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O.C. 1198-2002, 9 October 2002

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Equalization scheme

Regulation respecting the equalization scheme

WHEREAS, under paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), amended by section 134 of chapter 25 of the Statutes of 2001, the Government may by regulation

(a) prescribe the rules for determining the local municipalities eligible under the equalization scheme provided for in section 261;

(b) prescribe the rules for establishing the standardized property value per inhabitant and the average value of the dwellings situated in the territory of a local municipality;

(c) prescribe the rules for establishing the minimum number of local municipalities in respect of which data must be taken into consideration for the purpose of establishing the median property value and dwelling value referred to in subparagraph *b*;

(d) prescribe the rules for establishing the amount of the sum to which a municipality eligible under the equalization scheme is entitled, which rules may be different in respect of any municipality the Government specifies or any category of municipalities the Government defines;

(e) determine the cases where a municipality loses the right to receive the sum referred to in subparagraph *d*;

(f) designate the person who is to pay the sum referred to in subparagraph *d* and prescribe the terms and conditions of payment;

WHEREAS the Government made the Regulation respecting the equalization scheme by Order in Council 1087-92 dated 22 July 1992;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting the equalization scheme was published in the *Gazette officielle du Québec* of 3 July 2002, on pages 3528 to 3544, with a notice that it could be made by the Government upon the expiry of 45 days following that publication and any interested person could send comments in writing to the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of Municipal Affairs and Greater Montréal before the expiry of the 45-day period;

WHEREAS no comments on the draft Regulation were received before the expiry of the 45-day period;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Regulation respecting the equalization scheme, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the equalization scheme

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 7; 2001, c. 25, s. 134)

DIVISION I
GENERAL AND INTERPRETATION

1. An equalization scheme is hereby established under which the Government shall pay a sum which is computed in accordance with Division III to any local municipality whose eligibility under the scheme is determined in accordance with Division II.

2. For the purposes of this Regulation,

(1) "current fiscal year" means the fiscal year for which it is determined whether or not a local municipality is eligible under the scheme and, where applicable, for which the equalization amount payable is computed;

(2) "year of reference" means the fiscal year for which data are used to determine whether or not a local municipality is eligible under the scheme or to compute, where applicable, the equalization amount payable;

(3) "Act" means the Act respecting municipal taxation (R.S.Q., c. F-2.1), except in the name of an act;

(4) "neutrality amount" means the amount that a local municipality is entitled to receive during a fiscal year that makes the financial consequences of an amalgamation or annexation neutral, under the government program, as related to the application of this Regulation;

(5) "equalization amount" means the amount that a local municipality is entitled to receive for a fiscal year under this Regulation;

(6) "local municipality" means any local municipality to which the Act applies, including a regional county municipality as provided in section 8 of the Act respecting municipal territorial organization (R.S.Q., c. O-9); and

(7) "summary of the municipality for the year of reference" means the form that, according to the Regulation made under paragraph 1 of section 263 of the Act, is filled out with the information included in the summary, relating to the property assessment roll of a local municipality, the production of which is prescribed by that Regulation during the last semester preceding the year of reference.

3. Unless otherwise indicated, where a computation provided for in this Regulation results in a decimal number, the decimal part of the number shall be dropped and the whole number shall be increased by 1 if the first decimal is greater than 4.

Where this Regulation prescribes that the result of a computation must be reduced to a specific number of decimals, the last of those decimals shall be increased by 1 if the following decimal is greater than 4.

DIVISION II
ELIGIBILITY UNDER THE SCHEME

§1. *Conditions of eligibility*

4. Any local municipality in respect of which the following conditions are met for the first fiscal year that precedes the current fiscal year is eligible under the scheme:

(1) its standardized property value per inhabitant established in accordance with Subdivision 2, in the aggregate constituted of the standardized property values per inhabitant that are taken into consideration under Subdivision 4, is less than 90% of the median; and

(2) the average value of the dwellings situated in its territory established in accordance with Subdivision 3, in the aggregate constituted of the average values of the dwellings that are taken into consideration under Subdivision 4, is less than the median.

A municipality in respect of which the dividend or divisor is nil in the division performed to establish the value referred to in the first paragraph is not eligible. No datum related to that municipality shall be taken into consideration to establish a median referred to in that paragraph.

5. A municipality is not eligible, even if the conditions provided for in section 4 are met in its respect, if the Minister of Municipal Affairs and Greater Montréal does not receive, before 1 May of the current fiscal year, the summary of the municipality for the year of reference.

A municipality that, for the first fiscal year preceding the year of reference, had revenues from the application of section 222 of the Act, is not eligible, even if the conditions provided for in section 4 are met in its respect, if the Minister does not receive, before 1 May of the current fiscal year, the financial report of the municipality for that preceding fiscal year.

For the purposes of this Regulation, such a summary or report is deemed not to have been received if it does not comply with the legislative and regulatory provisions that govern the municipality in that matter.

6. Notwithstanding sections 4 and 5, Ville de Chapais, Ville de Matagami and Ville de Schefferville are eligible.

§2. *Standardized property value per inhabitant*

A- General

7. The standardized property value per inhabitant of a local municipality for the year of reference is the quotient obtained by dividing the municipality's standardized property value established for the fiscal year in accordance with section 8 by the population of the municipality for that fiscal year.

The population as it exists on 1 January of the year of reference shall be taken into consideration, with the alterations that take effect on that date or before that date and that are made before 1 May of the current fiscal year.

8. The standardized property value of a local municipality for the year of reference shall be the standardized property value established, considering the second paragraph and subject to section 9, in accordance with Division I of Chapter XVIII.1 of the Act.

The property assessment roll shall be taken into consideration as it exists on the date on which it is reproduced in the summary of the municipality for the year of reference.

B- Standardized aggregate taxation rate of a municipality referred to in section 222 of the Act

9. For the first fiscal year preceding the year of reference and for a municipality that had revenues from the application of section 222 of the Act, the standardized aggregate taxation rate of the municipality established for that preceding fiscal year in accordance with sections 10 and 12 shall be used to determine the capitalization provided for in paragraph 8 of section 261.1 of the Act, on the basis of the certified data in accordance with section 13 rather than the basis of the budgetary data referred to in section 261.4 of the Act.

10. The municipality's standardized aggregate taxation rate for the first fiscal year preceding the year of reference is the quotient obtained by dividing the total of its revenues for the preceding fiscal year, as considered under section 11, by the result of the standardization of the taxable values entered on the property assessment roll of the municipality for that preceding fiscal year.

The quotient obtained shall comprise six decimals.

The standardization of a value entered on the property assessment roll consists in multiplying that value by the factor established in respect of the roll, under section 264 of the Act, for the preceding fiscal year referred to in the first paragraph.

The property assessment roll shall be taken into consideration as it exists on 1 January of that preceding fiscal year, considering the alterations that take effect on that date or before that date and of which the municipality advises the Minister of Municipal Affairs and Greater Montréal, in accordance with section 13, before 1 May of the current fiscal year.

11. For the purposes of establishing the standardized aggregate taxation rate, revenues that are revenues of the municipality for the fiscal year preceding the year of reference and that are derived from the following shall be taken into consideration:

(1) municipal property taxes imposed for that preceding fiscal year; and

(2) non-property taxes, compensations and modes of tariffing that the municipality imposes on any person, for that preceding fiscal year, because such person is the owner, lessee or occupant of an immovable.

Notwithstanding the foregoing, the part of such revenues that is subject to a credit other than the discount granted for early payment shall not be taken into consideration.

Revenues from the following sources shall likewise not be taken into consideration:

(1) the business tax;

(2) any property tax payable under the first paragraph of section 208 of the Act;

(3) any non-property tax, compensation or mode of tariffing payable under the first paragraph of section 257 of the Act;

(4) any non-property tax, compensation or mode of tariffing for providing a municipal service in respect of an immovable belonging to the Crown in right of Canada or one of its mandataries;

(5) the compensation payable under section 205 of the Act; and

(6) the surtax or tax on non-residential immovables.

The part of the revenues from the general property tax established in accordance with section 12, where the municipality has set, under section 244.29 of the Act, for the preceding fiscal year referred to in the first paragraph, a rate specific to the category provided for in section 244.33 of the Act, shall not be taken into consideration.

12. The part of the revenues from the general property tax not taken into consideration for the purposes of establishing the standardized aggregate taxation rate, as referred to in the fourth paragraph of section 11, is the difference obtained by subtracting the second of the following amounts from the first:

(1) the first amount is the total revenues derived from the imposition of the tax on units of assessment belonging to any category provided for in sections 244.33 and 244.34 of the Act; and

(2) the amount to be subtracted is the total revenues derived from the imposition of the tax on the units of assessment referred to in subparagraph 1 of the first paragraph if the basic rate provided for in section 244.38 of the Act were applied, or, where the municipality has set a rate specific to the category provided for in section 244.35 of the Act, the average rate computed in accordance with the second paragraph.

The average rate is obtained by dividing the first of the following amounts by the second:

(1) the dividend is the total revenues that meet the following conditions:

(a) they are derived from the imposition of the tax on units of assessment in respect of which all or part of the basic rate provided for in section 244.38 of the Act or the rate specific to the category provided for in section 244.35 of the Act is used to compute the amount of the tax; and

(b) they result from the application of all or part of a rate referred to in clause *a*; and

(2) the divisor is the total taxable values of the units of assessment referred to in clause *a* of subparagraph 1 of the second paragraph, as determined by taking into account, for a unit in respect of which only a percentage of a rate referred to in that clause is applied, solely the percentage corresponding to its taxable value.

The second and fourth paragraphs of section 10 apply for the purposes of computing the average rate.

13. The clerk of the municipality that, for the first fiscal year preceding the year of reference, had revenues from the application of section 222 of the Act shall certify, in a certificate included in the financial report drawn up for the preceding fiscal year, the value resulting from the capitalization determined under section 9, considering the alterations to the property assessment roll that take effect on 1 January of that preceding fiscal year or before and that are made before the certificate is issued.

Where an alteration taking effect on 1 January of that preceding fiscal year or before is made after the certificate is issued and before 1 May of the current fiscal year and an alteration of the certified value results therefrom, the clerk shall certify the altered value in an altering certificate. The municipality shall send the certificate to the Minister of Municipal Affairs and Greater Montréal before 1 May of the current fiscal year.

If the average rate computed in accordance with the second paragraph of section 12 was used to establish the certified value, the certificate shall also certify the divisor provided for in subparagraph 2 of that paragraph.

§3. *Average value of dwellings*

14. The average value of the dwellings situated in the territory of a local municipality for the year of reference is the quotient obtained by dividing the second of the following amounts by the first:

(1) the divisor is the total dwellings included in the units of assessment taken into consideration under section 15, according to the property assessment roll of the municipality that applies for that fiscal year; and

(2) the dividend is the result of the standardization of the total values determined in accordance with section 16, on the basis of the roll referred to in subparagraph 1 of the first paragraph.

The roll shall be taken into consideration as it exists on the date on which it is reproduced in the summary of the municipality for the year of reference.

The standardization provided for in subparagraph 2 of the first paragraph consists in multiplying the total provided for in that paragraph by the factor established in respect of the property assessment roll of the municipality, under section 264 of the Act, for the year of reference.

15. Units of assessment taken into consideration in the establishment of the average value of the dwellings are those that include at least one dwelling, that are not part of any of classes 9 and 10 provided for in section 244.32 of the Act and that are listed under any of the following headings prescribed by the manual to which the Regulation made under paragraph 1 of section 263 of the Act refers:

(1) "10—Dwellings" and "1211 Mobile home";

(2) "17—Trailer parks and mobile homes", "2-3—MANUFACTURING INDUSTRIES", "4—TRANSPORT, COMMUNICATIONS, PUBLIC SERVICES ", "5—COMMERCIAL" and "6— SERVICES";

(3) "7— CULTURAL AND RECREATIONAL", "81—Agriculture", "831—Commercial forest production" and "9220 Forests not in operation that are not reserves".

However,

(1) a unit of assessment listed under a heading referred to in subparagraph 3 of the first paragraph shall be taken into consideration only if no building included in the unit is classified according to a use different from the use pertaining to the heading under which the unit is listed or, in other cases, if at least one building included in the unit is classified according to the use pertaining to any of the headings referred to in subparagraph 1 of the first paragraph; and

(2) no unit of assessment in respect of which it is impossible to determine a value in accordance with section 16 shall be taken into consideration.

16. The value that is determined in respect of a unit of assessment taken into consideration in the establishment of the average value of dwellings is the taxable value of the unit or, where it is part of any of classes 1A to 8 provided for in section 244.32 of the Act, the result obtained by multiplying the taxable value of the unit by the percentage provided for in section 244.53 of the Act, considering the basic rate, in respect of that class.

However, the expression "taxable value of the unit", in the first paragraph, means

(1) the taxable value of a building or aggregate of buildings included in a unit of assessment, increased by 20%, where the unit does not include any parcel of land and is listed under the heading "1211 Mobile home" or "17—Trailer parks and mobile homes"; or

(2) the taxable value of a building or aggregate of buildings included in a unit of assessment, increased by 20% up to the taxable value of the unit, where that unit includes a parcel of land and is listed

(a) under the headings "17—Trailer parks and mobile homes", "831—Commercial forest production" or "9220 Forests not in operation that are not reserves"; or

(b) under the heading "81—Agriculture", where the unit does not include any agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14).

Notwithstanding the first two paragraphs, for a unit of assessment that includes an operation referred to in clause *b* of subparagraph 2 of the second paragraph and that is not listed under the heading "9220 Forests not in operation that are not reserves", the value that is determined in respect of the unit is the difference obtained by subtracting the taxable value of the operation from the value that would be otherwise determined under the first paragraph.

Notwithstanding the first three paragraphs, for a unit of assessment consisting in particular of a part where the activities referred to in section 244.52 of the Act are performed and another part whose use or purpose pertains to any of the categories referred to in sections 244.35 and 244.37 of the Act, the value that is determined in respect of the unit is the taxable value of the second part.

§4. Median

17. For the purposes of establishing the median, only the standardized property values per inhabitant and the average values of the dwellings established for the year of reference of local municipalities whose summary for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 November of that fiscal year shall be taken into consideration.

18. For a municipality that had revenues from the application of section 222 of the Act for the first fiscal year preceding the year of reference, its standardized property value per inhabitant shall be taken into consideration for the purposes of establishing the median, notwithstanding section 17, only if its financial report for that preceding fiscal year and its summary for the reference year are received by the Minister of Municipal Affairs and Greater Montréal before 1 November of the reference year.

For those purposes only, that date replaces 1 May of the current fiscal year that is referred to in the second paragraph of section 7 and in the fourth paragraph of section 10. The median established is not changed even if, because of an alteration referred to in any of those paragraphs of which the Minister is seized after 31 October of the year of reference and before 1 May of the current fiscal year, any of the values taken into consideration is altered subsequently.

DIVISION III
EQUALIZATION AMOUNT

§1. Basic aliquot share

19. For the purposes of computing the equalization amount, a sum to be apportioned shall be established for the current fiscal year in accordance with section 20 and an aliquot share of that sum shall be computed in respect of each municipality eligible for that fiscal year.

The aliquot share shall be computed by multiplying the sum to be apportioned by the ratio computed in respect of the municipality in accordance with section 21 for the year of reference.

For the purposes of this Subdivision, a municipality referred to in section 6 whose summary for the year of reference is not received by the Minister of Municipal Affairs and Greater Montréal before 1 May of the current fiscal year shall not be taken into consideration.

20. The sum to be apportioned for the current fiscal year is the difference obtained by subtracting from $36 000 000 the total of the neutrality amounts that must be paid during that fiscal year according to the data available on 1 May of that fiscal year.

21. The ratio that is used to compute the aliquot share of a municipality for the current fiscal year is the quotient obtained by dividing the deficiency of the municipality by the total deficiencies of the eligible municipalities established for the year of reference in accordance with section 22.

The quotient obtained shall comprise 11 decimals.

22. The deficiency of a municipality for the year of reference is the product obtained by multiplying, by the population of that municipality considered under the second paragraph of section 7, the difference obtained by subtracting the second of the following amounts from the first:

(1) the first amount is the amount that represents 90% of the median of the standardized property values per inhabitant established for the year of reference in accordance with Subdivision 4 of Division II; and

(2) the amount to be subtracted is the amount that constitutes the standardized property value per inhabitant of the municipality established for the year of reference in accordance with Subdivision 2 of Division II.

If the difference obtained is zero or a negative number, the municipality has no deficiency, no ratio may be computed in its respect in accordance with section 21 and its aliquot share provided for in section 19 is equal to zero.

§2. Computation of the equalization amount

A- Equalization amount of certain northern municipalities

23. Any municipality referred to in section 6 is entitled to receive an equalization amount equal to the higher of the equalization amount to which it was entitled for the 2001 fiscal year and the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the current fiscal year.

If the municipality was not taken into consideration for the purposes of Subdivision 1, the equalization amount shall be equal to the amount to which the municipality was entitled for the 2001 fiscal year.

For the purposes of the first two paragraphs, where the financial report of the municipality for the 2001 fiscal year is not received by the Minister of Municipal Affairs and Greater Montréal before 1 May of the current fiscal year, the equalization amount to which the municipality was entitled for the 2001 fiscal year shall be equal to zero.

Any eligible municipality, from among the group formed by Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect for the current fiscal year in accordance with Subdivision 1.

B- Equalization amount of a municipality not referred to in section 23

24. The equalization amount of an eligible municipality that is not referred to in section 23 shall be the result of the adjustment provided for in section 25 that is made to the aliquot share computed in respect of the municipality, in accordance with Subdivision 1, for the current fiscal year.

25. The adjustment of the aliquot share consists in multiplying the aliquot share by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with section 23 and by the neutrality amounts that must be paid during the current fiscal year according to the data available on 1 May of the current fiscal year shall be subtracted from $36 000 000; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 shall be divided by the total of the aliquot shares that are subject to the adjustment.

The quotient resulting from that division and constituting the adjustment factor shall comprise 11 decimals.

DIVISION IV
LOSS OF ENTITLEMENT TO THE EQUALIZATION AMOUNT

26. Any eligible municipality that, on 1 May of the current fiscal year, is referred to in the list drawn up for the current fiscal year under section 14 or 14.1 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, c. 27) loses its entitlement to receive the equalization amount computed in its respect for that fiscal year.

27. Where the territory of a municipality referred to in section 26 is amalgamated or totally annexed before 1 May of the current fiscal year without the list referred to in that section being amended accordingly before that date, the loss provided for in that section does not apply and the municipality resulting from the amalgamation or that effected the annexation shall receive the equalization amount.

Where such an amalgamation or annexation comes into force after 30 April of the current fiscal year, the loss provided for in section 26 has no effect on the computation of the neutrality amount to which the municipality resulting from the amalgamation or that effected the annexation may be entitled.

28. The sum representing the total equalization amounts to which municipalities lose their entitlement following the application of section 26 shall be apportioned between the other eligible municipalities for the current fiscal year in proportion to the equalization amounts computed in respect of those municipalities for that fiscal year.

DIVISION V
PAYMENT

29. The Minister of Municipal Affairs and Greater Montréal shall pay the equalization amount no later than 30 June of the current fiscal year.

The same applies for the aliquot share of the sum provided for in section 28.

DIVISION VI
AMALGAMATION AND TOTAL ANNEXATION

30. The provisions of Divisions I to V apply in respect of a local municipality resulting from an amalgamation or that effected a total annexation, considering the adaptations provided for in this Division, if applicable, for the fiscal year during which the amalgamation or annexation comes into force or for any of the next two fiscal years.

For the purposes of this Division,

(1) "former municipality" means the local municipality that, immediately before the coming into force of the amalgamation or annexation, had jurisdiction over an amalgamated or annexed territory or over the territory to which the annexed territory was added; and

(2) "new municipality" means the municipality resulting from an amalgamation or that effected the annexation.

Any reference to a provision that is subject to an adaptation applies to that provision as it reads with that adaptation, even if it is not specified.

31. For the purposes of determining if a new municipality is eligible for the fiscal year during which the amalgamation or annexation comes into force and, where applicable, of computing the equalization amount to which it is entitled for that fiscal year, the adaptations provided for in sections 32 to 34 apply.

Notwithstanding the foregoing, they do not apply where the amalgamation or annexation comes into force after 30 April of that fiscal year, in which case the determination of eligibility and, where applicable, the computation of the equalization amount for that fiscal year continue to apply to the former municipalities.

The applicable adaptations shall not be taken into consideration for the purposes of establishing, for the year of reference, the median of the standardized property values per inhabitant or the average values of dwellings.

32. As for the new municipality, the summary referred to in the first paragraph of section 5 shall be constituted by the aggregate of the summaries, referred to in that paragraph, of the former municipalities.

Where only one of the former municipalities had revenues from the application of section 222 of the Act for the first fiscal year preceding the year of reference, the report of the former municipality referred to in the second paragraph of section 5 shall constitute the report of the new municipality. Where several of the former municipalities had such revenues for that fiscal year, the report of the new municipality referred to in that paragraph shall consist of the aggregate of revenues of those former municipalities.

33. The standardized property value per inhabitant of the new municipality for the year of reference shall be the quotient obtained by dividing the first of the following amounts by the second:

(1) the dividend is the total of the standardized property values of the former municipalities that are established for the year of reference in accordance with section 8 and, where applicable, with sections 9 to 13; and

(2) the divisor is the total populations of the former municipalities that are taken into consideration for the year of reference under the second paragraph of section 7.

The total provided for in subparagraph 2 of the first paragraph shall also constitute the population of the new municipality for the purposes of section 22.

34. The average value of the dwellings situated in the territory of the new municipality for the year of reference shall be the quotient obtained by dividing, by the total of the divisors provided for in subparagraph 1 of the first paragraph of section 14, the total of the dividends provided for in subparagraph 2 of that paragraph, as they were established for that fiscal year in respect of the former municipalities.

35. The adaptations provided for in sections 32 to 34 also apply for the purposes of determining if the new municipality is eligible for the first fiscal year that follows the fiscal year during which the amalgamation or annexation comes into force and, if eligible, of computing the equalization amount to which it is entitled for the next fiscal year.

However,

(1) the adaptations provided for in the first paragraph of section 32 and in section 34 do not apply where the summary of the new municipality for the year of reference is drawn up, in anticipation of the amalgamation or annexation, instead of or in addition to the summaries of the former municipalities for that fiscal year;

(2) in the circumstance referred to in subparagraph 1, the adaptations provided for in subparagraph 1 of the first paragraph of section 33, except where applicable for the part of the standardized property value that is established in accordance with sections 9 to 13, do not apply; and

(3) the adaptations provided for in subparagraph 2 of the first paragraph of section 33 and in the second paragraph of that section do not apply where the amalgamation or annexation comes into force on 1 January of the year of reference.

Where the amalgamation or annexation comes into force on 1 November of the year of reference, the applicable adaptations shall be taken into consideration for the purposes of establishing, for that fiscal year, the median of the standardized property values per inhabitant or the average values of dwellings. In such case, the summary and report referred to in section 32, insofar as they contain the data used for the purposes of the applicable adaptations, are also those referred to in sections 17 and 18.

36. Where the amalgamation or annexation comes into force after the date on which the property assessment roll must be reproduced in the summary of the municipality for the year of reference, the adaptations provided for in the first paragraph of section 32, in subparagraph 1 of the first paragraph of section 33 and in section 34 also apply for the purposes of determining if the new municipality is eligible for the second fiscal year that follows the fiscal year during which the amalgamation or annexation comes into force and, if eligible, of computing the equalization amount to which it is entitled for that subsequent fiscal year.

Notwithstanding the foregoing, they do not apply where the summary of the new municipality for the year of reference is drawn up, in anticipation of the amalgamation or annexation, instead of or in addition to the summaries of the former municipalities for that fiscal year.

The applicable adaptations shall be taken into consideration for the purposes of establishing, for the year of reference, the median of the standardized property values per inhabitant or the average values of dwellings. The summary referred to in the first paragraph of section 32 is also the summary referred to in section 17.

Where one of the former municipalities had revenues from the application of section 222 of the Act for the first fiscal year preceding the year of reference, the value that results from the capitalization determined

under section 9 shall, for the purposes of subparagraph 1 of the first paragraph of section 33, be included in the standardized property value of that former municipality even if that capitalization is determined on the basis of the data attributed to the new municipality in the first financial report of that municipality.

DIVISION VII
TRANSITIONAL AND FINAL

§1. Interpretation

37. For the purposes of this Division, "previous Regulation" means the Regulation replaced by section 71.

38. Any reference to a provision that is subject to an adaptation provided for in any of Subdivisions 2 to 5 refers to that provision as it reads with the adaptation, even if it is not specified.

§2. Adaptations applicable in 2002

39. The adaptations provided for in this Subdivision apply for the purposes of determining if a local municipality is eligible for the 2002 fiscal year and, if eligible, of computing and paying the equalization amount to which it is entitled for that fiscal year.

40. The following sections are provisionally substituted for sections 4 and 5:

"**4.** Any local municipality in respect of which the following conditions are met is eligible under the scheme:

(1) its standardized property value per inhabitant established in accordance with Subdivision 2 for the 2000 fiscal year, in the aggregate constituted by the standardized property values that are taken into consideration under Subdivision 4, is less than 90% of the median; and

(2) the average value of the dwellings situated in its territory established in accordance with Subdivision 3 for the 2002 fiscal year, in the aggregate constituted by the average values of dwellings taken into consideration under Subdivision 4, is less than the median.

A municipality in respect of which the dividend or divisor is nil in the division performed to establish the value referred to in the first paragraph is not eligible. No datum related to that municipality shall be taken into consideration to establish a median referred to in that paragraph.

5. A municipality is not eligible, even if the conditions provided for in section 4 are met in its respect, if the Minister of Municipal Affairs and Greater Montréal does not receive, before 1 September 2002, the financial report of the municipality for the 2000 fiscal year and the summary of that municipality for the 2002 fiscal year.

For the purposes of this Regulation, such a report or summary is deemed not to have been received if it does not comply with the legislative and regulatory provisions that govern the municipality in that matter.".

41. Subdivision 1 of Division II is provisionally amended by inserting the following after section 6:

"**6.1.** Notwithstanding sections 4 and 5, any local municipality that, under the previous Regulation, was eligible for the 2001 fiscal year and whose budget for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 September 2002 is also eligible.

For the purposes of this Division, such a budget is deemed not to have been received if it does not comply with the legislative and regulatory provisions that govern the municipality in that matter.".

42. The following is provisionally substituted for section 7:

"**7.** The standardized property value per inhabitant of a local municipality for the 2000 fiscal year is the quotient obtained by dividing, by the population of the municipality for that fiscal year, the standardized property value of that municipality that is established for the fiscal year in accordance with the previous Regulation.

To that end, the population shall be taken into consideration as it existed on 1 January 2000, by taking into account the alterations that take effect on that date or before that date and that are made before 1 September 2002.

For the purposes of establishing the standardized property value, the alterations to the property assessment roll that are made after the financial report has been submitted for the 2000 fiscal year and that take effect on 1 January 2000 or before shall be taken into consideration, in addition to those that were to be made under the previous Regulation, if they are brought to the knowledge of the Minister of Municipal Affairs and Greater Montréal, in the manner provided for in the fourth paragraph, before 1 September 2002.

Where an alteration referred to in the third paragraph alters a value that is part of the standardized property value, the clerk shall attest the altered value in an altering certificate. The municipality shall send that certificate to the Minister.".

43. Sections 8 to 13 are provisionally inoperative.

44. The following is provisionally substituted for section 17:

"**17.** For the purposes of establishing the median, only the standardized property values per inhabitant established for the 2000 fiscal year of local municipalities whose financial report for that fiscal year was received by the Minister of Municipal Affairs and Greater Montréal before 20 November 2001 shall be taken into consideration. That date replaces 1 September 2002, for the sole purposes of establishing the median, which is referred to in the second and third paragraphs of section 7. The median established shall not be changed even if one of the values taken into consideration is subsequently altered because of an alteration referred to in any paragraph of which the Minister is seized after 19 November 2001 and before 1 September 2002.

For the purposes of establishing the median, only the average values of the dwellings established for the 2002 fiscal year of local municipalities whose summary for that fiscal year was received by the Minister before 20 November 2001 shall be taken into consideration. However, that date shall be replaced by 1 September 2002 if using that date as the deadline by which the summary must be received results in a higher median of the average values of the dwellings than the median established using 20 November 2001.".

45. Section 18 is provisionally inoperative.

46. The following is provisionally substituted for the third paragraph of section 19:

"For the purposes of this Subdivision, a municipality referred to in section 6 whose financial report for the 2000 fiscal year or summary for the 2002 fiscal year is not received by the Minister of Municipal Affairs and Greater Montréal before 1 September 2002 shall not be taken into consideration.".

47. Section 20 is provisionally amended by substituting the word "September" for the word "May".

48. The following is provisionally substituted for Subdivision 2 of Division III:

"***§2.*** *Computation of the equalization amount*

A- Equalization amount of certain northern municipalities

23. Any municipality referred to in section 6 is entitled to receive an equalization amount equal to the higher of the equalization amount to which the municipality was entitled for the 2001 fiscal year and the aliquot share that is computed in its respect for the 2002 fiscal year in accordance with Subdivision 1.

If the municipality was not taken into consideration for the purposes of Subdivision 1, the equalization amount shall be equal to the amount to which the municipality was entitled for the 2001 fiscal year.

For the purposes of the first two paragraphs, where the financial report of the municipality for the 2001 fiscal year is not received by the Minister of Municipal Affairs and Greater Montréal before 1 September 2002, the equalization amount to which the municipality would have been entitled if the revenues referred to in the second paragraph of section 16 of the previous Regulation had been those that were provided in the budget of that fiscal year shall be taken into account instead of the equalization amount to which the municipality was entitled for the 2001 fiscal year.

Any eligible municipality, from among the group formed by Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect for the 2002 fiscal year in accordance with Subdivision 1.

B- Equalization amount of a municipality not referred to in section 23

i. Rule

24. The equalization amount of an eligible municipality that is not referred to in section 23 shall be the result of the adjustment provided for in section 25 that is made to the sum computed in accordance with section 24.3 or 24.6.

ii. Adjustment computed in respect of a new municipality

24.1. Sections 24.2 and 24.3 apply for the purposes of computing the sum subject to the adjustment provided for in section 25 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 30; and

(2) the budget it adopts for the 2002 fiscal year is its first budget, if it results from an amalgamation, or its first budget that takes into account the annexation, if it effected a total annexation.

24.2. For the purposes of computing the sum subject to the adjustment, an aliquot share shall first be computed in respect of the municipality by applying Subdivision 1, considering the second paragraph.

The sum to be apportioned shall be the difference obtained by subtracting from $36 000 000 the total of the neutrality amounts that must be paid during the 2002 fiscal year according to the data available on 1 September 2002.

24.3. The sum subject to the adjustment shall be the result of multiplying by 25% the difference obtained by subtracting the neutrality amount that must be paid to the municipality during the 2002 fiscal year according to the data available on 1 September 2002 from the aliquot share computed in respect of the municipality in accordance with section 24.2.

The sum shall be equal to zero where the aliquot share is equal to or less than the neutrality amount or where the municipality, under section 4 or 5, would not have been eligible and therefore the aliquot share shall be equal to zero.

iii. Adjustment computed in respect of another municipality

24.4. Sections 24.5 and 24.6 apply for the purposes of computing the sum subject to the adjustment provided for in section 25 in respect of any eligible municipality that is not referred to in section 23 or 24.1.

24.5. For the purposes of computing the sum subject to the adjustment, an aliquot share shall first be computed in respect of the municipality by applying Subdivision 1, considering the second paragraph.

The sum to be apportioned shall be the difference obtained by subtracting from $36 000 000 the total of the neutrality amounts that must be paid during the 2002 fiscal year according to the data available on 1 September 2002.

24.6. The sum subject to the adjustment shall be the sum that results from adding the amounts corresponding to

(1) 75% of the equalization amount to which the municipality was entitled for the 2001 fiscal year; and

(2) 25% of the aliquot share computed in respect of the municipality in accordance with section 24.5.

The amount provided for in subparagraph 2 of the first paragraph shall be equal to zero where the municipality, under section 4 or 5, would not have been eligible and therefore the aliquot share shall be equal to zero.

For the purposes of subparagraph 1 of the first paragraph, where the financial report of the municipality for the 2001 fiscal year is not received by the Minister of Municipal Affairs and Greater Montréal before 1 September 2002, the equalization amount to which the municipality would have been entitled if the revenues referred to in the second paragraph of section 16 of the previous Regulation had been those that were provided in the budget of that fiscal year shall be taken into account instead of the equalization amount to which the municipality was entitled for the 2001 fiscal year.

iv. Adjustment

25. The adjustment of the sum computed in accordance with section 24.3 or 24.6 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) by subtracting from $36 000 000 the total formed by the equalization amounts computed in accordance with section 23 and by the neutrality amounts that must be paid during the 2002 fiscal year according to the data available on 1 September 2002; and

(2) by dividing the difference that results from the subtraction provided for in subparagraph 1 by the total of the sums computed in accordance with sections 24.3 and 24.6.

The quotient resulting from that division and constituting the adjustment factor shall comprise 11 decimals.".

49. Division IV is provisionally inoperative.

50. Section 29 is provisionally amended by substituting "31 October" for "30 June" in the first paragraph.

51. The following sections are provisionally substituted for sections 31 to 36:

"**31.** Where the amalgamation or annexation comes into force during the 2002 fiscal year, the adaptations provided for in sections 32 to 34.1 apply for the purposes of determining if the new municipality is eligible for that fiscal year and, if eligible, of computing the equalization amount to which it is entitled for that fiscal year.

Notwithstanding the foregoing, the adaptations do not apply where the amalgamation or annexation comes into force after 31 August 2002, in which case the determination of eligibility and, if eligible, the computation of the equalization amount continue to apply to the former municipalities.

32. The financial report for the 2000 fiscal year referred to in the first paragraph of section 5 shall be, in respect of the new municipality, constituted by the aggregate of the financial reports of the former municipalities for that fiscal year.

The summary for the 2002 fiscal year referred to in that paragraph shall be, in respect of the new municipality, constituted by the aggregate of the summaries of the former municipalities for that fiscal year.

Notwithstanding the foregoing, the adaptation provided for in the second paragraph does not apply where the summary of the new municipality for the 2002 fiscal year was drawn up, in anticipation of an amalgamation or annexation, instead of or in addition to the summaries of the former municipalities for that fiscal year.

32.1. For the purposes of section 6.1, the new municipality is deemed to have been eligible for the 2001 fiscal year where one of the former municipalities was eligible and where the budget of that municipality for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 September 2002.

33. The standardized property value per inhabitant of the new municipality for the 2000 fiscal year is the quotient obtained by dividing the first of the following amounts by the second:

(1) the dividend is the total of the standardized property values of the former municipalities that are established for that fiscal year in accordance with the previous Regulation, considering the third and fourth paragraphs of section 7; and

(2) the divisor is the total of the populations of the former municipalities that are taken into consideration for that fiscal year under the second paragraph of section 7.

The total provided for in subparagraph 2 of the first paragraph also constitutes the population of the new municipality for the purposes of section 22.

The adaptations provided for in the first two paragraphs shall not be taken into consideration for the purposes of establishing, in accordance with the first paragraph of section 17, the median of the standardized property values per inhabitant established for the 2000 fiscal year.

34. The average value of the dwellings situated in the territory of the new municipality for the 2002 fiscal year is the quotient obtained by dividing the total of the dividends provided for in subparagraph 2 of that paragraph by the total of the divisors provided for in subparagraph 1 of the first paragraph of section 14, as they were established for that fiscal year in respect of the former municipalities.

Notwithstanding the foregoing, the adaptation does not apply where the summary of the new municipality for the 2002 fiscal year was drawn up, in anticipation of an amalgamation or annexation, instead of or in addition to the summaries of the former municipalities for that fiscal year.

The applicable adaptation shall not be taken into consideration for the purposes of establishing, in accordance with the second paragraph of section 17, the median of the average values of dwellings established for the 2002 fiscal year, where 20 November 2001 constitutes the date applicable under that paragraph. Where that date is 1 September 2002, the adaptation shall be taken into consideration for those purposes; in that case, the summary to which the second paragraph of section 32 refers is also referred to in the second paragraph of section 17.

34.1. For the purposes of subparagraph 1 of the first paragraph of section 24.6, a new municipality is deemed to have been entitled, for the 2001 fiscal year, to an equalization amount equal to the amount

(1) to which any former municipality was entitled for that fiscal year if its financial report for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 September 2002; or

(2) to which any former municipality would have been entitled if its budget for that fiscal year but not the financial report is received by the Minister before 1 September 2002 and if the revenues referred to in the second paragraph of section 16 of the previous Regulation had been those that were provided in the budget.

If several former municipalities are referred to in the first paragraph, the total of the amounts referred to in subparagraphs 1 and 2 of that paragraph shall be taken into consideration.

35. Where the amalgamation or annexation came into force during the 2001 fiscal year, the adaptations provided for in the first paragraph of section 32 and in the first two paragraphs of section 33 apply for the purposes of determining if the new municipality is eligible for the 2002 fiscal year and, if eligible, of computing the equalization amount to which it is entitled for that fiscal year.

The adaptations provided for in the second paragraph of section 32 and in the first paragraph of section 34 apply for the same purposes where the amalgamation or annexation came into force after the date on which the property assessment roll were to be reproduced in the summary of the new municipality for the 2002 fiscal year and the summary was not drawn up in anticipation of the amalgamation or annexation, instead of or in addition to the summaries of the former municipalities for that fiscal year.

The adaptations provided for in sections 32.1 and 34.1 apply for the same purposes where the date of coming into force of the amalgamation or annexation was such that, under section 30 of the previous Regulation, examination of the eligibility for the 2001 fiscal year applied to the former municipalities rather than the new municipality.

The adaptations provided for in the first two paragraphs of section 33 shall be taken into consideration for the purposes of establishing, in accordance with the first paragraph of section 17, the median of the standardized property values per inhabitant established for the 2000 fiscal year, where the amalgamation or annexation came into force before 20 November 2001. In that case, the report referred to in the first paragraph of section 32 is also the report referred to in the first paragraph of section 17.

The adaptation provided for in the first paragraph of section 34, insofar as it is applicable, shall be taken into consideration for the purposes of establishing, in accordance with the second paragraph of section 17, the median of the average values of dwellings established for the 2002 fiscal year, where 1 September 2002 constitutes the date applicable under that paragraph. Where that date is 20 November 2001, the adaptation shall be taken into consideration only if the amalgamation or annexation came into force before that date. In both cases, the summary to which refers the second paragraph of section 32 is also the summary referred to in the second paragraph of section 17.

36. Where the amalgamation or annexation came into force during the 2000 fiscal year, the adaptations provided for in subparagraph 2 of the first paragraph of section 33 and in the second paragraph of that section apply for the purposes of determining if the new municipality is eligible for the 2002 fiscal year and, if eligible, of computing the equalization amount to which the municipality is entitled for that fiscal year.

Notwithstanding the foregoing, the adaptations do not apply where the amalgamation or annexation came into force on 1 January 2000.

Insofar as the adaptations apply, they shall be taken into consideration for the purposes of establishing the median of the standardized property values per inhabitant established for the 2000 fiscal year in accordance with the first paragraph of section 17.".

§3. Adaptations applicable in 2003

52. The adaptations provided for in this Subdivision apply for the purposes of determining if a local municipality is eligible for the 2003 fiscal year and, if eligible, of computing the equalization amount to which the municipality is entitled for that fiscal year.

53. Subdivision 1 of Division II is provisionally amended by inserting the following after section 6:

"**6.1.** Notwithstanding sections 4 and 5, any local municipality that was eligible for the 2001 fiscal year under the previous Regulation and whose financial report for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 May 2003 is also eligible.".

54. The following is provisionally substituted for Subdivision 2 of Division III:

"*§2. Computation of the equalization amount*

A- Equalization amount of certain northern municipalities

23. Any municipality referred to in section 6 is entitled to receive an equalization amount equal to the higher of the amount to which the municipality was entitled for the 2001 fiscal year and the aliquot share that is computed in its respect for the 2003 fiscal year in accordance with Subdivision 1.

If the municipality was not taken into consideration for the purposes of Subdivision 1, the equalization amount shall be equal to the amount to which the municipality was entitled for the 2001 fiscal year.

For the purposes of the first two paragraphs, where the financial report of the municipality for the 2001 fiscal year is not received by the Minister of Municipal Affairs and Greater Montréal before 1 May 2003, the equalization amount to which the municipality was entitled for the 2001 fiscal year shall be equal to zero.

Any eligible municipality, from among the group formed by Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect for the 2003 fiscal year in accordance with Subdivision 1.

B- Equalization amount of a municipality not referred to in section 23

i. Rule

24. The equalization amount of an eligible municipality that is not referred to in section 23 shall be the result of the adjustment provided for in section 25 that is made to the sum computed in accordance with any of sections 24.3 and 24.6.

ii. Adjustment computed in respect of a new municipality

24.1. Sections 24.2 and 24.3 apply for the purposes of computing the sum subject to the adjustment provided for in section 25 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 30; and

(2) the budget it adopted for the 2002 fiscal year was its first budget, if the municipality results from an amalgamation, or its first budget takes into account the annexation, if it effected a total annexation.

24.2. For the purposes of computing the sum subject to the adjustment, an aliquot share shall first be computed in respect of the municipality by applying Subdivision 1.

24.3. The sum subject to the adjustment shall be the result of multiplying by 50% the difference obtained by subtracting the neutrality amount that must be paid to the municipality during the 2003 fiscal year according to the data available on 1 May 2003 from the aliquot share computed in respect of the municipality in accordance with section 24.2.

The sum shall be equal to zero where the aliquot share is equal to or less than the neutrality amount or where the municipality, under section 4 or 5, would not have been eligible and therefore the aliquot share shall be equal to zero.

iii. Adjustment computed in respect of another municipality

24.4. Sections 24.5 and 24.6 apply for the purposes of computing the sum subject to the adjustment provided for in section 25 in respect of any eligible municipality that is not referred to in any of sections 23 and 24.1.

24.5. For the purposes of computing the sum subject to the adjustment, an aliquot share shall first be computed in respect of the municipality by applying Subdivision 1.

24.6. The sum subject to the adjustment shall be the sum that results from adding the amounts corresponding to

(1) 50% of the equalization amount to which the municipality was entitled for the 2001 fiscal year; and

(2) 50% of the aliquot share computed in respect of the municipality in accordance with section 24.5.

The amount provided for in subparagraph 2 of the first paragraph shall be equal to zero where the municipality, under section 4 or 5, would not have been eligible and therefore the aliquot share shall be equal to zero.

iv. Adjustment

25. The adjustment of the sum computed in accordance with sections 24.3 or 24.6 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) by subtracting from $36 000 000 the total formed by the equalization amounts computed in accordance with section 23 and by the neutrality amounts that must be paid during the 2003 fiscal year according to the data available on 1 May 2003; and

(2) by dividing the difference that results from the subtraction provided for in subparagraph 1 by the total of the sums computed in accordance with sections 24.3 and 24.6.

The quotient resulting from that division and constituting the adjustment factor shall comprise 11 decimals.".

55. Section 28 is provisionally inoperative.

56. Section 31 is provisionally amended by substituting "34.1" for "34" in the first paragraph.

57. Division VI is provisionally amended by inserting the following after section 32:

"**32.1.** For the purposes of section 6.1, the new municipality is deemed to have been eligible for the 2001 fiscal year where one of the municipalities was eligible and

where the financial report of that municipality for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 May 2003.".

58. Division VI is provisionally amended by inserting the following after section 34:

"**34.1.** For the purposes of subparagraph 1 of the first paragraph of section 24.6, the new municipality is deemed to have been entitled, for the 2001 fiscal year, to an equalization amount equal to the amount to which any former municipality whose financial report for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 May 2003 was entitled for that fiscal year.

If several municipalities are referred to in the first paragraph, the total of the equalization amounts to which they were entitled for the 2001 fiscal year shall be taken into consideration.".

59. Section 35 is provisionally amended by substituting "34.1" for "34" in the first paragraph.

60. Section 36 is provisionally amended by adding the following after the fourth paragraph:

"The adaptations provided for in sections 32.1 and 34.1 apply for the purposes referred to in the first paragraph where the date of coming into force of the amalgamation or annexation was such that, under section 30 of the previous Regulation, examination of the eligibility for the 2001 fiscal year applied to the former municipalities rather than the new municipality.".

§4. Adaptations applicable in 2004

61. The adaptations provided for in this Subdivision apply for the purposes of determining if a local municipality is eligible for the 2004 fiscal year and, where applicable, of computing the equalization amount to which the municipality is entitled for that fiscal year.

62. Subdivision 1 of Division II is provisionally amended by inserting the following after section 6:

"**6.1.** Notwithstanding sections 4 and 5, any local municipality that, under the previous Regulation, was eligible for the 2001 fiscal year and whose financial report for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 May 2004 is also eligible.".

63. The following is provisionally substituted for Subdivision 2 of Division III:

"***§2.*** *Computation of the equalization amount*

A- Equalization amount of certain northern municipalities

23. Any municipality referred to in section 6 is entitled to receive an equalization amount equal to the higher of the amount to which the municipality was entitled for the 2001 fiscal year and the aliquot share that is computed in its respect for the 2004 fiscal year, in accordance with Subdivision 1.

If the municipality was not taken into consideration for the purposes of Subdivision 1, the equalization amount shall be equal to the amount to which the municipality was entitled for the 2001 fiscal year.

For the purposes of the first two paragraphs, where the financial report of the municipality for the 2001 fiscal year is not received by the Minister of Municipal Affairs and Greater Montréal before 1 May 2004, the equalization amount to which the municipality was entitled for that fiscal year shall be equal to zero.

Any eligible municipality, from among the group formed by Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect for the 2004 fiscal year in accordance with Subdivision 1.

B- Equalization amount of a municipality not referred to in section 23

i. Rule

24. The equalization amount of an eligible municipality that is not referred to in section 23 shall be the result of the adjustment provided for in section 25 that is made to the sum computed in accordance with any of sections 24.3 and 24.6.

ii. Adjustment computed in respect of a new municipality

24.1. Sections 24.2 and 24.3 apply for the purposes of computing the sum subject to the adjustment provided for in section 25 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 30; and

(2) the budget it adopted for the 2002 fiscal year was its first budget, if the municipality results from an amalgamation, or its first budget takes into account the annexation, if it effected a total annexation.

24.2. For the purposes of computing the sum subject to the adjustment, an aliquot share shall first be computed in respect of the municipality by applying Subdivision 1.

24.3. The sum subject to the adjustment shall be the result of multiplying by 75% the difference obtained by subtracting the neutrality amount that must be paid to the municipality during the 2004 fiscal year according to the data available on 1 May 2004 from the aliquot share computed in respect of the municipality in accordance with section 24.2.

The sum shall be equal to zero where the aliquot share is equal to or less than the neutrality amount or where the municipality, under section 4 or 5, would not have been eligible and therefore the aliquot share shall be equal to zero.

iii. Adjustment computed in respect of another municipality

24.4. Sections 24.5 and 24.6 apply for the purposes of computing the sum subject to the adjustment provided for in section 25 in respect of any eligible municipality that is not referred to in any of sections 23 and 24.1.

24.5. For the purposes of computing the sum subject to the adjustment, an aliquot share shall first be computed in respect of the municipality by applying Subdivision 1.

24.6. The sum subject to the adjustment shall be the sum that results from adding the amounts corresponding to

(1) 25% of the equalization amount to which the municipality was entitled for the 2001 fiscal year; and

(2) 75% of the aliquot share computed in respect of the municipality in accordance with section 24.5.

The amount provided for in subparagraph 2 of the first paragraph shall be equal to zero where the municipality, under section 4 or 5, would not have been eligible and therefore the aliquot share shall be equal to zero.

iv. Adjustment

25. The adjustment of the sum computed in accordance with section 24.3 or 24.6 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) by subtracting from $36 000 000 the total formed by the equalization amounts computed in accordance with section 23 and by the neutrality amounts that must be paid during the 2004 fiscal year according to the data available on 1 May 2004; and

(2) by dividing the difference that results from the subtraction provided for in subparagraph 1 by the total of the sums computed in accordance with sections 24.3 and 24.6.

The quotient resulting from that division and constituting the adjustment factor shall comprise 11 decimals.".

64. Section 31 is provisionally amended by substituting "34.1" for "34" in the first paragraph.

65. Division VI is provisionally amended by inserting the following after section 32:

"**32.1.** For the purposes of section 6.1, the new municipality is deemed to have been eligible for the 2001 fiscal year where one of the municipalities was eligible and where the financial report of that municipality for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 May 2004.".

66. Division VI is provisionally amended by inserting the following after section 34:

"**34.1.** For the purposes of subparagraph 1 of the first paragraph of section 24.6, the new municipality is deemed to have been entitled, for the 2001 fiscal year, to an equalization amount equal to the amount to which any former municipality whose financial report for that fiscal year is received by the Minister of Municipal Affairs and Greater Montréal before 1 May 2004 was entitled for that fiscal year.

If several former municipalities are referred to in the first paragraph, the total of the equalization amounts to which they were entitled for the 2001 fiscal year shall be taken into consideration.".

67. Section 35 is provisionally amended by substituting "34.1" for "34" in the first paragraph.

68. Section 36 is provisionally amended by adding the following after the fourth paragraph:

"The adaptations provided for in sections 32.1 and 34.1 apply for the purposes referred to in the first paragraph.".

§5. Adaptations applicable from 2005 to 2009

69. The adaptations provided for in this Subdivision apply for the purposes of computing the equalization amount, for each fiscal year from 2005 to 2009, to which an eligible municipality is entitled for such a fiscal year.

70. The following is provisionally substituted for Subdivision 2 of Division III:

"***§2.*** *Computation of the equalization amount*

A- Equalization amount of certain northern municipalities

23. Any municipality referred to in section 6 is entitled to receive an equalization amount equal to the higher of the amount to which the municipality was entitled for the 2001 fiscal year and the aliquot share that is computed in its respect for the current fiscal year in accordance with Subdivision 1.

If the municipality was not taken into consideration for the purposes of Subdivision 1, the equalization amount shall be equal to the amount to which the municipality was entitled for the 2001 fiscal year.

For the purposes of the first two paragraphs, where the financial report of the municipality for the 2001 fiscal year is not received by the Minister of Municipal Affairs and Greater Montréal before 1 May of the current fiscal year, the equalization amount to which the municipality was entitled for the 2001 fiscal year shall be equal to zero.

Any eligible municipality, from among the group formed by Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect for the current fiscal year in accordance with Subdivision 1.

B- Equalization amount of a municipality not referred to in section 23

i. Rule

24. The equalization amount of an eligible municipality that is not referred to in section 23 shall be the result of the adjustment provided for in section 25 that is made to the sum computed in accordance with any of sections 24.3 and 24.4.

ii. Adjustment computed in respect of a new municipality

24.1. Sections 24.2 and 24.3 apply for the purposes of computing the sum subject to the adjustment provided for in section 25 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 30; and

(2) the budget it adopted for the 2002 fiscal year was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if it effected a total annexation.

24.2. For the purposes of computing the sum subject to the adjustment, an aliquot share shall first be computed in respect of the municipality by applying Subdivision 1.

24.3. The sum subject to the adjustment shall be the difference obtained by subtracting the neutrality amount that must be paid to the municipality during the fiscal year according to the data available on 1 May of the current fiscal year from the aliquot share computed in respect of the municipality in accordance with section 24.2.

The sum shall be equal to zero where the aliquot share is equal to or less than the neutrality amount.

iii. Adjustment computed in respect of another municipality

24.4. For any eligible municipality that is not referred to in any of sections 23 and 24.1, the sum subject to the adjustment provided for in section 25 shall be the aliquot share computed in its respect by applying Subdivision 1.

iv. Adjustment

25. The adjustment of the sum computed in accordance with section 24.3 or 24.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) by subtracting from $36 000 000 the total formed by the equalization amounts computed in accordance with section 23 and by the neutrality amounts that must be paid during the current fiscal year according to the data available on 1 May of the current fiscal year; and

(2) by dividing the difference that results from the subtraction provided for in subparagraph 1 by the total of the sums computed in accordance with sections 24.3 and 24.4.

The quotient resulting from that division and constituting the adjustment factor shall comprise 11 decimals.".

§6. Final

71. This Regulation replaces the Regulation respecting the equalization scheme made by Order in Council 1087-92 dated 22 July 1992.

72. This Regulation applies for the purposes of any fiscal year as of the 2002 fiscal year.

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

5343

Gouvernement du Québec

O.C. 1200-2002, 9 October 2002

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1)

Régie du logement
— Code of Ethics of the Commissioners

Code of Ethics of the Commissioners of the Régie du logement

WHEREAS, under section 8 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), the Government may determine, by regulation, a code of ethics applicable to commissioners;

WHEREAS, under section 8.1 of the Act, the code of ethics shall set out rules of conduct and the duties of the commissioners towards the public, the parties, their witnesses and the persons who represent them. It shall indicate in particular, conduct that is derogatory to the honour, dignity or integrity of the commissioners. It may determine activities or situations that are incompatible with their office, their obligations concerning disclosure of interest, and the duties they may perform gratuitously. It may provide special rules applicable to part-time commissioners;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Code of Ethics of the Commissioners of the Régie du logement was published in Part 2 of the *Gazette officielle du Québec* of 27 June 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Code of Ethics of the Commissioners of the Régie du logement, attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of Municipal Affairs and Greater Montréal:

THAT the Code of Ethics of the Commissioners of the Régie du logement, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Code of Ethics of the Commissioners of the Régie du logement

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1, ss. 8 and 108, 1st par. subpar. 6)

DIVISION I
GENERAL

1. The purpose of this Code is to set out the rules of conduct and the duties of commissioners, in order to ensure public trust in the impartial and independent performance of their duties.

2. Commissioners shall ensure the proper conduct of hearings and render justice under the applicable rules of law.

DIVISION II
COMMISSIONERS' DUTIES

3. Commissioners shall perform their duties with honour, dignity, integrity and diligence.

4. Commissioners shall perform their duties with full independence and without any interference.

5. Commissioners shall uphold the integrity of their office and defend its independence, in the higher interest of justice.

6. Commissioners shall be clearly impartial and objective.

7. Commissioners shall perform their duties showing appropriate consideration towards everyone without discrimination.

8. Commissioners shall show respect and courtesy towards those appearing before them, while exercising the authority necessary for the proper conduct of the hearing.

9. Commissioners shall respect the confidentiality of deliberations.

10. Commissioners are bound to discretion regarding any matter brought to their knowledge in the performance of their duties and to respect the confidential nature of the information thus obtained.

11. Commissioners shall take the necessary measures to keep up-to-date and improve the knowledge and skills necessary to perform their duties.

12. Commissioners shall be reserved in public.

13. Commissioners shall avoid any situation or activity from which could arise a conflict between their personal interests and the requirements of their duties.

14. Commissioners shall disclose to the chair of the Board any direct or indirect interest that they have in a business likely to bring about conflict between their personal interests and the duties of their office.

15. Commissioners shall avoid getting involved in any activity or putting themselves in any situation likely to undermine the dignity of their office or discredit the Board.

16. Commissioners shall be politically neutral and shall not engage in any partisan political activity that is incompatible with the performance of their duties.

17. Commissioners may gratuitously perform duties within non-profit organizations insofar as they do not compromise their impartiality or the effective performance of their duties.

18. The following is incompatible with the performance of their duties:

(1) soliciting or collecting donations, except in the case of small-scale community, school, religious or family activities that do not compromise other duties imposed by this Code, or associating their status to those activities; and

(2) being part of an organization likely to be involved in matters before the Board.

DIVISION III
PROVISIONS SPECIFIC TO PART-TIME COMMISSIONERS AND SPECIAL CLERKS

19. Giving legal advice in fields within the expertise of the Board is incompatible with the performance of the duties of part-time commissioners or special clerks to the extent that their impartiality and the effective performance of their duties are compromised.

20. Part-time commissioners may not act on behalf of a party before the Board.

21. This Code shall apply, *mutatis mutandis*, to special clerks appointed under the Act respecting the Régie du logement.

DIVISION IV
FINAL

22. This Code replaces the Code of Ethics for Commissioners of the Régie du logement made by Order in Council 1660-85 dated 5 June 1985.

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

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Gouvernement du Québec

O.C. 1212-2002, 9 October 2002

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

Professional acts that may be performed by persons other than physicians and the applicable terms and conditions

Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions

WHEREAS, under section 3 of the Medical Act (R.S.Q., c. M-9), subject to that Act, the Collège des médecins du Québec and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS, under paragraph *h* of section 94 of the Code, the Bureau of a professional order may, by regulation, determine, among the professional acts that may be

engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such acts;

WHEREAS, pursuant to the above-mentioned provision of the Code, the Bureau of the Collège des médecins du Québec, at its meeting of 26 February 1999, made the Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of that Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting the professional order shall be transmitted to the Office des professions du Québec for examination; it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 5 May 1999, with a notice indicating that it would be submitted to the Government, which could approve it with or without amendment upon the expiry of 45 days following that publication and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec;

WHEREAS the Chair of the Office received comments following the publication of the Regulation;

WHEREAS the Office examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions

Professional Code
(R.S.Q., c. C-26, s. 94, par. *h*)

DIVISION I
GENERAL

1. The purpose of this Regulation is to determine, among the professional acts that may be performed by physicians, those that may be performed by the following persons and to determine the applicable terms and conditions:

(1) medical students, that is, persons registered in a program of study leading to a diploma giving access to the permit or a specialist's certificate, and persons registered in such a program of study but within the scope of a host or exchange program approved by the faculty of medicine or by government authorities; and

(2) fellows, that is, persons serving periods of advanced education under a university program, in clinical medicine or research.

"Diploma giving access to the permit or a specialist's certificate" means a diploma recognized by government regulation as giving access to the permit referred to in section 33 of the Medical Act (R.S.Q., c. M-9) and to a specialist's certificate referred to in section 37 of that Act, made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26).

2. The professional acts that may be performed by a resident in family medicine or in a specialty and the applicable terms and conditions are listed in the Regulation respecting additional terms and conditions for the issue of permits by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions, approved by Order in Council 143-2000 dated 16 February 2000, as well as the Regulation respecting the specialties within the medical profession, the additional terms and conditions for the issue of a specialist's certificate by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions, approved by Order in Council 144-2000 dated 16 February 2000.

"Resident in family medicine or in a specialty" means any person who holds a diploma giving access to the permit or a specialist's certificate or to whom the Bureau of the Collège des médecins du Québec has, pursuant to

subparagraph *g* of the first paragraph of section 86 of the Professional Code, recognized a diploma equivalence, who is registered in a postdoctoral university program in family medicine or a specialty and serving periods of training under that program.

DIVISION II
MEDICAL STUDENTS

3. Medical students may perform, among the professional acts of a physician, those required to complete the program of study leading to a diploma giving access to the permit or a specialist's certificate, on the following conditions:

(1) they are entered in the register kept pursuant to paragraph *c* of section 15 of the Medical Act and, where applicable, hold a registration certificate issued in accordance with that Act; and

(2) they perform them in a training setting recognized by the faculty of medicine, under the supervision of competent persons and in compliance with the rules applicable to physicians, particularly those respecting ethics, the keeping of records and consulting rooms.

DIVISION III
FELLOWS

4. Fellows may perform, among the professional acts of a physician, those required to complete periods of advanced education, on the following conditions:

(1) they are entered in the register kept pursuant to paragraph *c* of section 15 of the Medical Act;

(2) they perform them in the clinical or research sites where they serve their periods of advanced education, in compliance with what is mentioned on their educational card; and

(3) they perform them under the authority of competent persons and in compliance with the rules applicable to physicians, particularly those respecting ethics, prescriptions, the keeping of records and consulting rooms.

5. Fellows may not perform a professional act unless they meet the conditions for the issue of an educational card.

Fellows shall apply for an educational card in the form determined by the secretary.

6. The secretary shall issue an educational card to a fellow who

(1) holds a position within the meaning of a statutory instrument made under the Act respecting health services and social services (R.S.Q., c. S-4.2) to determine the conditions required to hold it;

(2) provides proof of admission to a university program in family medicine or a specialty and proof of an employment certificate from an institution participating in such a program;

(3) in the absence of a diploma giving access to the permit or a specialist's certificate,

(a) has passed the examinations prepared or approved by the Bureau of the Collège des médecins du Québec; and

(b) provides proof of admission to a host or exchange program approved by the faculty of medicine or by government authorities; and

(4) pays the fees prescribed for obtaining a trainee card.

7. The educational card shall show that the fellow is entered in the register kept for that purpose, the university program in which the fellow is registered, the training sites where the periods of advanced education are served and their duration. It shall bear a facsimile of the secretary's signature.

Furthermore, the educational card shall mention that periods of advanced education may also be served in any other setting not indicated on the card, provided that it is approved by the Bureau of the Collège des médecins du Québec.

8. The educational card shall be valid for 12 months, or until the date stipulated on it. However, it shall expire immediately if the fellow's registration in the university program is cancelled, if the fellow leaves the program or if the educational card is revoked in a case provided for in section 9.

The educational card is renewable on the same conditions until the periods of advanced education have been completed within the university program to which the fellow was admitted.

9. The following entails the revocation of the educational card:

(1) abandonment by the fellow of the university program under which the periods of advanced education are served or expulsion or suspension from the program;

(2) obtaining an educational card under false pretences;

(3) acting or behaving in such a way that the well-being or safety of the patients dealt with is compromised; or

(4) performing professional acts in contravention of the provisions of the Medical Act, the Professional Code or a regulation thereunder.

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

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Gouvernement du Québec

O.C. 1213-2002, 9 October 2002

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

Physicians
— Code of ethics

Code of ethics of physicians

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 6 of chapter 78 of the Statutes of 2001, the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the members of the Order towards the public, their clients and their profession;

WHEREAS the Bureau of the Collège des médecins du Québec made the Code of ethics of physicians to replace the Code of ethics of physicians (R.R.Q., 1981, c. M-9, r.4);

WHEREAS, under section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statutes of 2001, a draft Regulation was sent to every member of the Order at least 30 days before it was made by the Bureau;

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 27 March 2002 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Code of ethics of physicians, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Code of ethics of physicians

Professional Code
(R.S.Q., c. C-26, s. 87; 2001, c. 78, s. 6)

CHAPTER 1
GENERAL PROVISIONS

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26; 2001, c. 78), the duties and obligations to be discharged by every member of the Collège des médecins du Québec.

2. A physician may not exempt himself, even indirectly, from a duty or obligation contained in this Code.

CHAPTER II
GENERAL OBLIGATIONS OF THE PHYSICIAN

3. A physician's paramount duty is to protect and promote the health and well-being of the persons he attends to, both individually and collectively.

4. A physician must practise his profession in a manner which respects the life, dignity and liberty of the individual.

5. A physician must discharge his professional obligations with competence, integrity and loyalty.

6. A physician must practise his profession in accordance with scientific principles.

7. A physician must disregard any interference which does not respect his professional independence.

8. A physician must ensure that the persons he employs or with whom he is associated in the practice of his profession comply with this Code.

9. A physician must not allow other persons to perform, in his name, acts which, if performed by himself, would place him in contravention of this Code, the Medical Act, the Professional Code and the regulations ensuing therefrom.

10. A physician, in the practice of his profession, must not consult a charlatan, nor collaborate in any way whatsoever with him.

11. A physician must, in the practice of his profession, assume full civil liability at all times. He may not elude or attempt to elude, nor request that a patient or person renounce any recourse taken in a case of professional negligence on his part.

12. A physician must be judicious in his use of the resources dedicated to health care.

13. A physician must refrain from taking part in a concerted action of a nature that would endanger the health or safety of a clientele or population.

14. A physician must promote measures of education and information in the field in which he practises.

15. A physician must, as far as he is able, contribute to the development of the profession by sharing his knowledge and experience, notably with his colleagues, with residents and medical students, and by his participation in activities**,** courses, and periods of continuing training and evaluation.

16. A physician must refrain from the immoderate use of psychotropic substances or any other substance, including alcohol, producing analogous effects.

CHAPTER III
THE PHYSICIAN'S DUTIES AND OBLIGATIONS TOWARD THE PATIENT, THE PUBLIC AND THE PROFESSION

DIVISION I
QUALITY OF THE PROFESSIONAL RELATIONSHIP

17. A physician's physical, mental and emotional behaviour toward all persons with whom he comes into contact in the practice of his profession, particularly toward all patients, must be beyond reproach.

18. A physician must seek to establish and maintain with his patient a relationship of mutual trust and refrain from practising his profession in an impersonal manner.

19. A physician may put an end to a therapeutic relationship when there is reasonable and just cause to do so, particularly when the normal conditions required to establish and maintain mutual trust are absent, or if such trust no longer exists.

Inducement on the part of the patient to perform illegal, unjust or fraudulent acts constitutes a reasonable and just cause.

20. A physician, in order to maintain professional secrecy,

1° must keep confidential the information obtained in the practice of his profession;

2° must refrain from holding or participating in indiscreet conversations concerning a patient or the services rendered him or from revealing that a person has called upon his services;

3° must take reasonable means with respect to the persons with whom he works to maintain professional secrecy;

4° must not use information of a confidential nature to the prejudice of a patient;

5° may not divulge facts or confidences which have come to his personal attention, except when the patient or the law authorizes him to do so, or when there are compelling and just grounds related to the health or safety of the patient or of others;

6° may not reveal a serious or fatal prognosis to a patient's family if the patient forbids him from so doing.

21. A physician who communicates information protected by professional secrecy must, for each communication, indicate in the patient's record the following items:

1° the date and time of the communication;

2° the identity of the person exposed to danger or of the group of persons exposed to danger;

3° the identity of the person to whom the communication was made, specifying, according to the case, whether it was the person or persons exposed to danger, their representative or the persons likely to come to their assistance;

4° the act of violence he aimed to prevent;

5° the danger he had identified;

6° the imminence of the danger he had identified;

7° the information communicated.

22. A physician must refrain from taking advantage of the professional relationship established with the person to whom he is providing services.

More specifically, the physician must, for the duration of the professional relationship established with the person to whom he is providing services, refrain from having sexual relations with that person or making improper gestures or remarks of a sexual nature.

23. A physician may not refuse to examine or treat a patient solely for reasons related to the nature of the patient's deficiency or illness, or because of the race, colour, sex, pregnancy, civil status, age, religion, ethnic or national origin, or social condition of the patient, or for reasons of sexual orientation, morality, political convictions, or language; he may, however, refer the patient to another physician if he deems it to be in the patient's medical interest.

24. A physician must, where his personal convictions prevent him from prescribing or providing professional services that may be appropriate, acquaint his patient with such convictions; he must also advise him of the possible consequences of not receiving such professional services.

The physician must then offer to help the patient find another physician.

25. A patient must not interfere in the personal affairs of his patient in matters unrelated to the field of health.

DIVISION II
FREEDOM OF CHOICE

26. A physician must acknowledge the patient's right to consult a colleague, another professional or any other competent person. He must not, by any means, interfere with the patient's freedom of choice.

27. A physician must, when issuing a prescription, respect the patient's right to have it filled at the place and by the person of his choice.

DIVISION III
CONSENT

28. A physician must, except in an emergency, obtain voluntary and informed consent from the patient or his legal representative before undertaking an examination, investigation, treatment or research.

29. A physician must ensure that the patient or his legal representative receives explanations pertinent to his understanding of the nature, purpose and possible consequences of the examination, investigation, treatment or research which he plans to carry out. He must facilitate the patient's decision-making and respect it.

30. A physician must, with respect to research subjects or their legal representative, ensure:

1° that each subject is informed of the research project's objectives, its advantages, risks or disadvantages for the subject, the advantages provided by the usual care, if applicable, as well as the fact, as the case may be, that the physician will derive a material gain from enrolling or keeping the subject in the research projects;

2° that a voluntary and informed written consent, which is revocable at all times, is obtained from each subject before he begins his participation in the research project or when there is any significant change in the research protocol.

31. A physician must, before undertaking his research on humans, obtain approval of the project by a research ethics committee that respects existing standards, notably in its composition and procedures. He must also ensure that all those collaborating with him in the research project are informed of his ethical obligations.

DIVISION IV
MEDICAL MANAGEMENT AND FOLLOW-UP

32. A physician who has undertaken an examination, investigation or treatment of a patient must provide the medical follow-up required by the patient's condition, following his intervention, unless he has ensured that a colleague or other competent professional can do so in his place.

33. A physician who wishes to refer a patient to another physician must assume responsibility for that patient until the new physician takes responsibility for the latter.

34. A physician who treats a patient requiring emergency care must ensure the medical management required by the patient's condition until the transfer is accepted by another physician.

35. A physician who can no longer provide the required medical follow-up of a patient must, before ceasing to do so, ensure that the patient can continue to receive the required care and contribute thereto to the extent necessary.

36. A physician must, in the event of a complete or partial cessation of practice, inform his patients of such by giving them advance notice within a reasonable period of time.

37. A physician must be diligent and display reasonable availability with respect to his patient and the patients for whom he accepts responsibility when he is on call.

38. A physician must come to the assistance of a patient and provide the best possible care when he has reason to believe that the patient presents with a condition that could entail serious consequences if immediate medical attention is not given.

39. A physician must report to the director of youth protection any situation where there is reasonable cause to believe that the security or development of a child is or may be considered to be in danger; he must then transmit to the director any information he deems pertinent to protecting the child.

The physician himself may also report to the police authorities the situation of a child whose physical integrity or life appears to him to be in danger.

40. A physician who has reason to believe that the health of the population or of a group of individuals is threatened must notify the appropriate public health authorities.

41. A physician must collaborate with his colleagues in maintaining and improving the availability and quality of the medical services to which a clientele or population must have access.

DIVISION V
QUALITY OF PRACTICE

42. A physician must, in the practice of his profession, take into account his capacities, limitations and the means at his disposal. He must, if the interest of his patient requires it, consult a colleague, another professional or any competent person, or direct him to one of these persons.

43. A physician must refrain from practising his profession under circumstances or in any state that could compromise the quality of his practice or his acts or the dignity of the profession.

44. A physician must practise his profession in accordance with the highest possible current medical standards; to this end, he must, in particular, develop, perfect and keep his knowledge and skills up to date.

45. A physician who undertakes or participates in research on human beings must conform to the scientific principles and ethical standards generally recognized and justified by the nature and purpose of his research.

46. A physician must make his diagnosis with the greatest care, using the most appropriate scientific methods and, if necessary, consulting knowledgeable sources.

47. A physician must avoid omissions, procedures or acts which are unsuitable or contrary to the current information in medical science.

48. A physician must not resort to insufficiently tested examinations, investigations or treatments, unless they are part of a recognized research project and carried out in a recognized scientific milieu.

49. A physician must, with regard to a patient who wishes to resort to insufficiently tested treatments, inform him of the lack of scientific evidence relative to such treatments, of the risks or disadvantages that could result from them, as well as the advantages he may derive from the usual care, if any.

50. A physician must only provide care or issue a prescription when these are medically necessary.

51. A physician must refrain from providing, prescribing or permitting the obtainment of, in the absence of pathology or sufficient medical reason, psychotropic substances, including alcohol, or any other substance producing analogous effects, as well as any substance used to improve performance.

52. A physician must refrain from using or stating that he uses secret substances or treatments or from promoting the dissemination thereof.

53. A physician must, when performing an act requiring assistance, ensure that the person assisting him is qualified.

54. A physician must not remain alone with a patient when he uses a method of examination or treatment that entails a significantly altered state of consciousness.

55. A physician must not decrease the physical, mental or affective capacities of a patient except where such is required for preventive, diagnostic or therapeutic reasons.

56. A physician must, as soon as possible, inform his patient or the latter's legal representative of any incident, accident or complication which is likely to have or which has had a significant impact on his state of health or personal integrity.

57. A physician must inform the patient or, if the latter is unable to act, his legal representative, of a fatal or grave prognosis, unless there is just cause not to do so.

58. A physician must, when the death of a patient appears to him to be inevitable, act so that the death occurs with dignity. He must also ensure that the patient obtains the appropriate support and relief.

59. A physician must collaborate with the patient's relatives or any other person who shows a significant interest in the patient.

60. A physician must refuse to collaborate or participate in any medical act not in the patient's interest as it pertains to his health.

61. A physician must refuse to collaborate in any research activity where the risks to the health of subjects, healthy or ill, appear disproportionate to the potential advantages they may derive from such or the advantages they may derive from the usual care, if any.

62. A physician may not, unless an Act or regulation authorizes it,

1° select or keep in his position as associate, employee or assistant for the purpose of practising medicine, a person who is not a physician;

2° confer upon a person who is not a physician the responsibility of performing acts belonging to the practice of medicine;

3° collaborate with a person who illegally practises medicine.

DIVISION VI
INDEPENDENCE AND IMPARTIALITY

63. A physician must safeguard his professional independence at all times and avoid any situation in which he would be in conflict of interest, in particular when the interests in question are such that he might tend to favour certain of them over those of his patient or where his integrity and loyalty toward the latter might be affected.

64. A physician must disregard any intervention by a third party which could influence the performance of his professional duties to the detriment of his patient, a group of individuals or a population.

65. A physician acting on behalf of a third party must communicate directly to the physician of the patient, with the latter's authorization, any information he deems important with respect to his state of health.

66. A physician must, subject to existing laws, refrain from acting as physician on behalf of a third party in a lawsuit against his patient.

67. A physician acting on behalf of a patient or a third party as expert or assessor, must:

1° during an assessment, objectively and impartially acquaint the patient with the purpose of his work, what is being assessed and the means he intends to use to carry it out; he must also tell him to whom the assessment report is being sent and how he may request a copy of such;

2° avoid obtaining any information from that person or making any interpretations or comments not pertinent to what is being assessed;

3° refrain from communicating to the third party any information, interpretations or comments not pertinent to what is being assessed;

4° refrain from any word or gesture that could undermine that person's confidence in his physician;

5° promptly, objectively and impartially communicate his report to the third party or person who requested the assessment.

68. A physician must, in judging the aptitude of a person to perform work, confine himself to seeking information pertinent to this purpose.

69. A physician acting on behalf of a third party as expert or assessor may not become the attending physician of the patient unless the latter requests it or expressly authorizes it, and not until his mandate from the third party is completed.

70. A physician must, except in an emergency or in cases which are manifestly not serious, refrain from treating himself, or from treating any person with whom there is a relationship that could prejudice the quality of his practice, notably his spouse and his children.

71. A physician must, either alone or with the physicians with whom he practises, assume responsibility for the practice of his profession; he may not accept any arrangement limiting that responsibility.

72. A physician may not be party to an agreement in which the nature and extent of professional expenses can influence the quality of his practice.

Likewise, a physician may not be party to an agreement with another health professional in which the nature and extent of the professional expenses of the latter can influence the quality of his practice.

73. A physician must refrain:

1° from seeking or obtaining undue profit from the prescription of apparatus, examinations, medications or treatments;

2° from granting, in the practice of his profession, any benefit, commission or rebate to any person whatsoever;

3° from accepting, in his capacity as physician or by using his title of physician, any commission, rebate or material benefit that would jeopardize his professional independence.

74. A physician must not solicit clientele.

75. A physician may not allow his title to be used for commercial purposes.

76. A physician must refrain from selling any drug or product presented as having a benefit to health, except those he administers directly.

77. A physician must inform the patient of the fact that he has interests in the enterprise providing the diagnostic or therapeutic services he prescribes for him.

A physician must respect the patient's freedom of choice by indicating to him, on request, the other places where he may receive such services, when he issues him a prescription or a referral form to that effect.

78. A physician who undertakes or participates in a research project must state his interests and disclose any real, apparent or potential conflicts of interest to the research ethics committee.

In research-related activities, a physician must not be party to any agreement nor accept or grant any compensation that would call his professional independence into question.

Remuneration or compensation of a physician for the time and professional expertise he devotes to research must be reasonable and known to the ethics committee.

79. A physician who obtains royalties or is part of an enterprise which is within his power to control and which manufactures or markets products having a benefit to health must so inform the persons to whom he prescribes them and the circles in which he promotes them.

80. A physician may not be party to any agreement or accept any benefit that could jeopardize his professional independence, particularly in the context of continuing medical education activities.

81. A physician who organizes a continuing medical education activity or acts as a resource person in the context of such an activity must inform the participants of his affiliations or financial interests in a commercial enterprise in the performance of this activity.

82. A physician who is to perform a graft or organ transplant must not participate in the determination or confirmation of death of the patient from whom the organ is to be removed.

DIVISION VII
INTEGRITY

83. A physician must refrain from guaranteeing, explicitly or implicitly, the effectiveness of an examination, investigation or treatment, or the cure of a disease.

84. A physician must refrain from entering, producing or using data that he knows to be erroneous in any document, particularly in any report, medical record or research record.

85. A physician must refrain from issuing to any person and for any reason whatsoever a false certificate or any information, either verbal or written, which he knows to be erroneous.

86. A physician may not, by whatever means, make false, misleading or incomplete representations to the public or to a person having recourse to his services, particularly as to his level of competence or the scope or effectiveness of his services or of those generally provided by members of his profession.

87. A physician must not knowingly conceal the negative findings of a research project in which he has taken part.

88. A physician who uses a public information medium must communicate factual, exact and verifiable information. This information must not contain:

1° any comparative or superlative statement regarding the quality of the products, professionals or services referred to in the information;

2° any expression of support or gratitude concerning him or his professional practice.

89. A physician, in expressing medical opinions through any public information medium, must inform the public of opinions in keeping with current information in medical science on the subject and avoid any uncalled for publicity favouring a medication, product, or method of investigation or treatment.

90. A physician must express the appropriate caution when informing the public of a new diagnostic, investigative or treatment procedure which has not been sufficiently tested.

91. A physician may not engage in, or allow the use of, by any means whatsoever, advertising in his name, about him or for his benefit that is false, incomplete, unsuitable, misleading or liable to mislead.

92. A physician must clearly indicate in his advertising, on his stationery and all other items of identification, his name, his status as general practitioner or, where he holds a specialist's certificate issued by the Collège, his status as specialist. He may also mention the services he offers.

93. A physician must keep a complete copy of every advertisement in its original form, as well as a copy of any relevant contracts, for a period of not less than three (3) years following the date on which the advertisement was last published or broadcast. The copy must be submitted to a syndic of the Collège upon request.

DIVISION VIII
ACCESSIBILITY AND RECTIFICATION OF RECORDS

94. A physician must, promptly and within no more than 30 days of its receipt, respond to any request made by his patient to examine or obtain a copy of documents concerning him in any record established in his respect.

95. A physician may demand from a patient reasonable fees no greater than the cost of reproducing or transcribing such documents and the cost of transmitting a copy of the latter.

A physician who intends to demand such fees must, before proceeding with any reproduction, transcription or transmission, inform his patient of the approximate amount he will be required to pay.

96. A physician who refuses a patient access to information contained in a record established in his respect must, at the written request of the patient, inform him in writing of the reasons for his refusal and enter such reasons in the record.

97. A physician must provide a patient who requests it, or such person designated by the latter, with all information allowing him to obtain a benefit to which he may be entitled.

98. A physician must, at the patient's written request and within no more than 30 days of its receipt, hand over to the physician, employer, establishment, insurer or any other person designated by the patient, pertinent information from the patient's medical record which is in his possession and safekeeping.

99. A physician must, promptly and within no more than 30 days of its receipt, respond to any request made by a patient to correct or delete inexact, incomplete, ambiguous, outdated or unjustified information in any document concerning him. He must also respect the right of the patient to make written comments in his record.

A physician must deliver to the patient, free of charge, a copy of the document or that part of the document which was duly dated and placed in the record and which allows the patient to see that the information was corrected or deleted or, depending on the case, an attestation that the patient's written comments have been entered in the record.

100. A physician must, at the patient's written request, transmit a copy, without charge to the patient, of the corrected information or an attestation that the information was deleted or, if such be the case, that the written comments were entered in the record, to any person from whom the physician has received information that was the subject of correction, deletion or comments, as well as to any person to whom the information was communicated.

101. A physician who refuses to assent to a request for correction or deletion of information must notify the patient in writing of the reasons for such refusal and inform him of any recourse available to him.

102. A physician must respond promptly to any written request made by a patient to regain possession of a document the patient entrusted to him.

DIVISION IX
FEES

103. A physician must refrain from claiming fees from whomever for professional activities the cost of which has been or must be paid by a third party.

104. A physician must claim only those fees justified by the nature and circumstances of the professional services rendered.

The physician must, without delay, advise the patient of any change in the estimated cost of services.

105. A physician who does not participate or who has withdrawn from the Québec Health Insurance Plan or who claims fees for services not covered by this Plan, must give the patient sufficient prior information on the nature and scope of the services included in the fee claimed and specify the period for which the fee is in effect. A physician must provide the patient with all the necessary explanations for understanding his account and the terms and conditions of payment.

106. A physician must refrain from claiming fees for professional services not rendered.

The physician contemplated in section 105 may, however, demand a reasonable advance to cover the costs and fees related to the performance of his professional services.

107. A physician may share his fees only insofar as the sharing does not affect his professional independence.

108. A physician must not sell or transfer his accounts for professional fees, unless it is to another physician or unless the patient agrees thereto or a regulation of the Collège authorizes it.

109. A physician who appoints another person or agency to collect his fees must ensure that the latter proceeds with tact, moderation and a respect for the confidentiality and practices related to the collection of accounts authorized by law.

DIVISION X
RELATIONS WITH COLLEAGUES AND OTHER PROFESSIONALS

110. A physician must not, in his relations with whomever in the practice of his profession, notably a colleague or member of another professional order, denigrate him, abuse his confidence, willingly mislead him, betray his good faith or use disloyal tactics.

111. A physician must not harass, intimidate or threaten a person with whom he is connected in the practice of his profession.

112. A physician must, when of his own initiative he refers a patient to another professional, provide the latter with any information he possesses which is pertinent to the examination, investigation and treatment of that patient.

113. A physician who accepts a request for consultation from a physician must promptly provide the latter with the written results of his consultation and the recommendations he considers appropriate. He may also, if he deems it necessary, provide another health professional who refers a patient to him or to whom he refers a patient with any information useful to the care and services to be given to that patient.

114. A physician must, in an emergency, assist a colleague or another health professional in the practice of his profession when the latter requests it.

115. A physician must not take credit for work performed by a colleague or any other person.

DIVISION XI
RELATIONS WITH THE COLLÈGE

116. A physician must collaborate with the Collège in the execution of the latter's mandate to protect the public.

117. A physician must refrain from exerting any undue pressure, accepting or offering money or any other consideration, in order to influence a decision of the Bureau of the Collège, one of its committees or any person acting on behalf of the Collège.

118. A physician may not intimidate, hinder or denigrate in any way whatsoever a representative of the Collège acting in the performance of the duties conferred upon him by the Professional Code, the Medical Act or the regulations ensuing therefrom, or any person who has requested the holding of an inquiry, or any other person identified as a witness who could be summoned before a disciplinary body.

119. A physician must report to the Collège any physician, medical student, resident, medical fellow or any person authorized to practise medicine whom he believes to be unfit to practise, incompetent or dishonest, or who has performed acts in contravention of the Professional Code, Medical Act or regulations ensuing therefrom.

The physician must furthermore try to assist a colleague who presents a health problem likely to affect the quality of his practice.

120. A physician must, as promptly as possible, reply in writing to any correspondence from the secretary of the Collège, from a syndic as well as a member of the Review Committee or Professional Inspection Committee, or from an investigator, expert or inspector of this Committee, and make himself available for any meeting deemed pertinent.

121. A physician who is the subject of an inquiry or upon whom a complaint has been served by a syndic must not communicate with the person who requested that the inquiry be held, unless the physician has the prior, written permission of the person acting as syndic.

122. A physician must respect any agreement he has concluded with the Bureau, the Administrative Committee, the secretary of the Collège, a syndic, an assistant syndic or the Professional Inspection Committee.

123. A physician may not use the graphic symbol of the Collège in his advertising, unless he is authorized to do so by the secretary of the Collège, in which case the physician must add to such advertising the following notice :

"This advertisement is not an advertisement for the Collège des médecins du Québec and makes reference only to its authors.".

CHAPTER IV
FINAL PROVISIONS

124. This code replaces the Code of ethics of physicians (R.R.Q., 1981, c. M-9, r.4).

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

5345

Gouvernement du Québec

Agreement

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING USING "PERFAS-MV" BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINT-LIBOIRE, a legal person established in the public interest, having its head office at 21, place Mauriac, Saint-Liboire, Province of Québec, represented by the mayor, Gaétan Phaneuf and the secretary-treasurer Marie-Andrée Gosselin under a resolution bearing number 236-02 , hereinafter called

THE MUNICIPALITY

AND

Mtre. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, in Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL, having his main office at 10, rue Pierre-Olivier-Chauveau, in Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 177-02, passed at its meeting of 2nd July 2002, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the regular election of 3rd November 2002 the MUNICIPALITY ;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) provide the following:

"**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

659.3. After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.";

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the election held on 3rd November 2002 could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that regular election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of 3rd September 2002, resolution No. 236-02 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. 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.

2.1 "electronic voting system" means an apparatus consisting of the following devices:

— a computer containing in its memory the list of electors, used for the preparation of electronic voting cards;

— a reader of electronic voting cards;

— one or more printers;

— one or more autonomous voting terminals;

— electronic cards used to place the terminals in "election" mode, to vote (electronic voting cards), to place the terminals in "end of election" mode, and to record the results from each autonomous voting terminal;

2.2 "voting terminal" means an independent device containing a display with a graphical representation of a ballot paper, buttons used by electors to vote, and a memory card to record and compile the votes cast by electors;

2.3 "electronic card reader" means a device allowing the information required for an elector to vote to be transferred onto an electronic card;

2.4 "rejected ballot paper" means a ballot paper for which the button corresponding to "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" has been pushed by an elector on the voting terminal;

2.5 "operations trail" means a print-out of the operations (audit) of a voting terminal.

3. ELECTION

3.1 For the purposes of the regular election of 3rd November 2002 in the municipality, a sufficient number of "PERFAS-MV" model electronic voting systems will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

4. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

(1) a report displaying a total of "zero" must be automatically produced by the electronic ballot box when a voting terminal is turned on on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card of the voting terminal, and must record each procedural operation;

(3) a mechanism which prevents a voting terminal from being placed in "end of election" mode while polling is still under way, because the terminal can only be placed in "end of election" mode by the insertion of an "end of election" card;

(4) a mechanism to ensure that the compilation of results is not affected by any type of interference once the electronic ballot box has been placed in "election" mode;

(5) each voting terminal must be equipped with seals, two to prevent the opening of the box and one covering the screws of the voting terminal;

(6) each voting terminal must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the terminals are connected to a generator;

(7) if a voting terminal is defective, its internal memory card may be removed and transferred immediately into another voting terminal in order to allow the procedure to continue.

5. PROGRAMMING

Each electronic voting system used is specially programmed by the firm PG Elections inc. for the municipality in order to recognize and tally ballot papers in accordance with this agreement.

6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

6.1 **Election officers**

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words "senior deputy returning officer, assistant to the senior deputy returning officer" after the word "assistant,".

6.2 **Senior deputy returning officer, assistant to the senior deputy returning officer**

The following is substituted for section 76 of the Act:

"**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.".

6.3 **Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer**

The following is substituted for section 80 of the Act:

"**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic voting systems (voting terminal and electronic card reader);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

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

(4) ensure that the electronic voting systems function correctly;

(5) print out the results compiled by the voting terminals at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by each voting terminal;

(7) give the returning officer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of electors at each polling station who were given an electronic voting card;

(8) give the returning officer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in "end of election" mode, and the voting terminals in sealed cases.

80.1. The assistant to the deputy returning officer shall, in particular,

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

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

(3) verify the polling booths in the polling place.

80.2. The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) see that the polling is properly conducted and maintain order at the polling station;

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

(4) receive proof of identity from electors;

(5) give electors an electronic voting card to exercise their right to vote;

(6) check that each electronic voting card returned after the vote has been used. If a card has not been used, a record shall be made in the poll book that an elector has failed to exercise the right to vote;

(7) at the close of the poll, give the senior deputy returning officer a statement indicating the total number of electors given an electronic voting card by the deputy returning officer at the polling station.".

6.4 **Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

The following is substituted for section 90.5 of the Act:

"**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make.

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 the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.".

6.5 **Notice of election**

The following is added after paragraph 7 of section 99:

"(8) the fact that the method of voting is by means of an electronic voting system."

6.6 **Polling subdivisions**

The following is substituted for section 104 of the Act:

"**104.** The returning officer shall divide the list of electors into polling subdivisions, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, establish their identity and give them an electronic voting card.

In the polling place, the electors may report to any polling station. They shall be directed to the first available voting terminal to exercise their right to vote.".

6.7 **Verification of electronic voting systems**

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

"***§1.1*** *Verification of electronic voting systems*

173.1. The returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

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

173.3. The returning officer shall conduct the test by performing the following operations:

(1) he shall prepare a pre-determined number of electronic voting cards and transfer onto them the information relating to one of the positions to be filled;

(2) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include:

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor";

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(3) he shall ensure that it is not possible to record more than one vote for the same position;

(4) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement "I do not wish to vote for the office of mayor", and the button used to vote for a councillor or corresponding to the statement "I do not wish to vote for the office of councillor", have been pushed;

(5) he shall ensure that the information relating to the positions to be filled contained on the electronic voting cards is consistent with the information transferred to the cards by the returning officer;

(6) he shall place the system in "end of election" mode and ensure that the results compiled by the voting terminal are consistent with the results compiled manually;

(7) once the test has been successfully completed, he shall reset the voting terminal to zero and replace it in a sealed case; the candidates or their representatives may affix their signature if they so wish;

(8) where an error in the compilation of the results compiled by the terminals is detected, the returning officer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained; any error or discrepancy shall be noted in the test report;

(9) he may not change the programming established by the firm PG Elections inc.".

6.8 **Advance polling**

The following is substituted for sections 182, 183 and 185 of the Act:

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

(1) the number of electors who were given an electronic voting card;

(2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer;

(3) the names of the persons who performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the forms, the verification reports printed out at each terminal, the poll book and the list of electors, and 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, except the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in a large envelope. The large envelope shall be sealed. The persons present may affix their initials to the seal.

182.1. At the close of the advance polling station, the senior deputy returning officer shall:

(1) place the voting terminals in "end of election" mode;

(2) transfer the data contained in the memory of the electronic ballot box onto a memory card;

(3) print the operations trail (audit);

(4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes;

(5) forward the envelopes to the returning officer, who shall keep them safely in separated locations;

(6) set each voting terminal to zero, seal it and place it in its plastic case;

(7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

182.2. The senior deputy returning officer shall place the card used to place the terminals in "election" mode and "end of election" mode in the large envelope.

The senior deputy returning officer shall seal the large envelope and each terminal. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.

The senior deputy returning officer shall then give the large envelope, the envelopes containing the list of electors, the memory card and the operations trail, as well as the voting terminals, to the returning officer or the person designated by the returning officer.

The returning officer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

182.3. The returning officer shall, using the various lists of electors used in the advance polling, draw up an integrated list of all the electors who voted in the advance poll. The returning officer shall make as many copies of the list as there are to be polling stations on polling day.

183. Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the large envelope and give each deputy returning officer the poll books and the forms. Each deputy returning officer shall open the envelopes and take custody of their contents.

The senior deputy returning officer shall take possession of the verification reports indicating the total number of votes recorded on each terminal, the card used to place the terminals in "election" mode and the card used to place the terminals in "end of election" mode.

The senior deputy returning officer shall verify for each terminal, using the memory card, that the number of votes recorded matches the number entered the previous day in the poll book by the poll clerk for that polling station.

The returning officer, or the person designated by the returning officer, shall return the list of electors to each deputy returning officer.

At the close of the advance poll on the second day, the senior deputy returning officer, the returning officer and the poll clerk shall perform the same actions as at the close of the advance poll on the first day.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall, using the memory card or cards on which the results are recorded, print out the results compiled by each voting terminal used in the advance poll in the presence of the deputy returning officers, the poll clerks and 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.".

6.9 **Revocation**

Sections 186 and 187 of the Act are revoked.

6.10 **Polling place**

The following is substituted for the first paragraph of section 188 of the Act:

"**188.** The polling place must be in premises that are spacious and easily accessible to the public.".

6.11 **Booths**

The following is substituted for section 191 of the Act:

"**191.** Where electronic voting systems are used in an election, each polling station shall have the number of polling booths determined by the returning officer.".

6.12 **Ballot papers and electronic voting cards**

The following is substituted for section 192 of the Act:

"**192.** The returning officer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the electors' right to vote."

The following is substituted for sections 193 to 195 of the Act:

"**193.** The graphical representation of a ballot paper that appears on the voting terminal shall be consistent with the model set out in Schedule 1 to the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities.".

6.13 **Identification of the candidates**

The following is substituted for section 196 of the Act:

"**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

Depending on the number of positions to be filled, the representation shall have one or more columns on one or more pages, showing:

(1) the name of each candidate, the given name preceding the surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs, where such is the case;

(3) a rectangle for the elector's mark opposite the particulars pertaining to each candidate.

All rectangles, as the space between consecutive rectangles, must be of the same size.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate's name and, where such is the case, above the indication of the candidate's political affiliation.

The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.".

6.14 **Reverse of ballot paper**

Section 197 is revoked.

6.15 **Withdrawal of a candidate**

The following is substituted for section 198 of the Act:

"**198.** Where an electronic voting system is used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.".

6.16 **Withdrawal of authorization or recognition**

The following is substituted for section 199 of the Act:

"**199.** Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn.".

6.17 **Number of voting terminals**

The following is substituted for sections 200 and 201 of the Act:

"**200.** The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

201. The upper surface of the voting terminal must be in conformity with the model described in Schedule 2 to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the upper surface of the voting terminal.".

6.18 **Provision of polling materials**

The following is substituted for section 204 of the Act:

"**204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) the copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote at that polling station;

(2) a poll book;

(3) electronic voting cards;

(4) the forms and other documents necessary for the poll and the closing of the polling station.

The returning officer shall give or make available to the deputy returning officer, as well as to the senior deputy returning officer, any other materials required for the poll, the closing of the polling office, and the tallying and recording of votes.".

6.19 **Examination of polling materials and documents**

The following is substituted for section 207 of the Act:

"**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic voting system for the polling place. The senior deputy returning officer shall ensure that the system computer displays a total of zero electors having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

The senior deputy returning officer shall ensure that as many small envelopes are available for the memory cards used to record results as there are voting terminals under his responsibility.

The senior deputy returning officer must inform the returning officer of any discrepancy observed upon activating a voting terminal or during the poll.

The senior deputy returning officer shall keep the reports and show them to any person present who wishes to examine them.

The senior deputy returning officer must, in addition, before the persons present, ensure that two seals are affixed to each terminal.

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

POLLING PROCEDURE

6.20 **Presence at the polling station**

The following is substituted for the third paragraph of section 214 of the Act:

"In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer, may be present at the polling station. The officer in charge of information and order may be present, at the request of the deputy returning officer, for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.".

6.21 **Electronic voting cards**

The following is substituted for section 221 of the Act:

"**221.** The deputy returning officer shall give each elector admitted to vote an electronic voting card to which the information required to exercise the right to vote has been transferred.

In no case may the information transferred to the card allow a link to be established between the casting of a vote and the identity of an elector.".

6.22 **Voting**

The following is substituted for section 222 of the Act:

"**222.** The elector shall enter the polling booth and exercise the right to vote by:

(1) inserting the electronic voting card in the opening provided for that purpose and clearly identified on the upper surface of the voting terminal;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor and councillor or councillors, causing a mark to appear in the rectangle;

(3) recording the vote by pressing the red button placed on the upper surface of the voting terminal, causing the red lights placed above the button to go out.".

6.23 **Following the vote**

The following is substituted for section 223 of the Act:

"**223.** After removing the electronic voting card from the voting terminal, the elector shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the returning officer.

If an elector indicates one or more votes but leaves the booth without recording them, the senior deputy returning officer or the latter's assistant shall record the votes.

If an elector fails to indicate and record one or more votes and leaves the polling place, the senior deputy returning officer or the latter's assistant shall press the button corresponding to the statement "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" or both, as the case may be, and shall then record the voter's vote.

The electronic voting card shall then be removed from the voting terminal and given to the deputy returning officer. The occurrence shall be recorded in the poll book.".

6.24 **Cancelled and spoiled ballot papers**

Sections 224 and 225 of the Act are revoked.

6.25 **Assistance for electors**

The following is substituted for section 226 of the Act:

"**226.** An elector who declares under oath, before the senior deputy returning officer or the assistance to the senior deputy returning officer, that he is unable to use the electronic ballot box or to vote, may be assisted either:

(1) by a person who is the elector's spouse or a relative within the meaning of section 131;

(2) by the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

The senior deputy returning officer shall advise the deputy returning officer concerned that an elector has availed himself of this section, and the occurrence shall be entered in the poll book.".

6.26 **Transfer of information to electronic voting cards**

The following is substituted for section 228 of the Act:

"**228.** The electronic voting system shall ensure that the information required for an elector to exercise the right to vote is transferred once only to the electronic voting card.".

6.27 **Compilation of results and tallying of votes**

The following is substituted for section 229 of the Act:

"**229.** After the closing of the poll, the senior deputy returning officer shall compile the results by:

(1) placing the election terminals of the polling place in "end of election" mode;

(2) recording the results of each voting terminal;

(3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of votes for each candidate.

The senior deputy returning officer shall gather from each poll clerk the number of electors admitted to vote.

The senior deputy returning officer shall allow each person present to consult the results.".

6.28 **Entries in poll book**

The following is substituted for section 230 of the Act:

"**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book:

(1) the number of electors who have voted;

(2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

230.1. The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the senior deputy returning officer.".

6.29 **Compiling sheet**

Section 231 of the Act is revoked.

6.30 **Counting of the votes**

Section 232 of the Act is revoked.

6.31 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

"**233.** The electronic voting system shall be programmed in such a way that every ballot paper for which the button corresponding to "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" is pushed by the elector on the voting terminal is rejected.

For the purposes of the poll, the memory card shall be programmed in such a way that the electronic voting system processes and conserves all the votes cast, in other words both the valid ballot papers and the rejected ballot papers.".

Sections 234 to 237 of the Act are revoked.

6.32 **Partial statement of votes and copy for representatives**

The following is substituted for sections 238 and 240 of the Act:

"**238.** The deputy returning officer shall draw up the partial statement of votes, setting out the total number of electors admitted to vote.

A separate statement shall be drawn up for each polling station.

The deputy returning officer shall draw up sufficient copies of the partial statement of votes for himself, the senior deputy returning officer, the returning officer and every representative assigned to the polling station.

238.1 Using the partial statements of votes and the results compiled by the electronic voting system, the senior deputy returning officer shall draw up an overall statement of votes.

240. The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.

The senior deputy returning officer shall retain a copy of the statement and a second copy for the returning officer for the purposes of section 244.".

6.33 **Separate envelopes**

The following is substituted for section 241 of the Act:

"**241.** After printing out the results compiled by each voting terminal in the polling place, the senior deputy returning officer shall:

(1) place the memory card used to record the results from each voting terminal in a small envelope bearing the serial number of the terminal concerned, seal the envelope and affix his initials, along with those of the representatives who wish to do so;

(2) place all the reports on the results compiled in an envelope, together with the partial statements and the overall statement of votes.".

6.34 **Seals**

The following is substituted for section 242 of the Act:

"**242.** The senior deputy returning officer shall place in a large envelope:

(1) the small envelopes prepared pursuant to paragraph 1 of section 241;

(2) the envelopes provided for in section 230.1;

(3) the card used in the polling place to place the terminals in "election" mode and "end of election" mode;

(4) the electronic voting cards.

The senior deputy returning officer shall seal the large envelope. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.".

6.35 **Placing in ballot box**

Section 243 of the Act is revoked.

6.36 **Delivery to returning officer**

The following is substituted for section 244 of the Act:

"**244.** The senior deputy returning officer shall deliver to the returning officer or the person designated by the returning officer

(1) the envelope containing the reports of the results compiled by each voting terminal, the partial statements and the overall statement of votes;

(2) the large envelope provided for in section 242.".

6.37 **Addition of votes**

The following is substituted for section 247 of the Act:

"**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.".

6.38 **Adjournment of the addition of votes**

The following is substituted for section 248 of the Act:

"**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement is obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results and a partial statement of votes, the returning officer shall, in the presence of the senior deputy returning officer and the candidates in question or of their representatives if they so wish, print out a new report using the appropriate memory card for recording results and the copy of the partial statements of votes taken from the large envelope, opened in the presence of the aforementioned persons.".

6.39 **Placing in envelope**

The following is substituted for section 249 of the Act:

"**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the candidates or their representatives to affix their initials if they so wish. He shall place the copy of the partial statements of votes in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.".

6.40 **New counting of the votes**

Section 250 of the Act is revoked.

6.41 **Notice to the Minister**

The following is substituted for section 251 of the Act:

"**251.** Where it is impossible to obtain the electronic cards used to record the results, where applicable, the returning officer shall advise the Minister of Municipal Affairs and Greater Montréal in accordance with Division III of Chapter XI.".

6.42 **Access to voting papers**

Section 261 of the Act is revoked.

6.43 **Application for a recount or re-addition**

The following is substituted for the first paragraph of section 262 of the Act:

"**262.** Any person who has reasonable grounds to believe that a voting terminal has produced an inaccurate statement of the number of votes cast, or that a deputy returning officer has drawn up an inaccurate partial statement of votes, or that a senior deputy returning officer has drawn up an inaccurate overall statement of votes, may apply for a new compilation of the results. The applications may be limited to one or more voting terminals, but the judge is not bound by that limitation.".

6.44 **Notice to candidates**

The following is substituted for section 267 of the Act:

"**267.** The judge shall give one clear day's advance notice in writing to the candidates concerned of the date, time and place at which he will proceed with the new compilation of the results or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of vote. Where the new compilation is limited to one or certain polling subdivisions, the judge shall order only the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of votes he will need.".

6.45 **Procedure for a new compilation of results or re-addition of votes**

The following is substituted for section 268 of the Act:

"**268.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a new compilation of results, print out the results compiled by the voting terminal display or displays under inquiry.

In the case of a re-addition of votes, the judge shall examine the reports of the compiled results and the partial and overall statements of votes.

The candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.".

6.46 **Repeal**

Section 269 is revoked.

6.47 **Missing electronic card for recording results and partial statements of votes**

The following is substituted for the first paragraph of section 270 of the Act:

"**270.** If an electronic card on which results are recorded or a required document is missing, the judge shall use appropriate means to ascertain the results of the vote.".

6.48 **Custody of items and documents, and verification**

The following is substituted for sections 271, 272 and 273 of the Act:

"**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

272. As soon as the new compilation is completed, the judge shall confirm or rectify each report of compiled results and each report on a partial statement of votes and carry out a re-addition of the votes.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the returning officer the electronic cards used to record the results and all the other documents used to complete the new compilation or the re-addition.".

7. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before 1st January 2010.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the regular election to be held on 3rd November 2002 of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

9. ASSESSMENT REPORT

Within 120 days following the regular election held on 3rd November 2002, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister addressing, in particular, the following issues:

— the preparations for the election (choice of the new method of voting, 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;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the regular election on 3rd November 2002 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of votes cast and the number of electors admitted to vote.

10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the regular election held on 3rd November 2002 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

11. EFFECT OF AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES:

In Saint-Liboire, this 4th day of September 2002

MUNICIPALITY OF SAINT-LIBOIRE

By: _____
GAÉTAN PHANEUF, *Mayor*

_____
MARIE-ANDRÉE GOSSELIN, *secretary-treasurer*

In Sainte-Foy, on this 12th day of September 2002

THE CHIEF ELECTORAL OFFICER

_____
MARCEL BLANCHET

In Québec, on this 1st day of October 2002

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By: _____
JEAN PRONOVOST, *Deputy Minister*

5340

M.O., 2002-012

Order of the Minister of Health and Social Services for the designation of a breast cancer detection centre, dated 9 October 2002

Health Insurance Act
(R.S.Q., c. A-29)

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING subparagraph *b*.3 of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

ORDERS:

That the following breast cancer detection centre be designated for the Côte-Nord region:

"Centre hospitalier régional de Sept-Îles
45, Père-Divet
Sept-Îles (Québec)
G4R 3N7.".

Québec, on 9 October 2002

FRANÇOIS LEGAULT,
Minister of State for Health and Social Services and Minister of Health and Social Services

5339

M.O., 2002-019

Order of the Minister responsible for Wildlife and Parks dated 10 October 2002

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

CONCERNING the establishment of the Pierre-Étienne-Fortin Wildlife Preserve

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONCERNING that under section 122 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister responsible for Wildlife and Parks may establish on lands in the domain of the State, on private lands or on both, after consulting the Minister of Natural Resources in the case of lands in the domain of the State, a wildlife preserve in respect of which the conditions governing the use of the resources and the carrying on of recreational activities incidental thereto are fixed with a view to preserving the wildlife habitat or the habitat of a species of wildlife;

CONCERNING that under paragraph 2 of section 122 of this Act, where the Minister wishes to include private land in a wildlife preserve, he shall first enter into an agreement to that effect with the owner, including a municipality;

CONSIDERING that the territory contemplated for the establishment of the Pierre-Étienne-Fortin Wildlife Preserve is comprised of lands in the domain of the State, of lands owned by the City of Richelieu and lands owned by Hydro-Québec;

CONSIDERING that memorandums of understanding between the Minister responsible for Wildlife and Parks and the City of Richelieu and Hydro-Québec for inclusion of these lands in the Pierre-Étienne-Fortin Wildlife Preserve have been entered into;

CONSIDERING that it is expedient to establish the Pierre-Étienne-Fortin Wildlife Preserve in order to conserve the habitat of the copper redhorse (*Moxostoma hubbsi*), the river redhorse (*Moxostoma carinatum*) and the channel darter (*Percina copelandi*);

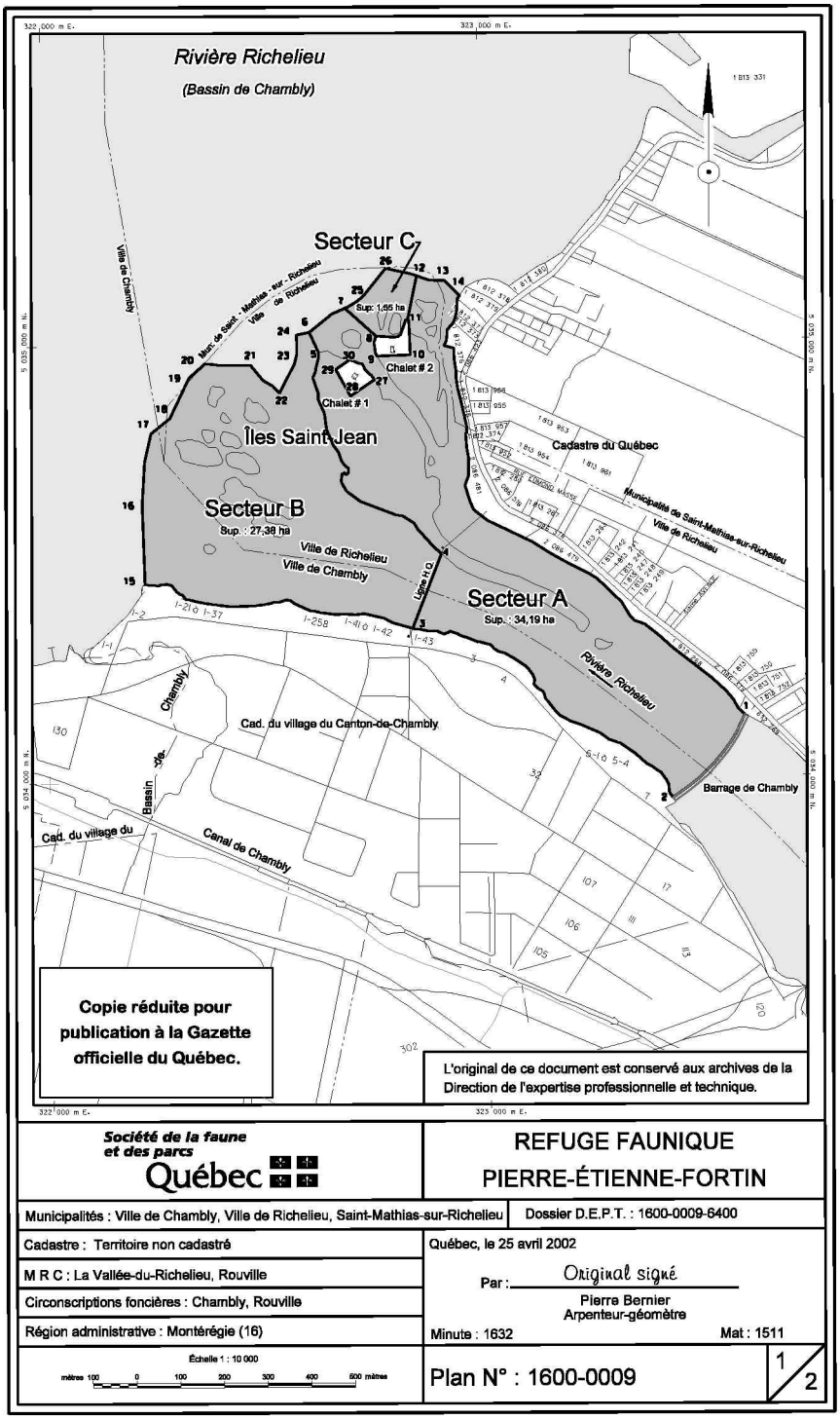
ORDERS THAT:

The " Pierre-Étienne-Fortin Wildlife Preserve", whose boundaries are delimited on the attached plan, be established;

This Order come into force on the day of its publication in the *Gazette officielle du Québec.*

Québec, 10 October 2002

RICHARD LEGENDRE,
Minister responsible for Wildlife and Parks


Rivière Richelieu
(Bassin de Chambly)
Secteur C
Sup.: 1,65 ha
Chalet # 2
Chalet # 1
Îles Saint-Jean
Secteur B
Sup.: 27,38 ha
Ville de Richelieu
Ville de Chambly
Secteur A
Sup.: 34,19 ha
Ligne H.Q.
Cadastre du Québec
Municipalité de Saint-Mathias-sur-Richelieu
Ville de Richelieu
Rivière Richelieu
Barrage de Chambly
Canal de Chambly
Cad. du village du Canton-de-Chambly
Cad. du village du
Bassin de Chambly
Copie réduite pour publication à la Gazette officielle du Québec.
L'original de ce document est conservé aux archives de la Direction de l'expertise professionnelle et technique.
Société de la faune et des parcs
Québec
REFUGE FAUNIQUE
PIERRE-ÉTIENNE-FORTIN
Municipalités : Ville de Chambly, Ville de Richelieu, Saint-Mathias-sur-Richelieu
Dossier D.E.P.T. : 1600-0009-6400
Cadastre : Territoire non cadastré
M R C : La Vallée-du-Richelieu, Rouville
Circonscriptions foncières : Chambly, Rouville
Région administrative : Montérégie (16)
Québec, le 25 avril 2002
Par : Original signé
Pierre Bernier
Arpenteur-géomètre
Minute : 1632
Mat : 1511
Échelle 1 : 10 000
mètres 100 0 100 200 300 400 500 mètres
Plan N° : 1600-0009
1/2

M.O., 2002-013

Order of the Minister of State for Health and Social Services making the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan dated 15 October 2002

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01; 2002, c. 27)

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01; 2002, c. 27);

CONSIDERING Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the List of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend the List of medications attached to that Regulation;

CONSIDERING that the Conseil consultatif de pharmacologie has been consulted on the draft Regulation;

MAKES the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 15 October 2002

FRANÇOIS LEGAULT,
Minister of State for Health and Social Services and Minister of Health and Social Services

Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan[*]

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01, s. 60; 2002, c. 27, s. 22, par. 2)

1. The Regulation respecting the List of medications covered by the basic prescription drug insurance plan is amended, in the List of medications attached thereto, in Appendix III entitled "Products for which the wholesaler's mark-up is limited to a maximum amount":

(1) by inserting the following after the line concerning the medication "DILAUDID-XP":

"W.A.C.	Enbrel S.C. Inj. Pd. 25 mg	4 vials";

(2) by inserting the following after the line concerning the medication "TOBI":

"Actelion	Tracleer Tab. 62.5 mg	60 tablets
Actelion	Tracleer Tab. 125 mg	60 tablets".

2. The List of medications, attached to that Regulation, is amended in Appendix IV entitled "Exceptional medications, with recognized indications for payment purposes":

(1) by inserting the following after the medication "BISACODYL" and the accompanying indications:

"BOSENTAN

◆ for treatment of pulmonary arterial hypertension (WHO functional class III) that is either primary or secondary to sclerodermia and that is symptomatic despite the optimal conventional treatment;

The person must be evaluated and followed up on by physicians working at designated centres specializing in the treatment of pulmonary arterial hypertension;";

[*] The Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Minister's Order 1999-014 dated 15 September 1999 (1999, *G.O.* 2, 3197) of the Minister of State for Health and Social Services and Minister of Health and Social Services, was last amended by Minister's Orders 2002-005 dated 11 June 2002 (2000, *G.O.* 2, 2733) and 2002-011 dated 13 September 2002 (2002, *G.O.* 2, 4885) of that Minister. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

(2) by inserting the following after the medication "ESTRADIOL-17B/NORETHINDRONE ACETATE" and the accompanying indications and before the medication "ETIDRONATE DISODIUM":

"ETANERCEPT

◆ for treatment of moderate or severe rheumatoid arthritis;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:
- the person must, prior to the beginning of treatment, have eight or more joints with active synovitis and one of the following five elements must be present:
  – a positive rheumatoid factor;
  – radiologically measured erosions;
  – a score of more than 1 on the health assessment questionnaire (HAQ);
  – an elevated C-reactive protein level;
  – an elevated sedimentation rate;

and
- the disease must still be active despite treatment with two disease-modifying anti-rheumatic drugs, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be:
  – methotrexate at a dose of 20 mg or more per week;
  or
  – leflunomide at a dose of 20 mg per day.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information establishing the treatment's beneficial effects, specifically:
- a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements:
  – a decrease of 20% or more in the C-reactive protein level;
  – a reduction of 20% or more in the sedimentation rate;
  – an improvement of 0.20 in the HAQ score;
  – a return to work.

The first request for continuation of treatment is authorized for six months and the following requests will be authorized for twelve months.

Authorizations for etanercept are given for a dose of 25 mg twice per week.

◆ for treatment of moderate or severe juvenile idiopathic arthritis (juvenile rheumatoid arthritis and juvenile chronic arthritis) of the polyarticular or systemic type;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:
- the person must, prior to the beginning of treatment, have five or more joints with active synovitis and one of the following two elements must be present:
  – an elevated C-reactive protein level;
  – an elevated sedimentation rate;

and
- the disease must still be active despite treatment with methotrexate at a dose of 15 mg/M^2 or more (maximum 20 mg per dose) per week for at least three months, unless there is intolerance or a contraindication.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information establishing the treatment's beneficial effects, specifically:
- a decrease of 20% or more in the number of joints with active synovitis and one of the following six elements:
  – a decrease of 20% or more in the C-reactive protein level;
  – a reduction of 20% or more in the sedimentation rate;
  – an improvement of 0.13 in the childhood health assessment questionnaire (CHAQ) score or a return to school;
  – an improvement of at least 20% in the physician's overall assessment (visual analogue scale);
  – an improvement of at least 20% in the patient's or parent's overall assessment (visual analogue scale);
  – an improvement of 20% or more in the number of joints with limited movement.

The first request for continuation of treatment is authorized for six months and the following requests will be authorized for 12 months.

Authorizations for etanercept are given for 0.4 mg/kg (maximum 25 mg) twice per week;";

(3) by inserting the following indication after the indications accompanying the medication "IMATINIB MESYLATE":

"◆ for treatment of an inoperable, recidivant or metastatic gastrointestinal stromal tumour with presence of the c-kit receptor (CD117);

The initial authorization is for a daily dose of 400 mg for a duration of six months.

An authorization for a daily dose of 600 mg may be obtained with evidence of a progression of the disease, confirmed by imaging, after a minimum of three months of treatment at a daily dose of 400 mg.

When making subsequent requests, the physician must provide evidence of a complete or partial response or of stabilization of the disease, confirmed by imaging.

Authorizations will be for six-month periods;";

(4) by inserting the following indications after the indications accompanying the medication "INFLIXIMAB":

"◆for treatment of moderate or severe rheumatoid arthritis;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:
- the person must, prior to the beginning of treatment, have eight or more joints with active synovitis and one of the following five elements must be present:
  – a positive rheumatoid factor;
  – radiologically measured erosions;
  – a score of more than 1 on the health assessment questionnaire (HAQ);
  – an elevated C-reactive protein level;
  – an elevated sedimentation rate;

and
- the disease must still be active despite treatment with two disease-modifying anti-rheumatic drugs, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be:
  – methotrexate at a dose of 20 mg or more per week;
  or
  – leflunomide at a dose of 20 mg per day.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information establishing the treatment's beneficial effects, specifically:
- a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements:
  – a decrease of 20% or more in the C-reactive protein level;
  – a reduction of 20% or more in the sedimentation rate;
  – an improvement of 0.20 in the HAQ score;
  – a return to work.

The first request for continuation of treatment is authorized for six months and the following requests will be authorized for twelve months.

Authorizations for infliximab are given for three doses of 3 mg/kg, with the possibility of increasing the dose to 5 mg/kg after three doses or in the 14th week;

◆ for treatment of moderate or severe juvenile idiopathic arthritis (juvenile rheumatoid arthritis and juvenile chronic arthritis) of the polyarticular or systemic type;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:
- the person must, prior to the beginning of treatment, have five or more joints with active synovitis and one of the following two elements must be present:
  – an elevated C-reactive protein level;
  – an elevated sedimentation rate;

and
- the disease must still be active despite treatment with methotrexate at a dose of 15 mg/M^2 or more (maximum 20 mg per dose) per week for at least three months, unless there is intolerance or a contraindication.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information establishing the treatment's beneficial effects, specifically:
- a decrease of at least 20% in the number of joints with active synovitis and one of the following six elements:
  – a decrease of 20% or more in the C-reactive protein level;
  – a reduction of 20% or more in the sedimentation rate;
  – an improvement of 0.13 in the childhood health assessment questionnaire (CHAQ) score or a return to school;
  – an improvement of at least 20% in the physician's overall assessment (visual analogue scale);
  – an improvement of at least 20% in the patient's or parent's overall assessment (visual analogue scale);
  – an improvement of 20% or more in the number of joints with limited movement.

The first request for continuation of treatment is authorized for six months and the following requests will be authorized for 12 months.

Authorizations for infliximab are given for three doses of 3 mg/kg, with the possibility of increasing the dose to 5 mg/kg after three doses or in the 14th week;".

3. The List of medications, attached to that Regulation, is amended by substituting the package size costs and unit prices indicated hereinafter for the unit prices and package size costs of the following medications:

	CODE	BRAND NAME	MANUFACTURER	PKG. SIZE	COST OF PKG. SIZE	UNIT PRICE
8:12.02						
AMINOGLYCOSIDES						
TOBRAMYCINE SULFATE P						
	Inj. Sol.		40 mg/mL **P.P.B.**			
*	00325449	Nebcin	Lilly	2 mL	4.82	
92:00						
UNCLASSIFIED THERAPEUTIC AGENTS						
COLCHICINE						
	Tab.		0,6 mg			
*	00572349	Colchicine	Odan	500	97.50	0.1950
	Tab.		1 mg			
*	00621374	Colchicine	Odan	100	37.80	0.3780
EXCEPTIONAL MEDICATIONS						
EPOETIN ALFA P						
	Syringe		10 000 UI/1,0 mL			
*	02231587	Eprex	J.O.I.	6	803.70	133.9500

4. The List of medications, attached to that Regulation, is amended in the "Exceptional Medications" section:

(1) by inserting the following after the medication "BISACODYL" and the accompanying information:

BOSENTAN P						
	Tab.		62.5 mg			
+	02244981	Tracleer	Actelion	60	3594.00	59.9000
	Tab.		125 mg			
+	02244982	Tracleer	Actelion	60	3594.00	59.9000

(2) by inserting the following after the medication "ESTRADIOL-17B, ESTRADIOL-17B/NORETHINDRONE ACETATE" and the accompanying information and before the medication "ETIDRONATE SODIUM":

ETANERCEPT P						
	S.C. Inj. Pd.		25 mg			
+	02242903	Enbrel	W.A.C.	4	660.00	165.0000

5. This Regulation comes into force on 23 October 2002.

5354

Draft Regulations

Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20)

Commission de la construction du Québec — Levy

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), that the Levy Regulation of the Commission de la construction du Québec, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

Under section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the 45 days provided for in section 11 of that Act because the urgency due to the following circumstance requires it:

— it is expedient to establish the rate of levy of the Commission de la construction du Québec for the year 2003 before 1 January 2003.

The purpose of the draft Regulation is to levy upon the employer alone or upon both the employer and the employee or upon the employee alone or, where applicable, upon the independent contractor, the amounts required for its administration and fix a minimum amount which an employer is bound to pay per monthly period. Such levy, similar to that of the year 2002, constitutes the main source of financing of the Commission.

Further information may be obtained by contacting André Ménard, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, Jean-Talon Ouest, Montréal H3R 2G3; tel. (514) 341-7740, extension 6296.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 15-day period, to André Ménard, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, Jean-Talon Ouest, Montréal H3R 2G3.

JEAN ROCHON,
Minister of State for Human Resources and Labour
Minister of Labour

Levy Regulation of the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20, s. 82, 1st par. subpar. *c*)

1. The levy imposed by the Commission de la construction du Québec for the year 2003 is:

(1) for an employer, 0.75% of the total remuneration paid to employees;

(2) for an independent contractor, 0.75% of the independent contractor's remuneration;

(3) for an employee, 0.75% of the employee's remuneration.

Despite the first paragraph, the minimum amount that an employer or an independent contractor is bound to pay the Commission per monthly period is $10.

2. An employer shall collect, on behalf of the Commission, the levy imposed upon the employees by means of a weekly deduction from their wages.

3. An independent contractor shall deduct weekly, out of the remuneration received as an independent contractor, the levy imposed upon him or her.

4. An employer and an independent contractor shall remit to the Commission any amount levied for a given monthly period pursuant to this Regulation, no later than on the fifteenth day of the following month.

5. This Regulation comes into force on 1 January 2003.

5352

Draft Regulation

Animal Health Protection Act
(R.S.Q., c. P-42)

Identification of cattle
— Amendments

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

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12e étage, Québec (Québec) G1R 4X6.

MAXIME ARSENEAU,
Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting the identification of cattle*

Animal Health Protection Act
(R.S.Q., c. P-42, s. 22.1)

1. The Regulation respecting the identification of cattle is amended by inserting the following paragraph after the first paragraph of section 4:

"The person referred to in the first paragraph must order only 9 or 29 chip tags and bar code tag sets.".

2. The Regulation is amended by inserting the following Division after section 28:

"**DIVISION VII.1**
APPLICABLE FEES

28.1 The applicable fees are set at:

(1) $3 per chip tag and bar code tag set for an order of 9 tag sets and $2 per set for 29 sets for the issue of tags ordered under section 4;

(2) $3.48 per chip tag and $1.32 per code bar tag if such tag completes the identification and bears the same number as that appearing on the tag already worn by the animal for the issue of tags ordered under section 4;

(3) $0.70 per blank tag for the issue of tags ordered under section 4; and

(4) $2 for registering the information by the Minister or, where applicable, the managing agency, sent under section 20, for each animal governed by that information that is received on the farm and that is not intended for dairy production or is not of a beef type intended for breeding and except if the second paragraph of section 12 applies.

28.2 The fees referred to in paragraphs 1 to 3 of section 28.1 must be paid at the time the tags are ordered and those referred to in paragraph 4 of that section at the time the information referred to in that paragraph is sent or at the latest on 30 June or 31 December of each year, whichever comes first.".

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

5342

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Operating permits for wood processing plants
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting operating permits for wood processing plants, the text of which appears below, may be made by the Government upon the expiry of a 45-day period following this publication.

The purposes of the draft Regulation are to include all plants producing energy from forest biomass (cogeneration and steam plants) as well as standardize the text with the formulation used in section 93 of the Forest Act. It also adds a new class of plants, namely the plants for processing shrubs, half-shrubs and branches from shrubs or half-shrubs for the production of substances intended for pharmaceutical use, following the coming into force of section 24.0.1 of the Forest Act.

* The Regulation respecting the identification of cattle was made by Order in Council 205-2002 dated 6 March 2002 (2002, *G.O.* 2, 1581) and has not been amended.

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 10e étage, Québec (Québec) G1S 4X4.

FRANÇOIS GENDRON,
Minister of Natural Resources

Regulation to amend the Regulation respecting operating permits for wood processing plants *

Forest Act
(R.S.Q., c. F-4.1, s. 172, pars. 16 and 17)

1. Section 1 of the Regulation respecting operating permits for wood processing plants is amended

(1) by substituting "wood processing industries for energy production or metallurgical purposes and industries" for "cogeneration industries and wood-based or wood-waste-based energy product industries" in paragraph 6;

(2) by inserting the following after paragraph 6:

"(6.1) industries for processing shrubs or half-shrubs and branches from shrubs or half-shrubs for the production of substances intended for pharmaceutical use;"; and

(3) by striking out "and chips for shipment outside Québec or for use for energy or metallurgical purposes" in paragraph 7.

2. Section 2 is amended by adding "where such authorization is required" at the end of paragraph 2.

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

5341

* The Regulation respecting operating permits for wood processing plants, made by Order in Council 908-88 dated 8 June 1988 (1988, *G.O.* 2, 2351), was last amended by the Regulation made by Order in Council 1400-94 dated 7 September 1994 (1994, *G.O.* 2, 4166). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

Draft Regulation

Civil Code of Québec
(1991, c. 64)

Code of Civil Procedure
(R.S.Q., c. C-25)

Courts of Justice Act
(R.S.Q., c. T-16)

Tariff of Court Costs in Civil Matters and Court Office Fees

Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

Under section 12 of that Act, the draft Regulation may be made within a shorter period than the 45 days provided for in section 11 of the Act, because the urgency due to the following circumstances requires it:

— the Act to reform the Code of Civil Procedure (2002, c. 7) will come into force on 1 January 2003 and amendments must be made to the Tariff before that date in order to apply the tariff to each class of actions brought using the new institution of action as well as the review of the amounts of the tariff.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 20-day period, to the Minister of Justice, 1200, route de l'Église, 9e étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,
Minister of Justice

Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees *

Civil Code of Québec
(1991, c. 64, a. 376)

Code of Civil Procedure
(R.S.Q., c. C-25, a. 659.10)

Courts of Justice Act
(R.S.Q., c. T-16, s. 224)

1. Section 1 of the Tariff of Court Costs in Civil Matters and Court Office Fees is amended by substituting the following for paragraph 6:

"(6) Class VI: applications for separation as to bed and board, for divorce or for dissolution of a civil union.".

2. Section 2 is amended

(1) by substituting "834.1 to 846" for "834 to 850" in the second paragraph; and

(2) by striking out "whether they are applied for by action or by motion and" in the second paragraph.

3. The following is substituted for section 4:

"**4.** This Tariff groups proceedings into three stages and the following fees are payable for such proceedings:

(1) Stage I: Proceedings introductive of suit and similar proceedings:

(a) for an application introductive of suit governed by Book II of the Code of Civil Procedure, except the applications referred to in section 6, or for the issue of the first writ and for an opposition or an intervention, one of the amounts fixed in the following table, according to the class of the application and according to whether the amount is payable by a natural person or a legal person:

Class of application	Natural person	Legal person
Class I	$50	$59
Class II	$98	$114
Class III	$184	$224
Class IV	$295	$352
Class V	$583	$698
Class VI	$141	

(b) for a cross demand, $84 or, where the amount is payable by a legal person, $105, for any class of application; and

(c) for any proceeding introductive of suit or any proceeding in non-contentious matters not specified in this Tariff, $42 or, where the amount is payable by a legal person, $50, for any class of application.

(2) Stage II: Appearance and any similar proceeding:

for a written appearance or any proceeding of a like nature and for the revocation of a judgment or an opposition by a third party, one of the amounts fixed in the following table, according to the class of application and according to whether the amount is payable by a natural person or a legal person:

Class of application	Natural person	Legal person
Class I	$32	$38
Class II	$50	$59
Class III	$97	$114
Class IV	$149	$178
Class V	$295	$352
Class VI	$77	

(3) Stage III: Execution:

one of the amounts fixed in the following table, according to the class of application and according to whether the amount is payable by a natural person or a legal person:

* The Tariff of Court Costs in Civil Matters and Court Office Fees, made by Order in Council 256-95 dated 1 March 1995 (1995, *G.O.* 2, 918), was last amended by the Regulation made by Order in Council 916-2002 dated 21 August 2002 (2002, *G.O.* 2, 4551) and has not been amended since.

Class of application	Natural person	Legal person
Class I	$42	$50
Class II	$77	$94
Class III	$142	$168
Class IV	$222	$263
Class V	$438	$528
Class VI	$105	

The value of the right that the opposition referred to in clause *a* of subparagraph 1 of the first paragraph is intended to protect determines the class if that value is stated in the opposition or in the affidavit in support thereof; otherwise, the amount set by the judgment determines the class of the proceeding.

In cases referred to in subparagraph 3 of the first paragraph, the class is determined according to the value of obligation in respect of which application has been made for compulsory execution.

Costs are payable only for the first proceeding included in stages I and III.

Despite clause *a* of subparagraph 1 of the first paragraph, no costs are payable for an application to cause a person to undergo a psychiatric examination where the person refuses to submit to such examination or for a person to be kept against his or her will by an institution covered by the laws respecting health services and social services.".

4. Section 5 is revoked.

5. The following is substituted for section 6:

"**6.** Costs of $103 are payable for any application for review of accessory measures ordered by a judgment granting a separation as to bed and board, a divorce, the dissolution of a civil union or nullity of a marriage or civil union as well as any proceeding introductive of suit relating to child custody or support obligations or for any application for review of a judgment concerning child custody or support obligations.".

6. Section 7 is amended by substituting "$33" for "$28" and "$40" for "$34".

7. The following is substituted for section 8:

"**8.** In matters concerning immovables, the following costs are payable:

(1) for the performance of the sheriff's duties from receipt of the record until the sale, $125 or, where the amount is payable by a legal person, $147, for any class of application;

(2) for the performance of the clerk's duties from receipt of the record until the judgment of homologation inclusively, one of the amounts fixed in the following table, determined according to the class of application and according to whether the amount is payable by a natural person or a legal person:

Class of application	Natural person	Legal person
Class I	$125	$147
Class II	$177	$214
Class III	$229	$277
Class IV	$366	$436
Class V	$725	$870
Class VI	$212	

(3) in the case of a contestation of a scheme of collocation, one of the amounts fixed in the following table, determined according to the class of application and according to whether the amount is payable by a natural person or a legal person:

Class of application	Natural person	Legal person
Class I	$32	$38
Class II	$50	$59
Class III	$98	$114
Class IV	$149	$178
Class V	$295	$352
Class VI	$77	

Payment of costs prescribed in subparagraph 2 of the first paragraph entitles each interested party to obtain a copy of the judgment of homologation.

In the case referred to in subparagraph 2 of the first paragraph, the class of application is determined according to the selling price.

In the case referred to in subparagraph 3 of the first paragraph, the class of application is determined according to the amount claimed by the contesting party.".

8. Section 11 is amended by substituting "$32" for "$27" and "$38" for "$32".

9. Section 14 is amended by substituting "$84" for "$71" in paragraphs 1 and 2.

10. Section 15 is amended

(1) by substituting "$165" for "$139" in paragraph 1; and

(2) by substituting "$84" for "$71" in paragraphs 2 and 3.

11. Section 16 is amended

(1) by substituting "$94" for "$79" in paragraph 1; and

(2) by substituting "$84" for "$71" in paragraph 2.

12. Section 17 is amended by substituting "$84" for "$71" and "$93" for "$90".

13. Section 18 is amended by substituting "$58" for "$49".

14. Section 19 is amended

(1) by substituting "tout acte de procédure assimilé" for "toute procédure assimilée" in paragraph 1 of the French text;

(2) by substituting "$256" for "$215" and "$310" for "$261" in subparagraph *a* of paragraph 1;

(3) by substituting "$184" for "$155" and "$224" for "$188" in subparagraph *b* of paragraph 1; and

(4) by substituting "$125" for "$105" and "$147" for "$124" in paragraph 2.

15. Section 20 is amended

(1) by substituting "$42" for "$35" and "$50" for "$42" in paragraph 1; and

(2) by substituting "$32" for "$27" and "$38" for "$32" in paragraph 2.

16. Section 23 is amended

(1) by substituting "$42" for "$35" in subparagraph 1 of the first paragraph; and

(2) by substituting "$19" for "$16" and "$4" for "$3" in subparagraph 3 of the first paragraph.

17. Section 24 is amended by substituting the following for the first paragraph:

"**24.** The fee payable for the solemnization of a civil marriage or union is $212, to which is added a fee of $70 when the marriage or civil union is solemnized at a place other than the courthouse.".

18. The costs and fees fixed in this Regulation apply to proceedings or documents filed or issued from 1 January 2003, even in a matter commenced before that date.

19. This Regulation comes into force on 1 January 2003.

5349

Draft Regulation

Code of Civil Procedure
(R.S.Q., c. C-25)

Bailiffs and advocates
— Tariff of fees for a small claim

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of fees of bailiffs and advocates for a small claim, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

Under section 12 of that Act, the draft Regulation may be made within a shorter period than the 45 days provided for in section 11 of the Act, because the urgency due to the following circumstances requires it:

— the Act to reform the Code of Civil Procedure (2002, c. 7) will come into force on 1 January 2003 and a new tariff must be made before that date to take into account the new duties that will be entrusted to bailiffs for the recovery of small claims and for the execution of a judgment resulting from small claims or a decision of the Régie du logement by a bailiff or an advocate.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 20-day period, to the Minister of Justice, 1200, route de l'Église, 9e étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,
Minister of Justice

Tariff of fees of bailiffs and advocates for a small claim

Code of Civil Procedure
(R.S.Q., c. C-25, a. 997, par. *a*; 2002, c. 7, ss. 148 and 172)

1. In addition to the amounts prescribed pursuant to section 13 of the Court Bailiffs Act (R.S.Q., c. H-4.1), a bailiff is entitled to fees of $20.00 for the execution of charges referred to in article 966 of the Code of Civil Procedure (R.S.Q., c. C-25), replaced by section 148 of chapter 7 of the Statutes of 2002.

2. The fees of a bailiff or an advocate paid by the creditor, under article 993 of the Code of Civil Procedure, replaced by section 148 of chapter 7 of the Statutes of 2002, for the execution of a judgment rendered according to the provisions of Book VIII of the Code or a decision of the Régie du logement relating to an application for the recovery of a debt referred to in section 73 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1) shall be limited to 25% of the amount of the judgment to be executed and of the costs awarded per judgment. Those fees shall not exceed $100.00.

Despite any provision to the contrary, the fees referred to in the first paragraph that may be claimed from the debtor, in accordance with article 993 of the Code of Civil Procedure, shall be the only fees payable for all the proceedings referred to in this section.

3. The fees prescribed in section 2 shall apply to proceedings filed or issued from 1 January 2003, even in a matter commenced before that date.

4. This Tariff comes into force on 1 January 2003.

5350

Draft Regulation

Code of Civil Procedure
(R.S.Q., c. C-25)

Recovery of small claims
— Tariff of legal costs applicable

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of legal costs applicable to the recovery of small claims, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

Under section 12 of that Act, the draft Regulation may be made within a shorter period than the 45 days provided for in section 11 of the Act, because the urgency due to the following circumstances requires it:

— the Act to reform the Code of Civil Procedure (2002, c. 7) will come into force on 1 January 2003 and a new tariff must be made before that date to take into account the amendments made by the new Book VIII entitled Actions Involving Small Claims.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 20-day period, to the Minister of Justice, 1200, route de l'Église, 9e étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,
Minister of Justice

Tariff of legal costs applicable to the recovery of small claims

Code of Civil Procedure
(R.S.Q., c. C-25, a. 997, par. *a;* 2002, c. 7, s. 148)

1. This Tariff fixes the amount of the legal costs referred to in article 996 of the Code of Civil Procedure (R.S.Q., c. C-25) replaced by section 148 of chapter 7 of the Statutes of 2002.

2. The amount of legal costs to be sent or deposited by the creditor of a small claim with the proceeding introductive of suit is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

Costs for the Proceeding Introductive of Suit

	Natural Person	Legal Person
$0.01 to $999	$60	$100
$1 000 to $2 999	$85	$125
$3 000 to $4 999	$110	$150
$5 000 to $7 000	$135	$175

3. The amount of legal costs to be sent or deposited by the debtor of a small claim with the contestation is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

Costs for Contestation

	Natural Person	Legal Person
$0.01 to $999	$50	$90
$1 000 to $2 999	$75	$115
$3 000 to $4 999	$100	$140
$5 000 to $7 000	$125	$165

4. The amount of legal costs to be sent or deposited by the debtor of a small claim with a cross demand is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

Cross Demand

	Natural Person	Legal Person
$0.01 to $999	$50	$60
$1 000 to $2 999	$55	$65
$3 000 to $4 999	$60	$70
$5 000 to $7 000	$65	$75

5. The amount of legal costs to be sent or deposited by a party with the application for revocation of a judgment is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

Revocation of a Judgment

	Natural Person	Legal Person
$0.01 to $999	$50	$60
$1 000 to $2 999	$55	$65
$3 000 to $4 999	$60	$70
$5 000 to $7 000	$65	$75

6. The amount of legal costs to be paid by the judgment debtor as costs of execution, in addition to the bailiff's fees, is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

Issue of the Writ of Execution by the Clerk

	Natural Person	Legal Person
$0.01 to $999	$50	$75
$1 000 to $2 999	$70	$95
$3 000 to $4 999	$90	$115
$5 000 to $7 000	$110	$125

7. The amount of legal costs to be paid by a party as costs of opposition to a seizure is fixed in the following table, determined according to the value of the right that the opposition is intended to protect, which value is fixed in the notice of opposition, if not, the value of that proceeding is determined by the amount fixed in the judgment. In addition, those costs vary according to whether they are payable by a natural person or a legal person.

Opposition

	Natural Person	Legal Person
$0.01 to $999	$55	$60
$1 000 to $2 999	$60	$65
$3 000 to $4 999	$65	$70
$5 000 and over	$75	$75

8. The amounts of legal costs prescribed in this Tariff shall be indexed on 1 April of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the twelve-month period ending on 31 December of the year preceding the indexing, as determined by Statistics Canada.

The amounts indexed shall be reduced to the nearest dollar where they contain a fraction of a dollar less than $0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than $0.50.

The Minister of Justice shall inform the public, through Part 1 of the *Gazette officielle du Québec* and by such means as the Minister considers appropriate, of the indexing calculated under this section.

9. The amounts of legal costs fixed in this Tariff apply to proceedings filed or issued from 1 January 2003, even in a matter commenced before that date.

The amounts of legal costs fixed thereafter on 1 April of each year apply to proceedings filed or issued from that date, even in a matter commenced before that date.

10. This Tariff applies to the Government, its departments and its agencies.

11. This Tariff replaces the Tariff of legal costs applicable to the recovery of small claims made by Order in Council 1015-93 dated 14 July 1993.

12. This Tariff comes into force on 1 January 2003.

5348

Municipal Affairs

Gouvernement du Québec

O.C. 1201-2002, 9 October 2002

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require Ville de Mont-Laurier, Municipalité Des Ruisseaux and Municipalité de Saint-Aimé-du-Lac-des-Îles to file a joint application for amalgamation

WHEREAS, under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to authorize the Minister to require Ville de Mont-Laurier, Municipalité Des Ruisseaux and Municipalité de Saint-Aimé-du-Lac-des-Îles to file with the Minister a joint application for amalgamation;

IT IS ORDERED , therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require Ville de Mont-Laurier, Municipalité Des Ruisseaux and Municipalité de Saint-Aimé-du-Lac-des-Îles, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

5344

Index Statutory Instruments

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