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Coming into force of Acts

Gouvernement du Québec

O.C. 921-2008, 24 September 2008

An Act to amend the Highway Safety Code and other legislative provisions (2004, c. 2) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Highway Safety Code and other legislative provisions

WHEREAS the Act to amend the Highway Safety Code and other legislative provisions (2004, c. 2) was assented to on 6 April 2004;

WHEREAS, under section 80 of the Act, the Act came into force on 6 April 2004, except sections 1, 3, 4, 19, 31, 32, 40 and 53, which came into force on 6 May 2004, and sections 2, 5 to 8, 10 to 12, 14 to 16, 21 to 25, 27 to 30, 33 to 39, 41 to 52, 54 to 59, 61 to 65, 73 to 77 and 79, which come into force on the date or dates to be set by the Government;

WHEREAS, by Order in Council 1184-2004 dated 15 December 2004, sections 6, 8, 12, 15, 30, 41, 55, 62, 76, 77 and 79 of the Act came into force on 1 January 2005;

WHEREAS, by Order in Council 113-2006 dated 28 February 2006, sections 10, 16, 57, section 58 to the extent that it enacts the first paragraph of section 520.2 of the Highway Safety Code (R.S.Q., c. C-24.2), sections 61 and 63 to 65 of the Act came into force on 27 March 2006;

WHEREAS, by Order in Council 366-2007 dated 23 May 2007, sections 35 to 39, 42 to 52, 54 and 56 of the Act came into force on 15 June 2007;

WHEREAS, by Order in Council 567-2007 dated 27 June 2007, sections 33 and 34 of the Act came into force on 1 October 2007;

WHEREAS, by Order in Council 553-2008 dated 28 May 2008, sections 27 and 29 of the Act came into force on 18 June 2008;

WHEREAS it is expedient to set 28 October 2008 as the date of coming into force of sections 7, 11 and 14 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT sections 7, 11 and 14 of the Act to amend the Highway Safety Code and other legislative provisions (2004, c. 2) come into force on 28 October 2008.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8967

Regulations and other acts

Gouvernement du Québec

O.C. 911-2008, 24 September 2008

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

Agreement between the Minister of Justice and the Barreau du Québec — Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates

Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008

WHEREAS, under the first paragraph of section 81 of the Legal Aid Act (R.S.Q., c. A-14), the Minister of Justice is to negotiate with the bodies authorized to represent the notaries, advocates, bailiffs or stenographers, the tariffs of fees applicable for the purposes of the Act as well as a procedure for the settlement of disputes, and to what matters the procedure may apply;

WHEREAS, under the second paragraph of section 81, the Government may make regulations to ratify an agreement respecting the tariffs of fees applicable for the purposes of the Act or, failing such an agreement, to establish such tariffs, and such regulations may also prescribe which person may determine the fees applicable to services for which no tariff is fixed, and, moreover, they may provide a procedure for the settlement of disputes and to what matters the procedure may apply;

WHEREAS the Minister of Justice negotiated with the Barreau du Québec an agreement respecting, in particular, the tariff of fees of advocates in private practice under the legal aid plan and such agreement was entered into on 4 April 2008;

WHEREAS the Government made the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000 by Order in Council 539-2001 dated 9 May 2001;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008 was published in the *Gazette officielle du Québec* of 9 July 2008 with a notice that the Regulation could be made by the Government on the expiry of 45 days following that publication to replace the Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008

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

1. The Agreement attached hereto, between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008 is hereby ratified.

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

SCHEDULE

AGREEMENT PRELIMINARY

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

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

CHAPTER I CONDITIONS OF PRACTICE

DIVISION I FREE CHOICE OF AN ADVOCATE

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

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

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

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

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

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

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

DIVISION II PROFESSIONAL FREEDOM

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

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

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

10. The legal aid body shall refrain from intervening in the conduct of the advocate’s mandate; however, it may satisfy itself that the mandate is fulfilled. The conduct of the advocate’s mandate includes recourse to any expert reports that, according to recognized professional practices, may be justified by the nature and scope of the case, in conformity with the Act and the regulations. The advocate shall obtain the authorization of the general manager of the legal aid centre before having recourse to expert reports. The general manager shall fix a maximum amount for the advocate’s fees and the fees for expert reports.

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

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

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

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

DIVISION III REMUNERATION

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

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

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

15. The advocate shall forward his statement of fees to the legal aid body from which he received his mandate within 3 years following the end of that mandate. That deadline is mandatory. When the mandate ends with a judgment, the 3-year period runs from the 30th day following the date of the judgment. Payment shall be made within 30 days following receipt of the statement of fees.

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

Where there is a replacement of advocate under section 81.1 of the Regulation respecting the application of the Legal Aid Act, the statement of fees shall be sent by the advocate who received the mandate and the payment of fees and disbursements is made as if there had been no replacement.

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

An interim account covers professional services rendered in a case ready for hearing at 30 June of a given year. Professional services rendered for the preparation of the personal information forms referred to in section T219 of Schedule II may be covered by an interim account.

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

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

The interest rate shall be equal to the discount rate of the Bank of Canada in force on 1 April and 1 October each year, plus 1.5%. The rate thus fixed shall be in force for the following 6 months.

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

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

Disbursements may appear on a separate statement. They shall be paid by the legal aid body which gave the mandate or by the Commission within 30 days of the receipt of a statement of disbursement.

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

The advocate is entitled to the maximum reimbursement for travel expenses fixed by the Règles sur les frais de déplacement des fonctionnaires pour l'utilisation d'un véhicule automobile personnel, as made by the Conseil du trésor under the Public Administration Act (2000, c. 8),

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

(2) according to the distance actually travelled up to a maximum of 200 km, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

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

he shall elect to receive either the reimbursement established in subparagraph 2 or a reimbursement established according to the distance between the place where the mandate was issued and that where the court in question sits;

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

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

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

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

22. Where the mandates issued in the name of an advocate during a given fiscal period have generated fees for a total exceeding \$140,000, the fees payable to him for the services that he renders within the scope of those mandates and exceeding that amount shall be reduced by 35%.

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

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

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

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

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

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

CHAPTER II PROCEDURE FOR THE SETTLEMENT OF DISPUTES

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

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

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

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

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

31.1. The regional centre and the section of the Barreau du Québec concerned shall hold at least one conciliation session per semester, where applicable.

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

A dispute concerning contested fees shall be submitted within 6 months following receipt of a notice of refusal to pay or the claim for a reimbursement; in such case, a copy of the notice of dispute shall be forwarded to the regional centre.

33. Referral for conciliation interrupts the prescription of 6 months.

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

35. If the advocate is dissatisfied with the answer, or if no answer is forwarded to him within 30 days following submission of the notice of dispute, the advocate shall submit the dispute for arbitration by means of a letter addressed to the Chief Justice of the Court of Québec within 6 months. A copy of the letter shall be sent by the advocate to the regional centre or the Commission, as the case may be, and to the Barreau du Québec. The Chief Justice or the Senior Associate Chief Justice of the Court of Québec, as the case may be, shall designate one of the judges of that Court to act as arbitrator.

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

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

After giving at least 30 days' notice to the Commission, the Barreau du Québec may either intervene, or take up the defence of an advocate who submits a dispute.

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

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

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

39. Stenography fees and fees to reproduce a recording of the judicial hearings, if any, shall be borne by the regional centre or the Commission, as the case may be.

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

CHAPTER III MISCELLANEOUS

DIVISION I COORDINATION COMMITTEE

41. The Minister of Justice, the Barreau du Québec and the Commission des services juridiques shall form a committee that is entrusted with the supervision of the uniform application of this Agreement and of the Legal Aid Act throughout the legal aid network.

42. The committee shall be made up of a maximum of 3 representatives of the Minister of Justice, of a maximum of 3 representatives of the Barreau du Québec and of a maximum of 3 representatives of the Commission des services juridiques.

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

44. The committee shall take the minutes of its meetings. Copies thereof shall be sent to the Minister of Justice, to the Bâtonnier du Québec and to the chair of the Commission des services juridiques. The committee is to determine the nature of its mandate at its first meeting.

DIVISION II CONSULTATION AND INFORMATION

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

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

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

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

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

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

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

52. This Agreement replaces the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000, made by Order in Council 539-2001 dated 9 May 2001.

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

It applies to mandates given from 1 April 2007, except sections T201.1 to T201.2 for which it applies to mandates given from 1 January 2008.

This Agreement terminates on 31 March 2010. Despite its expiry, it shall continue to apply until replaced. The parties agree that the next negotiations must be entered into early enough so that a negotiated agreement is ready at the expiry of this Agreement.

SCHEDULE I

(s. 51)

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

To all general managers of legal aid centres:

The purpose of the Legal Aid Act is to allow financially eligible persons access to legal services. However, the legal aid plan does not have to pay costs that an applicant can pay from the amount that he is likely to receive upon settlement of his case. Therefore, where an agreement can be reached between an applicant and an advocate in private practice regarding extrajudicial fees in cases where such fees are warranted, the general manager or his representative shall refer the applicant to the advocate in private practice.

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

The chair of the commission

SCHEDULE II

(s. 14)

PART 1

GENERAL RULES OF INTERPRETATION AND APPLICATION

T1. The fees of an advocate mandated by a legal aid body as a consultant shall be subject to an application for special consideration.

T2. In a case warranting assistance by junior counsel, the junior counsel shall receive fees in the amount of \$200 a day, for the services in respect of which his assistance was required.

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

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

T3. For any motion to cease representing \$60

T4. For any notice to appoint a new attorney, the fee prescribed by section T32(a) applies.

T5. The hearing includes a hearing by telephone, by videoconference or any other electronic means.

T6. If the court refuses or is unable to proceed in the presence of the parties on the day fixed for the hearing \$100

T7. Where the court requests or authorizes to plead in writing, additional fees of \$160 are payable.

T7.1. Where the legal aid body requests the advocate to justify in writing an application for a legal aid mandate, fees in the amount of \$75 are payable if the mandate is granted.

T8. Payment for the professional services of an advocate may exceed the fees prescribed by the tariff where the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case. In such case, the advocate shall submit an application for special consideration with his statement of fees or within 6 months of sending his statement of fees.

T9. The Commission shall examine the application and shall fix the amount of the excess fees. Such decisions may be subject to dispute in accordance with Chapter II of the Agreement.

T10. In reviewing a decision concerning the expediency of granting a special consideration, the arbitrator shall verify whether the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

T11. In reviewing a decision concerning the amount of the excess fees, the arbitrator shall be guided by the precedents in the application of section 15 of the Tariff of judicial fees of advocates (R.R.Q., 1981, c. B-1, r.13) relating to special fees.

T12. Sections T8 to T11 apply *mutatis mutandis* in respect of professional services for which this Schedule expressly prescribes the payment of a special consideration.

PART 2 SPECIAL RULES OF INTERPRETATION AND APPLICATION IN CIVIL MATTERS

T13. The words “application”, “case”, “proceeding” and “action” mean a proceeding, whether it is commenced by a writ of seizure before judgment, a motion, or any other originating document.

T13.1 The words “incidental proceeding”, “incidental application” and “incidental measure” mean a proceeding accessory to a proceeding introductory of suit provided for in particular in articles 152 to 171, 199 to 273.2, 482 to 490 of the Code of Civil Procedure of Québec.

T14. The word “proof” means the examination of a party or a witness as well as the presentation before the court of any document containing an admission of facts, followed by an address.

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

T15. The word “contestation” includes any opposition to an application by another party.

T16. An advocate who accepts a mandate from a legal aid body shall apply for costs in his statement of claim.

T17. Where the advocate of a recipient is entitled to costs awarded against an adverse party who is not a recipient, the advocate may either collect his costs from the adverse party or claim payment from the legal aid body from which the advocate received his mandate, in accordance with this Schedule.

T18. The collecting of costs from an adverse party has the effect of a discharge by the advocate in favour of the legal aid body from which the advocate received his mandate.

Where the advocate chooses to claim payment from the legal aid body, he shall subrogate that body in his rights up to the amount of his bill of costs duly taxed.

T19. An advocate shall receive a fixed amount of \$11 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

T19.1 An advocate who participates in a settlement conference or a special case management conference is entitled to \$165 per half-day.

PART 3

GENERAL CIVIL TARIFF

Classes of actions

T20.I. An application in which the amount or value in dispute is less than \$3,000;

II. An application in which the amount or value in dispute is between \$3,000 and \$10,000 exclusively;

III. An application in which the amount or value in dispute

(a) is between \$10,000 and \$25,000 exclusively;

(b) is between \$25,000 and \$50,000 exclusively;

IV. An application in which the amount or value in dispute is \$50,000 or more.

T21. For proceedings or actions not provided for specifically by the tariff but governed by the Code of Civil Procedure, the fees are fixed according to the provisions of the Agreement in respect of similar proceedings or actions. Such proceeding or action in which the amount or value in dispute is indeterminable or inexistent falls under Class II.

T22. For proceedings related to filiation, disavowal or the deprivation of parental authority, the fees are those prescribed for Class IIIA.

T23. Hypothecary actions are considered to be purely personal actions and the value in dispute is determined by the balance of the obligation.

T24. In an action by a creditor to enforce a right to become the absolute owner of an immovable, the class of the action is determined according to the value of the immovable.

T25. Unless otherwise provided by law, every action to set aside a contract or a will is classified according to the value of the contract or the succession; if in addition a sum of money is claimed, the total amount determines the class of the action.

T26. Where two or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation one-half of the fee prescribed by section T35 or section T36 of this Schedule, according

to the stage of the proceedings. For the purposes of this rule, the intervenor, the impleaded party and the defendant on warranty, if they ask for dismissal of the main action, are each considered to be a defendant filing a separate contestation.

T27. Where two or more incidental applications can be framed in a single proceeding, the fees are payable only once despite the multiplicity of proceedings.

T28. In the matter of a declaratory judgment and a decision on a question of law, the interest in dispute, if it can be evaluated in money, determines the class of the action; otherwise, the fees are those prescribed for Class II.

T29. In the case of a review of taxation of a bill of costs, the costs are based on the class of action corresponding to the amount of the costs in dispute.

T30. There are no separate amounts of fees in the case of a cross demand, but the class of action corresponds to the highest of the amounts for which judgment is recovered.

T31. If a settlement is reached between the parties or proceedings are withdrawn before the issue of the originating process, the advocate is entitled to the fees prescribed for an action of that class in the case of such settlement reached after the issue of the originating process and before the serving of any defence or contestation on the merits.

First instance

I	II	III(a)	III(b)	IV
0-3	3-10	10-25	25-50	50 or more
\$	\$	\$	\$	\$

T32. (a) For every notice or putting in default preceding the originating process and required by law

75	75	75	75	75
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(b) For every notice or putting in default preceding the originating process and not required by law, only one amount of fees is payable

50	50	50	50	50
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T33. For every action settled after the originating process and before service of a defence or contestation

(a) to the plaintiff's attorney

170	205	275	375	475
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T45. For the taxation of a bill of costs \$50

For the taxation if contested \$115

T46. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class IIIA. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class IIIA. The fees shall be calculated in the following manner: when the judgment on the motion for an interlocutory injunction terminates the case or the judgment on the motion for a permanent injunction is not preceded by a judgment on motion for an interlocutory judgment, the advocate is entitled to the fees taxable on a judgment on the merits of the case. Where the judgment on the motion for a permanent injunction follows a judgment on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable on a judgment on the merits increased by one-half.

T47. In proceedings for boundary delimitation, possessory or petitory proceedings, proceedings for appointment of a receiver, and in actions for declaration or denial of a servitude, the fees are those prescribed for Class II.

T48. In proceedings for judicial partition and licitation, the class of actions is in accordance with the value of the matter in dispute.

T49. In proceedings respecting legal persons, for extraordinary recourses in particular judicial review and evocation (a. 846 C.C.P.) and *habeas corpus* under Titles V, VI and VII of Book V of the Code of Civil Procedure, the fees are those prescribed for Class II.

T50. In non-contentious proceedings, the fees are those of section T37(a), Class II, with the exception of the procedure governing the sale of the property of others provided for in Chapter X of Book VI of the Code of Civil Procedure, the class being determined by the value of the property.

T51. In adoption proceedings, the fees are those prescribed for Class II.

An application for a declaration of eligibility for adoption, an application for placing a child and an application for adoption constitute separate proceedings. Any other application constitutes an incidental proceeding and is remunerated as such.

Where an advocate submits separate applications for two or more children in the same family and the grounds for the applications are identical, the fee payable for each additional application after the first is \$100.

T52. Motion for rectification of the registers of civil status \$115

T53. In property assessment proceedings, including the quashing or contesting of a role, the fees both before the Administrative Tribunal of Québec and in appeal before the Court of Québec are those prescribed for Class II of the tariff at first instance; section T55 does not apply thereto and the cost of expert reports is not included in the bill of costs.

T54. In expropriation proceedings, the class of the action is determined by the amount of the compensation.

Additional fees of 1% of the compensation are added to the fees when, upon a motion accompanied by an affidavit of the advocate, it is demonstrated to the satisfaction of the Administrative Tribunal of Québec, that the advocate's services during the preparation of the case or at proof and hearing, or during the negotiations leading to a compromise, so justify.

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

For any proceeding commenced under the Expropriation Act (R.S.Q., c. E-24) before a court other than the Administrative Tribunal of Québec, immovable property division, the fees applicable are those prescribed for Class II, section T3(a).

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

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

— 1% of the amount in excess of \$100,000, up to a judgment of \$1,000,000;

— plus, where the amount of the judgment exceeds \$1,000,000, 1/10 of 1% of the amount in excess of \$1,000,000.

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

— 1% of the amount in excess of \$100 000 up to an amount claimed of \$1 000 000;

— plus, where the amount claimed in the action exceeds \$1,000,000, 1/10 of 1% of the amount in excess of \$1,000,000.

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

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

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

REPRESENTATION OF CHILDREN IN SUPERIOR COURT

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

(a) uncontested \$300

(b) contested \$350

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

SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS

The rules of Part 1, Part 2 and Part 3 of this Schedule apply *mutatis mutandis* to matrimonial proceedings.

Principal proceedings

T57. (a) Upon reconciliation or withdrawal of proceedings after the issue of the originating process;

to the plaintiff's attorney \$220

(b) Upon reconciliation or withdrawal of proceedings after appearance or before service of a contestation;

to the defendant's attorney \$220

(c) Upon reconciliation, withdrawal or deemed discontinuance of proceedings for separation from bed and board by consent or for divorce by consent before judgment:

to the attorney representing both parties \$380

T58. Upon reconciliation, withdrawal or deemed discontinuance of proceedings after service of a contestation and before judgment on the merits

to the plaintiff's attorney \$430

to the defendant's attorney \$325

T59. For judgment by default to appear or to plead;

to the plaintiff's attorney \$550

T60. For judgment by default to appear or to plead;

to the defendant's attorney \$380

T61. (a) For judgment on the merits in a contested case with or without a cross demand by the defendant;

to each attorney \$850

(b) For judgment on the merits granting a separation or divorce by consent;

to the attorney representing both parties \$850

Judgments for provisional measures, interim orders and incidental proceedings in family matters

T62. For the first judgment for measures applicable during the proceedings, whether a judgment for provisional measures or an interim order, to each attorney, one amount of fees only

(a) after settlement or compromise \$275

(b) after proof \$325

T63. For every judgment rendered under sections T57 to T68 inclusively, following a judgment referred to in section T62 and

1. extending the application of the measures ordered by the preceding judgment or repelling the preceding judgment:

To each attorney, one amount of fees only \$85

Each advocate is entitled to such fee for a maximum of two of these judgments in each case.

2. amending the measures ordered or extended by the preceding judgment:

To each attorney, one amount of fees only

(a) after settlement or compromise \$275

(b) after proof \$325

If the special clerk refuses to confirm an agreement or compromise and refers the parties to the judge, the tariff in section T63(2)(b) applies.

T64. (a) For any contested incidental proceeding not governed by sections T62 and T63 \$100

(b) For examination of a party, before or after the filing of a defence, excluding an examination during an incidental measure or the trial \$100

(c) If the hearing lasts more than one day, for each additional half-day \$165

T65. Where a separate motion is presented by each party regarding the same provisional or interim measure, one amount of fees only is payable regardless of the number of motions.

T66. Where a new mandate is issued for one or more new proceedings for separation from bed and board or for divorce within 12 months of the issue of the first mandate, only one-half of the above fees is payable where the same attorney represents the same plaintiff on each occasion; in every other case where a new mandate is issued within that same period, the fees are payable in full.

Execution of judgment

T67. (a) For an examination under article 543 C.C.P. \$75

(b) For a requisition for a writ of seizure before judgment \$75

(c) For a requisition for a writ of seizure after judgment of movables or immovables or both together \$75

(d) For a requisition for a writ of seizure by garnishment after judgment \$75

(e) For a judgment for seizure by garnishment after judgment \$100

(f) Only one of the two fees prescribed by paragraphs *d* and *e* may be claimed.

(g) For registration of the judgment at the registry office \$50

Motions subsequent to final judgment

T68. a) Appointment of a practitioner \$50

(b) Homologation of practitioner's report \$50

(c) Inscription following homologated report \$50

(d) For any judgment on a motion for variation of support, custody of children, visitation and outing rights, without proof of an issue; to each attorney, one amount of fees only \$325

(e) For a judgment after proof with respect to all measures described in paragraph *d*;

to each attorney, one amount of fees only \$425

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

Recourse in family matters not provided for in sections T57 to T68 (a. 813.8 C.C.P. as it read before January 2003)

T69. (a) For any judgment ruling on the recourse on the merits, without proof of an issue;

To each attorney \$400

Each advocate is entitled to those fees only once in the same case.

(b) For any judgment ruling on the recourse on the merits in a contested case after proof of an issue;

to each attorney \$500

Each advocate is entitled to those fees only once in the same case.

(c) For any judgment ordering measures applicable during the proceedings

to each attorney, one amount of fees only:

i. after settlement or compromise after proof	\$300
ii. after	\$400

(d) For any judgment extending the application during the proceedings of measures ordered by the preceding judgment or repelling the preceding judgment without amending it;

to each attorney, one amount of fees only 85 \$

Each advocate is entitled to those fees for no more than two extension or renewal judgments in the same case.

Declaration of family residence

T70. Drafting and registration at the registry office of a declaration of family residence. \$100

T71. The fact that an advocate files evidence by affidavit without being present at the proof does not change the fee payable under sections T57 to T69.

COURT OF APPEAL

T72. Disbursements incurred for the preparation and printing of factums are added to the statement of fees.

T73. Sections T47 to T49 of the tariff at first instance apply to the Court of Appeal.

I 0-3 \$	II 3-10 \$	III(a) 10-25 \$	III(b) 25-50 \$	IV 50 or more \$
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T74. After filing of the inscription; for every case terminated or appeal abandoned or dismissed

190	525	560	750	950
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T75. After filing of the factum of the appellant; for every case terminated or appeal abandoned

(a) to the appellant

560	850	1,050	1,320	1,600
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(b) to the respondent

280	560	660	850	1,050
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T76. Motion for extension of the time allowed to file the factum

without contestation \$100

with contestation \$170

T77. After filing of the factum of the respondent and before the hearing; for every case terminated or appeal abandoned

660	950	1,120	1,400	1,700
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T78. For judgment on the merits of the case

950	1,400	1,600	1,900	2,240
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T79. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding

190	190	190	190	190
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T80. For an appeal from any interlocutory judgment, excluding the injunction, extraordinary recourses and *habeas corpus*, the fees applicable are one-half of the fees prescribed for a final judgment, according to the class of action determined by the amount in dispute.

T81. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class II. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class II. The fees are calculated in the following manner: when the judgment of the Court of Appeal on the motion for an interlocutory injunction terminates the case or the judgment of the Court of Appeal on the action for a permanent injunction is not preceded by a judgment of the Court of Appeal on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable for a judgment on the merits by the Court of Appeal. Where the judgment of the Court of Appeal on the action for an injunction follows a judgment of the Court of Appeal on a motion for an interlocutory injunction, the amount of the fees for the judgment on the merits is equal to one-half of the fees of the class which applies thereto.

T82. In proceedings for extraordinary recourses and *habeas corpus* under Titles VI and VII of Book V C.C.P., the fees for a judgment on the merits are those prescribed for Class II.

I	II	III(a)	III(b)	IV
0-3	3-10	10-25	25-50	50 or more
\$	\$	\$	\$	\$

T83. For the filing of an additional factum at the request of the court.

280	280	280	280	280
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T84. Where the hearing of a case lasts more than one day, for each additional half-day

285	285	285	285	285
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SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS ON APPEAL

T85. The disbursements incurred for the preparation and printing of the factum including the argumentation plan and appendixes are added to the statement of fees.

T86. After filing of the inscription; for any case terminated, appeal abandoned or deemed to be abandoned \$270

T87. After filing of the appellant's factum, for any case terminated, appeal abandoned or deemed to be abandoned

(1) to the appellant	\$620
(2) to the respondent	\$350

T88. After filing of the respondent's factum and before hearing;

for any case terminated, appeal abandoned or deemed to be abandoned \$800

T89. For judgment on the merits of the case \$1,315

T90. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding \$270

T91. For an appeal from an interlocutory judgment, the fees are one-half of the fees prescribed for a final judgment.

T92. For the filing of an additional factum at the request of the court \$270

T93. Where the hearing of a case on the merits lasts more than one day, for each additional half-day \$285

SUPREME COURT OF CANADA

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

PART 4

TARIFF IN CRIMINAL AND PENAL PROCEEDINGS UNDER THE YOUTH CRIMINAL JUSTICE ACT

Special interpretation and application rules

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

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

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

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

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

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

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

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

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

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

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

T103. All professional services related to an application for an extension concerning the execution of a sentence or order of the court \$80

T104. All professional services related to an application for the transfer of a case to another judicial district resulting in the loss of the case \$80

T104.1 To attend the appearance of a person arrested under a warrant issued in another judicial district \$100

T104.2. To participate in a penal facilitation conference, the advocate is entitled to \$215 per half-day.

T104.3. For any telephone appearance under the Criminal Code and the Courts of Justice Act (s. 174), an amount of \$150.

FIRST INSTANCE

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

T105. Preparation of the preliminary inquiry, including interviews with the accused and witnesses, visits to the scene of the crime and legal research (up to and including preliminary inquiry) \$270

T106. All services rendered on a preliminary objection presented aside from the preliminary inquiry or the trial, where the judgment granting it terminates the prosecution \$800

T107. Preparation for trial, including interviews with the accused and witnesses, visits to the scene of the crime and legal research (between preliminary inquiry and sentence if any) \$800

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

T108. Appearance and all stages of proceedings completed on the same day \$75

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

T109. When the prosecution objects to release for the bail hearing actually held \$160

T110. Waiver of preliminary inquiry under section 549(1) of the Criminal Code (Canada) \$100

T111. Preliminary inquiry, per day \$430

T112. Attendance for order on preliminary inquiry or for voluntary examination (where witnesses are not heard) \$60

T113. Trial, per day \$800

In long trials, those fees may appear on interim statement of fees for services rendered during the preceding 30 days

T114. Junior counsel at trial, per day \$200

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

T115. Attendance for the purpose of entering a plea of guilty	\$150
T116. Withdrawal of plea of guilty	\$250
T117. Submissions as to sentence or submissions and sentence	\$165
T118. Sentence only	\$80

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

T119. Attendance for adjournment before the Superior Court of criminal jurisdiction or before a court of criminal jurisdiction	\$25
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The advocate may not claim fees for more than two adjournments obtained at his request.

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

T120. All professional services rendered up to the final disposition of the case at first instance	\$550
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T121. Notwithstanding section T120 and if applicable, where the prosecution objects to release, for a bail hearing actually held	\$150
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T122. Notwithstanding section T120, where the case requires a preliminary inquiry lasting more than one day, per additional half-day:	\$215
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T123. Notwithstanding section T120, where the case requires a trial lasting more than one day, per additional half-day:

(a) trial before judge and jury	\$400
(b) trial before judge only	\$215

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

T124. All professional services rendered up to the final disposition of the case at first instance	\$330
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T125. Notwithstanding section T124, where the case requires a trial lasting more than one day, per additional half-day of trial	\$215
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T126. Notwithstanding section T124 and if applicable, where the prosecution objects to release, for a bail hearing actually held	\$150
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Summary convictions (charges brought under Part XXVII of the Criminal Code of Canada)

T127. All professional services rendered up to the final disposition of the case at first instance	\$330
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T128. Notwithstanding section T127, where the case requires a trial lasting more than one day, per additional half-day of trial	\$215
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T129. Notwithstanding section T127 and if applicable, where the prosecution objects to release, for a bail hearing actually held	\$150
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Diversion

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

Hearings under section 742.6 of the Criminal Code

T131. All professional services rendered up to the final disposition of the case	\$200
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Hearings under sections 110, 111, 112, 810.01 (5) and 810.2 (5) of the Criminal Code

T131.1 All professional services rendered up to the final disposition of the case	\$200
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Preventive detention

T132. Preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code of Canada, including interviews and other necessary services	\$1,000
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T133. Hearing of a motion for preventive detention, per day	\$430
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Extraordinary remedies*(Habeas Corpus, Certiorari, Prohibition, Mandamus)*

T134. Preparation and service of the proceeding \$300

T135. Hearing on the merits \$215

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

T136. For all services related to a motion addressed to a judge of the Superior Court of criminal jurisdiction \$200

Special provisions applicable under the Youth Criminal Justice Act

T137. All services rendered up to and including a final decision on an application under section 64(1) of the Youth Criminal Justice Act \$425

T138. All services rendered up to and including a final decision on an application for review under the Youth Criminal Justice Act \$185

APPEALS**Appeal by way of trial *de novo* (before a judge of the Superior Court of criminal jurisdiction)**

T139. Drafting of all proceedings prior to the hearing, including attendances \$110

T140. Hearing on appeal from a judgment, per day \$430

T141. Hearing on appeal from a sentence only \$170

T142. Hearing on appeal from a judgment and a sentence, per day \$430

Appeal by way of case stated

T143. Drafting and preparation of an application for a case stated \$210

T144. Attendance necessary before the trial court judge for the preparation of a case stated \$110

T145. Preparation of all other proceedings including attendance \$110

T146. Preparation and drafting of notice of appeal \$100

T147. Hearing of appeal \$430

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

T148. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$110

T149. Motion for extension of the time to appeal \$200

T150. Hearing of application for leave to appeal \$220

T151. Preparation of argument and factum \$325

T152. Hearing of appeal \$325

Appeal to Court of Appeal**(A) After verdict by jury**

T153. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$600

T154. Hearing of application for leave to appeal \$220

T155. Motion for extension of the time to appeal \$200

T156. Preparation of argument and factum, where applicable \$800

T157. Hearing of appeal \$800

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

T158. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$220

T159. Hearing of application for leave to appeal \$220

T160. Motion for extension of the time to appeal \$200

T161. Preparation of argument and factum, where applicable \$335

T162. Hearing of appeal \$335

(C) Appeal from sentence only

T163. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$220

T164. Hearing of application for leave to appeal \$220

T165. Motion for extension of the time to appeal \$200

T166. Preparation of argument and factum, where applicable \$200

T167. Hearing of appeal \$220

(D) Appeal from verdict or judgment and sentence

T168. The fees prescribed by *A* or *B* are added to those prescribed by *C*.

(E) Bail

T169. Application for bail pending appeal (all proceedings, including hearing) \$270

Appeal to the Supreme Court of Canada

T170. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for special consideration.

Appeal from a judgment in respect of preventive detention

T177. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$225

T178. Preparation of argument and factum, where applicable \$535

T179. Hearing of appeal \$335

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

T180. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$225

T181. Preparation of argument and factum, where applicable \$535

T182. Hearing of appeal \$335

T183. The preparation and hearing of an incidental motion, in appeal, such as a motion to be discharged from a judgment declaring the appeal abandoned \$225

Proceedings under section 732.2(5) of the Criminal Code of Canada

T184. All services rendered for an application for a change \$150

Proceedings under section 734.7 of the Criminal Code of Canada and article 346 of the Code of Penal Procedure

T186. All professional services rendered for an application for the issue of an order of imprisonment for default of payment of fines \$220

PART 5**TARIFF FOR MISCELLANEOUS PROCEEDINGS****Special interpretation and application rules**

T187. Where an advocate represents two or more recipients who are joined in law or in fact and are parties to one or more issues based on a cause of action of the same nature and heard before the same court or the same administrative body at or about the same time, the advocate is entitled only to the remuneration prescribed for the professional services rendered to one recipient, except in the case of a special consideration.

T188. Where a hearing does not terminate before 7:00 p.m. on the day on which it begins, the advocate is entitled for the evening and for each additional half-day to an additional fee of \$165

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

T189. Where an appeal is heard in the Court of Québec, the fees are those prescribed for Class II of the civil tariff at first instance *mutatis mutandis*.

T190. Where an appeal is heard in Superior Court, the fees are those prescribed for Class IIIA of the civil tariff at first instance *mutatis mutandis*.

T191. Where an appeal is heard in the Court of Appeal, the fees are those prescribed for Class II of the tariff of the Court of Appeal.

T192. An advocate receives a fixed amount of \$11 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

**Intervention under the Youth Protection Act
(R.S.Q., c. P-34.1)**

T193. Intervention with the Director of Youth Protection, including any voluntary measures prior to intervention in court; per attendance \$100

T194. All services rendered before the Court of Québec, Youth Division, up to a final decision, including any order on a motion to declare the safety or development of a child to be endangered \$410

T195. All services rendered before the Court of Québec, Youth Division, up to and including a final decision upon a motion for review of a decision or order \$410

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

T196. Notwithstanding the foregoing, where the final decision under sections T194 and T195 is delivered with consent and without hearing any witness, an advocate is entitled to only half of the fees, specifically \$205

T197. Where the recourse under section T194 or T195 is terminated by discontinuance \$175

T198. (a) All services rendered up to and including a final decision upon a motion for temporary shelter \$140

(b) Where the recourse is terminated by discontinuance \$80

T199. (a) All services rendered up to a final decision upon a motion for extension of an emergency order \$140

(b) Where the recourse is terminated by discontinuance \$80

(c) All services rendered up to a final decision upon a motion to be declared interested party or person

i uncontested \$140

ii. contested \$300

T200. Attendance for adjournment \$25

T201. Attendance for judgment \$50

T201.1. Notwithstanding section T187, where an advocate represents more than one child from the same family

— the fees for the first child are increased by 50% for the second child;

— the fees for the first child are increased by 50% for all the other children.

T201.2. Where an advocate represents a parent at least two children of whom are the subject of proceedings by the Director of Youth Protection, the advocate is entitled to the fees in T120.1 *mutatis mutandis*.

T201.3. For any participation in a conciliation or mediation session that does not put an end to the dispute, an advocate is entitled to \$165 per half-day;

T201.4. For any participation in a conciliation or mediation session that puts an end to the dispute, an advocate is entitled to the fees in section T194, plus \$165 per half-day of conciliation or mediation from the third half-day.

Régie du logement

T202. All services rendered before the commissioner:

(a) Upon a final decision in uncontested proceedings, including an out-of-court settlement or upon a final decision embodying a discontinuance \$225

(b) Upon a final decision in contested proceedings \$310

T203. (a) All services rendered upon a motion for review before the Board up to and including a final decision \$300

(b) Upon filing of an out-of-court settlement or upon filing of a discontinuance \$160

T204. (a) Incidental motion	\$80	T209. When there is proof and hearing before the Administrative Tribunal of Québec	\$500
(b) Motion for revocation of judgment	\$160		
T205. (a) For a decision on any motion filed with the Court of Québec under section 91 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1);		(ii) For all services rendered with conciliation under sections 120 and seq. of the Act respecting administrative justice and section 429.44 of the Act respecting industrial accidents and occupational diseases	
to each attorney:	\$215	T210. When the proceedings terminate by a discontinuance or an out-of-court settlement in the process of or after conciliation	\$500
(b) For a settlement reached before the hearing	\$160	T211. When there is proof and hearing before the Administrative Tribunal of Québec	\$500
T206. For any motion for provisional execution or suspension of execution of a decision of the Régie du logement	\$120	Plus \$200 per half-day of proof and hearing, as of the first half-day.	
T206.1. For any participation in a conciliation or mediation session that does not put an end to the dispute, an advocate is entitled to \$165 per half-day;		Motion for leave to appeal against a decision of an administrative tribunal of last instance to the Court of Québec	
T206.2. For any participation in a conciliation or mediation session that puts an end to the dispute, an advocate is entitled to the fees in T202(b), plus \$165 per half-day of conciliation or mediation from the third half-day.		T212. Upon judgment for any motion for leave to appeal	\$220
Proceedings in respect of work accidents and occupational diseases, crime victims compensation, income security, employment insurance, pensions, automobile insurance or proceedings under the Act to secure the handicapped in the exercise of their rights (R.S.Q., c. E-20.1)		T213. Upon settlement reached before hearing	\$165
(A) Review of the decision of an administrative officer		Confinement in an institution and psychiatric assessment	
T207. (a) All services rendered upon a motion for review up to and including a final decision in a matter of work accident or occupational disease	\$270	T214. (a) All services rendered up to and including	
(b) All services rendered upon a motion for review in a matter other than the one governed by section T207(a) up to and including a final decision	\$235	(a) final judgment	\$190
(B) Application before an administrative tribunal of last instance		(b) Upon filing of a discontinuance	\$85
(i) For all services rendered without conciliation under sections 120 and seq. of the Act respecting administrative justice (R.S.Q., c. J-3) and section 429.44 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001)		Bankruptcy	
T208. When the proceedings terminate by a discontinuance or an out-of-court settlement before proof and hearing at the Administrative Tribunal of Québec	\$270	(A) Application for discharge	
		T215. All services rendered up to and including a final judgment	
		(a) uncontested	\$110
		(b) contested	\$325
		T216. All services rendered upon any incidental motion	\$60
		(B) Contestation of the application for an order requiring payment of a part of salary to the trustee	
		T217. All services rendered up to and including a final judgment	\$110

(C) Motion to withdraw property from the assets assigned to creditors

T218. All services rendered up to and including a final judgment \$110

IMMIGRATION**Notification of claim**

T218.1. Preparation of the form and meeting with claimant, fees of \$100

T218.2. Attendance at interview in the office of Immigration Canada, fees of \$200

(A) Immigration and Refugee Board

T219. Preparation of the Personal Information Form:

(a) main claimant form \$200

(b) form of each other member of the family in the same file \$75

Adjudication Division or Convention Refugee Determination Division

T220. (a) All the other services rendered up to and including a final decision before the Adjudication Division or the Convention Refugee Determination Division \$330

Appeal Division of the Immigration And Refugee Board

(b) All the other services rendered up to and including a final division before the Appeal Division of the Immigration and Refugee Board \$550

(c) If the recourse is terminated by discontinuance of appeal \$285

Hearing concerning detention

(d) For services rendered during a hearing concerning detention before the Immigration and Refugee Board \$200

CONCILIATION OR MEDIATION

(e) For any participation in a conciliation or mediation session that does not put an end to the dispute, an advocate is entitled to \$165 per half-day;

(f) For any participation in a conciliation or mediation session that puts an end to the dispute, an advocate is entitled to the fees in section T220(a) or T220(b), as the case may be, plus \$165 per half-day of conciliation or mediation from the third half-day.

(B) Federal Court (Trial Division)

T221. Preparation of the application for authorization to institute judicial review proceedings \$500

T222.1. Application for stay \$400

T222.2. Preparation of hearing on the merits \$585

T222.3. For any other contested incidental proceeding \$120

T222. Hearing on the merits, per half-day \$220

(C) Federal Court (Appeal Division)

T223. After filing of the notice of appeal, for any case terminated or appeal abandoned \$425

T224. Hearing of the appeal on the merits \$1,130

Application for permanent residence in Canada (humanitarian and compassionate considerations)

T224.1. Preparation of the form to apply for permanent residence in Canada (humanitarian and compassionate considerations) \$200

T224.2. Written submissions in addition to the form may be the subject of an application for special consideration.

Tariff in parole proceedings**Before the Commission québécoise des libérations conditionnelles****Application for review of parole, application for review of a condition or post-suspension application**

T225. All services rendered up to and including a final decision, whether the decision is made after examination of the record based on the written submissions or after the hearing \$225

Appeal before the National Parole Board**Standard application**

T226. (a) Preparation of standard hearing	\$375
(b) Standard hearing, per half-day	\$200

Hearing on record including written submissions

T226.1. Preparation, drafting and filing of written representations	\$475
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“Post Suspension” hearing

T227. (a) Preparation of hearing	\$125
(b) Hearing, per half-day	\$200

Hearing on record

T227.1. Preparation, drafting and filing of written representations	\$225
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T228. (a) For an adjournment before the Board has begun to hear the case	\$30
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(b) For an adjournment when the case is being heard by the Board, the half-day amount of fees prescribed by section T226 is payable.

(c) The provisions of section T6 apply notwithstanding section T228(a).

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

T229. All services rendered before the National Parole Board	\$865
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T229.1 All services rendered before the Commission québécoise des libérations conditionnelles	\$415
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T230. (a) Preparation of an application for judicial review to the Federal Court of a decision of the National Parole Board or the Correctional Service of Canada (including its Disciplinary Court)	\$1,000
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(b) All attendances before the Court, including the presentation of the case per half-day

	\$220
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(c) Examination or cross-examination of a declarant of the applicant or defendant

	\$150
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T230.1. Section T49 applies for any application for judicial review of a decision of the Commission québécoise des libérations conditionnelles, *mutatis mutandis*

Correctional law in disciplinary proceedings

T231. (a) Preparation for hearing	\$130
(b) Hearing	\$120

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

T232.1. Objection to transfer	\$200
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Application for judicial review under section 745.6 of the Criminal Code

T232.2. All services rendered on an application to the Chief Justice of the Superior Court

	\$250
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T232.3. Sections T105 to T119 apply, *mutatis mutandis*, to the remuneration of professional services rendered before a judge and jury.

Review Board (sections 672.38 et seq. of the Criminal Code)

T232.2. The remuneration for professional services rendered before a Review Board under sections 672.38 et seq. of the Criminal Code is determined in accordance with sections T208 to T211 *mutatis mutandis*.

Coroner’s inquest

T233. Preparation for coroner’s inquest, including interviews with all witnesses, any visit to the scene of the death and legal research

	\$100
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T234. Attendance at coroner’s inquest, per day	\$430
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Review committee of the Commission des services juridiques

T235. Hearing before the review committee of the Commission des services juridiques if the advocate succeeds

	\$110
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Administrative application for a change of name

T236. Administrative motion for a change of name	\$110
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Gouvernement du Québec

O.C. 916-2008, 24 September 2008

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Energy produced by biomass cogeneration

Regulation respecting energy produced by biomass cogeneration

WHEREAS, under subparagraph 2.1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining, for a particular source of electric power supply, the corresponding energy block and maximum price established for the purpose of fixing the cost of electric power referred to in section 52.2, for the purposes of the supply plan provided for in section 72, or for the purposes of a tender solicitation by the electric power distributor under section 74.1;

WHEREAS, under subparagraph 2.2 of the first paragraph of section 112, the Government may make regulations determining the timeframe applicable to a public tender solicitation by the electric power distributor under section 74.1;

WHEREAS the Government made the Regulation respecting energy produced by cogeneration by Order in Council 1319-2003 dated 10 December 2003;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting energy produced by biomass cogeneration was published in Part 2 of the *Gazette officielle du Québec* of 19 March 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication to replace the Regulation;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation respecting energy produced by biomass cogeneration, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting energy produced by biomass cogeneration

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 112, 1st par., subpars. 2.1 and 2.2)

1. For the purposes of this Regulation, biomass means

(1) residual forest biomass consisting of bark, sawdust, shavings, trim ends, scraps, primary, secondary and de-inking sludge, cooking liquors from pulp and paper mills, and timber from silvicultural treatments or logging such as trunks, limbs, tree tops, short logs, slash and cull referred to in section 94 of the Forest Act (R.S.Q., c. F-4.1) and timber intended for or taken from Québec landfills;

(2) biodegradable residual materials rejected or not accepted following reclamation activities and intended for disposal in landfill sites or incinerators and, as the case may be, vapours generated by the incineration of those materials; and

(3) recovered biodegradable residual materials for which other reclamation methods are not subject to economically viable technology.

2. The energy block produced in Québec by new biomass cogeneration facilities corresponds to a total quantity of 125 megawatts, for the purpose of fixing the cost of electric power referred to in section 52.2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), for the purposes of the supply plan provided for in section 72 of the Act and for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act.

The biomass used in the new cogeneration facilities referred to in the first paragraph must correspond to a minimum of 75% of the fuel used by the facilities to produce electric power.

3. The electric power distributor must solicit tenders for the quantity referred to in section 2 not later than 90 days following the date of its publication in the *Gazette officielle du Québec*.

4. Biomass cogeneration projects subsequent to the tender solicitation must be carried out so that the deliveries begin not later than 1 December 2012.

5. This Regulation replaces the Regulation respecting energy produced by cogeneration, made by Order in Council 1319-2003 dated 10 December 2003.

6. 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. 922-2008, 24 September 2008

Highway Safety Code
(R.S.Q., c. C-24.2)

Licences

— Amendments

Regulation to amend the Regulation respecting licences

WHEREAS, under paragraphs 1, 2 and 3 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation, determine types and classes of licences according to their nature, the form of a licence, the information it must contain, and the cases where and establish the criteria according to which conditions may be attached to a licence;

WHEREAS, under paragraph 6 of section 619 of the Highway Safety Code, the Government may by regulation prescribe the conditions and formalities for obtaining or renewing a licence, according to the nature, class or category of the licence, and the documents and information which must be produced with an application for the issue or renewal of such a licence;

WHEREAS the Government made the Regulation respecting licences by Order in Council 1421-91 dated 16 October 1991;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting licences was published in Part 2 of the *Gazette officielle du Québec* of 25 October 2006 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with an amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting licences*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 619, pars. 1, 2, 3 and 6)

1. The Regulation respecting licences is amended by replacing section 1 by the following:

“1. In this Regulation,

“net mass” means the mass of a road vehicle as indicated by the manufacturer at the time of shipment or as indicated on the weight certificate issued when the road vehicle was altered or fitted with an accessory or with equipment in order to bring it into conformity with its intended use;

“truck tractor” means a motor vehicle that has no room for loads and that is permanently equipped with a fifth wheel.”.

2. Section 2 is amended

(1) by striking out “31” and “37”;

(2) by replacing “41” by “42”.

3. Section 5 is amended

(1) by inserting the following after subparagraph 7 of the first paragraph:

“(7.1) at the end of the indication required under subparagraph 7, the word “temporary” if the licence meets the requirements of the second paragraph;”;

(2) by replacing the second paragraph by the following:

“A licence that contains the word “temporary” in accordance with subparagraph 7.1 must meet the following requirements:

* The Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991 (1991, *G.O.* 2, 4146), was last amended by the regulation made by Order in Council 266-2007 dated 28 March 2007 (2007, *G.O.* 2, 1317A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

- (1) be issued in paper form;
- (2) be issued for the time required for a plastic licence to be issued;
- (3) be valid for a period of 20 days from its date of issue; and
- (4) the conditions for obtaining, renewing or replacing a plastic licence have been met.”.

4. Section 7.1 is replaced by the following:

“**7.1.** A probationary licence and a driver’s licence are issued in plastic form.

A temporary probationary licence and a temporary driver’s licence are issued in paper form.

A licence authorizing the driving of a moped only is issued in paper form or in plastic form, at the choice of the applicant.”.

5. Section 7.2 is replaced by the following:

“**7.2.** A learner’s licence and a restricted licence are issued in paper form or in plastic form, at the choice of the applicant.”.

6. Sections 7.3 to 7.4 are revoked.

7. Section 7.5 is replaced by the following:

“**7.5.** A licence in paper form does not bear a photograph of the licence holder.”.

8. Section 7.6 is revoked.

9. Section 7.7 is amended by replacing “A plastic probationary licence and a plastic driver’s licence do not” in the first sentence by “A licence does not”.

10. Section 7.8 is amended by replacing “A plastic probationary licence and a plastic driver’s licence do not” by “A licence does not”.

11. Section 7.9 is amended by replacing “A plastic probationary licence or a plastic driver’s licence” by “A licence”.

12. Section 7.10 is amended by replacing “his driver’s” by “a”.

13. Section 7.11 is amended by replacing “his driver’s” by “a”.

14. The following is inserted after section 9:

“**9.1.** Subject to the conditions attached to it, a class 1, 2 or 3 learner’s licence allows its holder to drive a road vehicle covered by a licence of that class and equipped with a manual transmission or an air braking system even if the indication or indications to that effect are not entered in the licence holder’s file.”.

15. Section 13 is amended by replacing “coming into force” in the second paragraph by “issue”.

16. Section 16 is amended

(1) by replacing “has no room for loads and is permanently equipped with a fifth wheel” in paragraph 1 by “is a truck tractor having two axles and a net mass of 4,500 kg or more or a truck tractor having three axles or more”;

(2) by replacing “Institut de police” in paragraph 4 by “École nationale de police”.

17. Section 17 is amended

(1) in paragraph 1 by striking out “, where applicable,” and by inserting “if the document is written in a language other than French or English” after “submits”;

(2) by adding the following after paragraph 4:

“(5) submit a French or English translation if the licence is in a language other than French or English.”.

18. Section 25 is amended by replacing paragraph 2 by the following:

“(2) have successfully completed an emergency vehicle driving course offered by the École nationale de police du Québec, Corporation d’urgences-santé, the Institut de protection contre les incendies du Québec or the École nationale des pompiers du Québec, or an equivalent emergency vehicle driving course;”.

19. Section 26 is revoked.

20. Section 27 is amended by striking out the last paragraph.

21. Section 28 is replaced by the following:

“**28.** A driver’s licence must belong to one of the following classes:

- (1) class 1;

- (2) class 2;
- (3) class 3;
- (4) class 4A;
- (5) class 4B;
- (6) class 4C;
- (7) class 5;
- (8) class 6A;
- (9) class 6B;
- (10) class 6C;
- (11) class 6D;
- (12) class 8.

Subject to section 29, those classes are mutually exclusive.

28.1. Class 1 authorizes the driving of

(1) a combination of road vehicles consisting of a truck tractor having two axles and a net mass of 4,500 kg or more and hauling one or more trailers or semi-trailers;

(2) a combination of road vehicles consisting of a truck tractor having three axles or more and hauling one or more trailers or semi-trailers; and

(3) a combination of road vehicles consisting of a truck complying with the standards of section 28.3, hauling a trailer or semi-trailer the net mass of which is 4,500 kg or more and used solely for transporting the machinery, implements or fixtures with which it is permanently equipped or hauling any other trailer or semi-trailer having a net mass of 2,000 kg or more.

Class 1 authorizes the driving of a combination of road vehicles described in the first paragraph equipped with a manual transmission or an air braking system or the driving of a road train as defined in the Special Road Train Operating Permits Regulation, made by Order in Council 1874-86 dated 10 December 1986, if the indication or indications to that effect are entered in the licence holder's file.

28.2. A class 2 licence authorizes the driving of a bus designed to transport more than 24 passengers at a time.

That class authorizes the driving of a road vehicle described in the first paragraph that is equipped with a manual transmission or an air braking system if the indication or indications to that effect are entered in the licence holder's file.

28.3. A class 3 licence authorizes the driving of a truck having two axles and a net mass of 4,500 kg or more and of a truck with three axles or more.

That class authorizes the driving of a road vehicle described in the first paragraph that is equipped with a manual transmission or an air braking system if the indication or indications to that effect are entered in the licence holder's file.

In this section, "truck" means a road vehicle having a net mass of more than 3,000 kg and manufactured solely for transporting goods or equipment permanently attached to it or for transporting such equipment and goods.

28.4. A class 4A licence authorizes the driving of an emergency vehicle.

28.5. A class 4B licence authorizes the driving of a bus designed to transport 24 passengers or less at a time, and a minibus.

28.6. A class 4C licence authorizes the driving of a taxi.

28.7. A class 5 licence authorizes the driving of a motor vehicle having two axles and a net mass of less than 4,500 kg, a motor vehicle permanently converted into a dwelling, a special mobile equipment vehicle and a service vehicle.

In this section, "service vehicle" means a motor vehicle equipped to refuel, repair or tow road vehicles.

28.8. A class 6A licence authorizes the driving of any motorcycle.

28.9. A class 6B licence authorizes the driving of a motorcycle with an engine piston displacement of 400 cc or less.

28.10. A class 6C licence authorizes the driving of a motorcycle with an engine piston displacement of 125 cc or less.

28.11. A class 6D licence authorizes the driving of a moped.

28.12. A class 8 licence authorizes the driving of a tractor used for agricultural or related purposes.”.

22. Section 30 is amended

(1) by replacing “has no room for loads and is permanently equipped with a fifth wheel” in paragraph 1 by “is a truck tractor having two axles and a mass net of 4,500 kg or more or a truck tractor having three axles or more”;

(2) by replacing paragraph 2 by the following:

“(2) a class 3 driver’s licence also allows the holder to drive a road vehicle covered by a licence of that class where that road vehicle hauls a trailer or semi-trailer having

(a) a net mass of less than 2,000 kg; or

(b) a net mass of 2,000 kg or more but less than 4,500 kg and used solely for transporting the machinery, implements or fixtures with which it is permanently equipped;”;

(3) by replacing “Institut de police” in paragraph 5 by “École nationale de police”;

(4) by adding the following after paragraph 5:

“(6) a class 1, 2 or 3 driver’s licence also allows the holder to drive a road vehicle authorized by that class, for the sole purposes of learning to drive it or undergoing the proficiency examination of the Société, where that vehicle is equipped with a manual transmission or an air braking system even if the indication or indications to that effect are not entered in the licence holder’s file, provided that the licence holder is accompanied as required by section 99 of the Highway Safety Code.”.

23. Section 32 is amended

(1) in paragraph 1 by striking out “, where applicable,” and by inserting “if the document is written in a language other than French or English” after “submits”;

(2) by adding the following after paragraph 4:

“(5) submit a French or English translation if the licence is in a language other than French or English.”.

24. The following is inserted after section 32:

“**32.1.** An application for a licence exchange referred to in sections 91 and 91.1 of the Highway Safety Code must be made within 12 months of the applicant’s settlement in Canada.

A person who settled in Canada before 28 October 2008 must apply for a licence exchange within 12 months following that date.

32.2. To be granted the exemption referred to in section 91.3 of the Highway Safety Code, a person must apply for a licence within 12 months of the person’s settlement in Canada.

A person who settled in Canada before 28 October 2008 must apply for a licence within 12 months following that date.”.

25. Section 34 is revoked.

26. Section 43 is amended by replacing “Institut de police du Québec or its equivalent” in subparagraph *b* of paragraph 3 by “École nationale de police du Québec, Corporation d’urgences-santé, the Institut de protection contre les incendies du Québec or the École nationale des pompiers du Québec, or an equivalent emergency vehicle driving course”.

27. Section 44 is amended by replacing paragraph 1 by the following:

“(1) have held a class 3 learner’s licence for three months, or for one month if the person

(a) is 25 years of age or older; or

(b) holds or has held a class 5 driver’s licence and has held such a licence or a class 5 probationary licence for a total of 60 months;”.

28. Section 45 is replaced by the following:

“**45.** To obtain a class 2 driver’s licence, a person must

(1) have held a class 2 learner’s licence for three months, or for one month if the person

(a) is 25 years of age or older;

(b) holds or has held a class 3 driver’s licence; or

(c) holds or has held a class 5 driver’s licence and has held such licence or a class 5 probationary licence for a total of 60 months; or

(2) hold a class 2 learner’s licence for the time of a training comprising at least 20 hours of driving on public roads if the person meets one of the requirements in subparagraphs *a* to *c* of subparagraph 1. That training

must be offered by an operator of heavy vehicles within the meaning of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., c. P-30.3) that has been assigned a satisfactory rating under that Act and that has not been the subject of any intervention of the Société within the last two years related to the implementation of the administrative policy adopted under that Act.

That person must also hold or have held a class 5 driver's licence and have held such licence or a class 5 probationary licence for a total of 24 months.”.

29. Section 46 is amended

(1) by replacing paragraph 1 by the following:

“(1) have held a class 1 learner's licence for three months, or for one month if the person

(a) is enrolled in the instruction program for the driving of trucks leading to a secondary school vocational diploma awarded by the Ministère de l'Éducation, du Loisir et du Sport and has successfully completed all the compulsory sections in the program required prior to road driving without a supervisor;

(b) is 25 years of age or older;

(c) holds or has held a class 2 or class 3 driver's licence; or

(d) holds or has held a class 5 driver's licence and has held such a licence or a class 5 probationary licence for a total of 60 months;”;

(2) by replacing subparagraph *b* of paragraph 3 by the following:

“(b) for a total of 24 months, if the person has successfully completed

i. a program comprising 300 hours of driving a road vehicle authorized by the licence applied for on public roads; the program must include at least 40 hours of driving provided by a heavy vehicle driving school and an on-the-job training period with the number of hours necessary to complete the 300 hours required; or

ii. the instruction program for the driving of trucks leading to a secondary school vocational diploma awarded by the Ministère de l'Éducation, du Loisir et du Sport.”.

30. Sections 46.2 to 48 and 50.3.1 are revoked.

31. Sections 50.4, 50.5 and 50.6 are amended by striking out “plastic”.

32. This Regulation comes into force on 28 October 2008.

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Gouvernement du Québec

O.C. 923-2008, 24 September 2008

Highway Safety Code
(R.S.Q., c. C-24.2)

**Fees exigible and return of confiscated objects
— Amendments**

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects

WHEREAS, under subparagraphs 3, 4, 5 and 11 of the first paragraph of section 624 of the Highway Safety Code (R.S.Q., c. C-24.2), the Société de l'assurance automobile du Québec may by regulation fix the amount of the fee exigible for obtaining or renewing a licence or determine the amount of the fee exigible for the replacement of a licence or for proficiency examinations and provide cases of exemption from or reduction of certain exigible fees;

WHEREAS the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects was approved by Order in Council 646-91 dated 8 May 1991;

WHEREAS, at its sitting held on 3 November 2005, the board of directors of the Société made the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects;

WHEREAS, under section 625 of the Code, every regulation made by the Société under the Code is subject to the approval of the Government;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects was published in Part 2 of the *Gazette officielle du Québec* of 25 October 2006 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, at its sitting held on 11 June 2008, the board of directors of the Société made the amended Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, attached to this Order in Council;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 624, subpars. 3, 4, 5 and 11 of the first paragraph)

1. Section 4 of the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects is amended by:

1° replacing subsection 1 by the following:

“1. \$6 for the issue of a driver’s licence authorizing the operation of only a moped, of a learner driver’s licence or of a restricted driver’s licence in paper form to the exclusion of one of these licences issued temporarily while pending the issue of a plastic driver’s licence. These fees are of \$4 for any subsequent issue of an expired learner driver’s licence of the same class in paper form;

2° striking out subsection 2;

3° striking out in subsection 2.1 the words “probationary licence or a driver’s licence” and the words “taken by the Société”;

4° striking out subsection 2.2;

5° striking out the words “probationary licence or a driver’s licence” in subsection 2.3;

6° striking out the words “probationary licence or a driver’s licence” in subsection 3.1;»

7° striking out the words “probationary licence or a driver’s licence” in subsection 3.3;

8° replacing subsection 4 with the following:

“4. \$4 for the replacement of a driver’s licence where it is illegible or damaged or destroyed or lost or stolen or where it contains inaccurate information, by a licence of the same category in paper form, except if the replacement is done at the request of the Société, in which case no fees are exigible”;

9° replacing subsection 4.1 with the following:

“4.1 \$11.74 for the replacement of a driver’s licence where it is illegible or damaged, or destroyed or lost or stolen or where it contains inaccurate information, by a plastic licence of the same category, with the holder’s photograph, except if the replacement is done at the Société’s request, in which case no fees are exigible”;

10° striking out subsection 4.2;

11° adding at the end of subsection 4.3 the words “except if the replacement is done at the Société’s request, in which case no fees are exigible”;

12° striking out subsections 4.5 and 4.7;

13° replacing subsection 4.8 with the following:

“4.8 \$7.74 for the renewal of a plastic driver’s licence with a photograph of the holder and for any subsequent issue of an expired plastic apprentice driver’s licence of the same category with a photograph of the holder”;

14° striking out subsection 4.9;

* The last amendments to the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, approved by Order in Council 646-91 dated 8 May 1991 (1991 *G.O.* 2, 1695) were made by the regulation approved by O.C. 267-2007 dated 28 March 2007 (2007, *G.O.* 2, 1323A). For prior amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2008, updated to 1 march 2008.

15° replacing subsection 4.10 with the following:

“4.10 \$6 for the renewal of a plastic driver’s licence without the holder’s photograph and for any subsequent issue of an expired plastic learner driver’s licence of the same class without a photograph of the holder”;

16° replacing subsection 5 with the following:

“5. \$17.74 for the issue of a probationary driver’s licence or a driver’s licence with the holder’s photograph in the cases specified in sections 90, 91, 91.1 and 91.3 of the Highway Safety Code”;

17° replacing subsection 5.1 by the following:

“5.1 \$18 for the issue of a probationary driver’s licence or a driver’s licence with a photograph of the holder in the cases specified in section 92 of the Highway Safety Code”;

18° striking out subsection 5.2;

19° replacing subsection 5.3 with the following:

“5.3 \$16 for the issue of a probationary driver’s licence or a driver’s licence without a photograph of the holder in the cases specified in sections 90, 91, 91.1, 91.3 and 92 of the Highway Safety Code;

20° striking out subsection 6;

21° replacing subsections 7, 8, 8.1, 8.2, and 9 by the following:

“6.1 for the taking of a proficiency examination, except if it is a test required by the Société under section 109 of the Highway Safety Code for which no fees are exigible;

(a) \$10 for a knowledge test or more than one knowledge test at a sitting;

(b) \$50 for the taking of a road test on a closed track for a class 1, 2 and 3 driver’s licence;

(c) \$25 for the taking of a road test on a closed track for a class 6A learner driver’s licence or for a class 6A, 6B and 6C probationary licence or a driver’s licence;

(d) \$90 for the taking of a road test on a public roadway for a probationary licence or a driver’s licence of classes 6A, 6B and 6C;

(e) \$25 on the taking of a road test for a probationary licence or driver’s licence of a class other than those covered by subsections b) to d)”;

22° striking out subsection 10;

23° by the addition of the following sentence after the second paragraph:

“No fees are exigible for a request to cancel a driver’s licence.”.

2. This Regulation comes into force on October 28, 2008.

8969

Draft Regulations

Draft Regulation

Code of Civil Procedure
(R.S.Q., c. C-25)

Determination of child support payments — Modification

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 determination of child support payments, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to make technical amendments to take into account the adjustment of the amounts in the Basic Parental Contribution Determination Table and to show more clearly the results on lines 512.1, 518.1, 526.1 and 534.1 of the Child Support Determination Form.

Further information on the draft Regulation may be obtained by contacting Pierre Tanguay, Direction générale des services de justice et des registres, 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; telephone: 418 644-7700, extension 20197; fax: 418 644-9968.

Any person wishing to comment on the draft Regulation is requested to submit written comments within 45 days to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

JACQUES P DUPUIS,
Minister of Justice

Regulation to amend the Regulation respecting the determination of child support payments*

Code of Civil Procedure
(R.S.Q., c. C-25, a. 825.8)

1. Schedules I and II to the Regulation respecting the determination of child support payments are replaced by Schedules I and II attached to this Regulation.

2. This Regulation comes into force on 1 January 2009.

* The Regulation respecting the determination of child support payments, made by Order in Council 484-97 dated 9 April 1997 (1997, *G.O.* 2, 1651), was last amended by the regulation made by Order in Council 1102-2007 dated 12 December 2007 (2007, *G.O.* 2, 3656A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

SCHEDULE I

(s. 3)

CANADA

Province of Québec
District of _____

File No. _____

**CHILD SUPPORT
DETERMINATION FORM**

- Father's form
- Mother's form
- Produced jointly
- Established by the court

Please complete in block letters.

The parents may complete the form together and must attach all required documents. If they do not complete the form together, the parent who completes the form must provide all information and documents in respect of himself or herself. That parent may also indicate any known information about the other parent.

Part 1 – Identification

100 Surname _____ Given name(s) _____
(Father's identification)

101 Surname _____ Given name(s) _____
(Mother's identification)

Indicate the date of birth of each common child of the parents in respect of whom the application is made.

102 _____ 104 _____ 106 _____
Year Month Day Year Month Day Year Month Day

103 _____ 105 _____ 107 _____
Year Month Day Year Month Day Year Month Day

Part 2 – Statement of parents' incomes

Indicate income for the current year or foreseeable income for the next 12 months, as the case may be. Attach a copy of federal and provincial income tax returns and assessment notices for the last fiscal year _____. Also attach the requested documents and any other document used to establish income.

	FATHER	MOTHER
200 Gross salary (Attach pay slip)	_____	_____
201 Commissions/tips	_____	_____
202 Net income from a business or self-employment (Gross income less expenses relating to the business or self-employment) (Attach financial statements)	_____	_____
203 Employment insurance benefits and parental insurance benefits	_____	_____
204 Support paid by a third party and received for own needs	_____	_____
205 Retirement or disability benefits, or other benefits	_____	_____
206 Interest, dividends, and other investment income	_____	_____
207 Net rentals (Gross rental income less expenses associated with the rental of immovables) (Attach a statement of income and expenses for each immovable)	_____	_____
208 Other income (Excluding family-related government transfers, last-resort financial assistance benefits and any sums granted by the Minister of Education under a financial assistance program for education expenses) (Please specify: _____)	_____	_____
209 TOTAL (Add lines 200 to 208)	_____	_____

Part 3 – Calculation of parents’ disposable income for the purpose of calculating the contribution

	FATHER	MOTHER
300 Annual income (Line 209)	_____	_____
301 Basic deduction (See table)	_____	_____
302 Deduction for union dues	_____	_____
303 Deduction for professional fees	_____	_____
304 Total deductions (Add lines 301 to 303)	_____	_____
305 Disposable income of each parent (Line 300 - line 304) Enter “0” if negative	_____	_____
306 Disposable income of both parents (Add the two amounts from line 305)	_____	
307 Distribution factor (%) of income		
Father’s disposable income (line 305 ÷ line 306 x 100)	_____ %	
Mother’s disposable income (line 305 ÷ line 306 x 100)		_____ %

Part 4 – Calculation of the annual parental contribution

Note 1: This contribution covers the children’s complete needs excluding the expenses in line 406.

400 Number of common children of the parents in respect of whom the application is made		_____										
401 Basic parental contribution according to disposable income of both parents (line 306) and the number of children (line 400) (See Note 1) (See table in Schedule II)		_____										
402 Basic parental contribution of each parent (Line 401 x line 307)		_____										
	<table border="1" style="border-style: dashed; width: 100%;"> <thead> <tr> <th style="text-align: center;">FATHER</th> <th style="text-align: center;">MOTHER</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">_____ + _____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____ + _____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____ + _____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____ + _____</td> <td style="text-align: center;">_____</td> </tr> </tbody> </table>	FATHER	MOTHER	_____ + _____	_____	_____ + _____	_____	_____ + _____	_____	_____ + _____	_____	
FATHER	MOTHER											
_____ + _____	_____											
_____ + _____	_____											
_____ + _____	_____											
_____ + _____	_____											
403 Net child care expenses		_____										
404 Net post-secondary education expenses		_____										
405 Net special expenses (Please specify: _____)		_____										
406 Total expenses (See Note 2) (Add lines 403 to 405)		_____										
407 Contribution of each parent to expenses (Line 406 x line 307)		_____										

Part 5 – Calculation of annual support according to custody time

(Complete only the division that applies to your situation.)

Note 2: *The child support amount payable calculated under this part assumes that the total expenses (line 406) are paid by the parent receiving the support payments. Otherwise, please make the required adjustments as they apply to your situation in line 512.1, 518.1, 526.1, 534.1 or 564.1, and give the reasons.*

Note 3: *The child support amount established in line 533 or 559 assumes that the basic parental contribution will be assumed by each parent on the basis of the custody apportionment factor. If this is not the case, please make the required adjustments as they apply to your situation in line 534.1 or 564.1, and give the reasons.*

Division 1 Sole custody

(Complete this division if the non-custodial parent assumes visiting and outing rights representing 20% or less of custody time.)

	FATHER	MOTHER
510 Identify the non-custodial parent ("X")	_____	_____
511 Annual contribution of both parents (Line 401 + line 406)	_____	_____
512 Annual support payable by the non-custodial parent (See Note 2) (Line 511 x line 307)	_____	_____
512.1 Adjusted annual support payable Reason: _____	_____	_____

Division 1.1 Adjustment for visiting and prolonged outing rights

(Complete this division if the non-custodial parent assumes visiting and outing rights representing between 20% and 40% of custody time.)

513 Identify the non-custodial parent ("X")	_____	_____
514 Annual contribution of both parents (Line 401 + line 406)	_____	_____
515 Percentage of custody time represented by visiting and prolonged outing rights (Number of days _____ ÷ 365 x 100)	_____	_____ %
516 Compensation for visiting and prolonged outing rights (Percentage from line 515 _____ - 20% = _____ % x line 401)	_____	_____
517 Adjusted annual contribution of both parents (Line 514 - line 516)	_____	_____
518 Annual support payable by the non-custodial parent (See Note 2) (Line 517 x line 307)	_____	_____
518.1 Adjusted annual support payable Reason: _____	_____	_____

Division 2 Sole custody granted to each parent

(Complete this division if each parent has sole custody of at least one child.)

520 Indicate the number of children in the father's custody	_____	_____
521 Indicate the number of children in the mother's custody	_____	_____
522 Basic parental contribution of each parent (Line 402)	_____	_____
523 Average cost per child (Line 401 ÷ line 400)	_____	_____
524 Cost of care for each parent (Father: line 523 x line 520) (Mother: line 523 x line 521)	_____	_____
525 Basic annual support (Line 522 - line 524) Enter "0" if negative	_____	_____
526 Annual support payable (See Note 2) (Line 525 + line 407) Enter "0" if line 525 is "0"	_____	_____
526.1 Adjusted annual support payable Reason: _____	_____	_____

Part 5 – Calculation of annual support based on custody time (cont'd)

Division 3 Shared custody

(Fill out this division if each parent has at least 40% of custody time in respect of all the children.)

	FATHER	MOTHER
530	Distribution factor (%) of custody (Father: number of days of custody _____ ÷ 365 x 100) (Mother: number of days of custody _____ ÷ 365 x 100)	_____ % _____ %
531	Basic parental contribution of each parent (Line 402)	_____ _____
532	Cost of care for each parent (Line 401 x line 530)	_____ _____
533	Basic annual support (See Note 3) (Line 531 - line 532) Enter "0" if negative	_____ _____
534	Annual support payable (See Note 2) (Line 533 + line 407) Enter "0" if line 533 is "0"	_____ _____
534.1	Adjusted annual support payable Reason: _____	_____ _____

Division 4 Sole custody and/or custody with visiting and prolonged outing rights and/or shared custody

(Fill out this division if more than one type of custody arrangement applies: sole custody and/or custody of a child with visiting and outing rights representing between 20% and 40% of custody time and/or shared custody.)

	FATHER	MOTHER
540	Average cost per child (Line 401 ÷ line 400)	_____
541	Number of children in sole custody	_____ _____
542	Cost of care of children in sole custody (Line 540 x line 541)	_____ _____
543	Basic contribution of the custodial parent (Line 542 x line 307)	_____ _____
544	Difference between the cost of care and the basic contribution of custodial parent (Line 542 - line 543)	_____ _____
545	Basic annual support payable for children in sole custody (Father: line 544 of mother - line 544 of father) Enter "0" if the result is negative (Mother: line 544 of father - line 544 of mother) Enter "0" if the result is negative	_____ _____
546	Number of children in a situation of custody with visiting and prolonged outing rights	_____ _____
547	Cost of care of children in a situation of prolonged custody (Line 540 x line 546)	_____ _____
548 (f)	Percentage of custody time represented by visiting and prolonged outing rights (father) (Number of days of custody _____ ÷ 365 x 100)	_____ _____ %
548 (m)	Percentage of custody time represented by visiting and prolonged outing rights (mother) (Number of days of custody _____ ÷ 365 x 100)	_____ _____ %

Part 5 – Calculation of annual support based on custody time (cont'd)**Division 4 (cont'd)**

549 (f)	Compensation for father's visiting and prolonged outing rights (Percentage from line 548 (f) _____ - 20 % = _____ % X line 547 (mother)	_____	_____
549 (m)	Compensation for mother's visiting and prolonged outing rights (Percentage from line 548 (m) _____ - 20 % = _____ % X line 547 (father)	_____	_____
550	Cost of care of children in a situation of prolonged custody – adjusted (Line 547 - line 549)	_____	_____
551	Custodial parent's basic annual contribution (Line 550 x line 307)	_____	_____
552	Difference between the cost of care and the basic annual contribution (Line 550 - line 551)	_____	_____
553	Annual support payable for custody with visiting and prolonged outing rights (Father: line 552 of mother - line 552 of father) Enter "0" if the result is negative (Mother: line 552 of father - line 552 of mother) Enter "0" if the result is negative	_____	_____
554	Number of children in shared custody	_____	
555	Cost of care of children in shared custody (Line 540 x line 554)	_____	
556	Distribution factor (%) of shared custody (Father: number of days of custody _____ ÷ 365 x 100) (Mother: number of days of custody _____ ÷ 365 x 100)	_____ %	_____ %
557	Basic parental contribution of each parent for children in shared custody (Line 555 x line 307)	_____	_____
558	Cost of shared custody for each parent (Line 555 x line 556)	_____	_____
559	Basic annual support for the children in shared custody (See Note 3) (Line 557 - line 558) Enter "0" if negative	_____	_____

Summary of Division 4

560	Basic annual support for children in sole custody (Line 545)	_____	_____
561	Annual support payable for custody with visiting and prolonged outing rights (Line 553)	_____	_____
562	Basic annual support for the children in shared custody (Line 559)	_____	_____
563	Total basic annual support (See Note 3) (Father: (lines 560 + 561 + 562 of father) – (lines 560 + 561 + 562 of mother)) Enter "0" if negative (Mother: (lines 560 + 561 + 562 of mother) – (lines 560 + 561 + 562 of father)) Enter "0" if negative	_____	_____
564	Support payable (See Note 2) (Line 563 + line 407) Enter "0" if line 563 is "0"	_____	_____
564.1	Adjusted annual support payable Reason: _____	_____	_____

Part 6 – Capacity to pay of debtor

- 600 Disposable income of the parent required to pay support
(Line 305) _____
- 601 Multiply line 600 by 50% _____
- 602 Annual support payable based on the calculations
under a division of Part 5 _____
- 603 Annual support payable
(Enter the lesser amount between lines 601 and 602) _____

Part 7 – Agreement between parents

(Fill out this part if the parents agree on a support amount that departs from the amount calculated under one of the divisions in Part 5 or Part 6 of this form.)

- 700 Annual support payable _____
- 701 Annual support payable according to agreement between parents _____
- 702 Difference between the two amounts
(Line 701 _____ - line 700 _____) _____

703 State precisely the reasons for that difference:

Part 8 – Payment frequency

800 Enter the payment frequency and the amount of support payable (**See Note 4**):

- Monthly (÷ 12) \$ _____
- Twice monthly (÷ 24) \$ _____
- Every two weeks (÷ 26) \$ _____
- Weekly (÷ 52) \$ _____
- Other (Please specify: _____) \$ _____

This frequency has been:

- offered
- requested
- agreed on
- determined by the court

801 Date of first payment: _____

Year Month Day

Note 4: If support payments are made through the Minister of Revenue pursuant to the Act to facilitate the payment of support, the payment frequency may be adjusted according to the terms and conditions set forth in the Act.

Part 9 – Statement of each parent’s assets and liabilities

ASSETS: Give cash amounts, amounts deposited in bank accounts or other financial institutions and the market value of property in each of the following categories (regardless of any debt related thereto): immovables, furniture, automobiles, works of art, jewellery, shares, bonds, interests in a business, other investments, pension plans, retirement savings plans, receivables, etc.

LIABILITIES: Give debts or financial commitments of any nature in the form of loans or credit (hypothecary loans, personal loans, lines of credit, credit cards, instalment purchases, security, etc.) or that you must pay under a statute (fiscal debts, assessments, dues and other unpaid duties or fees, etc.) or court decision (damages, support, employment insurance or income security overpayment, fines, etc.)

FATHER’S ASSETS	VALUE	FATHER’S LIABILITIES	VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Others (attach details)	_____	Others (attach details)	_____
TOTAL	=====	TOTAL	=====
		SUMMARY (assets - liabilities)	=====

MOTHER’S ASSETS	VALUE	MOTHER’S LIABILITIES	VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Others (attach details)	_____	Others (attach details)	_____
TOTAL	=====	TOTAL	=====
		SUMMARY (assets - liabilities)	=====

Part 10 – Declaration under oath

I declare that the above information is accurate and complete for my part, and I sign:

at
this day of

Father’s signature

Declaration made under oath before me

at
this day of

Signature of person authorized to administer oaths

I declare that the above information is accurate and complete for my part, and I sign:

at
this day of

Mother’s signature

Declaration made under oath before me

at
this day of

Signature of person authorized to administer oaths

SCHEDULE II

(s.3)

BASIC PARENTAL CONTRIBUTION DETERMINATION TABLE
(Effective as of 1 January 2009)

Disposable Income of Parents (\$)	Basic Annual Contribution (\$)					
	Number of Children					
	1 child	2 children	3 children	4 children	5 children	6 children ⁽¹⁾
1 - 1 000	500	500	500	500	500	500
1 001 - 2 000	1 000	1 000	1 000	1 000	1 000	1 000
2 001 - 3 000	1 500	1 500	1 500	1 500	1 500	1 500
3 001 - 4 000	2 000	2 000	2 000	2 000	2 000	2 000
4 001 - 5 000	2 430	2 500	2 500	2 500	2 500	2 500
5 001 - 6 000	2 480	3 000	3 000	3 000	3 000	3 000
6 001 - 7 000	2 590	3 500	3 500	3 500	3 500	3 500
7 001 - 8 000	2 690	4 000	4 000	4 000	4 000	4 000
8 001 - 9 000	2 770	4 320	4 500	4 500	4 500	4 500
9 001 - 10 000	2 830	4 440	5 000	5 000	5 000	5 000
10 001 - 12 000	2 990	4 640	5 490	6 000	6 000	6 000
12 001 - 14 000	3 150	4 900	5 810	6 750	7 000	7 000
14 001 - 16 000	3 350	5 170	6 180	7 180	8 000	8 000
16 001 - 18 000	3 540	5 460	6 570	7 670	8 790	9 000
18 001 - 20 000	3 760	5 770	6 980	8 210	9 410	10 000
20 001 - 22 000	4 030	6 180	7 500	8 820	10 140	11 000
22 001 - 24 000	4 240	6 510	7 930	9 330	10 750	12 000
24 001 - 26 000	4 460	6 870	8 380	9 890	11 410	12 930
26 001 - 28 000	4 690	7 160	8 830	10 460	12 120	13 760
28 001 - 30 000	4 900	7 460	9 200	10 970	12 720	14 480
30 001 - 32 000	5 090	7 720	9 600	11 490	13 350	15 230
32 001 - 34 000	5 290	8 000	10 010	11 980	13 970	15 970
34 001 - 36 000	5 500	8 260	10 370	12 480	14 580	16 680
36 001 - 38 000	5 680	8 570	10 710	12 860	15 020	17 170
38 001 - 40 000	5 900	8 820	11 030	13 250	15 470	17 660
40 001 - 42 000	6 100	9 070	11 370	13 640	15 920	18 190
42 001 - 44 000	6 300	9 360	11 680	14 000	16 320	18 640
44 001 - 46 000	6 500	9 600	12 000	14 390	16 770	19 180
46 001 - 48 000	6 690	9 910	12 360	14 830	17 300	19 770
48 001 - 50 000	6 890	10 140	12 710	15 260	17 810	20 360
50 001 - 52 000	7 100	10 410	13 060	15 720	18 340	21 000
52 001 - 54 000	7 300	10 700	13 410	16 120	18 850	21 570
54 001 - 56 000	7 480	10 960	13 770	16 610	19 410	22 220
56 001 - 58 000	7 680	11 230	14 120	16 990	19 900	22 790
58 001 - 60 000	7 880	11 470	14 450	17 430	20 410	23 380

Disposable Income of Parents (\$)	Basic Annual Contribution (\$)					
	Number of Children					
	1 child	2 children	3 children	4 children	5 children	6 children ⁽¹⁾
60 001 - 62 000	8 070	11 740	14 780	17 840	20 890	23 930
62 001 - 64 000	8 240	11 980	15 140	18 270	21 420	24 560
64 001 - 66 000	8 430	12 240	15 480	18 690	21 910	25 120
66 001 - 68 000	8 620	12 440	15 740	19 050	22 350	25 660
68 001 - 70 000	8 730	12 640	16 020	19 420	22 810	26 200
70 001 - 72 000	8 870	12 830	16 290	19 730	23 200	26 660
72 001 - 74 000	9 010	13 020	16 560	20 090	23 640	27 170
74 001 - 76 000	9 180	13 200	16 830	20 460	24 090	27 710
76 001 - 78 000	9 280	13 350	17 030	20 720	24 390	28 070
78 001 - 80 000	9 400	13 520	17 260	20 990	24 730	28 470
80 001 - 82 000	9 520	13 670	17 460	21 260	25 050	28 850
82 001 - 84 000	9 620	13 820	17 680	21 530	25 390	29 240
84 001 - 86 000	9 790	13 980	17 890	21 780	25 700	29 600
86 001 - 88 000	9 880	14 100	18 060	22 020	25 980	29 940
88 001 - 90 000	9 950	14 220	18 210	22 200	26 190	30 190
90 001 - 92 000	10 040	14 340	18 400	22 440	26 500	30 550
92 001 - 94 000	10 130	14 460	18 550	22 640	26 710	30 790
94 001 - 96 000	10 240	14 580	18 730	22 860	27 000	31 120
96 001 - 98 000	10 310	14 700	18 860	23 050	27 220	31 420
98 001 - 100 000	10 410	14 800	19 010	23 210	27 430	31 650
100 001 - 102 000	10 490	14 900	19 170	23 420	27 680	31 940
102 001 - 104 000	10 560	15 000	19 320	23 580	27 920	32 190
104 001 - 106 000	10 650	15 110	19 450	23 790	28 130	32 460
106 001 - 108 000	10 720	15 230	19 620	23 980	28 390	32 740
108 001 - 110 000	10 790	15 320	19 780	24 170	28 610	33 000
110 001 - 112 000	10 890	15 430	19 920	24 340	28 850	33 280
112 001 - 114 000	10 970	15 520	20 080	24 540	29 100	33 540
114 001 - 116 000	11 060	15 630	20 220	24 710	29 300	33 790
116 001 - 118 000	11 130	15 720	20 360	24 870	29 520	34 050
118 001 - 120 000	11 210	15 820	20 500	25 080	29 730	34 280
120 001 - 122 000	11 280	15 910	20 630	25 230	29 940	34 530
122 001 - 124 000	11 340	16 020	20 770	25 410	30 170	34 780
124 001 - 126 000	11 420	16 110	20 910	25 560	30 390	35 040
126 001 - 128 000	11 510	16 200	21 060	25 750	30 600	35 300
128 001 - 130 000	11 580	16 300	21 190	25 910	30 800	35 540
130 001 - 132 000	11 650	16 410	21 350	26 080	31 030	35 780
132 001 - 134 000	11 720	16 490	21 470	26 280	31 250	36 030
134 001 - 136 000	11 800	16 590	21 610	26 440	31 450	36 290
136 001 - 138 000	11 880	16 670	21 770	26 600	31 690	36 530
138 001 - 140 000	11 950	16 780	21 900	26 790	31 900	36 790

Disposable Income of Parents (\$)	Basic Annual Contribution (\$)						
	Number of Children						
	1 child	2 children	3 children	4 children	5 children	6 children ⁽¹⁾	
140 001 - 142 000	12 030	16 870	22 040	26 960	32 110	37 030	
142 001 - 144 000	12 110	16 980	22 180	27 130	32 340	37 290	
144 001 - 146 000	12 180	17 070	22 320	27 280	32 560	37 540	
146 001 - 148 000	12 260	17 160	22 470	27 500	32 770	37 790	
148 001 - 150 000	12 340	17 270	22 610	27 650	33 000	38 050	
150 001 - 152 000	12 420	17 370	22 740	27 820	33 210	38 290	
152 001 - 154 000	12 480	17 450	22 880	28 000	33 430	38 520	
154 001 - 156 000	12 570	17 560	23 050	28 180	33 670	38 800	
156 001 - 158 000	12 640	17 670	23 170	28 340	33 860	39 050	
158 001 - 160 000	12 720	17 750	23 300	28 520	34 100	39 310	
160 001 - 162 000	12 790	17 840	23 460	28 710	34 310	39 550	
162 001 - 164 000	12 870	17 940	23 600	28 880	34 520	39 790	
164 001 - 166 000	12 940	18 050	23 750	29 050	34 740	40 060	
166 001 - 168 000	13 010	18 150	23 880	29 220	34 980	40 310	
168 001 - 170 000	13 090	18 240	24 010	29 400	35 180	40 550	
170 001 - 172 000	13 180	18 340	24 170	29 580	35 410	40 820	
172 001 - 174 000	13 260	18 440	24 300	29 750	35 610	41 050	
174 001 - 176 000	13 330	18 530	24 450	29 930	35 850	41 330	
176 001 - 178 000	13 400	18 640	24 580	30 100	36 060	41 570	
178 001 - 180 000	13 480	18 750	24 760	30 280	36 280	41 830	
180 001 - 182 000	13 570	18 830	24 880	30 450	36 510	42 080	
182 001 - 184 000	13 640	18 940	25 020	30 620	36 720	42 320	
184 001 - 186 000	13 700	19 030	25 170	30 800	36 930	42 580	
186 001 - 188 000	13 790	19 110	25 310	30 990	37 170	42 840	
188 001 - 190 000	13 860	19 210	25 450	31 140	37 380	43 090	
190 001 - 192 000	13 940	19 320	25 590	31 340	37 600	43 340	
192 001 - 194 000	14 020	19 430	25 730	31 520	37 820	43 610	
194 001 - 196 000	14 100	19 520	25 890	31 680	38 050	43 850	
196 001 - 198 000	14 170	19 620	26 030	31 860	38 250	44 110	
198 001 - 200 000	14 240	19 720	26 170	32 040	38 490	44 350	
Disposable income greater than \$ 200,000 ⁽²⁾	14 240 plus 3.5 % of excess amount	19 720 plus 4.5 % of excess amount	26 170 plus 6.5 % of excess amount	32 040 plus 8.0 % of excess amount	38 490 plus 10.0 % of excess amount	44 350 plus 11.5 % of excess amount	

(1) For families of 7 children or more, multiply the difference between 5 and 6 children by the number of additional children and add the product to the basic annual contribution for 6 children (s.11).

(2) For the portion of income exceeding \$200,000, the percentage indicated is shown for information purposes only (s.10).

Amount of the basic deduction for the purpose of calculating disposable income (line 301 on the Child Support Determination Form) effective as of 1 January 2009: \$10,100

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

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Determination of child support payments (Code of Civil Procedure, R.S.Q., c. C-25)	4883	Draft
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