
(1991, c. 64)

An Act respecting registry offices  
(R.S.Q., c. B-9)

**Land registration**

Regulation respecting land registration

WHEREAS, under article 3024 of the Civil Code of Québec (1991, c. 64), the Government may make regulations respecting the matters set forth therein, in particular to take all the necessary steps for the implementation of the provisions of the Book “Publication of rights”;

WHEREAS, under section 5 of the Act respecting registry offices (R.S.Q., c. B-9), the Government may make regulations respecting certain elements of form of documents requiring publication;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS, following that publication, comments were made;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice:

THAT the Regulation respecting land registration, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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**Regulation respecting land registration**

Civil Code of Québec  
(1991, c. 64, art. 3024)

An Act respecting registry offices  
(R.S.Q., c. B-9, s. 5)

**CHAPTER ONE  
REGISTERS**

**DIVISION I  
GENERAL**

1. The following registers shall be kept in the Land Registry Office for every Québec registration division and as part of the land register:

- (1) an index of immovables;
- (2) a register of real rights of State resource development;
- (3) a register of public service networks and immovables situated in territory without a cadastral survey; and
- (4) an index of names.

The following registers shall also be kept in the Land Registry Office:

- (1) a directory of holders of real rights, for every Québec registration division;
- (2) a register of mentions;
- (3) a book of presentation; and
- (4) a directory of addresses.

Registers referred to in this section shall be kept on a computer system.

2. In every registry office established for the registration divisions of Montréal and Laval, a register complementary to the index of names in the form of microfilms or microfiches shall be kept.

That register shall be kept in paper form.

3. Files opened in accordance with the rules of this Chapter do not need to be signed by the registrar.

## **DIVISION II**

### **INDEX OF IMMOVABLES**

4. Each land file contained in an index of immovables comprises a heading in which the following information is recorded in addition to the name of the index :

(1) the name of the registration division and of the cadastre in which the immovable that is the subject of the file is situated ;

(2) the lot number on the cadastral plan to which the file relates ;

(3) the date the file was opened ;

(4) the cadastral plan under which the file was opened ;

(5) the correspondence, if any, between the former lot number or the former serial number of the land file and the new lot number ; and

(6) the date, hour and minute of the last updates of the registrations of rights and the indication that cancellations or reductions were made on the file.

5. A land file must allow the addition of the following information after the heading :

(1) the date of presentation of the applications for registration of rights relating to the immovable that is the subject of the file and the registration numbers of the applications ;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein ;

(3) the registration numbers of notices of addresses given with respect to the immovable that is the subject of the file ;

(4) the indication that cancellations or reductions were made with respect to entries on the file ; and

(5) any comment deemed relevant by the registrar.

6. Notwithstanding section 4, the information referred to in paragraphs 3, 4 and 5 of the same section shall be recorded in the heading of the land file only if the file is opened after the date fixed in the notice of the Minister of Natural Resources stating that the registry office of the registration division in which the immovable that is the subject of the file is situated is fully computerized for land registration purposes or, where the immovable

that is the subject of the file is situated in the registration division of Montréal or Laval, after 1 September 1980 or 1 August 1980, as the case may be.

If the file was opened before that date, the information in question shall be recorded at the end of the file that reproduces it pursuant to a ministerial order under section 3 of the Act respecting registry offices (R.S.Q., c. B-9), in a distinct section reserved, on the one hand, for the reproduction of the file and, on the other hand, for entries, mentions or indications related to that file.

## **DIVISION III**

### **REGISTER OF REAL RIGHTS OF STATE RESOURCE DEVELOPMENT**

7. Every land file contained in a register of real rights of State resource development comprises a heading in which the following information is recorded in addition to the name of the register :

(1) the name of the registration division in which the real right that is the subject of the file is exercised ;

(2) the serial number of the file ;

(3) the date the file was opened ;

(4) the nature of the real right in question ;

(5) the correspondence, if any, between the former serial number of the file and its new serial number ;

(6) the correspondence, if any, between that file and the file that was opened, relating to the immovable on which the real right is exercised in the index of immovables or in the register of public service networks and immovables situated in territory without a cadastral survey ; and

(7) the date, hour and minute of the last updates of the registrations of rights and the indication that cancellations or reductions were made on the file.

8. A land file must allow the addition of the following information after the heading :

(1) the date of presentation of the applications for registration of rights relating to the real right that is the subject of the file and the registration numbers of the applications ;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein ;

(3) the registration numbers of notices of addresses given with respect to the real right that was the subject of the file;

(4) the indication that cancellations or reductions were made with respect to entries on the file; and

(5) any comment deemed relevant by the registrar.

9. Notwithstanding section 7, the information referred to in paragraphs 3, 4, 5 and 6 of the same section shall be recorded in the heading of the land file only if the file is opened after the date fixed in the notice of the Minister of Natural Resources stating that the registry office of the registration division, in which the immovable on which the right is exercised and that is the subject of the file is situated, is fully computerized for land registration purposes.

If the file was opened before that date, the information in question shall be recorded at the end of the file that reproduces it pursuant to a ministerial order under section 3 of the Act respecting registry offices, in a distinct section reserved, on the one hand, for the reproduction of the file and, on the other hand, for entries, mentions or indications related to that file.

10. The land files contained in a register of real rights of State resource development shall be assigned a number composed of the following elements, separated by a dash:

(1) the code of the registration division, as recorded in the directory of cadastre codes kept at the Ministère des Ressources naturelles;

(2) the letter A; and

(3) a number in a single consecutive series beginning with 1.

#### **DIVISION IV**

##### **REGISTER OF PUBLIC SERVICE NETWORKS AND IMMOVABLES SITUATED IN TERRITORY WITHOUT A CADASTRAL SURVEY**

11. Each land file contained in a register of public service networks and immovables situated in territory without a cadastral survey comprises a heading in which the following information is recorded in addition to the name of the register:

(1) the name of the registration division in which the network or the immovable is situated;

(2) the serial number of the file;

(3) the date the file was opened;

(4) the general nature of the network or the place where the immovable is situated;

(5) the correspondence, if any, between the former serial number of the file and its new serial number; and

(6) the date, hour and minute of the last updates of the registrations of rights and the indication that cancellations or reductions were made on the file.

12. A land file must allow the addition of the following information after the heading:

(1) the date of presentation of the applications for registration of rights relating to the network or the immovable in respect of which the file was opened and the registration numbers of the applications;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein;

(3) the registration numbers of notices of addresses given with respect to the network or the immovable in respect of which the file was opened;

(4) the indication that cancellations or reductions were made with respect to entries on the file; and

(5) any comment deemed relevant by the registrar.

13. Notwithstanding section 11, the information referred to in paragraphs 3, 4 and 5 of the same section shall be recorded in the heading of the land file only if the file is opened after the date fixed in the notice of the Minister of Natural Resources stating that the registry office of the registration division, in which the network or immovable that is the subject of the file is situated, is fully computerized for land registration purposes.

If the file was opened before that date, the information in question shall be recorded at the end of the file that reproduces it pursuant to a ministerial order under section 3 of the Act respecting registry offices, in a distinct section reserved, on the one hand, for the reproduction of the file and, on the other hand, for entries, mentions or indications related to that file.

14. The land files contained in a register of public service networks and immovables situated in territory without a cadastral survey shall be assigned a number composed of the following elements, separated by a dash:

(1) the code of the registration division, as recorded in the directory of cadastre codes kept at the Ministère des Ressources naturelles;

(2) the letter *B*; and

(3) a number in a single consecutive series beginning with 1.

#### **DIVISION V INDEX OF NAMES**

**15.** An index of names contains one file for each name of holder or grantor of rights designated in the applications published in that index with respect to immovables situated in the registration division in question.

Where several holders or grantors of rights bear the same name, only one file is opened under that common name.

**16.** Each file contained in an index of names comprises a heading in which the names of the index, of the registration division in question and of the holder or grantor in respect of which a file was opened and the date, hour and minute of the last update of the registrations of rights made therein are recorded.

**17.** A land file must allow the addition of the following information after the heading:

(1) the date of presentation of the applications for registration of rights relating to the rights of the holders and grantors in question and the registration numbers of the applications;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein; and

(3) any comment deemed relevant by the registrar.

#### **DIVISION VI DIRECTORY OF HOLDERS OF REAL RIGHTS**

**18.** A directory of holders of real rights contains, for the registration division for which it is kept, one file for every name of holder of real rights of State resource development or of owner of public service networks and immovable situated in territory without a cadastral survey described in the applications published in the registers that the directory completes.

Where several holders of real rights or owners of networks or immovables bear the same name, only one file shall be established under that common name.

**19.** Each file contained in a directory of holders of real rights comprises a heading in which the names of the directory, of the registration division in question and of the holder or owner in respect of which the file was opened are recorded.

**20.** A file must allow the addition of the following information after the heading:

(1) the serial number of the file on which the application conferring the quality of the holder of the real right or owner of the network or of the immovable was entered and the registration number of the application;

(2) the nature of the real right or of the network, or the indication that the file concerns an immovable situated in territory without a cadastral survey; and

(3) any comment deemed relevant by the registrar.

**21.** Any file contained in a directory of holders of real rights reproducing a file pursuant to a ministerial order under section 3 of the Act respecting registry offices shall comprise, at the end, a distinct section reserved, on the one hand, for the reproduction of that file and, on the other hand, for entries or mentions relating to the file so converted.

#### **DIVISION VII REGISTER OF MENTIONS**

**22.** The register of mentions contains one file for every application for registration in the land register or in the other land registration registers in respect of which an entry or a mention in the register of mentions was made, in particular, pursuant to sections 3014, 3014.1 and 3057 of the Civil Code.

**23.** Each file contained in the register of mentions must allow the recording in it, in distinct sections, of the following mentions and entries:

(1) the mentions resulting from the applications for registration of rights;

(2) the entries about cancellations or reductions that were made; and

(3) mentions or entries resulting from the correction of clerical errors relating to



— mentions or entries made or omitted in the margin of the applications;

— mentions or entries made or omitted in the complementary register of mentions made in the margin, or in the register of mentions for microfilmed acts kept in the registry office established for the registration division of Montréal, referred to in sections 243 and 244 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42); and

— certified statements of registration issued for any act published in a registry office before the date fixed in the notice of the Minister of Natural Resources stating that that office is fully computerized for registration purposes.

For applications for registration kept in the registry office for the registration division of Montréal, the file must also allow to record in the register of mentions, in another distinct section, the mentions and entries contained in the register of mentions for microfilmed acts kept at that office.

#### **DIVISION VIII** **BOOK OF PRESENTATION**

**24.** The book of presentation shall state all the applications for registration presented to registry offices.

It shall be kept in chronological order of presentation of the applications.

**25.** The book of presentation comprises a heading in which the name of the book is recorded.

It must also allow the recording in it, with respect to each application, of the date, hour and minute of its presentation, its registration number, the name of the person who pays for the registration fee or, where free of charge, the name of the applicant, with the indication that the application is accepted, refused or is being processed or, where applicable, that the registration number of the application was cancelled.

#### **DIVISION IX** **DIRECTORY OF ADDRESSES**

**26.** The directory of addresses contains one file for each notice of address presented to the registry office and accepted.

It also contains one file for each notice of address presented to and accepted at each registry office estab-

lished for registration divisions as of the date fixed in the notice of the Minister of Natural Resources stating that the office is fully computerized for land registration purposes, or presented to that office and accepted

(1) between 23 June 1982 and the date fixed in the notice of the Minister or, for an office established for the registration division of Montréal or Laval, between 1 September 1980 or 1 August 1980, as the case may be, and that date; or

(2) on any date prior to the date fixed in the notice of the Minister, if the notices of addresses have given rise, since that date, to notifications from a registrar or to changes in the address or in the name indicated therein.

**27.** Each file contained in the directory of addresses comprises a heading in which the name of the directory is recorded.

It must allow the addition of the following information after the heading:

(1) the name of the registration division for the registration division in which the notice of address was presented, where that notice was presented prior to the date fixed in a notice of the Minister of Natural Resources stating that the office is fully computerized for land registration purposes;

(2) the registration number of the notice of address; and

(3) the latest name and address of the person who benefits from the registration of the address.

#### **DIVISION X** **REGISTER COMPLEMENTARY TO THE INDEX** **OF NAMES IN THE FORM OF MICROFILMS** **OR MICROFICHES**

**28.** The correction of clerical errors or omissions related to registrations made in the index of names kept, in those offices, on microfilms or microfiches shall appear in the register complementary to the index of names in the form of microfilms or microfiches, kept in each registry office established for the registration division of Montréal or Laval.

It shall be kept on loose leaves measuring 215 mm by 355 mm.

**29.** Each register complementary to the index of names in the form of microfilms or microfiches contains one file for each person benefiting from corrections or entries made in that register.

Where several persons who benefit from corrections or entries made in the register bear the same name, only one file shall be opened under that common name per registration division in question.

**30.** Each file contained in a register complementary to the index of names in the form of microfilms or microfiches comprises a heading in which the names of the register, of the registration division in question and of the person for which the correction or entry was made are recorded.

The file must allow to record the following information after the heading:

(1) the date of presentation of the application for registration and its registration number;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein; and

(3) any comment deemed relevant by the registrar.

## **CHAPTER TWO** APPLICATIONS FOR REGISTRATION IN REGISTERS

### **DIVISION I** FORM OF APPLICATIONS

**31.** Applications for registration presented in paper form shall be on sheets of the same size measuring 215 mm by 280 mm or 215 mm by 355 mm, on paper weighing at least 75 g/m<sup>2</sup> per ream.

The documents accompanying the applications, which shall also be on paper weighing at least 75 g/m<sup>2</sup> per ream, shall be on sheets that do not exceed 215 mm by 355 mm and the pages of a document shall all be of the same size.

**32.** Applications for registration presented in paper form may not be carbon copies; they shall be hand-written, typed, printed or photocopied. The ink used to make them shall be of good quality.

**33.** The characters of any application for registration, as for the accompanying documents, shall be clear, neat and legible.

Where an application must be entered in the index of names or in the directory of holders of real rights, or be recorded in the directory of addresses, except, in the

latter case, if the application is intended only to change an address recorded in that directory, the surnames of the grantors and holders of rights covered thereby must be in block capitals and their given names, except for the first letter, in small letters. Unless other elements make it possible to clearly differentiate one from the other, the application that does not meet those requirements shall be refused by the registrar.

**34.** The pages of applications presented in paper form shall all be written on both sides or on the first side only; in the first case, they shall all be written top down or in the same way.

**35.** Where applications for registration are made by presenting, in paper form, authentic copies of original titles issued by the Registrar of Québec or the Keeper of the Archives nationales, they shall be on paper measuring 215 mm by 280 mm or 215 mm by 355 mm weighing at least 75 g/m<sup>2</sup> per ream. They may be hand-written, typed, printed or photocopied.

The foregoing shall also apply to applications for registration made by presenting, in paper form, a copy of an Order in Council. A copy of such Order in Council, whether presented in paper form or in electronic form, shall be certified true in accordance with section 3 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30).

Applications for registration covered by this section shall not be subject to any other form rule provided for in this Division.

**36.** Sections 31 to 34 do not apply to the plans referred to in the first paragraph of article 2997 of the Code, to cadastral plans and to the plans that must be appended to the minutes of boundary determination.

The size of the plans, if presented in paper form, must be at least 215 mm by 280 mm without however exceeding 90 cm by 150 cm.

### **DIVISION II** PROCEDURE FOR APPLICATION FOR REGISTRATION

**37.** The presentation of an application in the form of an authentic act other than a notarial act *en brevet* shall be made by presenting an extract of that act or an authentic copy thereof.

The presentation of an application in the form of a notarial act *en brevet* or an act in private writing shall be made by presenting one original of that act.

38. Pursuant to article 3075.1 of the Code, the purposes for which the application is presented must be indicated as follows:

(1) for an application presented electronically, the applicant shall state those purposes in the explanatory file accompanying the application;

(2) for an application presented in paper form, the applicant shall state those purposes on the application or on a separate written document appended to the application.

39. The summaries shall be presented with an authentic copy or extract from the documents summarized if the documents are authentic documents other than notarial acts *en brevet*, or with the originals of the summarized documents if the documents are notarial acts *en brevet* or in private writing.

### DIVISION III CONTENT OF APPLICATIONS

40. A summary shall state

(1) the date and place where it is made, the date of the summarized document and the place where that document was drawn up;

(2) if the summarized document is a notarial act, the name of the notary, the place of his professional domicile and the number of the act *en minute* or the indication that the act is *en brevet*;

(3) if the summarized document is a judicial act, the court that issued it, the judicial district, the court record number and, for a judgment, the conclusions of the judgment;

(4) if the summarized document is an act in private writing, the names of the witnesses who certified it, where such certification is prescribed by the law.

(5) the nature of the summarized document and, if applicable, the date on which the requested application ceases to have effect;

(6) if the summarized document is a deed of sale or exchange of if it includes such a deed, the price or consideration; and

(7) if the summarized document is an act constituting a hypothec or if it includes such an act, the amount for which it is granted and the nature of the hypothec.

It shall be signed by the person requesting the registration.

41. The notices required by the law shall specify the place where and the date they were made and designate the person covered by the notice and the person giving notice. They shall be signed by the person giving notice and, where that person is not the beneficiary thereof, bear the designation of the beneficiary.

They shall specify the nature of the notices and, where applicable, the nature of the document in question and its registration number.

42. In addition to the particulars required under article 2999.1 of the Code, the notice shall contain, where applicable, the names of the lessees, whether assignors or assignees, and the nature of the modification made to the lease.

In case of transfer of, correction to or cancellation of the lease, the reference to the lease required under article 2999.1 shall be made by specifying the registration number of the lease or the number of the notice governing the registration of the rights arising therefrom in the register.

43. A notice of advance registration of a judicial demand shall contain the designation of the parties and shall identify the court seized of the matter, the judicial district and specify the court record number; it shall also specify the nature of the demand and of the right that is the subject of the demand and, where applicable, the registration number of the document in question.

44. A notice of advance registration of a will shall designate the testator and shall specify the date of death; it shall also specify the nature of the right claimed by a person and the reason for advance registration.

45. An application for the registration of the address of a person referred to in article 3022 of the Code shall be in the form of a notice specifying the beneficiary of the registration and the address where notification shall be made, as well as the nature and, where applicable, the registration number of the right in question or the nature of the document for a hypothec.

It is impossible to request, in the same notice of address, the entry of more than one postal address and electronic mail address. In addition, where several persons appear on the same application for registration of rights, a separate registration of address shall be made for each of them.

Notwithstanding the first and second paragraphs, where a person has already published his address in a register, the only requirement, in any application for registration previously presented concerning that person, is to refer, immediately after the designation of that person, to the registration number of the notice of address concerning that person and, except for a hypothec, to specify the right opposite to which the registration number will be recorded. Notwithstanding the foregoing, that rule applies only to addresses published after the date fixed in a notice of the Minister of Natural Resources stating that the registry office of the registration division in which the immovable is situated is fully computerized for land registration purposes. The immovable in question, referred to in the notice of address, is subject to a real right.

46. A notice of a change in the addresses or names of the persons referred to in article 3022 of the Code shall specify the registration number of the notice of address already filed. It shall state all the information relating to the former and new addresses and the former and new names of each of the beneficiaries of the notice of address; the notifications subsequent to the change shall be made only on the basis of that information.

Where the notice of address was published in a registration division prior to the date fixed in a notice of the Minister of Natural Resources stating that the registry office of the registration division is fully computerized for land registration purposes, the notice of change shall also specify the name of that registration division.

47. The notice of amendment to the reference to the registration number of an address shall state the nature and registration number of the document in question and the former and current references in the registration number of the address.

The notice of entry of a reference omitted in the registration number of an address shall state the registration number of the document in question and the reference to the registration number of the address. In addition, it shall specify the right in respect of which the registration number of address will be entered, except for a hypothec.

48. There shall be a postal address in any notice of address or of change in the address or name of a person at which the required notifications will be made. There may also be an electronic mail address.

The address shall be entered in a precise manner and be completed, for a postal address, by the postal code where the place is in Canada or the equivalent of the postal code where the place is outside Canada.

Where an electronic mail address is recorded, it shall be deemed that the beneficiary prefers the notification to be sent to that address.

49. A notice of renewal of the publication of a right shall specify the right in question and the place, date, registration number and nature of the document evidencing the right.

A notice of renewal of the registration of an address shall specify the registration number of the notice of address that a person wishes to renew, the registration number of the application pertaining to that notice, the right in question, except for a hypothec, and the name of the registration division in which the immovable subject to the right is situated.

A notice of renewal of the publication of a right may apply to that renewal and to the renewal of the registration of an address recorded with respect to that right provided only that a request made especially for that purpose, referring to the notice of address in question, appears in the notice of renewal of publication of the right.

50. A cadastral notice shall refer to the application to which it relates, state the designation of the immovable contained in the act evidencing the right and designate the immovable for which the registration is required.

51. A notice applying to the registration of a document in a land file identified by a serial number refers to the application to which it relates and states the designation contained in that application; it shall specify the serial number of the file in which the registration is required.

52. Applications to register acts similar to those listed in section 12 of the Act respecting registry offices shall, where the immovable in question is not registered, bear the name of the local municipality in the territory of which the immovable is situated and any other element allowing to complete the address of that immovable.

53. When applications for the cancellation or reduction of entries in registers are made, the names of the registration divisions in respect of which the entries are made and for which entries the cancellation or reduction is applied for shall be specified.

#### **DIVISION IV CERTIFICATES**

54. The prescribed certificates shall appear at the end of the applications, below the parties' signatures, or shall be appended to the applications to which they relate.

Where such certificates are appended, they shall refer to the applications to which they relate by specifying the nature and place where the applications and the date they were signed and the names of the parties thereto.

#### **DIVISION V**

##### **ASSIGNMENT OF NUMBERS TO APPLICATIONS**

55. Applications for registration shall, as of the date they are received by the registrar, be assigned numbers in a double consecutive order, one for the applications for registration of rights and cancellations or reductions and the other for the applications for registration of addresses.

Applications shall be assigned unique numbers for all the territory of Québec: the assignment of numbers shall apply to all the applications presented to registry offices.

#### **CHAPTER THREE**

##### **ENTRIES IN REGISTERS AND CORRECTION OF CLERICAL ERRORS OR OMISSIONS**

#### **DIVISION I**

##### **ENTRIES**

56. Entries in registers shall be clear and precise.

57. Where a registration in a register that is part of the land register concerns more than two grantors or holders of rights, the name of the first two persons designated as such in the application may be indicated only, followed by the words "and others".

58. The registration of any document shall state the nature of the document, in full or with abbreviations.

59. The registration number of a notice of address in a register that is part of the land register shall be noted, in that register, opposite to the application for registration of the right to which the address relates. Notwithstanding the foregoing, where the application was entered in a file that was subsequently the subject of a ministerial order under the Act respecting registry offices to convert it to electronic form, the registration number of the notice of address shall be noted in the distinct section, at the end of the new file, reserved for entries, mentions or indications related to the file that is reproduced by the new file.

In all cases, for a notice of address relating to a prior claim not entered in the land register, only one isolated entry referring to that prior claim shall be entered after the last entry appearing in the register.

60. A notice of a change in a person's address or name shall bear the registration number of the notice it changes.

Unless the notice of address was presented and accepted in a registry office before the date fixed in the notice of the Minister of Natural Resources stating that the registry office is fully computerized for land registration purposes, the notice of change shall be substituted for the notice of address it changes.

New information resulting from changes shall be substituted, where applicable, for the information that is replaced in the file of the directory of addresses related to the replaced notice of address.

The notice of a change in a person's address or name shall not be noted in the land register.

61. Registration, in the register of mentions, of the cancellation or reduction of an entry shall specify the registration number of the application evidencing the right subject to the cancellation or reduction.

Notwithstanding the foregoing, where the cancellation or reduction concerns the registration of an address in a register that is part of the land register, that registration made in the register of mentions shall specify the registration number of the right to which the address relates.

62. Indication in the land register that a right was cancelled or reduced shall be made with respect to the registration of that right. Where the right was registered in a file that was subsequently subject to a ministerial order under section 3 of the Act respecting registry offices to convert it to electronic form, cancellations or reductions shall be indicated in the distinct section, at the end of the file that reproduces it, reserved for entries, mentions or indications related to the converted file.

63. The reference in the land register to the registration number of a total acquittance or discharge shall be preceded by the letter *T*. Notwithstanding the foregoing, if the reduction concerns the amount registered or the *situs* of the security, that information shall be indicated by using the letter *P*.

64. Indication in the land register that the registration of an address was cancelled shall be made by using the letter *R* right before the registration number of the notice of address. Indication that such a registration was reduced shall be made by using the letter *P* at the same place as the reduction of a right.

Indication in the same register that any indication of cancellation was cancelled shall be made by using the letters *RR* after the registration number of the previous application for cancellation or, for an indication of cancellation, after the letter *P* appearing on the register. The indication shall be followed by the registration number of the cancellation.

Those rules are not applicable where the indication of cancellation or reduction concerns an address, a cancellation or a reduction entered or indicated on a file that was subsequently subject to a ministerial order under section 3 of the Act respecting registry offices to convert it to electronic form. In such cases, the indication that a cancellation or reduction was made shall be made not on a that file but in the distinct section, at the end of the file that reproduces it, reserved for entries, mentions or indications related to the converted file.

**65.** The registrar who is required to cancel or reduce an entry in a register that is part of the land register need not consult the register of personal and movable real rights.

**66.** The certified statement of registration issued by the registrar for any application for registration accepted for publication bears the registration number of the application to which the statement relates. It shall specify the date, hour and minute of presentation of the application, specify the land book in which it was registered and any applicable restriction relating to the registrations recorded in the registers.

The duplicate of that certified statement appended to the application kept in the Land Registry Office does not bear the signature of the registrar but has the same value as if it bore his signature.

## **DIVISION II**

### **CORRECTION OF CLERICAL ERRORS OR OMISSIONS**

**67.** Correction by the registrar to an entry, mention or indication in a register kept on a computer system shall be made by crossing out the entry, mention or indication, in such a manner that the crossed out text remains legible. Except where the entry, mention or indication is deleted, the correction is followed by the new entry, mention or indication right under the crossed out text.

**68.** Notwithstanding section 67,

(1) corrections in the land register are made not only by crossing out the erroneous entry or indication, but also by crossing out all related entries or indications and

the crossed out text shall be followed right under by the new entry or indication and by all other entries or indications thus crossed out;

(2) entries resulting from a correction made in the land register or in the book of presentation, where they affect the date, hour or minute of presentation of the application for registration, do not follow the crossed out text, but shall be made at the place where they should have appeared;

(3) correction to information recorded in the heading of a file contained in the land register or in the directory of holders of real rights shall not be made by crossing out erroneous information but by substituting it by new information; and

(4) correction to entries, mentions or indications recorded in a distinct section at the end of the file contained in the land register pursuant to sections 6, 9, 13 and 21 shall be made by a note, specifying the nature of the correction, inserted at the place reserved for that purpose in the distinct section.

**69.** An entry, mention or indication omitted in a register kept on a computer system shall be added at the place where it should have appeared.

Notwithstanding the foregoing, if the addition is intended to record the registration of an address or the indication that a cancellation was made in the land register, the correction shall be made by crossing out all registrations of rights or addresses and all indications that cancellations were made, followed right under by the new registration or indication and the reproduction of all the other registrations or indications thus crossed out. In addition, the addition of entries, mentions or indications that should have been recorded in the distinct section of a file contained in the land register or in the directory of holders of real rights pursuant to sections 6, 9, 13 and 21 shall be made by a note, specifying the nature of the addition, inserted at the place reserved for that purpose in the distinct section.

**70.** Any correction or addition made in the land register gives rise to a reference made after the last entry appearing in that register to that correction or addition.

**71.** The correction to an entry in a register kept in paper form shall be made by crossing out the erroneous entry and any new entry shall be overwritten.

An entry omitted in such a register shall be added after the last entry appearing in that register. If there are entries between the date the addition was entered and the date on which that entry should have been made, a reference to the new entry shall be made at the place where that entry should have appeared.

72. Correction in the registration of a right in the index of names in the form of microfilms or microfiches kept in the registry offices established for the registration divisions of Montréal and Laval shall be made by a note, specifying the nature of the correction, inserted in the opened file, under the name of the person who benefits from that correction, in the register complementary to that index.

The registration of a right in that index shall be added in the opened file, under the name of the person who benefits from that addition, in the register complementary to that index.

73. The correction of an entry or mention in the margin of a registration for application, and in the register complementary to mentions made in the margin or the register of mentions for microfilmed acts referred to in sections 243 and 244 of the Act to amend the Civil Code and other legislative provisions relating to land registration, shall be made by a note, specifying the nature of the correction inserted in the file kept in the register of mentions for the application covered by the new mention or entry.

An entry or mention omitted in the application or in the register shall be added in the file kept in the register of mentions for the application covered by the addition.

74. Correction to a certified statement of registration shall be made by issuing a new certified statement. Where the correction concerns one of the elements that must appear in the certified statement pursuant to section 66, the new certified statement shall specify the nature of the correction; in any other case, no specification of correction shall be made.

Notwithstanding the first paragraph, where the certified statement that has been issued by the registrar of a registry office established for a registration division before the date fixed in a notice of the Minister of Natural Resources stating that the registry office is fully computerized for land registration purposes, the correction shall be made by a note, specifying the nature of the correction, inserted in a file kept in the register of mentions relating to the application for registration for which the certified statement was issued.

## **CHAPTER FOUR**

### **ACCESS TO THE REGISTERS AND OTHER DOCUMENTS**

#### **DIVISION I**

##### **GENERAL**

75. Registry offices are open every day, except Saturdays, and the days referred to in article 6 of the Code of Civil Procedure (R.S.Q., c. C-25).

The Land Registry Office is opened on Saturdays for consultation purposes only.

76. Applications may be presented on the premises or remotely between 9 a.m. and 3 p.m. in every registry office.

77. Registers and other documents kept in registry offices for publication purposes shall be consulted on the premises or remotely and, in the latter case, by means of a display screen.

Consultation on the premises is allowed only in the offices established for registration divisions. In addition, remote consultation is allowed with respect to registers and other documents kept in electronic form only.

78. Consultation on the premises is allowed between 9 a.m. and 4 p.m.; remote consultation, using other display screens than those located in offices established for registration divisions, is allowed between at least 8 a.m. and 11 p.m., except on Saturdays where it is allowed between at least 8 a.m. to 5 p.m.

79. Notwithstanding sections 76 and 78, applications may be presented to registry offices and registers and other documents kept there may be consulted, on the premises or remotely, from 9 a.m. to 10 a.m. on 24 and 31 December.

80. The certified statement that the registrar is required to issue to any person who requests it pursuant to article 3019 of the Code shall specify the type of certified statement, the name of the person requesting it, the lot number given to the immovable and the name of the cadastre in which it is situated, or the serial number of the file relating to the real right, the network or the immovable and the name of the register in which the file is recorded, the name of the registration division in which the immovable, right or network is situated, the name of its owner or holder, as the case may be, the period for which the certified statement is issued and all registration numbers of the applications in question, if any.

The certified statement, dated and signed by the registrar issuing it, shall be completed, where applicable, by the copies of the applications for registration in question, with the accompanying documents where they are in the form of a summary and, where applicable, relevant extracts from the register of mentions and the complementary register related to each application.

81. Copies of or extracts from documents that justified registrations in the registers and that the registrar is required to issue to any person requesting it pursuant to article 3019 of the Code must be accompanied, where applicable, by relevant extracts from the register of mentions and from the complementary register.

## **DIVISION II**

### **PARTICULAR PROVISIONS GOVERNING REMOTE ACCESS**

**82.** Applications for registration presented to the Land Registry Office, as well as the accompanying documents, shall be forwarded electronically.

Those applications and documents may be accepted at the Land Registry Office only if the electronic transmission is accompanied by a code of the same nature affixed by means of a device, provided by the Land Registrar for firms that develop the required software, attesting that the transmission meets all the required technical specifications and that it contains an explanatory file, complying with the specifications, bearing a client number given by the Land Registrar.

**83.** Presentation of applications for registration and accompanying documents to the Land Registry Office requires the use of key pairs and signature verification and encryption certificates issued by a provider of certification services certified by the Conseil du trésor.

A provider of certification services may be certified by the Conseil du trésor only if the issue and storage of key pairs and certificates that it is responsible for meet the minimum conditions provided for in the Schedule to this Regulation.

**84.** Any signature required for the presentation of an application for registration to the Land Registry Office shall be affixed by means of a signature key pair.

**85.** Data constituting the applications for registration and documents presented to the Land Registry Office shall be considered received only if they are transmitted completely and if the Land Registrar may have access to them and decrypt them.

Where those conditions are met, the Land Registrar shall immediately transmit, electronically, an acknowledgement of receipt to the persons who requested registration.

**86.** Upon receipt of the data constituting the applications for registration and documents presented to the Land Registry Office, the Land Registrar shall verify the identity of the persons whose signatures were required for the presentation of applications by means of the public key and signature verification certificate those persons hold. He shall ensure that the signature verification certificate of each holder, and his digital signature, are valid and that the transmitted data is intact.

**87.** Applications for registration and documents presented to the Land Registry Office shall be kept as such but transmission formats and data markup that accompanied the applications shall be removed from them. Those applications and documents, from which transmission formats and data markup were thus removed, shall be available to the public.

Applications for registration and documents transmitted to the Land Registry Office by the registrar of a registration division in whose registry office the applications and documents were presented in paper form shall be kept by means of a lossless data compression algorithm. A compressed version of the applications and documents shall be produced by means of a lossy data compression algorithm, which keeps nonetheless the transmitted information intact and complete and only that version is available to the public.

**88.** Where a copy of an application for registration or of a document kept on a computer system must be provided by the Land Registrar, such copy shall be made from that application or from the document available to the public, or from the version of the application or document available to the public, as the case may be.

The names of the sources, determined after their identity is verified, shall appear on the copy, where the copy was made from the application or from the document presented to the Land Registry Office.

**89.** Documents that, under the law, shall bear the signature of the Land Registrar acting in the performance of his duties of public registrar may be transmitted electronically only by means of a signature key pair issued by a provider of certification services certified by the Conseil du trésor.

## **CHAPTER FIVE**

### **TRANSITIONAL AND FINAL**

**90.** When assigning numbers to files in a register of real rights of State resource development as provided for in section 10 and files in a register of public service networks and immovables situated in territory without a cadastral survey as provided for in section 14, the current numbers of the files in those registers on the date fixed in the notice of the Minister of Natural Resources stating that the registry office that keeps them is fully computerized for land registration purposes shall be taken into account.

**91.** In order to take into account the current numbers of applications for registration kept in registry offices until the date fixed in the notice of the Minister of



Natural Resources stating, for each office, that it is fully computerized for land registration purposes, the assignment of numbers referred to in section 55 shall begin, for applications received as of that date, at number 10.000.001 for applications for registration of rights and cancellations or reductions, and at number 6.000.001 for applications for registration of addresses.

92. Sections 15, 16 and 17 shall apply, in registry offices of the registration divisions of Montréal and Laval, to applications for registration published in the index of names kept in those offices as of the dates fixed in a notice of the Minister of Natural Resources stating that they are fully computerized for land registration purposes and to all the applications for registration that have been published in it since 1 January 1994.

93. The provisions of subparagraph 1 of the second paragraph of section 26, related to the notices of addresses that were presented to a registry office before the date fixed in the notice of the Minister of Natural Resources stating that the office is fully computerized for registration purposes have effect, with respect to any other office than those established in the registration divisions of Montréal and Laval, only as of the date fixed in an order made for that purpose by the Minister of Natural Resources.

94. This Regulation will come into force on the date fixed in the notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration, stating that a first registry office is fully computerized for land registration purposes.

## SCHEDULE

(s. 83)

### MINIMUM CONDITIONS FOR ISSUING AND STORING KEY PAIRS AND SIGNATURE VERIFICATION AND ENCRYPTION CERTIFICATES

The following are the minimum conditions for issuing and storing key pairs and signature verification and encryption certificates that must be met by a provider of certification services to be certified by the Conseil du trésor pursuant to section 83 :

(1) the reliability of the data constituting the applications for registration and documents presented to the Land Registry Office shall be ensured by using an asymmetric cryptographic system;

(2) the asymmetric cryptographic system used shall also include a hash function by means of which the Land Registry Office can verify the integrity and completeness of the data it receives;

(3) the asymmetric cryptographic system used shall provide for the issue of a signing key pair by means of which the applications for registration and documents presented are signed and their source identified and shall also provide for the issue of an encryption key pair to protect the confidentiality of the applications and documents; such confidentiality is ensured by encrypting the data by means of a randomly variable secret key generated by the symmetric cryptographic system; that key must itself be encrypted with the public key that forms part of the encryption key pair of the Land Registry Office, which shall be able to decrypt the transmitted data with its private key;

(4) each signing key and encryption key pair issued shall consist of a unique and indissociable pair of keys, one public and the other private, that are linked mathematically; each public key shall be referred to in a certificate, issued by the provider of certification services, which serves to bind the key to the key pair holder;

(5) The signature verification certificate and encryption certificate issued shall be on a computer system and shall include the following information:

— the distinguishing name of their holder which consists of his name combined with a unique code;

— the name of the provider of certification services and its signature;

— the signature verification public key or the encryption public key, as the case may be, together with the certificate serial number, version, issue date and expiry date; and

— the name of the issuer, the characteristics of the algorithm and the resulting hash code used in delivering the certificate;

(6) the encryption certificates shall be entered in an electronic directory and kept up-to-date by the issuing provider of certification services; the directory shall include the serial numbers of the signature verification certificates and encryption certificates that have been suspended, revoked, withdrawn or deleted; and

(7) the provider of certification services shall comply with the following recommendations or standards or their equivalents:

— International Telecommunication Union (ITU) Recommendation X.500 (11/93), in general, adopted as an international standard by the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) under the general designation of ISO/IEC 9594: 1995, for the manage-

ment of the directory containing the information relating to the certificates and public keys that form an integral part of key pairs;

— ITU Recommendation X.509 (11/93), in particular, adopted as an international standard by ISO and IEC under the designation ISO/IEC 9594-8: 1995 Information Technology—Open systems interconnection (OSI)—The Directory: Authentication framework, for the issue and storage of key pairs and signature verification and encryption certificates; and

— the United States government's National Institute of Standards and Technology (NIST) Standard FIPS 140-1 for the DES, DSA and SHA-1 algorithms used in cryptography.

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Gouvernement du Québec

## O.C. 1068-2001, 12 September 2001

Civil Code of Québec  
(1991, c. 64)

An Act respecting registry offices  
(R.S.Q., c. B-9)

An Act to amend the Civil Code and other legislative provisions relating to land registration  
(2000, c. 42)

### Land register — Provisional regulation — Amendments

Regulation to amend the Provisional Regulation respecting the land register

WHEREAS, under article 3024 of the Civil Code of Québec (1991, c. 64), the Government may make regulations respecting the matters set forth therein, in particular to take all the necessary steps for the implementation of the provisions of the Book "Publication of rights";

WHEREAS, under section 5 of the Act respecting registry offices (R.S.Q., c. B-9), the Government may make regulations respecting certain elements of form of documents requiring publication;

WHEREAS, under section 240 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), the Government may make regulations respecting the matters set forth therein,

in particular to take any measure necessary for the purposes of the Act to amend the Civil Code and other legislative provisions relating to land registration;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS, following that publication, comments were made;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice:

THAT the Regulation to amend the Provisional Regulation respecting the land register, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Provisional Regulation respecting the land register\*

Civil Code of Québec  
(1991, c. 64, art. 3024)

An Act respecting registry offices  
(R.S.Q., c. B-9, s. 5)

An Act to amend the Civil Code and other legislative provisions relating to land registration  
(2000, c. 42, s. 240)

1. The Provisional Regulation respecting the land register is amended by inserting the following heading and provision before the heading of Chapter One:

### “PRELIMINARY PROVISION

This Regulation applies only to registry offices established for registration divisions of Québec that, on 9 October 2001, have not been the subject, pursuant to section 237 of the Act to amend the Civil Code and other

\* The Provisional Regulation respecting the land register, made by Order in Council 1596-93 dated 17 November 1993 (1993, *G.O.* 2, 6239), was amended once by the Regulation made by Order in Council 1067-95 dated 9 August 1995 (1995, *G.O.* 2, 2626).

legislative provisions relating to land registration (2000, c. 42), of a notice of the Minister of Natural Resources stating that they are fully computerized for land registration purposes or with respect to which the date fixed in the notice has not occurred.

This Regulation remains applicable, for each of those offices, until the date fixed in the notice of the Minister of Natural Resources stating that that office is fully computerized for land registration purposes; as of that date, the Regulation respecting land registration made pursuant to article 3024 of the Civil Code becomes applicable to that office.”

2. The following is substituted for section 1 :

“1. The registers kept in registry offices of registration divisions shall be established either according to the corresponding model attached to this Regulation or according to the model referred to in section 8, 10, 11 or 16.”

3. Section 2 is revoked.

4. Section 3 is amended by substituting the words “of the index of immovables, of the register of real rights of State resources development and of the register of public service networks and immovables situated in territory without a cadastral survey” for the words “of a register serving as a land register” in the first paragraph.

5. Section 4 is revoked.

6. Section 6 is amended

(1) by adding the following sentence at the end of the first paragraph: “Any omitted mention or entry shall be added in the margin of a document along with the date, hour and minute of the addition.”;

(2) by substituting the words “in an entry or a certificate for registration in the register or in a mention or entry in the margin of a document” for the words “in an entry” in the second paragraph; and

(3) by substituting the words “Notwithstanding the first and second paragraphs” for the words “Notwithstanding the foregoing” at the beginning of the third paragraph.

7. Section 7 is amended

(1) by striking out “where there is no land register within the meaning of article 2972 of the Code” at the end of the introductory sentence of the first paragraph; and

(2) by striking out “, which shall be called Directory of holders of real rights” at the end of subparagraph 5 of the first paragraph.

8. Section 8 is amended

(1) by substituting the following for the first paragraph:

“8. The memorial of presentation shall be numbered in consecutive order.”; and

(2) by substituting “In the offices” for “Notwithstanding the foregoing, in the offices” at the beginning of the second paragraph.

9. Section 10 is amended by substituting “It shall be kept in alphabetical order of the names of all holders and grantors of rights designated in the applications that are published in it.” for the second sentence.

10. Division II of Chapter One, entitled “Opening of leaves in registers” and comprising sections 17 and 18, is revoked.

11. Section 30 is amended by deleting the third paragraph.

12. Section 33 is revoked.

13. The following is substituted for section 36:

“36. A notice of renewal of the publication of a right shall specify the right in question and the place, date, registration number and nature of the document evidencing the right.

A notice of renewal of the registration of an address shall specify the registration number of the notice of address that a person wishes to renew, the registration number of the request pertaining to that notice, the right in question, except in the case of a hypothec, and the name of the registration division in which the immovable subject to the right is situated.

A notice of renewal of the publication of a right may apply to that renewal and to the renewal of the registration of an address recorded with respect to that right provided only that an application made especially for that purpose, referring to the notice of address in question, appears in the notice of renewal of publication of the right.”.

14. Section 39 is amended by substituting “A single copy of the notice may be filed.” for the last sentence of the first paragraph.

15. Section 40 is amended

(1) by substituting the words “A notice of a change in the address” for the words “A notice of a change of address or of a change in the address” at the beginning of the first paragraph; and

(2) by substituting “A single copy of the notice may be filed.” for the last sentence of the first paragraph.

16. The following is substituted for section 40.1:

“**40.1.** The notice of amendment to the reference to the registration number of an address shall state the nature and registration number of the document in question and the former and current references in the registration number of the address.

The notice of entry of a reference omitted in the registration number of an address shall state the registration number of the document in question and the reference to the registration number of the address. In addition, it shall specify the right in respect of which the registration number of address will be entered, except for a hypothec.

Two copies of the notice of amendment or of entry must be filed.”

17. Section 41 is revoked.

18. Section 42 is amended

(1) by striking out “except in the case of the index of names” in the first paragraph; and

(2) by substituting “The notice of a change in the address” for “The notice of a change of address or of a change in the address” at the beginning of the second paragraph.

19. The following is added after section 42.1:

“**42.2.** In addition to the particulars required under article 2999.1 of the Code, the notice must contain, where applicable, the names of the lessees, whether assignors or assignees, and the nature of the modification made to the lease.

In case of transfer of, modification to or cancellation of the lease, the reference to the lease required under article 2999.1 of the Code is made by specifying the registration number of the lease or the number of the notice governing the registration of the rights arising therefrom in the register.”

20. Sections 48 and 48.1 are revoked.

21. Section 54 is amended by striking out the second sentence.

22. Section 56 is amended by substituting “Notwithstanding article 3014.1 of the Code, the hypothec of a claim secured by an immovable hypothec shall be mentioned in the margin of the application evidencing the claim.” for the second sentence.

23. The following is substituted for section 57:

“**57.** The reference in the register to the registration number of a complete acquittance or discharge shall be preceded by the letter *T*. Notwithstanding the foregoing, if the reduction concerns the amount registered or the *situs* of the security, that information shall be indicated by using the letter *P*.”

24. The Regulation is amended by inserting the following after section 59:

“**59.1.** The certified statement issued pursuant to article 3019 of the Code must contain, in addition to the type of certified statement, the name of the person requesting it, the lot number given to the immovable and the name of the cadastre in which it is situated, or the serial number of the file relating to the real right, the network or the immovable and the name of the register in which the file is recorded, the name of the registration division in which the immovable is situated, the right or the network, the name of its owner or holder, as the case may be, the period for which the certified statement is issued and all registration numbers of the applications in question, if any.

The certified statement, dated and signed by the registrar issuing it, shall be completed, where applicable, by the copies of the applications for registration in question, with the accompanying documents where they are in the form of a summary and, where applicable, an extract from the complementary register related to each application.”

25. This Regulation will come into force on the date fixed in the notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration, stating that a first registry office is fully computerized for land registration purposes.

Gouvernement du Québec

## O.C. 1074-2001, 12 September 2001

An Act respecting registry offices  
(R.S.Q., c. B-9)

### Land registration — Tariff of fees

Tariff of fees respecting land registration

WHEREAS, under section 8 of the Act respecting registry offices (R.S.Q., c. B-9), as amended by section 116 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), the Government may, by order, make tariffs of fees to be collected by registrars for the various services performed by them;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS, following that publication, comments were made;

WHEREAS it is expedient to make the Tariff with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Tariff of fees respecting land registration, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### Tariff of fees respecting land registration

An Act respecting registry offices  
(R.S.Q., c. B-9, s. 8; 2000, c. 42, s. 116)

1. This Tariff applies to any registration division as of the date fixed in the notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), stating that the registry office established therein is fully computerized for land registration purposes.

2. The fee for the registration of an application for registration of rights is \$50 where the application is presented in paper form to a registry office established for a registration division. The fee is reduced by \$10 where the application is presented electronically to the Land Registry Office.

3. Notwithstanding section 2, the fee for the registration of an application for registration of rights presented in the form of a summary is \$50 per summarized document where the application is presented in paper form to a registry office established for a registration division. The fee is reduced by \$10 per summarized document where the application is presented electronically to the Land Registry Office.

4. The fee for the registration of an application for cancellation or reduction of registration is \$60, including the cancellation or reduction of the rights provided for in the first application for registration covered by the application for cancellation or reduction, plus \$40 for every additional application, where the application for cancellation or reduction is presented in paper form to a registry office established for a registration division. The fee is reduced, respectively, by \$10 where the application for cancellation or reduction is presented electronically to the Land Registry Office.

5. The fee for the registration of a prior notice of sale for non-payment of immovable taxes is \$50 plus \$7 per lot or part of a lot where the application is presented in paper form to a registry office established for a registration division. The fee is \$40 plus \$7 per lot or part of a lot where the application is presented electronically to the Land Registry Office.

6. The fee for the registration of an application for registration of an address, by a notice or by a reference to a notice already published, of the renewal of the registration of an address or the omitted reference to a notice of address is \$30.

Notwithstanding the foregoing, the fee shall not be payable for the registration of the change in a reference to a notice of address.

7. Notwithstanding sections 2 to 6, no fee is payable for the registration of

(1) a change in the address or in the name of the persons referred to in article 3022 of the Civil Code of Québec (1991, c. 64) or a cancellation or reduction of the registration of a notice of address;

(2) a list of immovables that were not sold at a sale for non-payment of immovable taxes;

(3) a document evidencing the redemption of lots adjudicated at a sale for non-payment of immovable taxes;

(4) a notice served pursuant to article 813.4 of the Code of Civil Procedure (R.S.Q., c. C-25);

(5) a disposal permit required under the Succession Duty Act (R.S.Q., c. D-13.2);

(6) an action against the owner of the immovable following a legal hypothec in favour of persons having participated in the construction or renovation of an immovable or following a legal hypothec of a syndicate of co-owners on a fraction of a co-owner;

(7) a list of immovables adjudicated at the sale for non-payment of immovable taxes;

(8) a notice of a sheriff's sale;

(9) a release from a sheriff's seizure;

(10) a clerk's certificate attesting that an action has been discontinued;

(11) a certificate of the Attorney General stating that a hypothec in favour of the State is extinguished or reduced; and

(12) the abandonment or revocation of a real right of State resource development that is not exempt from registration.

**8.** The fee for the statements certified by the registrar provided for in the first paragraph of article 3019 of the Civil Code and in article 704 of the Code of Civil Procedure is \$10 for the certified statement and \$10 for each copy of application for registration, including the accompanying document where it is in the form of a summary, composing the statement.

**9.** The fee for any other certificate is \$10, unless the law specifically provides that no fees are to be collected or that specific fees are fixed.

**10.** The fee for each copy of or extract from a register kept at the Land Registry Office is \$15 per land file or per file opened in the index of names, directory of addresses, directory of holders of real rights or per date and registration division for the book of presentation. The fee is \$15 per file for the register complementary to the index of names in the form of microfilms or microfiches kept for the registration divisions of Montréal and Laval.

The fee for each copy of or extract from the register kept, under section 245 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), in a registry office established for a registration division is \$15 per page of the register.

The fee for each copy of the plan of a lot is \$5. The fee is \$15 for each copy of or extract from an application for registration, including the accompanying document where it is in the form of a summary, or from any other document.

**11.** The fee for copies of applications, including the accompanying documents where they are in the form of a summary, forwarded for the purposes of transfers of immovables or the updating of the municipal assessment rolls, is \$3 per copy, regardless of the means used to issue such copies.

**12.** A fee of \$15 is added to the fee payable where a copy, an extract or a statement is forwarded by fax.

**13.** The municipal bodies are billed monthly for the fees payable owing to the copies of applications and documents that are forwarded to them for the purposes of transfers of immovables and the updating of the municipal assessment rolls.

**14.** The fee to complete the form of the Ministère du Revenu concerning a person who appears as being registered as owner of a lot, part of a lot or an immovable identified by a serial number in the registers is \$5 for each form completed.

**15.** The fee to consult, in registry offices established for registration divisions, registers, plans and other documents kept in paper form, on microfilms or microfiches is \$5 per person per day or fraction of a day. The consultation fee includes copies of registers and other microfilmed or microphotographed documents made using the printers available to the public. No fee is payable where the consultation is carried out for the purposes of making cadastres under the Act to promote the reform of the cadastre in Québec (R.S.Q., c. R-3.1) or the Act respecting land titles in certain electoral districts (R.S.Q., c. T-11).

**16.** The fee to consult the registers, plans and other documents kept on a computer system is \$3 per lot, document, name, registration division or other character researched, according to the document or register consulted. The fee is \$1 per lot, document, name, registration division or other character researched, where the consultation is not carried out by means of display screens available in registry offices established for registration divisions. The consultation fee includes the copies of registers, plans and other documents kept on a computer

system made by the public using the printers put at their disposal. No fee is payable where the consultation is carried out, by means of display screens available in registry offices established for registration divisions, for the purposes of making cadastres under the Cadastre Act (R.S.Q., c. C-1), the Act to promote the reform of the cadastre in Québec or the Act respecting land titles in certain electoral districts.

17. The fee for a certified statement of registration in paper form is \$10. Notwithstanding the foregoing, the fee shall not be payable for a first certified statement of registration issued in respect of an application for registration presented in paper form to a registry office established in a registration division.

18. The fee provided for in this Tariff shall be indexed on 1 April of each year from 1 April 2003 on the basis of the cumulative rate of increase in the general Consumer Price Index for Canada for the period beginning on 31 December 2001 and ending on 31 December of the year preceding the indexing, as determined by Statistics Canada. The fee indexed in the prescribed manner shall be reduced to the nearest dollar where it contains a fraction of a dollar less than \$0.50. It shall be increased to the nearest dollar where it contains a fraction of a dollar equal to or greater than \$0.50.

19. Until 1 January 2002, the provisions of this Tariff shall be considered with the following restrictions:

(1) the fee for the registration of an application for registration of rights is \$42 where the application is presented in paper form to a registry office established for a registration division. The fee shall not be payable where the application is presented electronically to the Land Registry Office;

(2) the fee for the registration of an application for registration of rights presented in the form of a summary is \$42 per summarized document where the application is presented in paper form to a registry office established for a registration division. The fee shall not be applicable where the application is presented electronically to the Land Registry Office;

(3) the fee for the registration of an application for cancellation or reduction of a registration is \$42 per claim, principal right or notice, plus \$10 per registration in the register of mentions provided for in article 2979.1 of the Civil Code, introduced by section 26 of the Act to amend the Civil Code and other legislative provisions relating to land registration, where the application is presented in paper form to a registry office established for a registration division. The fee shall not be payable where the application is presented electronically to the Land Registry Office;

(4) the fee for the registration of a prior notice of sale for non-payment of immovable taxes is \$20 plus \$5 per lot or part of a lot where the application is presented in paper form to a registry office established for a registration division. The fee shall not be payable where the application is presented electronically to the Land Registry Office;

(5) the fee for the registration of an application for registration of an address, per notice or reference to a notice already published, for the renewal of the registration of an address or for the omitted reference to a notice of address shall not be payable;

(6) the fee for statements certified by a registrar provided for in the first paragraph of article 3019 of the Civil Code and in article 704 of the Code of Civil Procedure is \$20 for the certified statement and \$5 for each copy of the application for registration, including the accompanying document where the application is in the form of a summary, making up the statement;

(7) the fee for any other certificate is \$5, except where the law specifically provides that no fee is collected or that a specific fee is fixed;

(8) the fee to consult registers, plans and other documents kept in paper form or on microfilms or microfiches in registry offices established for registration divisions is \$5 per hour or fraction of an hour; and

(9) the fee to consult registers, plans and other documents kept on a computer system is \$5 per hour or fraction of an hour. The fee shall not be payable where the consultation is carried out in another way than by using display screens available in registry offices established for registration divisions.

20. This Tariff comes into force on the date fixed in the notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), stating that a first registry office is fully computerized for land registration purposes, with the exception of section 10 insofar as it provides the fee payable for copies of or extracts from the register complementary to the index of names in the form of microfilms or microfiches kept for the registration divisions of Montréal and Laval, which will come into force, for each of those registration divisions, on the dates fixed in the notices of the Minister of Natural Resources stating that each of those offices is fully computerized for land registration purposes.

Gouvernement du Québec

**O.C. 1075-2001**, 12 September 2001

An Act respecting registry offices  
(R.S.Q., c. B-9; 2000, c. 42)

**Publication by registration in the land register**  
— **Tariff of fees**  
— **Former registers of registry offices**  
— **Application of certain transitional provisions**  
— **Amendments**

Regulation to amend the Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices

WHEREAS, under section 8 of the Act respecting registry offices (R.S.Q., c. B-9), as amended by section 116 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), the Government may, by order, make tariffs of fees to be collected by registrars for the various services performed by them;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS, following that publication, comments were made;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation to amend the Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices\***

An Act respecting registry offices  
(R.S.Q., c. B-9, s. 8; 2000, c. 42, s. 116)

1. The Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices is amended by substituting the following for section 1:

“1. This Tariff applies to any registration division until the date fixed in the notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), stating that the registry office established therein is fully computerized for land registration purposes.”

2. The following is substituted for section 2:

“2. The fee for the registration of an application for the registration of a right is \$40.”

3. The following is substituted for section 3:

“3. Notwithstanding section 2, the fee for the registration of an application for registration of rights presented in the form of a summary is \$40 per summarized document.”

4. The following is substituted for section 4:

“4. The fee for the registration of an application for the cancellation or reduction of a registration is \$50, including the cancellation or reduction of rights provided for in a first application for registration covered by the application for cancellation or reduction, plus \$30 for each additional application for registration.”

5. Section 5 is amended by substituting “\$40” and “\$7” for “\$20” and “\$5”.

6. The following is inserted after section 5:

\* The Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices, made by Order in Council 1597-93 dated 17 November 1993 (1993, *G.O.* 2, 6257), has not been amended since it was made.



**5.1.** The fee for the registration of an application for registration of an address, by a notice or by a reference to a notice already published, of the renewal of the registration of an address or the omitted reference to a notice of address is \$30.

Notwithstanding the foregoing, the fee is not payable for the registration of the change in a reference to a notice of address.”.

**7.** Section 6 is amended

(1) by substituting the following for the part preceding paragraph 1:

“Notwithstanding sections 2, 3, 4 and 5.1, no fee is payable for the registration of”;

(2) by substituting the following for paragraph 1:

“(1) a change in the address or name of the persons referred to in article 3022 of the Civil Code or a cancellation or reduction of the registration of a notice of address;” and

(3) by adding the following after paragraph 11:

“(12) the abandonment or revocation of a real right of State resource development that is not exempt from registration.”.

**8.** The following is substituted for section 7:

“7. The fee for the statements certified by the registrar provided for in article 3019 of the Civil Code and in article 704 of the Code of Civil Procedure is \$10 for the certified statement and \$10 for each copy of application for registration, including the accompanying document where the application is in the form of a summary, making up the statement.”.

**9.** Section 8 is revoked.

**10.** The following is inserted after section 8:

“8.1. The fee for affixing an additional registration certificate is \$10.”.

**11.** Section 10 is revoked.

**12.** Section 11 is amended by inserting the following sentence between the first and second sentence:

“The fee for each copy of the plan is \$5 per lot subject to the application.”.

**13.** The following is substituted for section 12:

“12. The fee for copies of applications, including the accompanying documents where they are in the form of a summary, forwarded for the purposes of transfers of immovables or the updating of the municipal assessment rolls, is \$3 per copy, regardless of the means used to issue such copies.”.

**14.** Section 13 is revoked.

**15.** Section 14 is amended by striking out the words “serving provisionally as the land register”.

**16.** Section 16 is amended by striking out the words “that serve provisionally as the land register” in paragraph 1.

**17.** The following paragraph is inserted after section 17:

“17.1. The fee prescribed in this Tariff shall be indexed on 1 April of each year from 1 April 2003 on the basis of the cumulative rate of increase in the general Consumer Price Index for Canada for the period beginning on 31 December 2001 and ending on 31 December of the year preceding the indexing, as determined by Statistics Canada. The fee indexed in the prescribed manner shall be reduced to the nearest dollar where it contains a fraction of a dollar less than \$0.50. It shall be increased to the nearest dollar where it contains a fraction of a dollar equal to or greater than \$0.50.”.

**18.** This Regulation comes into force on the date fixed in the notice by the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), stating that a first registry office is fully computerized for land registration purposes, except for sections 2 to 6, the first and second paragraphs of section 7 and sections 8, 11 and 12 which will come into force on 1 January 2002.

## Notice

An act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

### Classes of fishing licenses and their term

Notice is hereby given that the Regulation respecting classes of fishing licenses and their term, the text of which appears below, was adopted by the Société de la faune et des parcs du Québec by resolution N°. 00-41 dated May 31, 2001 in accordance with the section 54.1 of the Act respecting the conservation and development of wildlife, amended by section 56 of Chapter 36 of the Statutes of 1999.

HERVÉ BOLDUC,  
*Secretary*

### Regulation respecting classes of fishing licenses and their term

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 54.1; 1999, c. 36, s. 56; 2000, c. 48, s. 9)

1. The classes of fishing licences are as follows:

(1) sport fishing licences for species other than anadromous Atlantic salmon:

- (a) resident 65 and over (yearly);
- (b) resident under 65 (yearly);
- (c) resident (3 consecutive days);
- (d) resident, with catch and release obligation (yearly);
- (e) non-resident (yearly);
- (f) non-resident (7 consecutive days) for areas 8, 9, 10, 12, 13, 16 and 25;
- (g) non-resident (3 consecutive days);

(h) non-resident (one day);

(i) non-resident, with catch and release obligation (yearly);

(2) sport fishing licences for anadromous Atlantic salmon:

(a) resident (yearly);

(b) resident (one day);

(c) resident, with catch and release obligation (yearly);

(d) non-resident (yearly);

(e) non-resident (one day);

(f) non-resident, with catch and release obligation (yearly);

(3) fishing licences for burbot:

(a) resident (yearly);

(b) non-resident (yearly).

2. The term of the licences provided for in subparagraphs *a*, *b*, *d*, *e* and *i* of paragraph 1, in subparagraphs *a*, *c*, *d* and *f* of paragraph 2 and in paragraph 3 of section 1 is one year and they expire on 31 March.

The term of the licences provided for in subparagraphs *c* and *g* of paragraph 1 of section 1 is three consecutive days.

The term of the licences provided for in subparagraph *h* of paragraph 1 and subparagraphs *b* and *e* of paragraph 2 of section 1 is one day.

The term of the licence provided for in subparagraph *f* of paragraph 1 of section 1 is seven consecutive days.

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

Gouvernement du Québec

Election Act  
(R.S.Q., c. E-3.3)

**Agreement concerning the trial application of new voting procedures  
— Electoral division of Blainville**

AGREEMENT CONCERNING THE TRIAL  
APPLICATION OF NEW VOTING PROCEDURES  
BETWEEN

MR. BERNARD LANDRY, LEADER OF THE PARTI  
QUÉBÉCOIS, AN AUTHORIZED PARTY  
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. JEAN CHAREST, LEADER OF THE QUÉBEC  
LIBERAL PARTY, AN AUTHORIZED PARTY  
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. MARIO DUMONT, LEADER OF THE ACTION  
DÉMOCRATIQUE DU QUÉBEC, AN AUTHORIZED  
PARTY REPRESENTED IN THE NATIONAL  
ASSEMBLY

AND

MR. MARCEL BLANCHET, IN THE CAPACITY OF  
CHIEF ELECTORAL OFFICER OF QUÉBEC

WHEREAS on 27 June 2001 the seat for the electoral  
division of Blainville became vacant following the res-  
ignation of Madam Céline Signori;

WHEREAS pursuant to section 130 of the Election Act  
(R.S.Q., c. E-3.3), an order instituting the holding of a  
by-election to fill a vacant seat must be issued not later  
than six months after the seat becomes vacant;

WHEREAS pursuant to the provisions of section 489 of  
the Election Act, the chief electoral officer may, at a by-  
election, test new voting procedures;

WHEREAS the chief electoral officer wishes, at the by-  
election to be held in the Blainville electoral district, to  
test new voting procedures, namely electronic ballot  
boxes, elector access to all polling stations in a polling  
subdivision, and the sending of a notice containing a  
bar-code to each elector under section 198.1 of the Elec-  
tion Act;

WHEREAS an agreement between the chief electoral  
officer of Québec and the leaders of the authorized  
parties represented in the National Assembly is neces-  
sary to implement such new voting procedures;

WHEREAS such an agreement must describe the new  
voting procedures, mention the provisions of the Elec-  
tion Act that it replaces, and be signed by the said party  
leaders;

WHEREAS this agreement has the force of law;

THE PARTIES AGREE AS FOLLOWS:

1. PREAMBLE

The preamble to this agreement is an integral part of  
the agreement.

2. OBJECT OF AGREEMENT

The object of this agreement is to test new voting  
procedures at the by-election to be held in the electoral  
district of Blainville, namely: making it possible for an  
elector to vote at any polling station in a given place of  
voting, using a card containing a bar-code to identify an  
elector rapidly, and using electronic ballot boxes to al-  
low the use of ballot papers and an electronic tallying of  
votes.

3. INTERPRETATION

Unless stated otherwise, expressly or as a result of the  
context of a provision, the following expressions, terms  
and words have, for the purposes of this agreement, the  
meaning and application given in this section.

3.1 “Firm” means PG Élections inc., its representa-  
tives and its employees.

3.2 “Polling station” means any place to which elec-  
tors report to state their identity to the deputy returning  
officer, produce, if they have it in their possession, a  
card containing a bar-code, and receive their ballot pa-  
per. A polling station comprises:

— a computer containing a record of the list of elec-  
tors of the place of voting (the computers of each place  
of voting shall be connected to each other);

— a scanning device to scan cards containing bar-  
codes;

— a printer, where necessary, to print the list of elec-  
tors having voted in an advance poll and on polling day.

3.3 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a recipient for ballot papers and a modem, where necessary.

3.4 “Vote tabulator” means a device that uses an optical viewer to detect a mark made in a circle on a ballot paper by an elector, as well as the number of the polling subdivision.

3.5 “Memory card” means a memory device that computes and records the marks made by an elector for one of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

3.6 “Recipient for ballot papers” means a box into which the ballot papers fall.

3.7 “Refused ballot paper” means a ballot paper that cannot be inserted into the vote tabulator.

3.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper, containing instructions in French and English on how to vote.

3.9 “Place of voting” means a place where one or more polling stations are located.

3.10 “Computerized list of electors” means a list containing the name, date of birth, sex, address, polling subdivision and line number of each elector, which must be accessible on-screen and using a printer and must be in alphabetical order by elector name, thoroughfare and polling subdivision.

3.11 “Card containing a bar-code” means the notice provided for in section 198.1 of the Election Act, on which a bar-code and the name and address of the elector are printed as they appear on the list of electors produced once the order instituting the election has been issued.

#### 4. ELECTION

For the by-election to be held in the electoral division of Blainville, following the resignation on 27 June 2001 of Madam Céline Signori, the computer equipment and electronic ballot boxes of the firm PG Élections inc. shall be used.

#### 5. SECURITY MECHANISMS

The polling station computers and electronic ballot boxes used must include the following security mechanisms:

##### 5.1 Polling station computers

The list of electors for a place of voting must correspond to the data provided by the chief electoral officer. Access to the computers at a place of voting must be secured by a password.

##### 5.2 Electronic ballot boxes

A report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day.

A verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation.

The electronic ballot box must not be placed in “end of election” mode while the poll is still under way.

The compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode.

Each electronic ballot box must be provided with a back-up power source (battery) able to operate for five hours, unless all the electronic ballot boxes are connected to a generator.

#### 6. PROGRAMMING

Each memory card used must be specially programmed by the firm, in order to recognize and tally ballot papers in accordance with the agreement.

#### 7. AMENDMENTS TO THE ELECTION ACT

##### 7.1 Oath

The Election Act is amended by inserting the following section after section 136:

“**136.1.** All the representatives and employees of the firm, and all the representatives and employees of the printer of the ballot papers who help print, count, pack or deliver the ballot papers, must make a sworn statement to the returning officer that they have not supplied ballot papers fitting the same description to any person other than the returning officer.

The representatives of the firm and its employees must swear that the information contained in the list of electors and any other document will remain confidential and will be destroyed at a later date in accordance with the instructions of the chief electoral officer.”.

## 7.2 Notice to electors

Section 198.1 of the said Act is replaced by the following section:

**“198.1.** Not later than the twenty-second day preceding polling day, the firm shall send a notice containing a bar-code to each elector, indicating the information pertaining to that elector shown on the list of electors, in accordance with the model determined by the chief electoral officer.

The firm shall send to each address for which no elector’s name is entered, a notice stating that no elector’s name is entered for that address.”.

## 7.3 Withdrawal of a candidate or withdrawal of authorization

Section 257 of the said Act is replaced by the following sections:

**“257.** If the declaration of withdrawal is filed after the expiry of the period for filing nomination papers, and if it is not possible to print new ballot papers, the returning officer shall ensure that the memory card is adjusted so that any votes cast for that candidate before or after the withdrawal are rejected. The deputy returning officer shall, when handing a ballot paper to an elector, strike out the name of the candidate or candidates who have withdrawn without touching the circle next to the name, and shall advise the elector that one or more candidates have withdrawn.

**257.1.** If a party’s authorization is withdrawn, the returning officer shall ensure that the memory card is adjusted so that no electronic ballot box considers the party whose authorization is withdrawn. The deputy returning officer shall, when handing a ballot paper to an elector, strike out the name of the political party and advise the elector accordingly.”.

## 7.4 Verification of computers at places of voting and of electronic ballot boxes

The said Act is amended by inserting the following Division after Division I of Chapter V of Title IV:

### **“DIVISION I.1 VERIFICATION OF COMPUTERS AT PLACES OF VOTING AND OF ELECTRONIC BALLOT BOXES**

**261.1.** The returning officer and the persons appointed for that purpose, if any, shall, at the time considered expedient by the returning officer but not later than immediately prior to the opening of the polling stations

on the first day of advance polling and immediately prior to the opening of the polling stations on polling day, in the presence of the representative of the firm and, where applicable, the representatives of the candidates, verify for each place of voting that each computer contains the list of electors for that place. The returning officer must, in particular,

(1) search for an elector’s name using a card with a bar-code;

(2) search for an elector’s name using the keyboard, either by name or by address;

(3) indicate to the computer that a certain number of electors have voted and ensure that each computer at the place of voting displays “has voted” beside the name of the electors concerned;

(4) print the list of electors who have voted, in a non-cumulative way, by elector line number and polling subdivision, and ensure that the result complies with the data entered in the computer.

**261.2.** The returning officer and the persons appointed for that purpose, if any, shall, at the time considered expedient by the returning officer but not later than immediately prior to the opening of the polling stations on the first day of advance voting and immediately prior to the opening of the polling stations on polling day, test the electronic ballot boxes to ensure that they tally the number of votes cast accurately and precisely, in the presence of a representative of the firm and, where applicable, the representatives of the candidates.

**261.3.** During the testing of the electronic ballot boxes, adequate security measures must be taken by the firm to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The firm must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

**261.4.** The returning officer shall conduct the test performing the following operations.

(1) Marking the memory card with the returning officer’s initials and inserting it into the electronic ballot box.

(2) Inserting into the electronic ballot box a predetermined number of ballot papers, previously marked and tallied manually. The ballot papers shall include

(a) a pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a pre-determined number of ballot papers that are not correctly marked;

(c) a pre-determined number of ballot papers marked to indicate a vote for more than one candidate;

(d) a pre-determined number of blank ballot papers;

(e) a pre-determined number of ballot papers on which the polling subdivision is not identified;

(f) a pre-determined number of ballot papers on which more than one polling subdivision is identified.

(3) Placing the electronic ballot box in “election” mode and ensuring that the results compiled by the electronic ballot box are consistent with the manually-compiled results.

(4) Once the test has been successfully completed, resetting the memory card to zero and sealing it; the returning officer and the representatives who wish to do so shall note the number entered on the seal.

(5) Placing the tabulator in the travel case and placing a seal on it; the returning officer and the representatives who so wish shall note the number entered on the seal.

(6) Where an error in the compilation of the results by the electronic ballot box is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until a perfect compilation of results is obtained. Any error or discrepancy shall be noted in the test report.

(7) The returning officer may not change the programming for the scanning of the mark in a circle without supervision from the firm and, where applicable, the presence of the representatives of the candidates.”.

### 7.5 Advance polling

Sections 268 and 269 of the said Act are replaced by the following sections :

“**268.** At the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book :

(1) the number of ballot papers received from the returning officer;

(2) the number of electors who were given a ballot paper;

(3) the number of spoiled or cancelled ballot papers and the number of unused ballot papers;

(4) the names of the persons who have performed duties as election officers.

The deputy returning officer shall place in separate envelopes the spoiled or cancelled ballot papers, the unused ballot papers, the forms, and the poll book. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes shall be given to the senior deputy returning officer for deposit in one of the transfer boxes reserved for that purpose.

At the end of each day of advance polling, the deputy returning officer shall print out a list of the electors who have voted and give the list to the returning officer.

**268.1.** When ballot papers are to be transferred in a transfer box, the senior deputy returning officer, in the presence of the candidates or of their representatives who wish to do so, shall open the recipient of the electronic ballot box and place the ballot papers from the recipient in one or more transfer boxes, which the deputy returning officer shall seal. The senior deputy returning officer, the assistant to the senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

The senior deputy returning officer shall then give the transfer boxes to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the boxes containing the ballot papers until the results of the advance poll have been compiled.

**269.** Immediately before the time fixed for the opening of the polling station on the second day, the senior deputy returning officer, before the persons present, shall open the transfer boxes and give each deputy returning officer the poll books, the envelopes containing unused ballot papers and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled or cancelled ballot papers from the first day shall remain in the transfer boxes, that the senior deputy returning officer shall then seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the paper copy of the list of electors for the place of voting.

At the close of the second day of advance polling, the senior deputy returning officer, the returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box and place it in an envelope, seal the envelope, place it in a transfer box and seal the box.

The spoiled or cancelled ballot papers from the second day shall be placed in separate sealed envelope. They shall also be placed in a sealed transfer box.

The senior deputy returning officer, the assistant to the senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

The returning officer shall have custody of the transfer boxes until the results of the advance poll have been compiled.”

Section 271 of the said Act is repealed.

Section 272 of the said Act is replaced by the following section:

“**272.** From 8:30 p.m. on polling day, the senior deputy returning officer and the assistant to the senior deputy returning officer designated by the returning officer shall print out the results of all the advance polling stations, as compiled by the electronic ballot box, in the presence of the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required. Among other things, the print-out shall not take polling subdivisions into account.”

#### 7.6 Mobile polling station

The said Act is amended by inserting the following sections after section 292:

“**292.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.

**292.2.** The returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box. The representatives of the candidates may be present.”

#### 7.7 Place of voting, polling station

Section 302 of the said Act is replaced by the following section:

“**302.** Each place of voting shall have the number of polling stations determined by the chief electoral officer after consulting the returning officer. At least one polling station must be established for each group of approximately 750 electors.

A computer link may be established between the polling stations for an elector to be able to vote at the first polling station that becomes available.”

#### 7.8 Booths

The said Act is amended by inserting the following section after section 302:

“**302.1.** Each place of voting shall have the number of polling booths determined by the returning officer.”

#### 7.9 Election officers

Section 308 of the said Act is amended by replacing the word “Deputy” by the words “Senior deputy returning officers, assistants to senior deputy returning officers, deputy”.

#### 7.10 Senior deputy returning officer and assistant to the senior deputy returning officer

Section 310 of the said Act is amended by adding the following paragraphs:

“For each electronic ballot box, the returning officer shall appoint a senior deputy returning officer and an assistant to the senior deputy returning officer.

The senior deputy returning officer shall be appointed on the recommendation of the authorized party whose candidate came first at the last election.

The assistant to the senior deputy returning officer shall be appointed on the recommendation of the candidate of the authorized party whose candidate came second at the last election.

The senior deputy returning officer and the assistant to the senior deputy returning officer shall be remunerated in accordance with the tariff established by the chief electoral officer.”.

#### 7.11 Officer assigned to the list of electors

Section 310.1 is replaced by the following section :

“**310.1.** The returning officer shall, for each polling station, appoint an officer assigned to the list of electors. The officers assigned to the list of electors shall be recommended alternately by the candidate of the authorized party whose candidate came first at the last election and by the candidate of the authorized party whose candidate came second at the last election.”.

#### 7.12 Duties of deputy returning officer

Section 314 of the said Act is replaced by the following section :

“**314.** The deputy returning officer shall have the following duties in particular :

- (1) to see to the arrangement of the polling station ;
- (2) to see that the polling is properly conducted and maintain order ;
- (3) to facilitate the exercise of the right to vote and ensure that voting is secret ;
- (4) to receive cards containing bar-codes from electors and locate the electors on the computerized list of electors or, if the electors do not have a card containing a bar-code, locate the electors using a keyboard search ;
- (5) to receive proof of identity from electors ;
- (6) to give electors a ballot paper, confidentiality sleeve and pencil to exercise their right to vote ;

(7) to receive from electors any ballot papers that are refused by the tabulator and give the electors another ballot paper, and to record the occurrence in the poll book ;

(8) to enter “has voted” on screen beside the name of each elector who has been given a ballot paper.”.

#### 7.13 Duties of the poll clerk

Section 315 of the said Act is replaced by the following section :

“**315.** The poll clerk shall have the following duties in particular :

- (1) to enter in the poll book the particulars relating to the conduct of the polling ;
- (2) to enter “has voted” on the paper copy of the list of electors against the name of each elector who has been given a ballot paper by the deputy returning officer ;
- (3) to assist the deputy returning officer.”.

#### 7.14 Duties of officers assigned to the list of electors

Section 315.1 of the said Act is replaced by the following section :

“**315.1.** The officers assigned to the list of electors at each polling station shall have, in particular, the duty of updating the list of electors who have voted and, in the event of a breakdown of the computer system, informing the poll runners, in accordance with the directives of the chief electoral officer, as to the electors who have exercised their right to vote.”.

#### 7.15 Duties of the senior deputy returning officer and the assistant to the senior deputy returning officer

The said Act is amended by inserting the following sections after section 315 :

“**315.0.1.** The senior deputy returning officer shall have the following duties in particular :

- (1) to see to the installation and preparation of the electronic ballot box ;
- (2) to ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box ;



(3) to facilitate the exercise of the right to vote and ensure that voting is secret;

(4) to ensure that the electronic box functions correctly;

(5) when a ballot paper has been refused by the tabulator, to ask the elector to return to the polling booth, mark all the circles and go to the polling station accompanied by an assistant to the senior deputy returning officer in order to obtain another ballot paper;

(6) to print out the results compiled by the electronic ballot box at the closing of the poll;

(7) to complete a statement of reconciliation of the ballot papers, transfer the results to a computer terminal, and print them out;

(8) give the returning officer, or the person designated by the returning officer, at the closing of the poll, the results compiled by the electronic ballot box and the closing reports of the polling stations;

(9) to place the ballot papers contained in the recipient of the electronic ballot box in the transfer boxes, seal the boxes and give them to the returning officer or to the person designated by the returning officer;

(10) to advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

**315.0.2.** The assistant to the senior deputy returning officer shall have the following duties in particular:

(1) to assist the senior deputy returning officer in the performance of the latter's duties;

(2) to receive any elector referred by the senior deputy returning officer;

(3) to verify the polling booths in the place of voting.”.

**7.16** Poll runners and forwarding by electronic means of the list of electors who have voted

Section 318 of the said Act is replaced by the following section:

“**318.** The list of those electors who have already exercised their right to vote may be collected by one of the following means:

(1) the candidate may designate, on polling day, for each place in which polling stations are established, a person with a power of attorney to collect the list of electors who have already exercised their right to vote. The person may be the person designated by the candidate as a representative before the officer in charge of information and order. The poll runner shall collect the list of electors who have already exercised their right to vote from the deputy returning officer of the polling station designated by the returning officer. In the event of a breakdown of the computer system, the poll runner shall collect the list from the officer assigned to the list of electors of each polling station;

(2) the candidate may give to the returning officer the e-mail address to which the candidate wishes the list of electors who have already exercised their right to vote to be forwarded. The list shall be forwarded for each place of voting, in a non-cumulative way, at the following intervals: every hour during the first five hours of the poll and every half-hour thereafter. The e-mail address must be given to the returning officer in writing not later than the third day before polling day.”.

**7.17** Ballot paper and confidentiality sleeve

Section 320 of the said Act is replaced by the following section:

“**320.** The returning officer shall cause ballot papers to be printed in accordance with the model provided in the Schedule to this agreement.

The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person.”.

Section 321 of the said Act is replaced by the following section:

“**321.** The paper or cardboard necessary for the printing of the ballot papers shall be provided by the firm that supplies the electronic ballot boxes.”.

Section 322 of the said Act is repealed.

Section 323 of the said Act is repealed.

The said Act is amended by inserting the following sections after section 323:

“**323.1.** The ballot papers shall have, on their face, as in the model provided in the Schedule:

(1) the name of the electoral division;

(2) the words “by-election” and the date of the poll ;

(3) the surname and given name of each candidate and the candidate’s political allegiance, if any ;

(4) alignment marks for the optical viewers.

The ballot papers shall have, on their back, as in the model provided in the Schedule :

(1) a space reserved to the initials of the deputy returning officer ;

(2) the name and address of the printer ;

(3) alignment marks for the optical viewers.

The ballot papers must include a space for the identification of the elector’s polling subdivision.

**323.2.** The returning officer shall see that a sufficient number of confidentiality sleeves are available. The confidentiality sleeve must be sufficiently opaque to ensure that no mark made on the ballot paper can show through.”.

#### 7.18 Number of electronic ballot boxes

Section 325 of the said Act is replaced by the following section :

“**325.** The returning officer must ensure that a sufficient number of electronic ballot boxes are available at each place of voting, and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipient and transfer boxes are available for each electronic ballot box.”.

Section 326 of the said Act is repealed.

#### 7.19 Provision of polling materials

Section 327 of the said Act is replaced by the following section :

“**327.** Within three days before the polling, the returning officer shall give the deputy returning officer

(1) a poll book ;

(2) the required number of ballot papers in a sealed enveloped bearing the returning officer’s initials ;

(3) the forms and other necessary documents for the poll.”.

#### POLLING PROCEDURE

##### 7.20 Presence at the polling station

Section 328 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**328.** The officer in charge of information and order, the senior deputy returning officer, the assistant to the senior deputy returning officer, the deputy returning officer, the officer assigned to the list of electors and the members of the identity verification panel shall be present at the polling station one hour before the opening of the poll.”.

##### 7.21 Examination of the electronic ballot box and polling materials

Section 329 of the said Act is amended by replacing “ballot box and examine the documents found in it” by “box and the envelopes and examine the documents found in them”.

The said Act is amended by inserting the following sections after section 329 :

“**329.1.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the place of voting. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall show the report to any person present who wishes to examine it, and shall keep it in the envelope provided for that purpose.

The senior deputy returning officer shall examine the documents and material provided by the returning officer.

**329.2.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

Section 332 of the said Act is replaced by the following section :

“**332.** Immediately before the hour fixed for the opening of the poll, the senior deputy returning officer, before the assistant to the senior deputy returning officer, the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer, the assistant to the senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

#### 7.22 Presentation of the card containing a bar-code and statement by elector

Section 337 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**337.** Each elector in possession of a card containing a bar-code shall present it to the deputy returning officer, and shall state his name and address and, if required, his date of birth to the deputy returning officer and poll clerk.”.

#### 7.23 Initialling of ballot papers, identification of polling subdivision and entry on computerized list of electors

Section 341 of the said Act is replaced by the following section :

“**341.** The deputy returning officer shall give a ballot paper to each elector admitted to vote, after initialling the ballot paper in the space reserved for that purpose and filling in the circle corresponding to the elector’s polling subdivision, as well as a confidentiality sleeve. The deputy returning officer shall also give the elector a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper in the confidentiality sleeve after having voted.

When giving an elector a ballot paper, the deputy returning officer shall indicate on screen that the elector has voted. The poll clerk shall do likewise on the paper copy of the list of electors.”.

#### 7.24 Voting

Section 342 of the said Act is replaced by the following section :

“**342.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper opposite the name of the candidate for whom the elector wishes to vote.

The elector shall insert the ballot paper, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

#### 7.25 Following the vote

Section 343 of the said Act is replaced by the following section :

“**343.** After marking the ballot paper and inserting it in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper in the electronic ballot box without removing it from the confidentiality sleeve.”.

#### 7.26 Automatic acceptance

The said Act is amended by inserting the following sections after section 343 :

“**343.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper inserted that has been given by the deputy returning officer to an elector.

**343.2.** If a ballot paper becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall unblock the tabulator and restart the electronic ballot box.

The senior deputy returning officer must report the time during which voting was stopped to the returning officer and to a deputy returning officer, who shall mention that fact in the poll book.”.

Section 344 of the said Act is repealed.

#### 7.27 Cancelled ballot paper

Section 345 of the said Act is replaced by the following section :

“**345.** The senior deputy returning officer shall prevent the insertion in the electronic ballot box of any ballot paper initialled by a person other than a deputy returning officer of the polling station, or that is not initialled. The elector must return to the polling station from which the ballot paper was received.

The deputy returning officer of the polling station concerned shall, if the ballot paper is not initialled, initial it before the persons present, provided that the ballot paper appears to be a ballot paper given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to place the ballot paper in the electronic ballot box.

If the ballot paper has been initialled by a person other than a deputy returning officer, or if the ballot paper is not a ballot paper given to the elector by the deputy returning officer, the deputy returning officer of the polling station concerned shall not give the elector a new ballot paper.

The occurrence shall be recorded in the poll book.”.

#### 7.28 Person with visual impairment

Section 348 of the said Act is replaced by the following section :

“**348.** At the request of a person with a visual impairment, the deputy returning officer must provide that person with a template supplied by the firm to allow the person to vote without assistance. The deputy returning officer shall set up the template and the ballot paper, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot paper and the information given under their name, if any.

The senior deputy returning officer shall help the elector insert the ballot paper in the electronic ballot box.”.

#### COMPILATION OF RESULTS AND ADDITION OF VOTES

##### 7.29 Compilation of results

Sections 360 and 361 of the said Act are replaced by the following sections :

“**360.** After the close of the poll, the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall place the electronic ballot box in “close of poll” mode and print the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the place of voting may be present.

The ballot papers on which the polling subdivision has not been identified in accordance with section 341 of this Act, or on which more than one polling subdivision has been indicated, must be counted as part of a polling subdivision provided for that purpose.

**361.** After the close of the poll, the poll clerk shall enter the following information in the poll book :

(1) the number of ballot papers received from the returning officer ;

(2) the number of electors admitted to vote ;

(3) the number of spoiled or cancelled ballot papers and the number of unused ballot papers ;

(4) the names of the persons who have performed duties as election officers.”.

##### 7.30 Rejected ballot papers

The said Act is amended by inserting the following section after section 361 :

“**361.1.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

(1) has not been marked in favour of a candidate ;

(2) has been marked in favour of more than one candidate ;

(3) has been marked in favour of a person who is not a candidate.

No ballot paper shall be rejected because the polling subdivision has not been identified or because more than one polling subdivision has been identified.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot papers presented, in other words both the valid ballot papers and the rejected ballot papers, except any ballot papers that have been refused.”.

##### 7.31 Tally sheet

Section 362 of the said Act is repealed.

##### 7.32 Examination of ballot papers

Section 363 of the said Act is repealed.

### 7.33 Rejected ballot papers, procedural omission and valid ballot papers

Sections 364 and 365 of the said Act, adapted as required, shall apply only in the case of a judicial recount.

### 7.34 Contested validity

Sections 366 and 366.1 of the said Act are replaced by the following section:

**“366.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the poll in respect of the validity of the results following the printing of the results recorded by an electronic ballot box.”.

### 7.35 Poll closing report, report of results, and copy given to candidates' representatives

Section 367 of the said Act is replaced by the following sections:

**“367.** The deputy returning officer shall draw up the closing report for the polling station, setting out

- (1) the number of ballot papers received from the returning officer;
- (2) the number of spoiled or cancelled ballot papers;
- (3) the number of unused ballot papers.

The deputy returning officer shall make several copies of the report, including a copy that must be given to the senior deputy returning officer.

**367.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered in the report on the results compiled by the electronic ballot box and the total number of unused, spoiled or cancelled ballot papers entered in the closing report for each polling station correspond to the total number of ballot papers given out by the returning officer.

**367.2.** The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer and before the persons present, shall withdraw the memory card from the electronic ballot box and, using the computer terminal of a polling station, proceed to print out a sufficient number of copies of the results report indicating the total number of ballot papers, the number of rejected ballot papers and the number of valid ballot papers for each polling subdivision.

The senior deputy returning officer shall immediately give a copy of the report to the representatives present. The senior deputy returning officer shall insert a copy of the report, together with the memory card, in an envelope and, in the presence of the assistant to the senior deputy returning officer, seal the envelope, initial it, allow the assistant to the senior deputy returning officer to initial it, and place it in a transfer box.”.

### 7.36 Separate, sealed and initialled envelopes given to the returning officer

The said Act is amended by inserting the following sections after section 367.2:

**“367.3.** After the close of the poll, each deputy returning officer shall place in separate envelopes the poll book, the forms, the spoiled or cancelled ballot papers, the unused ballot papers and the closing report of the polling station. Each deputy returning officer shall seal the envelopes, place them in a large envelope, seal it, and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling who wish to do so, shall initial the seals.

**367.4.** After the results compiled by the electronic ballot box have been printed, and where the ballot papers are to be transferred in a transfer box, the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer and the representatives who wish to be present, shall place the ballot papers from the recipient of the electronic ballot box in one or more envelopes that the senior deputy returning officer shall then seal and initial. The senior deputy returning officer shall allow the assistant to the senior deputy returning officer to initial the seal or seals, as well as any representatives who wish to do so.

The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall place the envelope or envelopes in a transfer box.

The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall place the large envelope received from the deputy returning officers in a transfer box, together with the envelope containing the zero display report produced at the initialization of the electronic ballot box.

The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall seal and initial the transfer boxes, and allow the assistant and any representatives who wish to do so to initial the boxes, and shall give the boxes to the returning officer.

**367.5.** The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall place in an envelope a copy of the report from the electronic ballot box and a copy of the result report. The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall then seal an initial the envelope, allow the assistant to initial it, and shall give the envelope to the returning officer.

The representatives may initial the seal.”.

Section 368 of the said Act is repealed.

#### 7.37 Closing of the ballot box

Section 369 of the said Act is repealed.

#### 7.38 Sending of transfer boxes to returning officer

Section 370 of the said Act is replaced by the following section :

“**370.** The senior deputy returning officer shall give the transfer boxes and all the envelopes received from the deputy returning officers to the returning officer or the person designated by the returning officer to receive them.”.

#### 7.39 Addition of votes

Section 372 of the said Act is replaced by the following section :

“**372.** The returning officer shall proceed with the addition of the votes using the overall statements of votes drawn up by each senior deputy returning officer.”.

#### 7.40 Adjournment of the addition of votes

Section 373 of the said Act is replaced by the following section :

“**373.** A returning officer who is unable to obtain an overall statement of votes shall adjourn the addition of votes until it can be obtained.

Where it is impossible to obtain an overall statement of votes, or the printed report of results compiled by an electronic ballot box, the returning officer shall, in the presence of the assistant to the senior deputy returning officer and the candidates concerned or of their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

#### 7.41 Placing in envelope

The said Act is amended by inserting the following section after section 373 :

“**373.1.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope and return it to the transfer box, and then seal the box.

The deputy returning officer, the candidates and the representatives present may initial the seals.”.

#### 7.42 New summary counting

The said Act is amended by inserting the following section after section 373.1 :

“**373.2.** Where it is not possible to print a new report of the results compiled using the memory card, the deputy returning officer may apply for a judicial recount of the ballots counted by the electronic ballot box or ballot boxes concerned.”.

#### 7.43 Use of electronic ballot boxes or computers at polling station impossible

The said Act is amended by inserting the following section after section 376 :

“**376.1.** If it becomes impossible to use the electronic ballot boxes or the computers of the polling stations, the firm must provide for and use an alternative system. More specifically, all the necessary replacement materials must be available, including ballot boxes, templates and anything else required for the poll. In such a case, the Election Act (R.S.Q., c. E-3.3) shall apply, adapted as required.”.

#### 7.44 Election return

Section 381 of the said Act is replaced by the following section :

“**381.** The chief electoral officer shall, as soon as possible after the election, publish a detailed return of the election containing, in particular, the results for each polling subdivision.

The chief electoral officer shall forward the return to the Secretary General of the National Assembly.”.

#### 7.45 Application for a recount

Section 382 of the said Act is replaced by the following section:

“**382.** Any person having reasonable grounds to believe that an electronic ballot box has unlawfully counted or rejected ballot papers may apply for a judicial recount of the votes.”.

#### 7.46 Access to ballot papers

The said Act is amended by inserting the following section after section 570:

“**570.1.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the chief electoral officer and the person responsible for providing access to the documents held by the chief electoral officer may not issue a copy of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or magistrate.”.

#### 7.47 Examination of rejected ballot papers

The said Act is amended by inserting the following section after section 570.1:

“**570.2.** Within 60 days from the day on which an election is declared or contested, the chief electoral officer must, at the request of an authorized political party represented in the National Assembly, examine the rejected ballot papers to ascertain the grounds for rejection. The chief electoral officer must verify the ballot papers contained in the transfer boxes.

The chief electoral officer must notify the candidates or their representatives that they may be present at the examination. The representative of the firm that supplied the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants. The programming parameters for rejecting ballot papers must be disclosed to the participants by the firm that supplied the electronic ballot boxes.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the chief electoral officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.”.

#### 7.48 Discretion of the chief electoral officer upon observing an error, emergency or exceptional circumstance

Section 490 of the said Act is replaced by the following section:

“**490.** If, during the election period, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision of this Act does not meet the demands of the resultant situation, the chief electoral officer may adapt such provision in order to achieve its object.

However, the chief electoral officer shall first inform the authorized parties represented in the National Assembly of the decision the chief electoral officer intends to make and shall use all necessary means to inform the other authorized parties, the candidates and the electors concerned of the decision taken.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to this section. The President shall table the report in the National Assembly within 30 days of having received it or, if the National Assembly is not sitting, within 30 days of resumption.”.

### 8. APPLICATION OF AGREEMENT

The chief electoral officer and the returning officer are responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of new voting procedures.

### 9. ASSESSMENT REPORT

Within 60 days following the holding of the by-election, the chief electoral officer and the returning officer shall forward to the leaders of the political parties represented in the National Assembly a report addressing, in particular, the following issues:

- the preparations for the election (choice of new voting procedures, communications plan, etc.);
- the conduct of the advance poll and the poll;

— the cost of using the electronic voting system :

- the cost of adapting election procedures ;
- a comparison between the polling costs using the new voting procedures and the polling costs using a traditional poll in the same electoral division ;

— the number and duration of incidents during which voting was stopped, if any ;

— the advantages and disadvantages of using the new voting procedures ;

— the results obtained during the counting of the votes and the correspondence between the number of ballot papers given out to the deputy returning officers and the number of ballot papers returned used and unused ;

— a survey of rejected ballot papers, if the survey has been completed.

#### 10. APPLICATION OF ELECTION ACT

The Election Act (R.S.Q., c. E-3.3) applies in the electoral division of Blainville for the by-election covered by this agreement, subject to the provisions of that Act that are amended or replaced by this agreement.

#### 11. EFFECT OF AGREEMENT

This agreement takes effect on the date of the order-in-council requiring the Chief Electoral Officer to institute a by-election in the electoral division of Blainville.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED FOUR DUPLICATES OF THIS AGREEMENT,

AT \_\_\_\_\_, on \_\_\_\_\_ 2001

\_\_\_\_\_  
BERNARD LANDRY,  
*Leader of the Parti Québécois*

AT \_\_\_\_\_, on \_\_\_\_\_ 2001

\_\_\_\_\_  
JEAN CHAREST,  
*Leader of the Québec Liberal Party*

AT \_\_\_\_\_, on \_\_\_\_\_ 2001

\_\_\_\_\_  
MARIO DUMONT,  
*Leader of the Action démocratique du Québec*

AT \_\_\_\_\_, on \_\_\_\_\_ 2001

\_\_\_\_\_  
MARCEL BLANCHET,  
*Chief Electoral Officer of Québec*



**SCHEDULE**

**BALLOT PAPER**

**Electoral Division of Blainville**  
By-election held on 25 August 2001

	Candidate ONE Political party	<input type="radio"/>
	Candidate TWO Political party	<input type="radio"/>
	Candidate THREE Political party	<input type="radio"/>
	Candidate FOUR Political party	<input type="radio"/>
	Candidate FIVE Political party	<input type="radio"/>
	Candidate SIX Political party	<input type="radio"/>
	Candidate SEVEN Political party	<input type="radio"/>



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## Draft Regulations

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### Draft Regulation

Courts of Justice Act  
(R.S.Q., c. T-16)

#### Supplementary benefits plan for judges — Amendment

Amendment to the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Act Courts of Justice Act

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the amendment to the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act, 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 determine the contributions paid by municipalities to the Supplementary benefits plan for municipal court judges covered by the pension plan established under Part VI of the Courts of Justice Act, which is based on the result of the last actuarial valuation of the supplementary benefits plan.

To date, study of the matter has shown no impact on the public, businesses and small and medium-sized businesses.

Further information may be obtained by contacting Mr. Serge Birtz, secretary and director of legal affairs, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, Québec (Québec) G1R 5X3; tel. (418) 644-4524, fax: (418) 644-0265.

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 Mr. Luc Bessette, Chairman of the Commission administrative des régimes de retraite et d'assurances, at the above-mentioned address.

SYLVAIN SIMARD,  
*Minister of State for Administration  
and the Public Service, Minister  
for Administration and the Public Service  
and Chairman of the Conseil du trésor*

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### Amendment to the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act\*

Courts of Justice Act  
(R.S.Q., c. T-16, s. 122.3; 2001, c. 8, s. 33)

1. Section 16.1 of the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act is amended by substituting “22.78%” for “20.47%”

2. This Order in Council has effect since 1 January 1997.

4531

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\* The Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act, made by Order in Council 326-93 dated 17 March 1993 (1993, G.O. 2, 1949), was last amended by Order in Council 1477-95 dated 15 November 1995 (1995, G.O. 2, 3208). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.



## Decisions

### Decision

Election Act  
(R.S.Q., c. E-3.3)

#### Chief Electoral Officer — Application of section 3 of the Act

Decision of the Chief Electoral Officer pursuant to the powers conferred by section 490 of the Election Act with regard to the application of section 3

WHEREAS Order in Council 985-2001, dated 29 August 2001, orders the Chief Electoral Officer to institute by-elections on Monday, October 1, 2001, in the electoral divisions of Blainville, Jonquière, Labelle and Laviolette;

WHEREAS section 3 of the Election Act (R.S.Q., c. E-3.3) provides that electors who have left their domicile temporarily to ensure their safety or the safety of their children may avail themselves of the provisions of the said section;

WHEREAS the said section entitles electors to be considered to be domiciled in the place where they reside, for the purposes of the said section, rather than in the place of their domicile;

WHEREAS the procedure provided for in the Act for the application of the said section prescribes that electors must file an application with a board of revisers, stating the address at which they are residing temporarily and enclosing a document on which their name and that address appear;

WHEREAS the address of the temporary residence of the electors in the situation described above must remain confidential for obvious reasons of safety, and whereas the electors are therefore unable to present a document on which that address appears;

WHEREAS the general provisions of the Act that apply in cases of revision are not adapted to the situation described herein, and do not allow the purpose of section 3 to be achieved;

WHEREAS the solution implemented must be such that it does not allow for identification of the situation in which the electors find themselves;

WHEREAS for the same reasons sections 337 and 338 concerning the exercise of the right to vote must be adapted;

WHEREAS section 490 of the Election Act empowers the Chief Electoral Officer to adapt a provision of the Act in exceptional circumstances;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to apply the provisions of section 490;

The Chief Electoral Officer, by virtue of the powers conferred by section 490 of the Election Act, has decided to adapt the provisions of section 3, 202 and 206, 337 and 338 of the said Act as follows:

1. Electors who have left their domicile to ensure their safety or the safety of their children and who wish to vote in a polling subdivision other than the polling subdivision of their domicile may obtain a special authorization to vote from the returning officer of the electoral division in which they reside temporarily.

2. The electors must file an application with the returning officer of the electoral division in which they reside temporarily by presenting an identification document including a photograph that indicates their name and date of birth, and by declaring on oath that they have left their domicile for reasons of safety not later than the Wednesday of the week preceding the week of the poll.

3. The returning officer or deputy returning officer shall ask the electors to complete an application to have the address of their domicile struck off the list temporarily or permanently, according to the wish expressed by the electors.

4. If the electors are domiciled in the electoral divisions of Blainville, Jonquière, Labelle or Laviolette, the address shall be struck off at the office of the returning officer concerned, and shall not be forwarded to a board of revisers.

5. If the electors are domiciled in an electoral division other than the divisions listed in the preceding paragraph, an application to have an address struck off permanently shall be forward to the Chief Electoral Officer for processing.

6. The returning officer or deputy returning officer shall give the electors an authorization to vote at the polling station or, in the Blainville electoral division, the place of voting, specified in the authorization.

7. The electors shall be admitted to vote at the specified polling office or place of voting upon presentation of the authorization issued to them, swearing that they are the elector whose name appears in the authorization and establishing their identity in accordance with the second paragraph of section 337 of the Election Act. The first and third paragraphs of that section shall not apply. Section 338 of the Election Act, adapted as required, shall apply.

8. This decision takes effect on the date of the Order in Council ordering the Chief Electoral Officer to institute by-elections in the electoral divisions of Blainville, Jonquière, Labelle and Laviolette.

Sainte-Foy, September 7, 2001

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MARCEL BLANCHET,  
*Chief Electoral Officer and Chairman of  
the Commission de la représentation électorale*

## Municipal Affairs

Gouvernement du Québec

### **O.C. 1047-2001, 12 September 2001**

Amalgamation of Municipalité des Éboulements and Village de Saint-Joseph-de-la-Rive

WHEREAS each of the municipal councils of Municipalité des Éboulements and Village de Saint-Joseph-de-la-Rive adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS, under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Municipalité des Éboulements and Village de Saint-Joseph-de-la-Rive, on the following conditions:

1. The name of the new municipality shall be “Municipalité des Éboulements”.

As soon as possible after the coming into force of this Order in Council, the provisional council shall contact the Commission de toponymie du Québec in order to have the toponym “Village de Saint-Joseph-de-la-Rive” attributed to the sector of the new municipality that corresponds to the territory of the former Village de Saint-Joseph-de-la-Rive.

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 13 June 2001; that description appears as a Schedule to this Order in Council.

3. The new town shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The territory of Municipalité régionale de comté de Charlevoix comprises the territory of the new municipality.

5. Until the term of the majority of candidates elected in the first general election begins, the new municipality shall be governed by a provisional council made up of nine council members of the former municipalities in office at the time of the coming into force of this Order in Council, that is, five members representing the former Municipalité des Éboulements and four members representing the former Village de Saint-Joseph-de-la-Rive.

The mayor and the councillors on seats 1, 2, 3 and 4 of the former Municipalité des Éboulements shall be the representatives of that former municipality. The mayor and the councillors on seats 1, 3 and 5 of the former Village de Saint-Joseph-de-la-Rive shall be the representatives of that former municipality.

An additional vote shall be allotted, within the provisional council, to the mayor of the former municipality of the council on which there is a vacancy at the time of the coming into force of this Order in Council, as well as for any seat that becomes vacant on the provisional council, after that coming into force and was at that time occupied by a member of the council of that former municipality.

Where one of the mayors' seats is vacant, the votes of the latter shall devolve on the councillor who acted as deputy mayor of the former municipality in question before the coming into force of this Order in Council, except if the councillor's seat is also vacant. In such a case, the votes shall devolve on a councillor chosen by and among the members of the provisional council who were members of the council of the former municipality in question.

6. The mayor of the former Municipalité des Éboulements and the mayor of the former Village de Saint-Joseph-de-la-Rive shall act respectively as mayor and deputy mayor of the new municipality until the last day of half of the period to run between the coming into force of this Order in Council and the day of the first general election, at which moment the roles will be reversed to the moment when the mayor elected in the first general election begins his term. Until that moment, they shall continue to sit on the council of Municipalité régionale de comté de Charlevoix and they shall have the same number of votes as before the coming into

force of this Order in Council. They shall retain the qualities required to act as warden or deputy warden, to take part in any committee and to perform any other duty within that regional county municipality.

7. The majority of members in office at any moment shall constitute the quorum of the provisional council.

8. The first sitting of the provisional council shall be held at the town hall of the former *Municipalité des Éboulements*.

9. The members of the provisional council shall receive the same salary as before the coming into force of this Order in Council and each mayor shall receive the same remuneration that was paid to him as mayor.

10. Linda Gauthier, director general and secretary-treasurer of the former *Municipalité des Éboulements*, shall act as director general and secretary-treasurer of the new municipality. Huguette Verreault, secretary-treasurer of the former *Village de Saint-Joseph-de-la-Rive*, shall act as deputy secretary-treasurer of the new municipality.

11. The first general election shall be held on the first Sunday of December 2001 and the second general election shall be held in 2005.

12. For the first and second general elections and for any by-election held before the third general election, the only persons eligible for seats 1, 2, 3 and 4 shall be the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former *Municipalité des Éboulements* and the only persons eligible for seats 5 and 6 shall be the persons who would be eligible under that Act if such election were an election of the members of the council of the former *Village de Saint-Joseph-de-la-Rive*.

13. The terms and conditions for apportioning the cost of shared services provided for in an intermunicipal agreement in effect before the coming into force of this Order in Council shall apply until the end of the last fiscal year for which separate budgets are adopted.

14. If a budget was adopted by a former municipality for the fiscal year in which this Order in Council comes into force,

(a) that budget shall remain applicable;

(b) expenditures and revenues of the new municipality, for the remaining part of the fiscal year in which this

Order in Council comes into force, shall continue to be accounted for separately on behalf of each former municipality as if the amalgamation had not taken place;

(c) an expenditure recognized by the council of the new municipality as resulting from the amalgamation shall be charged to each of the former municipalities in proportion, for each municipality, to its standardized property value in comparison with the total of the standardized property values of the former municipalities as they appear in the financial statements of those former municipalities for the fiscal year preceding the one during which this Order in Council comes into force; and

(d) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council under paragraph c and financed directly from that amount, shall constitute a reserved amount to be paid into the general fund of the new municipality for the first fiscal year for which the new municipality adopts a budget with respect to all its territory.

15. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be used as follows:

(a) any accumulated surplus shall be allocated to the purposes contemplated;

(b) the excess of an accumulated surplus allocated to actual needs shall be considered an accumulated surplus that was not allocated; and

(c) any accumulated surplus that was not allocated shall be used for the benefit of the sector made up of the territory of the former municipality that accumulated it to carry out public work in that sector, to reduce taxes applicable to all the taxable immovables of that sector or to repay debts charged to all that sector.

16. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall continue to be charged to all the taxable immovables of the sector made up of the territory of that former municipality.

17. As of the first fiscal year for which a budget is adopted by the new municipality with respect to all its territory, all the taxable immovables in the territory of the new municipality shall be subject to the special tax used to repay the loans contracted by the former *Municipalité des Éboulements*, before the coming into force of this Order in Council, under its loan by-law 208 and to repay the amounts owed by that former municipi-



pality under the credit commitment made under its resolution 167-12-97 amended by resolution 43-03-98. The loans and that credit commitment concern respectively the construction of the Maison des loisirs et des jeunes and the purchase of a telephone system for the fire protection service. Any taxation clause related to those loans shall be amended accordingly.

18. In accordance with the taxation clauses of by-laws 199, 215 and 227 of the former Municipalité des Éboulements, only the immovables covered by those clauses shall be subject to the special tax used to repay loans contracted and to be contracted under those by-laws. The loans concern respectively alterations made to the municipal building, the construction of a municipal waterworks and sewer system and urbanisation work, as well as the construction of water supply lines to improve the quality of water and other related work. In the event that the council of the new municipality wishes to amend the special taxes, only the immovables located in the sector made up of the territory of the former Municipalité des Éboulements shall be subject to the special taxes. Moreover, the decisions related to the work ordered by those three by-laws, for the period included between the coming into force of this Order in Council and the day of the third general election, pass to the members representing the territory of the former Municipalité des Éboulements.

In accordance with the taxation clauses of by-law 75-00 of the former Village de Saint-Joseph-de-la-Rive, only the immovables covered by those clauses shall be subject to the special tax used to repay loans contracted and to be contracted under that by-law. The loans concern construction work, that is, on the one hand, the construction of a waterworks, sanitary sewer and waste water treatment system and, on the other hand, the construction of a storm sewer system, road repairs and other related work. In the event that the council of the new municipality wishes to amend the special tax, only the immovables located in the sector made up of the territory of the former Village de Saint-Joseph-de-la-Rive shall be subject to the special tax. Moreover, the decisions related to the work ordered by the by-law, for the period included between the coming into force of this Order in Council and the day of the third general election, pass to the members representing the territory of the former Village de Saint-Joseph-de-la-Rive.

In accordance with the taxation clauses of any other by-law of one of the former municipalities, only the immovables covered by those clauses shall be subject to the special tax used to repay the loans contracted under such a by-law, before the coming into force of this Order in Council. In the event that the council of the new

municipality wishes to amend those special taxes, only the immovables located in the sector made up of the territory of the former municipality that contracted the loan in question shall be subject to the special tax.

Failing that, any available balance of any loan by-law shall be used to pay the annual instalments in principal and interest of those loans or, if the securities were issued for a term shorter than the term originally fixed, to reduce the balance of those loans.

If the available balance is used to pay the annual instalments of the loans, the rate of the tax imposed to pay those instalments shall be reduced so that the revenues of the tax are equal to the balance to be paid once the available balance has been used.

19. For each of the eight full fiscal years following the last one for which the former municipalities adopted separate budgets, a special tax shall be imposed and levied on all the taxable immovables of the sector made up of the territory of the former Municipalité des Éboulements, on the basis of their value as it appears on the assessment roll in effect each year. The rate of that special tax shall be

First year:	\$0.15 per \$100 of assessment;
Second year:	\$0.12 per \$100 of assessment;
Third year:	\$0.09 per \$100 of assessment;
Fourth year:	\$0.07 per \$100 of assessment;
Fifth year:	\$0.05 per \$100 of assessment;
Sixth year:	\$0.03 per \$100 of assessment;
Seventh year:	\$0.02 per \$100 of assessment;
Eighth year:	\$0.01 per \$100 of assessment.

20. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable to its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new municipality, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

21. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, before the coming into force of this Order in Council, shall be charged or credited to all the taxable immovables of the sector made up of the territory of that former municipality. A gain may be dealt with in accordance with section 15 and a debt may be dealt with in accordance with section 16.

22. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF MUNICIPALITÉ DES ÉBOULEMENTS, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE CHARLEVOIX**

The current territory of Municipalité des Éboulements and Village de Saint-Joseph-de-la-Rive, in Municipalité régionale de comté de Charlevoix, comprising, in reference to the cadastre of Paroisse des Éboulements, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of Lot 900; thence, successively, the following lines and demarcations: southeasterly, the northeastern line of the said lot, that line crossing Chemin Saint-Nicolas that it meets; northeasterly, part of the northwestern line of Lot 799 and the northwestern line of lots 800 to 824 and 826 to 829; northerly, part of the western line of Lot 869 and the western line of lots 868, 867, 866 and 865; successively, northeasterly, southeasterly and again northeasterly, part of the broken dividing line between the cadastres of the parishes of Les Éboulements and Saint-Irénée then the extension of the last segment to the centre line of Ruisseau Jureux (shown on the original), that broken line crossing Chemin du Rang Saint-Antoine that it meets in its second segment; in a general easterly direction, the centre line of the said brook downstream to its meeting point

with the northwesterly extension of the northeastern line of Lot 21 of the cadastre of Paroisse des Éboulements; in reference to that cadastre, southeasterly, successively, the said extension, the northeastern line of the said lot and its extension in Lot 1006 to the northwest shore of the St. Lawrence River (southeastern limit of the said lot), that line crossing Route 362 that it meets; in a general southwesterly direction, the northwest shore of the said river to the dividing line between lots 1004 and 1005; in Lot 517, southerly, the extension of the dividing line between the said lots to the low-water mark of the St. Lawrence River (southeastern limit of Lot 517); in a general southwesterly direction, the low-water mark of the said river crossing block 2 to its meeting point with the extension, southerly and in Lot 517, of the dividing line between lots 410 and 413; northerly, the said extension to the northwest shore of the St. Lawrence River; in a general southwesterly direction, the northwest shore of the said river to the dividing line between the cadastres of the parishes of Les Éboulements et Baie-Saint-Paul; in a general northerly direction, part of the broken dividing line between the cadastres of the said parishes to the dividing line between the cadastres of the parishes of Les Éboulements and Saint-Hilarion, that broken line crossing the right-of-way of a railway (Lot 1002 of the cadastre of Paroisse des Éboulements), Route 362 (Rang Saint-Pierre) and Chemin du Rang Sainte-Marie that it meets; finally, successively, northerly and northeasterly, part of the dividing line between the cadastres of the parishes of Les Éboulements and Saint-Hilarion to the starting point, that line crossing Chemin de Saint-Hilarion that it meets.

The said boundaries define the territory of the new Municipalité des Éboulements, in Municipalité régionale de comté de Charlevoix.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Charlesbourg, 13 June 2001

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

E-116/1

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Gouvernement du Québec

## O.C. 1048-2001, 12 September 2001

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Municipalité de Montcerf and Canton de Lytton

WHEREAS each of the municipal councils of Municipalité de Montcerf and Canton de Lytton adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection to the application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS, under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Municipalité de Montcerf and Canton de Lytton, on the following conditions:

1. The name of the new municipality shall be “Municipalité de Montcerf-Lytton”.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 7 May 2001; that description is attached as a Schedule to this Order in Council.

3. The new town shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The territory of the municipality shall be part of the Municipalité régionale de la Vallée-de-la-Gatineau.

5. The new municipality shall be administered by a provisional council composed of all the members of the councils of the former municipalities in office at the time of the coming into force of this Order in Council. An additional vote on the provisional council shall be granted to the mayor or deputy mayor, as the case may

be, of the former municipality on whose council a seat is vacant at the time of the coming into force of this Order in Council, as well as for each seat on the provisional council that is occupied by a council member of that former municipality and becomes vacant after that coming into force.

6. The mayor of the former Municipalité de Montcerf and that of the former Canton de Lytton shall act respectively as mayor and deputy mayor of the new municipality as of the coming into force of this Order in Council until the last day of the month of that coming into force, then their roles shall be reversed for the following month, and so forth in that alternating manner until the mayor elected in the first general election takes office.

Notwithstanding the alternation provided for in the first paragraph, the mayor of the former Municipalité de Montcerf shall remain qualified to act as the warden of the Municipalité régionale de comté de la Vallée-de-la-Gatineau.

A majority of the provisional council's members in office at any time shall constitute the required quorum.

The members of the provisional council shall receive the remuneration and expense allowance to which they were entitled before the amalgamation and both mayors shall receive the remuneration and expense allowance to which they were entitled as mayors of the former municipalities.

7. The first sitting of the provisional council shall be held at 18, rue Principale Nord, on the territory of the former Municipalité de Montcerf.

8. The first general election shall be held on the fourth day of November 2001. The second general election shall be held in 2005.

For the first general election, the council of the new town shall be composed of seven members, that is, a mayor and six councillors.

9. For the first two general elections and any partial election held before the second general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former Municipalité de Montcerf, shall be eligible for seats 1, 3 and 5; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Canton de Lytton shall be eligible for seats 2, 4 and 6.

10. Liliane Crytes, secretary-treasurer of the former Municipalité de Montcerf, shall be the secretary-treasurer of the new municipality. Manon Guilbaut, secretary-treasurer of the former Canton de Lytton, shall act as the deputy secretary-treasurer of the new municipality.

11. If a budget was adopted by a former municipality for the fiscal year in which this Order in Council comes into force,

(1) that budget shall remain applicable;

(2) the expenditures and revenues of the new municipality, for the rest of the fiscal year in which this Order in Council comes into force, shall continue to be accounted for separately on behalf of each of the former municipalities as if no amalgamation had taken place; and

(3) an expenditure recognized by the council of the new municipality as resulting from the amalgamation shall be charged to each of the former municipalities in proportion to the standardized property value of each one in relation to the total standardized property value of the former municipalities, as they appear on the financial statements of the former municipalities for the fiscal year preceding the fiscal year in which this Order in Council comes into force.

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in force before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality to carry out works in the sector, to reduce taxes for all the taxable immovables in the sector or to repay any debt referred to in section 18.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall continue to be charged to all the taxable immovables of the sector made up of the territory of that former municipality.

15. The special tax intended to repay a loan contracted before the coming into force of this Order in Council shall be charged only on the immovables referred to in the taxation clause of that by-law before the

coming into force of this Order in Council and, should the council of the new municipality decide to amend that tax, it may be charged only on immovables located in the sector made up of the territory of the former municipality whose council has adopted the by-law.

Notwithstanding the preceding paragraph, the balance in principal and interest of the loan contracted by the former Municipalité de Montcerf under by-law 112 remains charged to the users of the water supply system in the sector made up of the territory of that former municipality in accordance with the taxation clauses of that by-law.

16. Any subsidy granted for local roads by the Gouvernement du Québec, for the first four years following the coming into force of this Order in Council, for the sector made up of the territory of either of the former municipalities, shall be used only for works on the roads of that sector in the following proportion:

— the subsidy paid for the sector made up of the territory of the former Municipalité de Montcerf shall be used up to 75%;

— the subsidy paid for the sector made up of the territory of the former Canton de Lytton shall be used up to 75%;

— any unused balance shall be paid into the general fund of the new municipality.

17. The new municipality shall undertake to use a portion of the subsidy, up to \$25 0000, paid to it under the Programme d'aide financière au regroupement municipal (PAFREM) for capital expenditures, within 12 months following the coming into force of this Order in Council.

18. Any debt or gain that may result from legal proceedings, for any act performed by a former municipality, shall continue to be charged or credited to all the taxable immovables of the sector made up of the territory of that former municipality.

19. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

20. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable to its territory

by, respectively, a new zoning and subdivision by-law applicable to the entire territory of the new municipality, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

The qualified voters of the entire territory of the new municipality shall approve such a by-law, in accordance with the Act respecting elections and referendums in municipalities.

21. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE MONTCERF-LYTTON, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LA VALLÉE-DE-LA-GATINEAU

The current territory of Canton de Lytton and of Municipalité de Montcerf, in the Municipalité régionale de comté de la Vallée-de-la-Gatineau, comprising in reference to the cadastre of the townships of Egan, Lytton and Mitchell, the lots or parts of lots, blocks of parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, islands, lakes, watercourses of parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the dividing line between ranges 4 and 3 of the cadastre of Canton de Lytton with the northern line of the said cadastre; thence, successively, the following lines and demarcations: southerly, the dividing line between ranges 4 and 3, that line crossing Route 117 and extended across a secondary road that it meets; westerly, part of the dividing line between the cadastres of the townships of Lytton and Egan to the dividing line between ranges 3 and 2 of the cadastres of Canton d'Egan; in reference to that cadastre, southerly, part of the dividing line between the said ranges to the southern line of lot 33 of Rang 3, that line extended across Chemin Bois-Franc-Montcerf that it meets; westerly, successively, the southern line of lot 33 of ranges 3 and 4, that line extended across Chemin de Montcerf that it meets, then part of the southern line of lot 33 of Rang 5 extended to the right bank of Rivière Désert; in a general southerly direction, the right bank of the said river to the mouth of Rivière de l'Aigle; in a general southwesterly direction, the left bank of Rivière de l'Aigle to its meeting point with the western line of the said cadastre; northerly, successively, the western line of the cadastres of the townships of Egan and Lytton; easterly, part of the northern line of the cadastre of Canton de Lytton to

the dividing line between ranges V and IV of Canton de Mitchell; in the latter township, northerly, the dividing line between the said ranges over a length of 3 969.85 metres, that line crossing Route 117 that it meets; in a direction due east, a straight line up to the shore of Baie Mercier of Réservoir Baskatong; easterly, an irregular line passing through the middle of the said bay, the middle of a channel between two strips of land and continuing into Réservoir Bastakong up to the centre line of the former course of Rivière Gatineau; in a general southeasterly direction, the centre line of the former course of the said river to the northern extension of the dividing line between ranges 4 and 3 of the cadastre of Canton de Lytton; finally, southerly the said extension to the starting point, that line crossing Chemin du Barrage-Mercier that it meets.

The said limits define the territory of Municipalité de Montcerf-Lytton, in Municipalité régionale de comté de la Vallée-de-la-Gatineau.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Charlesbourg, 7 May 2001

Prepared by: JEAN-PIERRE LACROIX,  
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M-261/1

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

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