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Part 2

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Laws and Regulations

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Summary

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PROVINCE OF QUÉBEC

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 2 JUNE 2010

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 2 June 2010

This day, at thirteen minutes past five o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

58 An Act to amend the Act respecting land use planning and development and other legislative provisions concerning metropolitan communities

101 An Act to amend the Act respecting the Pension Plan of Management Personnel and other legislation establishing pension plans in the public sector

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-NINTH LEGISLATURE

Bill 58
(2010, chapter 10)

An Act to amend the Act respecting land use planning and development and other legislative provisions concerning metropolitan communities

Introduced 18 June 2009
Passed in principle 17 February 2010
Passed 1 June 2010
Assented to 2 June 2010

Québec Official Publisher
2010

EXPLANATORY NOTES

This Act amends the Act respecting land use planning and development in order to require metropolitan communities and regional county municipalities whose territory is not situated within the territory of a metropolitan community to maintain in force at all times a statement of their strategic vision for cultural, economic, environmental and social development in their territory, and in order to provide a process for its adoption and amendment.

That Act is further amended to give each metropolitan community the power to establish a metropolitan land use and development plan that defines policy directions, objectives and criteria to ensure the competitiveness and attractiveness of the territory of the community, in keeping with sustainable development. It also specifies the subjects that are to be covered by such policy directions, objectives and criteria.

As well, regional county municipalities all or part of whose territory is situated within the territory of a metropolitan community are given the same power with respect to a land use and development plan as other regional county municipalities.

This Act provides that the land use and development plan of a metropolitan community must be consistent with the land use policy directions of the Government, and establishes processes for amending and revising the plan as well as processes for ascertaining whether it is consistent with government policy directions. It provides that the land use and development plan of a regional county municipality must be consistent not only with government policy directions but also with the metropolitan plan, and makes the amendments to the Act that are needed to allow the authorities concerned to ascertain whether the plan is consistent in both respects.

This Act further provides that an interim control resolution or by-law of a metropolitan community is to prevail over an interim control resolution or by-law of a regional county municipality all or part of whose territory is situated within the territory of the metropolitan community and over an interim control resolution or by-law of a local municipality whose territory is situated within the territory of the metropolitan community.

In addition, it groups together, in the Act respecting land use planning and development, the provisions that specify that the cities of Laval, Mirabel, Montréal, Québec, Gatineau, Longueuil, Lévis and La Tuque and Municipalité des Îles-de-la-Madeleine are also subject to the provisions of that Act that apply to regional county municipalities.

It repeals the provisions of the Act respecting the Communauté métropolitaine de Montréal and the Act respecting the Communauté métropolitaine de Québec that have to do with metropolitan land use and development plans, since those plans are from now on to be provided for in the Act respecting land use planning and development.

Finally, this Act amends a number of Acts and Orders in Council to reflect the amendments to the Act respecting land use planning and development, and to provide for the concurrent powers, over the same territory, of a metropolitan community and a regional county municipality with respect to land use planning and development.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);

– Act respecting land use planning and development (R.S.Q., chapter A-19.1);

– Charter of Ville de Québec (R.S.Q., chapter C-11.5);

– Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

– Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

– Forest Act (R.S.Q., chapter F-4.1);

– Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1);

– Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01);

– Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

– Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

– Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);

– Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

– Sustainable Forest Development Act (2010, chapter 3).

ORDERS IN COUNCIL AMENDED BY THIS ACT:

– Order in Council 1043-2001 (2001, G.O. 2, 5111) concerning Municipalité des Îles-de-la-Madeleine;

– Order in Council 371-2003 (2003, G.O. 2, 1339) concerning Ville de La Tuque.

Bill 58

AN ACT TO AMEND THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT AND OTHER LEGISLATIVE PROVISIONS CONCERNING METROPOLITAN COMMUNITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by inserting the following paragraph after paragraph 7:

"(7.1) "responsible body" means a metropolitan community that must maintain a metropolitan land use and development plan in force or a regional county municipality that must maintain a land use and development plan in force;";

(2) by inserting the following paragraphs after paragraph 8:

"(8.1) "metropolitan plan" means the metropolitan land use and development plan of a metropolitan community;

"(8.2) "senior officer" means the chair of a metropolitan community, the warden of a regional county municipality or the mayor of a local municipality;

"(8.3) "RCM plan" means the land use and development plan of a regional county municipality;";

(3) by replacing paragraph 9 by the following paragraph:

"(9) "secretary" means,

(*a*) in the case of a metropolitan community, the secretary or any other officer the executive committee designates for that purpose;

(*b*) in the case of a regional county municipality or local municipality, the secretary-treasurer, the clerk or any other officer the council designates for that purpose; and

(*c*) in the case of a school board, the director general;".

2. Section 2 of the Act is amended by replacing "A land use planning and development plan and an interim control by-law adopted by a regional county municipality and put into force in accordance with this Act" in the first paragraph by "A metropolitan plan, an RCM plan and an interim control by-law related to the process of amendment or revision of such a metropolitan plan or RCM plan".

3. The Act is amended by inserting the following after the heading of Title I:

"**CHAPTER 0.1**

"RESPONSIBLE BODY

"**2.1.** Every metropolitan community is a responsible body with respect to a metropolitan plan.

For the purposes of the functions of the Communauté métropolitaine de Québec as a responsible body, the territory of the metropolitan community is deemed to include any unorganized territory situated within the territory of Municipalité régionale de comté de La Jacques-Cartier or Municipalité régionale de comté de La Côte-de-Beaupré.

"**2.2.** Every regional county municipality is a responsible body with respect to an RCM plan.

"**CHAPTER 0.2**

"STRATEGIC VISION STATEMENT

"**DIVISION I**

"OBLIGATION TO MAINTAIN STATEMENT

"**2.3.** In order to facilitate the coherent exercise of its powers under the law, a responsible body is required to maintain in force at all times a statement of its strategic vision for cultural, economic, environmental and social development in its territory.

However, a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community is not required to maintain a statement in force for the common territory.

When determining the content of its statement, the regional county municipality must take the metropolitan community's statement into consideration.

"**DIVISION II**

"STATEMENT ADOPTION AND AMENDMENT PROCESS

"§1. — *Application*

"**2.4.** The process provided for in this division aims at maintaining in force a strategic vision statement.

In the following provisions, a reference to a statement includes, in addition to the first or a replacement statement, any amendment made to the statement in force.

"**2.5.** For the purposes of this division, the following are partner bodies:

(1) in every case, each municipality whose territory is situated within the territory of the responsible body;

(2) in the case of the statement of a metropolitan community, each regional county municipality all or part of whose territory is situated within the territory of the metropolitan community; and

(3) in the case of the statement of a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community, that metropolitan community.

"§2. — *Adoption of draft statement and opinion of partner bodies*

"**2.6.** The council of the responsible body shall initiate the process by adopting a draft strategic vision statement.

As soon as practicable after the adoption of the draft statement, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the draft statement and of the resolution adopting it.

"**2.7.** The council of any partner body may give its opinion on the draft statement.

The opinion shall be given by means of a resolution, of which a certified copy must be sent to the responsible body within 120 days after a copy of the draft statement and of the resolution is sent to the partner body under the second paragraph of section 2.6.

"§3. — *Public consultation*

"*A. — Provisions common to all responsible bodies*

"**2.8.** The responsible body must, as provided in sections 2.14, 2.15 and 2.18, hold at least one public meeting on the draft strategic vision statement.

The council of the responsible body shall specify every municipality in whose territory a public meeting must be held in accordance with the section applicable to it among those sections.

"**2.9.** The public meetings held by the responsible body shall be conducted by a committee established by the council, composed of the council members it designates and presided over by the senior officer or another committee member designated by the senior officer.

"**2.10.** The council of the responsible body shall set the date, time and place of every public meeting; it may, however, delegate all or part of that power to the secretary.

"**2.11.** Not later than 15 days before a public meeting is held, the secretary shall publish a notice of the date, time and place and the purpose of the meeting in a newspaper circulated in the territory of the responsible body.

The notice must contain a summary describing the main effects of the draft statement on the territory concerned; that territory is the territory determined in section 2.13 or 2.17, as the case may be.

If all the meetings concern the whole territory of the responsible body, the secretary may give a single notice for all of them not later than 15 days before the first meeting is held.

If the council of the responsible body so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 15 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the draft statement may be consulted at the office of the responsible body and, if applicable, at the office of every partner body.

"**2.12.** At a public meeting, the committee shall explain the draft statement and hear the persons and organizations wishing to be heard.

"*B. — Provisions specific to metropolitan communities*

"**2.13.** For the purposes of section 2.11, in the case of a metropolitan community, the territory concerned is the territory referred to or described in any of paragraphs 1 to 5 of section 2.14 or any of paragraphs 1 to 5 of section 2.15, as applicable.

"**2.14.** The Communauté métropolitaine de Montréal must hold a public meeting in

(1) the urban agglomeration of Montréal;

(2) the urban agglomeration of Longueuil;

(3) the territory of Ville de Laval;

(4) the part of the territory of the metropolitan community that is made up of the territory of Ville de Mirabel and the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) that are situated within the territories of the regional county municipalities listed in Schedule III to that Act; and

(5) the part of the territory of the metropolitan community that is made up of the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal that are situated within the territories of the regional county municipalities listed in Schedule IV to that Act.

"**2.15.** The Communauté métropolitaine de Québec must hold a public meeting in

(1) the urban agglomeration of Québec;

(2) the territory of Ville de Lévis;

(3) the territory of Municipalité régionale de comté de L'Île-d'Orléans;

(4) the territory of Municipalité régionale de comté de La Côte-de-Beaupré; and

(5) the territory of Municipalité régionale de comté de La Jacques-Cartier.

"**2.16.** Despite section 2.9, the public meetings held by the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec may be conducted by a committee established under section 50 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 41 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), respectively.

"*C. — Provisions specific to regional county municipalities*

"**2.17.** For the purposes of section 2.11, in the case of a regional county municipality, every public consultation meeting concerns the whole territory of the regional county municipality, unless meetings are planned in all the local municipal territories situated within the territory of the regional county

municipality, or unless the regional county municipality, in its decision under section 2.8, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

"**2.18.** A regional county municipality must hold at least one public consultation meeting in its territory.

The regional county municipality must also hold a public meeting in the territory of every municipality whose representative on the council so requests during the sitting at which the draft strategic vision statement is adopted.

It must also hold a public meeting in the territory, situated within its own territory, of every other municipality whose council so requests within 20 days after it is sent a copy of the draft statement. A certified copy of the resolution setting out the request must be sent to the regional county municipality within the same period.

For the purposes of the second and third paragraphs, if the sittings of the council of a municipality are held in the territory of another municipality, that territory is deemed to be the territory of the first municipality and, if applicable, to be situated within the territory of the regional county municipality.

The population of the municipality in whose territory the meeting is held or the total population of the municipalities in whose territories meetings are held must make up at least two thirds of the population of the regional county municipality.

"**2.19.** In the case of a regional county municipality, the secretary shall also have a copy of the notice required under the first paragraph of section 2.11 posted in the office of every municipality whose territory is situated within the territory concerned not later than the time prescribed in that section.

"§4. — *Adoption and coming into force*

"**2.20.** After the consultation period concerning the draft strategic vision statement, the council of the responsible body shall adopt the statement, with or without changes.

However, the statement may not be adopted before the later of

(1) the day after the day on which the last of the partner bodies that were sent the draft statement gives an opinion on the draft statement or the day after the last day of the allotted period; and

(2) the day after the public meeting, or the last of the public meetings, is held.

"**2.21.** The strategic vision statement comes into force on the passage of the resolution adopting it.

As soon as practicable after the coming into force of the statement, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the statement and of the resolution adopting it.

"**2.22.** In the case of a metropolitan community, the decision to adopt the strategic vision statement must be made by a two-thirds majority of the votes cast.

In the case of the Communauté métropolitaine de Québec, the majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the votes cast by all the representatives of Municipalité régionale de comté de L'Île-d'Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.

"**CHAPTER 0.3**

"METROPOLITAN LAND USE AND DEVELOPMENT PLAN OF THE METROPOLITAN COMMUNITY

"**DIVISION I**

"OBLIGATION TO MAINTAIN METROPOLITAN PLAN

"**2.23.** Every metropolitan community must at all times maintain in force a land use and development plan for its territory.

The plan is called the "Metropolitan land use and development plan".

"**DIVISION II**

"CONTENT OF METROPOLITAN PLAN

"**2.24.** The metropolitan plan shall define policy directions, objectives and criteria to ensure the competitiveness and attractiveness of the territory of the metropolitan community, in keeping with sustainable development.

The policy directions, objectives and criteria shall concern

(1) land transportation planning;

(2) the protection and enhancement of the natural and built environment, and of landscapes;

(3) the identification of any part of the territory of the metropolitan community that must be the subject of integrated land use and transportation planning;

(4) the definition of minimum density levels according to the characteristics of the locality;

(5) the development of agricultural activities;

(6) the definition of territories reserved for optimal urbanization;

(7) the identification of any part of the territory of the metropolitan community that is situated within the territory of two or more regional county municipalities and is subject to significant constraints for reasons of public security, public health or general well-being; and

(8) the identification of any facility that is of metropolitan interest, and the determination of the site, use and capacity of any new such facility.

To support policy directions, objectives and criteria defined under the first paragraph with regard to a subject referred to in subparagraph 6 of the second paragraph, the plan may delimit any metropolitan perimeter.

To support policy directions, objectives and criteria defined under the first paragraph with regard to a subject referred to in any of subparagraphs 1 to 5, 7 and 8 of the second paragraph, the plan may also delimit any part of the territory and determine any location.

"**2.25.** In order to ensure the achievement of its policy directions and objectives or compliance with the criteria it sets out, the metropolitan plan may make it mandatory to include any element it specifies in the complementary document to an RCM plan applicable in the territory of the metropolitan community.

"**DIVISION III**

"FOLLOW-UP OF METROPOLITAN PLAN

"**2.26.** A metropolitan community must acquire the tools necessary to ensure follow-up and implementation of its metropolitan plan and to evaluate progress toward plan objectives and success in carrying out plan proposals.

The council of the metropolitan community must adopt a biennial report on those subjects. The secretary shall send a copy of the report to the Minister."

4. The heading of Division I of Chapter I of Title I of the Act is replaced by the following heading:

"OBLIGATION TO MAINTAIN RCM PLAN".

5. Section 5 of the Act is amended

(1) by replacing "A land use planning and development" at the beginning of the first paragraph by "An RCM";

(2) by striking out subparagraph 9 of the first paragraph;

(3) by striking out the fifth paragraph.

6. Division V of Chapter I of Title I of the Act becomes Chapter I.0.1 and its heading is replaced by the following heading:

"EFFECTS, AMENDMENT AND REVISION OF METROPOLITAN PLAN AND RCM PLAN".

7. The Act is amended by inserting the following before section 32:

"**DIVISION I**

"EFFECTS OF METROPOLITAN PLAN OR RCM PLAN

"§1. — *General provision*".

8. Section 32 of the Act is amended by replacing "The coming into force of the land use planning and development plan" by "A metropolitan plan or RCM plan".

9. The Act is amended by inserting the following after section 32:

"§2. — *Provisions specific to RCM plans*".

10. Section 39 of the Act is amended

(1) by replacing "land use planning and development" by "RCM";

(2) by replacing "secretary-treasurer" by "secretary".

11. Section 42 of the Act is amended

(1) by replacing "land use planning and development" in the second paragraph by "RCM";

(2) by replacing "secretary-treasurer" in the fourth paragraph by "secretary".

12. Section 46 of the Act is replaced by the following section:

"**46.** A regional county municipality may examine whether public works planned by a municipality whose territory is situated within its territory are advisable given the RCM plan objectives and the provisions of the complementary document. This section does not apply to restoration, remedial or repair work.

As soon as practicable after the adoption of a by-law or a resolution providing for work that may be examined under this section, the clerk or the secretary-treasurer of the municipality shall send a certified copy to the regional county municipality."

13. Division VI of Chapter I of Title I of the Act becomes Division II and its heading is replaced by the following heading:

"AMENDMENT OF METROPOLITAN PLAN OR RCM PLAN".

14. Sections 47 to 53.9 of the Act are replaced by the following:

"§1. — *Application*

"**47.** The council of the responsible body may amend the metropolitan plan or the RCM plan in accordance with the procedure prescribed in this division.

"**47.1.** The provisions of subdivisions 3 and 4 complement the provisions of this subdivision and subdivision 2; however, the latter apply subject to the former.

"**47.2.** In this division, the opinion of the Minister as to consistency with government policy directions is an opinion as to consistency with the policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing or intend to pursue with respect to land use development in the territory of the responsible body, including the land use plan provided for in section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1), and with the equipment, infrastructure and land use development projects they intend to carry out in that territory.

"**47.3.** For the purposes of this division, the following are partner bodies:

(1) for the purposes of the amendment of a metropolitan plan, every regional county municipality all or part of whose territory is situated within the territory of the metropolitan community and, except with respect to a negative ministerial opinion under section 53.7, every regional county municipality whose territory is contiguous to that of the metropolitan community;

(2) for the purposes of the amendment of an RCM plan, every municipality whose territory is situated within the territory of the regional county municipality and, except with respect to a negative ministerial opinion under section 53.7, every regional county municipality whose territory is contiguous to that of the regional county municipality; and

(3) in addition to those referred to in paragraph 2, for the purposes of an RCM plan applicable to part of the territory of a metropolitan community, the metropolitan community.

"§2. — *Process common to metropolitan plan and RCM plan*

"*A. — Draft by-law and notice*

"**48.** The council of the responsible body shall initiate the amendment process by adopting a draft by-law.

"**49.** As soon as practicable after the adoption of the draft by-law, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the draft by-law and of the resolution adopting it.

"**50.** In the interval between the adoption of the draft by-law and the adoption of the by-law, the council of the responsible body may request the Minister's opinion on the proposed amendment.

The secretary shall serve on the Minister a certified copy of the resolution setting out the request.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copy of the resolution.

"**51.** Within 60 days after receiving the copy of a resolution requesting the Minister's opinion, the Minister shall give an opinion as to the consistency of the proposed amendment with government policy directions.

If the opinion of the Minister raises objections to the proposed amendment, it must include reasons.

The Minister shall serve the opinion on the responsible body.

"**52.** The council of a partner body may, within 45 days after it is sent documents in accordance with section 49, give its opinion on the draft by-law. The secretary of the partner body shall send the responsible body a certified copy of the resolution stating the opinion within the same period.

However, the council of the responsible body may, by a unanimous resolution, change the period prescribed in the first paragraph; the period set by the council may not, however, be less than 20 days. As soon as practicable after the passage of the resolution, the secretary shall send a certified copy of the resolution to every partner body.

"*B. — Public consultation*

"**53.** A responsible body must hold at least one public meeting in its territory.

The responsible body must also hold a public meeting in the territory of every municipality whose representative on the council so requests during the sitting at which the draft by-law is adopted.

It must also hold a public meeting in the territory, situated within its own territory, of every partner body whose council so requests within 20 days after it is sent a copy of the draft by-law and of the resolution under section 49. A certified copy of the resolution setting out the request must be sent to the responsible body within the same period.

For the purposes of the second and third paragraphs, if the sittings of the council of a municipality are held in the territory of another municipality, that territory is deemed to be the territory of the first municipality and, if applicable, to be situated within the territory of the responsible body.

"**53.1.** The public meetings held by the responsible body shall be conducted by a committee established by the council, composed of the council members it designates and presided over by the senior officer or another committee member designated by the senior officer.

"**53.2.** The council of the responsible body shall identify any municipality in whose territory a public meeting must be held.

It shall set the date, time and place of any public meeting; it may delegate all or part of that power to the secretary.

"**53.3.** Not later than 15 days before a public meeting is held, the secretary shall publish a notice of the date, time and place and the purpose of the meeting in a newspaper circulated in the territory of the responsible body.

The notice must contain a summary of the documents referred to in sections 49 and 53.11.2 or 53.11.4, describing the main effects of the proposed amendment on the territory concerned.

Every meeting concerns the whole territory of the responsible body, unless meetings are planned in all the local municipal territories situated within the territory of the responsible body, or unless the responsible body, in its decision under the first paragraph of section 53.2, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

If all the meetings concern the whole territory of the responsible body, the secretary may give a single notice for all of them not later than 15 days before the first meeting is held.

If the council of the responsible body so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 15 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the documents referred to in sections 49 and 53.11.2 or 53.11.4 and of the summary of those documents may be consulted at the office of the responsible body and, if applicable, at the office of every partner body.

"**53.4.** At a public meeting, the committee shall explain the proposed amendment and its effects, if any, on municipal plans and by-laws or on the RCM plans.

The committee shall hear the persons and organizations wishing to be heard.

"*C. — Passage of by-law and ministerial opinion*

"**53.5.** After the consultation period concerning the draft by-law, the council of the responsible body shall adopt a by-law to amend the metropolitan plan or the RCM plan, with or without changes.

However, the by-law may not be adopted before the later of

(1) the day after the day on which the last of the Minister and the partner bodies that were sent the documents referred to in sections 49 and 53.11.2 or 53.11.4 gives an opinion on the documents or the day after the last day of the allotted period; and

(2) the day after the public meeting, or the last of the public meetings, is held or the day after the last day of the period prescribed in the third paragraph of section 53.

"**53.6.** As soon as practicable after the adoption of the by-law amending the metropolitan plan or the RCM plan, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the by-law and of the resolution adopting it.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copy of the by-law.

"**53.7.** Within 60 days after receiving the copy of the by-law amending the metropolitan plan or the RCM plan, the Minister shall give an opinion as to the consistency of the amendment with government policy directions.

If the opinion states that the proposed amendment is not consistent with government policy directions, it must include reasons. In that case, the Minister may, in the opinion, require the responsible body to replace the by-law.

The Minister shall serve the opinion on the responsible body. If the opinion states that the proposed amendment is not consistent with government policy directions, the Minister shall send a copy to every partner body.

"**53.8.** If the opinion of the Minister states that the proposed amendment is not consistent with government policy directions, the council of the responsible body may replace the by-law amending the metropolitan plan or the RCM plan with another which is consistent with those policy directions.

Sections 48 to 53.4 do not apply to a new by-law that differs from the by-law it replaces only so as to take account of the Minister's opinion.

"**53.9.** The by-law amending the metropolitan plan or the RCM plan comes into force on the day the Minister serves an opinion on the responsible body declaring that the by-law is consistent with government policy directions or, in the absence of an opinion, at the expiry of the period prescribed in section 53.7."

15. Section 53.10 of the Act is repealed.

16. Sections 53.11 to 53.14 of the Act are replaced by the following:

"**53.11.** As soon as practicable after the coming into force of the by-law amending the metropolitan plan or the RCM plan, the secretary shall publish a notice of the date of coming into force in a newspaper circulated in the territory of the responsible body. At the same time, the secretary shall send a certified copy of the by-law to every partner body.

"§3. — *Provisions specific to metropolitan plan*

"**53.11.1.** The public meetings held by the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec may be conducted by a committee established under section 50 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 41 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), respectively.

"**53.11.2.** When the council of a metropolitan community adopts a draft by-law amending its metropolitan plan, it shall also adopt a document specifying the nature of the amendments a regional county municipality will be required to make to the RCM plan should the metropolitan plan be so amended. A certified copy of the document shall be served on the Minister and sent to every partner body at the same time as the draft by-law.

After the coming into force of the by-law amending the metropolitan plan, the council shall adopt a document specifying the nature of the amendments a regional county municipality will actually be required to make to take account of the amendment of the metropolitan plan. A certified copy of the document shall be sent to every partner body at the same time as the by-law.

The council may adopt the document described in the second paragraph by reference to the document adopted under the first paragraph.

"**53.11.3.** The decision to adopt the by-law amending the metropolitan plan must be made by a two-thirds majority of the votes cast.

In the case of the Communauté métropolitaine de Québec, the majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the votes cast by all the representatives of Municipalité régionale de comté de L'Île-d'Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.

"§4. — *Provisions specific to RCM plan*

"*A. — Provisions applicable to all RCM plans*

"**53.11.4.** When the council of a regional county municipality adopts a draft by-law amending its RCM plan, it shall also adopt a document specifying the nature of the amendments a municipality will be required to make to its planning program, its zoning, subdivision and building by-laws and any of its by-laws under Divisions VII to XI of Chapter IV should the RCM plan be so amended. The document shall also specify the nature of the amendments a municipality will be required to make to its by-law under section 116 or identify every municipality that, in such a case, will be required to adopt a by-law under that section. A certified copy of the document shall be served on the Minister and sent to every partner body at the same time as the draft by-law.

After the coming into force of the by-law amending the RCM plan, the council shall adopt a document specifying the nature of the amendments a municipality will actually be required to make to take account of the amendment of the RCM plan, and identifying every municipality that is required to adopt a by-law under section 116 to take account of that amendment. A certified copy of the document shall be sent to every partner body at the same time as the by-law.

The council may adopt the document described in the second paragraph by reference to the document adopted under the first paragraph.

"**53.11.5.** In the case of the amendment of an RCM plan, if the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the ministerial opinion as to consistency with government policy directions required under section 51 or 53.7 shall include the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5. It shall also indicate the parameters to serve in determining separation distances to reduce the inconvenience caused by odours from certain agricultural activities.

"**53.11.6.** For the purposes of section 53.3, in the case of a regional county municipality, the secretary shall also have a copy of the notice posted in the office of every municipality whose territory is situated within the territory concerned not later than the time prescribed in that section.

"*B. — Provisions applicable in metropolitan territories*

"**53.11.7.** If the by-law amending the RCM plan concerns part of the territory of a metropolitan community, the council of the metropolitan community must, within 60 days after the copy of the by-law is sent, approve the by-law if it is in conformity with the metropolitan plan or withhold approval if it is not.

A resolution by which the council withholds approval of the by-law must include reasons and specify which provisions of the by-law are not in conformity with the metropolitan plan.

As soon as practicable after the passage of the resolution approving or withholding approval of the by-law, the secretary of the metropolitan community shall, in the first case, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality or, in the second case, send the regional county municipality a certified copy of the resolution.

If the council of the metropolitan community does not resolve to approve or withhold approval of the by-law within the period prescribed in the first paragraph, the by-law is deemed to be in conformity with the metropolitan plan.

"**53.11.8.** If the council of the metropolitan community withholds approval of the by-law, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the by-law with the metropolitan plan.

The secretary of the regional county municipality shall serve a certified copy of the resolution requesting the assessment and of the by-law concerned on the Commission and on the metropolitan community.

The copies sent to the Commission must be received within 45 days after a copy of the resolution withholding approval of the by-law is sent to the regional county municipality.

"**53.11.9.** If the council of the metropolitan community withholds approval of the by-law, the council of the regional county municipality may, instead of applying for an assessment of the Commission, adopt

(1) a single by-law containing only the elements of the original by-law that did not cause approval to be withheld; or

(2) both a by-law containing only the elements of the original by-law that did not cause approval to be withheld and another by-law containing only the elements of the original by-law that caused approval to be withheld.

Sections 48 to 53.4 do not apply to a by-law adopted under the first paragraph.

If the council of the regional county municipality adopts a by-law containing only the elements that caused approval to be withheld, it may apply to the Commission for an assessment of the conformity of that by-law with the metropolitan plan. A certified copy of the resolution requesting the assessment and of the by-law concerned must be received by the Commission within 15 days after the by-law is adopted.

"**53.11.10.** The Commission must give its assessment within 60 days after receiving a copy of the resolution requesting the assessment.

An assessment stating that the by-law is not in conformity with the metropolitan plan may include suggestions of the Commission on how to ensure such conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the by-law is in conformity with the metropolitan plan, the secretary of the metropolitan community shall, as soon as practicable after receiving a copy of the assessment, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality.

"**53.11.11.** Where the regional county municipality is required to amend its RCM plan under section 58 or 58.1, if the assessment of the Commission states that the by-law is not in conformity with the metropolitan plan or if the Commission did not receive an application for assessment in respect of the by-law within the period prescribed in section 53.11.8, the council of the metropolitan community shall request that the regional county municipality replace the by-law within the period it prescribes by another by-law that is in conformity with the metropolitan plan.

As soon as practicable after the passage by the council of the metropolitan community of the resolution requesting the replacement of the by-law, the secretary of the metropolitan community shall send a certified copy of the resolution to the regional county municipality.

The period prescribed for replacement of the by-law may not end before the expiry of a period of 45 days after the copy of the resolution is sent under the second paragraph.

"**53.11.12.** Sections 48 to 53.4 do not apply to a new by-law that differs from the by-law it replaces only so as to ensure its conformity with the metropolitan plan.

"**53.11.13.** If the council of a regional county municipality fails to adopt a by-law amending its RCM plan within the period prescribed in section 58 or 58.1 or in section 53.11.11, as the case may be, the council of the metropolitan community may adopt the by-law in its place.

Sections 48 to 53.4 and 53.11.7 to 53.11.12 do not apply to a by-law adopted by the council of the metropolitan community under the first paragraph, which is deemed to be a by-law adopted by the council of the regional county municipality and approved by the council of the metropolitan community. As soon as practicable after the adoption of the by-law, the secretary of the metropolitan community shall issue a certificate of conformity in respect of the by-law.

As soon as practicable after the by-law is adopted and the certificate is issued, the secretary of the metropolitan community shall send the regional county municipality a certified copy of the by-law, of the resolution adopting it and of the certificate. The certified copy of the by-law sent to the regional county municipality stands in lieu of the original when the regional county municipality itself issues certified copies of the by-law.

The expenses incurred by the metropolitan community to act in the place of the regional county municipality are reimbursed by the regional county municipality.

"**53.11.14.** The by-law amending the RCM plan comes into force either on the date determined under section 53.9 or the date on which the certificate of conformity in respect of the by-law is issued, whichever is later. The by-law is deemed to be in conformity with the metropolitan plan.

"§5. — *Ministerial requests*

"**53.12.** If the Government has approved an amendment to the land use plan for the lands in the domain of the State situated in the territory of a responsible body in accordance with section 25 of the Act respecting the lands in the domain of the State (chapter T-8.1), the Minister, if of the opinion that the metropolitan plan or the RCM plan is not consistent with the amended land use plan, may request that the metropolitan plan or the RCM plan be amended.

The Minister shall in that case serve an opinion on the responsible body, giving reasons and stating what amendments must be made to the metropolitan plan or the RCM plan to bring it into conformity with the land use plan.

Within 90 days after service of the Minister's opinion, the council of the responsible body shall adopt a by-law amending the metropolitan plan or the RCM plan so as to take account of the Minister's opinion. Sections 48 to 53.4 do not apply to the by-law if it amends the metropolitan plan and the RCM plan only to the extent necessary to take account of the Minister's opinion. For the purposes of sections 53.7 to 53.9, the Minister shall give an opinion as to the conformity of the proposed amendment with the land use plan. If the Minister requests the amendment of both a metropolitan plan and an RCM plan applicable to part of the territory of the metropolitan community concerned, sections 53.11.7 to 53.11.14 do not apply to the by-law amending the RCM plan that the council of the regional county municipality adopts to comply with the request.

If the council fails to adopt a by-law for the purpose of bringing the metropolitan plan or the RCM plan into conformity with the land use plan, the Government may, by order, adopt such a by-law. The by-law is deemed to be a by-law adopted by the council. As soon as practicable after the adoption of the order, the Minister shall send a copy of the order and of the by-law to the responsible body. The by-law comes into force on the date mentioned in the order.

"**53.13.** The Minister of Sustainable Development, Environment and Parks may, by way of an opinion giving brief reasons and setting out the nature and purpose of the amendments to be made, request the amendment of the metropolitan plan or the RCM plan in force if the Minister is of the opinion that the metropolitan plan or the RCM plan is not consistent with the policy of the Government referred to in section 2.1 of the Environment Quality Act (chapter Q-2), does not respect the limits of a floodplain situated within the territory of the responsible body or, considering the distinctive features of the locality, fails to provide adequate protection for lakeshores, riverbanks, littoral zones and floodplains.

The third and fourth paragraphs of section 53.12 apply, with the necessary modifications, to a request under the first paragraph.

"**53.14.** The Minister may, by means of an opinion, giving reasons, and for reasons of public security, request amendments to the metropolitan plan or the RCM plan in force. The opinion must state the nature and purpose of the amendments to be made.

The third and fourth paragraphs of section 53.12 apply, with the necessary modifications, to a request under the first paragraph."

17. Division VI.1 of Chapter I of Title I of the Act becomes Division III and its heading is replaced by the following heading:

"REVISION OF METROPOLITAN PLAN OR RCM PLAN".

18. Sections 54 and 55 of the Act are replaced by the following:

"§1. — *Application*

"**53.15.** The special provisions of subdivisions 3 and 4 complement the provisions of this subdivision and subdivision 2; however, the latter apply subject to the former.

"**53.16.** In this division, the opinion of the Minister as to consistency with government policy directions means an opinion as to consistency with the policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing or intend to pursue with respect to land use development in the territory of the responsible body, including the land use plan provided for in section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1), and with the equipment, infrastructure and land use development projects they intend to carry out in that territory.

"**53.17.** For the purposes of this division, the following are partner bodies:

(1) for the purposes of the revision of a metropolitan plan, every regional county municipality all or part of whose territory is situated within the territory of the metropolitan community and every regional county municipality whose territory is contiguous to the territory of the metropolitan community;

(2) for the purposes of the revision of an RCM plan, every municipality whose territory is situated within the territory of the regional county municipality and every regional county municipality whose territory is contiguous to the territory of the regional county municipality, as well as every school board all or part of whose territory is situated within the territory of the regional county municipality, except with respect to the sending of a copy of a resolution determining the date on which the revision begins, a copy of the by-law adopting the revised RCM plan, the ministerial opinion as to consistency with government policy directions and the notice of coming into force; and

(3) in addition to those referred to in paragraph 2, for the purposes of an RCM plan applicable to part of the territory of a metropolitan community, the metropolitan community.

"**53.18.** For the purposes of this division, the council of a school board is the council of commissioners of the school board.

"§2. — *Process common to metropolitan plan and RCM plan*

"*A. — Mandatory periodical revision*

"**54.** The council of the responsible body must revise its metropolitan plan or RCM plan according to the procedure prescribed in this division.

"**55.** The revision period of the metropolitan plan or the RCM plan begins on the fifth anniversary of the coming into force of the current metropolitan plan or RCM plan, as the case may be.

However, the council of the responsible body may have the revision period begin before the date provided in the first paragraph.

As soon as practicable after the passage of the resolution by which the council makes a decision under the second paragraph, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the resolution."

19. Sections 56.1 and 56.2 of the Act are repealed.

20. Sections 56.3 to 57 of the Act are replaced by the following:

"*B. — Adoption of first draft of revised metropolitan plan or RCM plan*

"**56.3.** Within two years after the beginning of the revision period, the council of the responsible body shall adopt a first draft of the revised metropolitan plan or RCM plan, designated as the "first draft".

As soon as practicable after the adoption of the first draft, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the draft and of the resolution adopting it.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copy of the first draft.

"**56.4.** Within 120 days after receiving a copy of the first draft of the revised RCM plan or within 180 days after receiving a copy of the first draft of the revised metropolitan plan, the Minister shall serve on the responsible body an opinion stating the government policy directions that concern its territory.

The opinion may also mention any objections to the first draft in view of the stated policy directions, giving reasons.

"**56.5.** The council of any partner body may give its opinion on the first draft.

The opinion shall be given by means of a resolution, of which a certified copy must be sent to the responsible body within 120 days after copies of the first draft and of the resolution are sent to the partner body under the second paragraph of section 56.3.

"*C. — Adoption of second draft of revised metropolitan plan or RCM plan*

"**56.6.** After the consultation period on the first draft, the council of the responsible body shall adopt, with or without changes, a second draft of the revised metropolitan plan or RCM plan for public consultation, designated as the "second draft". However, if the Minister, in accordance with section 56.4, has served on the responsible body an opinion mentioning objections to the first draft, the second draft must contain all the changes needed to remove the reasons for the objections.

However, the second draft may not be adopted before the day after the day on which the last of the Minister and all the partner bodies that were sent the first draft gives an opinion on the first draft or the day after the last day of the allotted period.

As soon as practicable after the adoption of the second draft, the secretary shall send a certified copy of the second draft and of the resolution adopting it to every partner body.

"**56.7.** The council of any partner body may give its opinion on the second draft.

The opinion shall be given by means of a resolution, of which a certified copy must be sent to the responsible body within 120 days after copies of the second draft and of the resolution are sent to the partner body under the third paragraph of section 56.6.

"*D. — Public consultation*

"**56.8.** The responsible body must, in accordance with the applicable section from among sections 56.12.5 to 56.12.8, hold at least one public meeting on the second draft.

"**56.9.** The public meetings held by the responsible body shall be conducted by a committee established by the council, composed of the council members it designates and presided over by the senior officer or another committee member designated by the senior officer.

"**56.10.** The council of the responsible body shall set the date, time and place of every public meeting.

However, it may delegate all or part of that power to the secretary.

"**56.11.** Not later than 30 days before a public meeting is held, the secretary shall publish a notice of the date, time and place and the purpose of the meeting in a newspaper circulated in the territory of the responsible body.

The notice must contain a summary describing the main effects of the second draft on the territory concerned.

If all the meetings concern the whole territory of the responsible body, the secretary may give a single notice for all of them not later than 30 days before the first meeting is held.

If the council of the responsible body so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 30 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the second draft and of the summary may be consulted at the office of the responsible body and at the office of every partner body.

"**56.12.** At a public meeting, the commission shall explain the second draft and hear the persons and organizations wishing to be heard.

"**56.12.1.** In the case of a metropolitan community, a public meeting referred to in section 56.11 concerns the territory referred to or described in any of paragraphs 1 to 5 of section 56.12.6 or any of paragraphs 1 to 5 of section 56.12.7, as applicable.

"**56.12.2.** Despite section 56.9, the public meetings held by the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec may be conducted by a committee established under section 50 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 41 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), respectively.

"**56.12.3.** In the case of a regional county municipality, the secretary shall also have a copy of the notice required under the first paragraph of section 56.11 posted in the office of every municipality whose territory the meeting concerns not later than the time prescribed in that section.

"**56.12.4.** In the case of a regional county municipality, every public meeting referred to in section 56.11 concerns the whole territory of the regional county municipality, unless meetings are planned in all the local municipal territories situated within the territory of the regional county municipality, or unless the regional county municipality, in its decision under section 56.12.5, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

"**56.12.5.** The council of a responsible body to which any of sections 56.12.6 to 56.12.8 applies shall identify every municipality in whose territory a public meeting must be held in accordance with the applicable section from among those provisions.

"**56.12.6.** The Communauté métropolitaine de Montréal must hold a public meeting in

(1) the urban agglomeration of Montréal;

(2) the urban agglomeration of Longueuil;

(3) the territory of Ville de Laval;

(4) the part of the territory of the metropolitan community that is made up of the territory of Ville de Mirabel and the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) that are situated within the territories of the regional county municipalities listed in Schedule III to that Act; and

(5) the part of the territory of the metropolitan community that is made up of the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal that are situated within the territories of the regional county municipalities listed in Schedule IV to that Act.

"**56.12.7.** The Communauté métropolitaine de Québec must hold a public meeting in

(1) the urban agglomeration of Québec;

(2) the territory of Ville de Lévis;

(3) the territory of Municipalité régionale de comté de L'Île-d'Orléans;

(4) the territory of Municipalité régionale de comté de La Côte-de-Beaupré; and

(5) the territory of Municipalité régionale de comté de La Jacques-Cartier.

"**56.12.8.** A regional county municipality must hold at least one public meeting in its territory.

The regional county municipality must also hold a public meeting in the territory of every municipality whose representative on the council so requests during the sitting at which the second draft is adopted.

It must also hold a public meeting in the territory, situated within its own territory, of every other municipality whose council so requests within 20 days after it is sent a copy of the draft. A certified copy of the resolution setting out the request must be sent to the regional county municipality within the same period.

For the purposes of the second and third paragraphs, if the sittings of the council of a municipality are held in the territory of another municipality, that territory is deemed to be the territory of the first municipality and, if applicable, to be situated within the territory of the regional county municipality.

The population of the municipality in whose territory the meeting is held or the total population of the municipalities in whose territories meetings are held must make up at least two thirds of the population of the regional county municipality.

"*E. — Adoption and coming into force of a revised metropolitan plan or RCM plan*

"**56.13.** After the consultation period concerning the draft, the council of the responsible body shall adopt a by-law establishing a revised metropolitan plan or RCM plan, with or without changes.

However, the by-law may not be adopted before the later of

(1) the day after the day on which the last of the Minister and the partner bodies that were sent the draft by-law gives an opinion on the draft by-law sent or the day after the last day of the allotted period; and

(2) the day after the public meeting, or the last of the public meetings, is held.

As soon as practicable after the adoption of the by-law establishing the revised metropolitan plan or RCM plan, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the by-law and of the resolution adopting it.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copies of the by-law and of the resolution.

"**56.14.** Within 120 days after receiving a copy of the by-law establishing the revised RCM plan or within 180 days after receiving a copy of the by-law establishing the revised metropolitan plan, the Minister shall give an opinion as to the consistency of the revised metropolitan plan or RCM plan with government policy directions.

The opinion stating that the by-law establishing the revised metropolitan plan or RCM plan is not consistent with the policy directions must include reasons. In that case, the Minister shall, in the opinion, request that the responsible body replace the by-law.

The Minister shall serve the opinion on the responsible body. If the opinion states that the by-law establishing the revised metropolitan plan or RCM plan is not consistent with government policy directions, the Minister shall send a copy to every partner body.

"**56.15.** If the opinion of the Minister states that the by-law establishing the revised metropolitan plan or RCM plan is not consistent with government policy directions, the council of the responsible body must, within 120 days after service of the opinion, replace the by-law with another establishing a revised metropolitan plan or RCM plan that is consistent with those policy directions.

Sections 56.3 to 56.12 do not apply to the new by-law if the revised metropolitan plan or RCM plan it establishes differs from the plan it replaces only so as to take account of the Minister's opinion.

If, in accordance with section 239, the Minister extends the period prescribed in the first paragraph of this section or gives the responsible body additional time to replace the by-law establishing the revised metropolitan plan or RCM plan, the Minister may give a new opinion, in accordance with section 56.14, despite the expiry of the period prescribed in that section. In that case, the council must replace the by-law establishing the revised metropolitan plan or RCM plan by a new one which takes account of the new opinion, before the end of the later of

(1) the one hundred and twentieth day after service of the new opinion; and

(2) the last day of the period determined by having the extension period or additional time granted by the Minister begin on the date of service of the new opinion.

"**56.16.** If, on the expiry of the period applicable under section 56.15, the council of the responsible body has not adopted a by-law establishing a new revised metropolitan plan or RCM plan, the Government may, by order, amend the revised metropolitan plan or RCM plan on which the Minister gave an opinion to ensure that it is consistent with government policy directions.

If, before the expiry of that period, the council adopts a by-law establishing a new revised metropolitan plan or RCM plan that is still inconsistent with government policy directions, the Minister may either again require the responsible body to replace the revised metropolitan plan or RCM plan, or recommend that the Government exercise its power under the first paragraph.

The metropolitan plan or RCM plan, as amended by the Government, is deemed to be a revised metropolitan plan or RCM plan adopted in its entirety by a by-law of the council of the responsible body.

As soon as practicable after the order is made, the Minister shall serve a copy on the responsible body. The copy of the order shall stand in lieu of the original for the purpose of issuing certified copies of the revised metropolitan plan or RCM plan.

"**56.17.** The revised metropolitan plan or RCM plan comes into force on the day of service on the responsible body of the Minister's opinion stating that the plan is consistent with government policy directions or, if the Minister did not give an opinion within the prescribed period, on the expiry of that period.

However, a revised metropolitan plan or RCM plan amended by the Government comes into force on the date specified in the order made under section 56.16.

"**56.18.** As soon as practicable after the coming into force of the revised metropolitan plan or RCM plan, the secretary shall publish a notice of the date of coming into force in a newspaper circulated in the territory of the responsible body.

At the same time, the secretary shall send a certified copy of the revised metropolitan plan or RCM plan to every partner body.

"**57.** Within 90 days after the coming into force of the revised metropolitan plan or RCM plan, the secretary shall publish a summary, mentioning the date of coming into force, in a newspaper circulated in the territory of the responsible body.

However, rather than being published in a newspaper, the summary may be sent by mail or distributed, as decided by the council, within the same period to every address in the territory of the responsible body."

21. The Act is amended by inserting the following before Division VI.2 of Chapter I of Title I:

"§3. — *Provision specific to metropolitan plan*

"**57.2.** The decision to adopt a by-law amending a metropolitan plan must be made by a two-thirds majority of the votes cast.

In the case of the Communauté métropolitaine de Québec, the majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the votes cast by all the representatives of Municipalité régionale de comté de L'Île-d'Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.

"§4. — *Provisions specific to RCM plan*

"*A. — Provision applicable to all RCM plans*

"**57.3.** In the case of the revision of an RCM plan, if the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the ministerial opinion under section 56.4 or 56.14 shall include the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5. It shall also specify the parameters to serve in determining separation distances to reduce the inconvenience caused by odours from certain agricultural activities.

"*B. — Provisions applicable in metropolitan territories*

"**57.4.** If the revised RCM plan concerns part of the territory of a metropolitan community, the council of the metropolitan community must, within 60 days after it is sent a copy of the by-law establishing the revised RCM plan, approve the by-law if it is in conformity with the metropolitan plan or withhold approval if it is not.

A resolution withholding approval of the by-law must include reasons and specify which provisions of the by-law are not in conformity with the metropolitan plan.

As soon as practicable after the passage of the resolution approving or withholding approval of the by-law, the secretary of the metropolitan community shall, in the first case, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality or, in the second case, send the regional county municipality a certified copy of the resolution.

If the council of the metropolitan community does not resolve to approve or withhold approval of the by-law within the period prescribed in the first paragraph, the by-law is deemed to be in conformity with the metropolitan plan.

"**57.5.** If the council of the metropolitan community withholds approval of the by-law, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the by-law with the metropolitan plan.

The secretary of the regional county municipality shall serve a certified copy of the resolution requesting the assessment and of the by-law concerned on the Commission and on the metropolitan community.

The copies sent to the Commission must be received within 45 days after a copy of the resolution withholding approval of the by-law is sent to the regional county municipality.

"**57.6.** The Commission must give its assessment within 60 days after receiving a copy of the resolution requesting the assessment.

An assessment stating that the by-law is not in conformity with the metropolitan plan may include suggestions of the Commission on how to ensure such conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the by-law is in conformity with the metropolitan plan, the secretary of the metropolitan community shall, as soon as practicable after receiving a copy of the assessment, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality.

"**57.7.** If the revised RCM plan established by the by-law is recognized as not being in conformity with the metropolitan plan, the council of the regional county municipality must replace the by-law with another that establishes a revised RCM plan that is in conformity with the metropolitan plan.

Sections 56.3 to 56.12 do not apply to the new by-law if the revised RCM plan it establishes differs from the plan it replaces only so as to ensure its conformity with the metropolitan plan.

"**57.8.** In the case of the revision of an RCM plan applicable to part of the territory of a metropolitan community, the revised RCM plan comes into force on the latest of all the dates determined under section 56.17 and the date on which its certificate of conformity is issued. The revised RCM plan is deemed to be in conformity with the metropolitan plan."

22. Division VI.2 of Chapter I of Title I of the Act becomes Division IV and its heading is replaced by the following heading:

"EFFECTS OF AMENDMENT OR REVISION OF METROPOLITAN PLAN OR RCM PLAN".

23. Section 58 of the Act is replaced by the following section:

"**58.** The council of every regional county municipality or municipality mentioned in the document adopted under section 53.11.2 or 53.11.4 shall adopt any necessary concordance by-law within six months after the coming into force of the by-law amending the metropolitan plan or the RCM plan.

In the case of the amendment of a metropolitan plan, "concordance by-law" means any by-law amending an RCM plan applicable to part of the territory of the metropolitan community that is needed to take account of the amendment of the metropolitan plan.

In the case of the amendment of an RCM plan, "concordance by-law" means any by-law among the following that is needed to take account of the amendment of the RCM plan:

(1) any by-law amending the planning program of a municipality, its zoning, subdivision or building by-laws or any of its by-laws under Divisions VII to XI of Chapter IV; and

(2) the by-law adopted by the council of a municipality under section 116 or any by-law amending it."

24. The heading of subdivision *A* of subdivision 2 of Division VI.2 of Chapter I of Title I of the Act is amended by replacing "*the objectives of the revised plan and with the provisions of the complementary document*" by "*the revised metropolitan plan*".

25. The Act is amended by inserting the following after the heading of subdivision *A* of subdivision 2 of Division VI.2 of Chapter I of Title I:

"**58.1.** In the case of the revision of a metropolitan plan, the council of a regional county municipality all or part of whose territory is situated within the territory of the metropolitan community must adopt any necessary concordance by-law within two years after the coming into force of the revised metropolitan plan.

For the purposes of the first paragraph, a "concordance by-law" means any by-law referred to in the second paragraph of section 58 that is needed to take account of the amendment of the metropolitan plan.

"**58.2.** After the coming into force of the revised metropolitan plan, the council of any regional county municipality all or part of whose territory is situated within the territory of the metropolitan community may state that its RCM plan does not require amendment to take account of the revision of the metropolitan plan.

As soon as practicable after the council passes a resolution stating that the RCM plan does not require amendment, the secretary of the regional county municipality shall send a certified copy of the resolution to the metropolitan community and shall give public notice of the passage of the resolution, in accordance with the Act governing the regional county municipality with respect to that matter.

"**58.3.** Within 120 days after the copy of the resolution referred to in the second paragraph of section 58.2 is sent, the council of the metropolitan community must approve the resolution if the RCM plan is in conformity with the revised metropolitan plan or withhold approval if it is not.

A resolution by which the council of the metropolitan community withholds approval of the resolution of the regional county municipality must include reasons.

As soon as practicable after the council of the metropolitan community passes the resolution, the secretary shall send a certified copy to the regional county municipality.

If the council of the metropolitan community does not resolve to approve or withhold approval of the resolution within the period prescribed in the first paragraph, the resolution is deemed to be approved by the council.

The RCM plan that is the subject of the approved resolution does not require amendment in order to take account of the revision of the metropolitan plan. It is deemed to be in conformity with the revised metropolitan plan.

"**58.4.** If the council of the metropolitan community withholds approval of the resolution, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the RCM plan that is the subject of the resolution with the metropolitan plan.

The secretary of the regional county municipality shall serve a certified copy of the resolution requesting the assessment and of the RCM plan concerned on the Commission and on the metropolitan community.

The copies sent to the Commission must be received within 45 days after a copy of the resolution by which the council of the metropolitan community withholds approval of the resolution referred to in the second paragraph of section 58.2 is sent to the regional county municipality.

"**58.5.** The Commission must give its assessment within 60 days after receiving a copy of the resolution requesting the assessment.

An assessment stating that the RCM plan that is the subject of the resolution referred to in the second paragraph of section 58.2 is not in conformity with the metropolitan plan may include suggestions of the Commission on how to ensure conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the RCM plan is in conformity with the metropolitan plan, it does not require amendment in order to take account of the revision of the metropolitan plan. It is deemed to be in conformity with the metropolitan plan.

"*A.1. — Obligations relating to conformity of the objectives of the revised RCM plan and the provisions of the complementary document*".

26. Section 59 of the Act is amended

(1) by replacing "The council" in the first paragraph by "In the case of the revision of an RCM plan, the council";

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

27. Section 59.7 of the Act is amended by striking out ", and may receive free of charge from the municipality a certified copy of the program and by-law concerned" in the third paragraph.

28. Subdivision 3 of Division VI.2 of Chapter I of Title I of the Act, comprising section 60, is repealed.

29. Division VII of Chapter I of Title I of the Act becomes Division V.

30. Section 61 of the Act is replaced by the following:

"*A. — General provisions*

"**61.** Subdivisions 2 to 4 apply to any responsible body that has initiated the process of amendment of, or is currently revising, its metropolitan plan or RCM plan.

"**61.1.** In this division, the opinion of the Minister as to consistency with government policy directions means an opinion as to consistency with the policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing or intend to pursue with respect to land use development in the territory of the responsible body, including the land use plan provided for in section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1), and with the equipment, infrastructure and land use development projects they intend to carry out in that territory.

"*B. — Provision specific to the Communauté métropolitaine de Québec*

"**61.2.** A decision of the council of the Communauté métropolitaine de Québec under any provision of subdivisions 2 to 4 must be made by a two-thirds majority of the votes cast.

The majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the votes cast by all the representatives of Municipalité régionale de comté de L'Île-d'Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier."

31. The Act is amended by inserting the following section before section 62:

"**61.3.** For the purposes of this subdivision, the following are partner bodies:

(1) in every case, each municipality whose territory is situated within the territory of the responsible body;

(2) in addition to those described in paragraph 1, if the resolution is related to the amendment or revision of a metropolitan plan, each regional county municipality all or part of whose territory is situated within the territory of the metropolitan community; and

(3) in addition to those described in paragraph 1, if the resolution is related to the amendment or revision of an RCM plan applicable to all or part of the territory of a metropolitan community, that metropolitan community."

32. Section 62 of the Act is amended

(1) by replacing "the regional county municipality" in the first and third paragraphs by "the responsible body";

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

"As soon as practicable after the passage of the resolution by which the council makes a decision under the first paragraph or amends or repeals that decision, the secretary shall publish a notice of the date of passage in a newspaper circulated in the territory of the responsible body, and send a certified copy of the resolution to the Minister and to every partner body."

33. The Act is amended by inserting the following section after section 63:

"**63.1.** A provision of a resolution passed under section 62 by the council of a regional county municipality that prohibits an activity in part of the territory of a metropolitan community is without effect if a provision of a resolution or a by-law passed or adopted under section 62 or 64 by the council of the metropolitan community authorizes the activity in that part of the territory upon the issuance of a permit or a certificate.

A provision of a resolution passed under section 62 by the council of a regional county municipality that authorizes an activity in part of the territory of a metropolitan community upon the issuance of a permit or a certificate is without effect if a provision of a resolution or a by-law passed or adopted by the council of the metropolitan community under section 62 or 64

(1) prohibits the activity in that part of the territory; or

(2) authorizes the activity in that part of the territory upon the issuance of a permit or a certificate, and the terms and conditions for or the officers charged with the issuance of the permit or certificate are not the same."

34. The Act is amended by inserting the following sections before section 64:

"**63.2.** For the purposes of this subdivision, the following are partner bodies:

(1) if the by-law is related to the amendment or revision of a metropolitan plan, every regional county municipality all or part of whose territory is situated within the territory of the metropolitan community;

(2) if the by-law is related to the amendment or revision of an RCM plan applicable to part of the territory of a metropolitan community, that metropolitan community; and

(3) in addition to those described in paragraph 2, if the by-law is related to the amendment or revision of an RCM plan, every municipality whose territory is situated within the territory of the regional county municipality.

"**63.3.** For the purposes of section 66, the following are also partner bodies:

(1) in every case, each regional county municipality whose territory is contiguous to the territory of the responsible body; and

(2) in addition to those described in paragraph 1, if the by-law is related to the process of amendment or revision of a metropolitan plan, each municipality whose territory is situated within the territory of the metropolitan community."

35. Section 64 of the Act is amended

(1) by replacing "the regional county municipality" in the first and sixth paragraphs by "the responsible body";

(2) by replacing "secretary-treasurer" in the third paragraph by "secretary";

(3) by replacing the fifth paragraph by the following paragraph:

"As soon as practicable after the adoption of the by-law, the secretary shall send a certified copy of the by-law and of the resolution adopting the by-law to the Minister and to every partner body."

36. Section 65 of the Act is replaced by the following section:

"**65.** Within 60 days after receiving a copy of the by-law, the Minister shall give an opinion as to the consistency of the by-law with government policy directions.

If the opinion states that the by-law is not consistent with those policy directions, it must include reasons. In that case, the Minister may, in the opinion, request that the responsible body replace the by-law; the Minister may also set a time limit for the adoption of a replacement by-law.

The Minister shall serve the opinion on the responsible body. In the case provided for in the second paragraph, the Minister shall send a copy of the opinion to every partner body."

37. Section 66 of the Act is amended

(1) by replacing "the regional county municipality" in the first and second paragraphs by "the responsible body";

(2) by replacing "secretary-treasurer" in the second paragraph by "secretary";

(3) by replacing the third paragraph by the following paragraph:

"At the same time, the secretary shall send a certified copy of the by-law and of the opinion to every partner body."

38. The Act is amended by inserting the following before section 68:

"*A. — Provisions common to interim control resolution or by-laws related to metropolitan plan or RCM plan*".

39. Section 69 of the Act is repealed.

40. Section 70 of the Act is amended by replacing "land use planning and development plan" in subparagraph 1 of the first paragraph by "metropolitan plan or the RCM plan".

41. Section 71 of the Act is amended

(1) by replacing "land use planning and development plan" by "metropolitan plan or the RCM plan";

(2) by inserting "metropolitan plan or the RCM" after "the amendment of the".

42. The Act is amended by inserting the following after section 71:

"*B. — Provisions specific to interim control by-laws related to metropolitan plan*

"**71.0.1.** In the case of a by-law adopted under section 64 that relates to the amendment of a metropolitan plan, the concordance by-law referred to in section 71 is the by-law the municipality must adopt to take account of the amendment to the RCM plan applicable to that territory as a consequence of the amendment of the metropolitan plan.

"**71.0.2.** The by-law adopted under section 64 that relates to the revision of the metropolitan plan ceases to have effect in the territory of the municipality, if it has not already been repealed,

(1) on the day on which it is determined under the fifth paragraph of section 58.3 or the fourth paragraph of section 58.5 that the RCM plan applicable to that territory does not require amendment in order to take account of the revision of the metropolitan plan; or

(2) on the day of the coming into force of the last concordance by-law that the council of the municipality must adopt under section 58 in order to take account of the amendment of the RCM plan applicable to that territory under section 58.1 as a consequence of the revision of the metropolitan plan.

"*C. — Provisions specific to interim control by-laws related to RCM plan*

"**71.0.3.** The regional county municipality may examine the advisability, having regard to the interim control measures, of works provided for by any resolution or any by-law, referred to in section 46, of a municipality in whose territory the measures apply.

"**71.0.4.** In the case of a by-law under section 64 that is related to the amendment or revision of an RCM plan and concerns an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the ministerial opinion under section 65 must take account of the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5. If the by-law provides for standards aimed at reducing the inconvenience caused by odours from agricultural activities, the notice shall also indicate the parameters to serve in determining separation distances for such purposes.

"**71.0.5.** A provision of a by-law adopted under section 64 by the council of a regional county municipality that prohibits an activity in part of the territory of a metropolitan community is without effect if a provision of a resolution or a by-law adopted under section 62 or 64 by the council of the metropolitan community authorizes the activity in that part of the territory upon the issuance of a permit or a certificate.

A provision of a by-law passed under section 64 by the council of a regional county municipality that authorizes an activity in part of the territory of a metropolitan community upon the issuance of a permit or a certificate is without effect if a resolution or a by-law passed or adopted by the council of the metropolitan community under section 62 or 64

(1) prohibits the activity in that part of the territory; or

(2) authorizes the activity in that part of the territory upon the issuance of a permit or a certificate, and the terms and conditions for or the officers charged with the issuance of the permit or certificate are not the same."

43. Section 75.1 of the Act is amended by striking out the third paragraph.

44. Section 75.10 of the Act is amended

(1) by replacing "land use planning and development" by "RCM";

(2) by replacing "secretary-treasurer, the secretary-treasurer" by "secretary, the secretary".

45. Section 75.11 of the Act is replaced by the following section:

"**75.11.** Before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 to a regional county municipality in whose territory a commission has jurisdiction, the Minister shall request that the commission and the other regional county municipality in whose territory the commission has jurisdiction to give an opinion on the document submitted to the Minister.

The opinions of the commission and the other regional county municipality must be received by the Minister, respectively, within 45 or 60 days after they were requested, depending on whether the ministerial opinion is applied for under section 51, 53.7 or 65, or under section 56.4 or 56.14.

Aside from inconsistency with government policy directions referred to in the sections mentioned in the first paragraph, an objection or disapproval expressed by the Minister under any of those sections may be based on problems raised in the opinion of the commission or the other regional county municipality. For the purposes of the provisions that concern the process of amendment or revision of the RCM plan or an interim control by-law related to that process and that refer to consistency or inconsistency with government policy directions, that reference also includes the solution or lack of a solution offered to the problems raised in the opinion of the Minister based on the opinion of the commission or the other regional county municipality.

The first three paragraphs do not apply when the Minister gives an opinion

(1) under section 53.7 in respect of a replacement by-law referred to in the second paragraph of section 53.8;

(2) under section 53.7 if the proposed amendment to the RCM plan arises from the application of any of sections 53.12 to 53.14;

(3) under section 56.14 in respect of a revised replacement RCM plan adopted pursuant to a request by the Minister under the third paragraph of that section; or

(4) under section 65 in respect of a replacement interim control by-law adopted pursuant to a request by the Minister under the second paragraph of that section."

46. Section 76 of the Act is replaced by the following section:

"**76.** A regional county municipality acting as a local municipality in respect of an unorganized territory under section 8 of the Act respecting municipal territorial organization (chapter O-9) is required to maintain in force at all times a zoning by-law, a subdivision by-law and a building by-law applicable to that territory, in addition to any other by-law it is required to adopt under the complementary document to its current RCM plan.

Different by-laws may apply to different parts of the unorganized territory determined by the council of the regional county municipality."

47. Sections 77 and 79 of the Act are repealed.

48. Section 79.1 of the Act is amended by striking out "no part of whose territory is situated within the territory of a metropolitan community".

49. Section 79.8 of the Act is replaced by the following section:

"**79.8.** Not later than 15 days before a public meeting is held, the secretary shall publish in a newspaper circulated in the territory of every municipality whose territory the draft by-law concerns a notice of the date, time and place and the purpose of the meeting, and the secretary shall have a copy of the notice posted in the office of every municipality whose territory is situated within the territory concerned.

The notice must include a summary of the draft by-law.

Every meeting concerns all the local municipal territories concerned, unless meetings are planned in all those territories, or unless the council of the regional county municipality, in its decision under the first paragraph of section 79.7, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

If all the meetings concern all the local municipal territories concerned, the secretary may give a single notice for all of them not later than 15 days before the first meeting is held.

If the council of the regional county municipality so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 15 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the draft by-law and of the summary may be consulted at the office of the regional county municipality and, if applicable, at the office of every municipality whose territory is concerned."

50. Section 79.12 of the Act is amended by striking out ", and may receive free of charge from the municipality an authenticated copy of the development plan and the complementary document" in the third paragraph.

51. Section 79.20 of the Act is amended

(1) by striking out "no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal" in the first paragraph;

(2) by replacing "the territory of the regional county municipality" in the first paragraph by "its territory";

(3) by inserting the following subparagraph before subparagraph 1 of the second paragraph:

"(0.1) in the case of a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community, the metropolitan plan;".

52. The Act is amended by inserting the following section after section 79.20:

"**79.21.** In the case of a regional county municipality all or part of whose territory is situated within the territory of the metropolitan community, the plan relating to the development of the territory of a regional county municipality must take account of the general economic development plan of the metropolitan community referred to in section 150 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 143 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02)."

53. Section 81 of the Act is replaced by the following section:

"**81.** A municipality may have a planning program applicable to its whole territory.

A municipality that has a planning program in force may not repeal it."

54. Section 82 of the Act is repealed.

55. Section 86 of the Act is amended

(1) by replacing "land use planning and development" in the first paragraph by "RCM";

(2) by replacing "secretary-treasurer" in the second paragraph by "secretary".

56. The heading of Division V of Chapter III of Title I of the Act is amended by striking out "OF THE COMING INTO FORCE".

57. Section 101 of the Act is amended by replacing "The coming into force of the" by "A".

58. Section 102 of the Act is amended by inserting "the" after "is of" in the third paragraph.

59. Section 109.9 of the Act is amended

(1) by replacing "development plan" in the second and fourth paragraphs by "RCM plan";

(2) by replacing "secretary-treasurer" in the fourth paragraph by "secretary of the regional county municipality".

60. Section 110.7 of the Act is amended by striking out ", and may receive free of charge from the municipality a certified copy of the program and by-law concerned" in the third paragraph.

61. Subdivision 2 of Division VI.1 of Chapter III of Title I of the Act, comprising section 110.10, is repealed.

62. Section 112.8 of the Act is amended

(1) by replacing "the regional county municipality" in the first and second paragraphs by "a responsible body";

(2) by adding the following paragraph after the second paragraph:

"For the purposes of the first two paragraphs, a provision adopted under section 62 or 64 by the council of a regional county municipality that is without effect as a result of the application of section 63.1 or 71.0.5 is not taken into account."

63. Section 123 of the Act is amended

(1) by replacing "123" in the second paragraph by "124";

(2) by inserting "59.5," after "59," in subparagraph 2 of the third paragraph;

(3) by replacing "land use planning and development" in subparagraph 2 of the third paragraph by "RCM".

64. Section 136.0.1 of the Act is amended by replacing "notice" in subparagraph 1 of the third paragraph by "assessment".

65. The heading of subdivision 3 of Division V of Chapter IV of Title I of the Act is amended by replacing "*land use planning and development*" by "*RCM*".

66. Section 137.5 of the Act is amended

(1) by replacing "secretary-treasurer shall" in the fourth paragraph by "secretary of the regional county municipality shall";

(2) by replacing "secretary-treasurer receives" in the fourth paragraph by "secretary receives";

(3) by replacing "of the notice" in the fourth paragraph by "of the assessment".

67. Section 137.11 of the Act is amended by striking out ", and may receive free of charge from the municipality a certified copy of the program and of the by-law concerned" in the third paragraph.

68. Section 137.14 of the Act is amended by replacing "assessment on" in the third paragraph by "assessment of".

69. Section 137.16 of the Act is amended by replacing "land use planning and development" in the first paragraph by "metropolitan plan or RCM".

70. Section 145.38 of the Act is amended by replacing "land use planning and development" in the third paragraph by "metropolitan plan or RCM".

71. The Act is amended by inserting the following after the heading of Chapter V.1 of Title I:

"**DIVISION I**

"PROVISIONS COMMON TO METROPOLITAN COMMUNITIES AND REGIONAL COUNTY MUNICIPALITIES".

72. Section 148.1 of the Act is amended

(1) by replacing "Every regional county municipality" in the first paragraph by "A responsible body";

(2) by replacing "Any other regional county municipality" in the second paragraph by "Any other responsible body".

73. Section 148.2 of the Act is amended by replacing "A regional county municipality having established" by "A responsible body that has established".

74. Section 148.4 of the Act is amended

(1) by replacing "The regional county municipality" in the first paragraph by "The responsible body";

(2) by replacing "Elle" in the first paragraph in the French text by "Il";

(3) by replacing "the regional county municipality" in the third paragraph by "the responsible body".

75. The Act is amended by inserting the following after section 148.13:

"**DIVISION II**

"PROVISION SPECIFIC TO THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

"**148.13.1.** For the purposes of sections 148.3 and 148.4, council members of municipalities whose territories are situated within the territory of the Communauté métropolitaine de Québec who do not sit on the council of that community are considered to be members of that council."

76. Section 150 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

"**150.** The Government or a minister of the Government or a mandatary of the State may make an intervention to which this section applies, in a territory where a metropolitan plan, an RCM plan or an interim control by-law adopted by the council of a responsible body is in force, only if the intervention is deemed, under section 157, to be in conformity with the metropolitan plan, the RCM plan or the by-law. For the purposes of this chapter, conformity with the RCM plan is established in light of the objectives of the RCM plan, and conformity with the by-law is established in light of the provisions of the by-law.

If in the territory concerned, two or more documents referred to in the first paragraph are in force simultaneously and the intervention is in conformity with one of them but not with all of them, the document considered for the purposes of the first paragraph shall be the one containing the provisions applicable to the territory concerned that were brought into force most recently. However, if none of the provisions of the by-law applies to the planned intervention in the territory concerned, the by-law shall not be considered for the purposes of the first paragraph. Nor shall a provision of the by-law that is without effect due to the application of section 71.0.5 be considered."

77. Section 151 of the Act is amended

(1) by replacing "the regional county municipality" in the first paragraph by "the responsible body";

(2) by replacing "with the objectives of the land use planning and development plan or the provisions of the" in the second paragraph by "with the metropolitan plan, the RCM plan or the";

(3) by inserting "metropolitan plan, RCM" after "made to the" in the second paragraph.

78. Section 152 of the Act is amended

(1) by replacing "the regional county municipality" in the first and third paragraphs by "the responsible body";

(2) by replacing "with the objectives of the land use planning and development plan or the provisions of the" in the first paragraph by "with the metropolitan plan, the RCM plan or the";

(3) by replacing "secretary-treasurer" in the second paragraph by "secretary".

79. Section 153 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"**153.** If the opinion indicates that the planned intervention is not in conformity with the metropolitan plan, the RCM plan or the interim control by-law, the Minister may, within 120 days after receipt of the copy of the resolution stating the council's opinion, request an assessment of conformity from the Commission or require that the council of the responsible body amend the metropolitan plan, the RCM plan or the by-law to ensure such conformity.";

(2) by replacing "the regional county municipality" in the second paragraph by "the responsible body";

(3) by replacing the third paragraph by the following paragraph:

"If the Minister elects to request an amendment to the metropolitan plan, the RCM plan or the by-law, the Minister shall serve on the responsible body, within the period prescribed in the first paragraph, a request with reasons, indicating the amendments that must be made to ensure conformity of the planned intervention with the metropolitan plan, the RCM plan or the by-law. The Minister shall send a copy of the request to every municipality whose territory is situated within the territory of the responsible body."

80. Section 154 of the Act is amended

(1) by replacing "with the objectives of the land use planning and development plan or the provisions of the" in the first paragraph by "with the metropolitan plan, the RCM plan or the";

(2) by replacing "with such objectives or provisions" in the second paragraph by "with the metropolitan plan, the RCM plan or the by-law";

(3) by replacing "the regional county municipality" in the third and fourth paragraphs by "the responsible body";

(4) by replacing "with the objectives of the plan or the provisions of the" in the fourth paragraph by "with the metropolitan plan, the RCM plan or the";

(5) by inserting "metropolitan plan, RCM" after "amend the" in the fourth paragraph.

81. Section 155 of the Act is replaced by the following section:

"**155.** Within 90 days after service of the request in accordance with the third paragraph of section 153, the council of the responsible body must adopt a by-law to amend the metropolitan plan, the RCM plan or the interim control by-law to take account of the request.

Sections 48 to 53.4 do not apply to a by-law which amends the metropolitan plan or the RCM plan only so as to take account of the request. For the purposes of sections 53.7 to 53.9 or 65 and 66, the Minister shall give an opinion as to the conformity of the planned intervention with the metropolitan plan, the RCM plan or the interim control by-law, as amended by the by-law, even if the by-law is not in force."

82. Section 156 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

"**156.** If the council of the responsible body fails to adopt a by-law amending the metropolitan plan, the RCM plan or the interim control by-law to take account of the Minister's request, the Government may act in the place of the council in accordance with the provisions of this section.

Once the council has failed to act, the Minister shall produce a document describing the planned intervention and the amendments to be made to the metropolitan plan, the RCM plan or the interim control by-law to ensure conformity of the intervention with the metropolitan plan, the RCM plan or the by-law. The Minister shall send a copy of the document to the responsible body and to every municipality whose territory is situated within the territory of the responsible body.";

(2) by replacing "the regional county municipality" in the fourth paragraph by "the responsible body";

(3) by replacing the sixth paragraph by the following paragraph:

"After the meeting or, as the case may be, the last of the meetings, the Government may, by order, adopt a by-law amending the metropolitan plan, the RCM plan or the interim control by-law to ensure conformity of the planned intervention with the metropolitan plan, the RCM plan or the by-law. The by-law adopted by the Government is deemed to have been adopted by the council of the responsible body. As soon as practicable after the adoption of the government order, the Minister shall send a copy of the order and of the by-law to the responsible body. The by-law comes into force on the date mentioned in the government order."

83. Section 157 of the Act is amended

(1) by replacing "with the objectives of the land use planning and development plan and the provisions of the" in the portion before paragraph 1 by "with the metropolitan plan, the RCM plan or the";

(2) by replacing "the regional county municipality" in paragraphs 1, 2 and 3 by "the responsible body";

(3) by inserting "or an assessment" after "opinion" in paragraph 1;

(4) by replacing "land use planning and development plan" in paragraph 3 by "metropolitan plan, RCM plan".

84. Section 161 of the Act is amended by replacing "regional county municipality or municipality concerned" by "responsible body or municipality concerned".

85. Section 164 of the Act is amended by replacing "regional county municipality or municipality concerned" in the second paragraph by "responsible body or municipality concerned".

86. Section 165.2 of the Act is amended by replacing "the regional county municipality" in the third paragraph by "every responsible body with respect to a metropolitan plan or an RCM plan applicable to the territory of the municipality".

87. Section 165.4 of the Act is amended

(1) by replacing "assujetti" in the second paragraph in the French text by "assujettie";

(2) by replacing "the regional county municipality" in the fourth paragraph by "every responsible body with respect to a metropolitan plan or an RCM plan applicable to the territory of the municipality".

88. Section 218 of the Act is amended by striking out ", opinions and notices".

89. Section 224 of the Act is amended

(1) by replacing "A regional county municipality" by "A responsible body";

(2) by inserting "free of charge" after "Commission";

(3) by replacing "a notice" by "an assessment".

90. Section 227 of the Act is amended

(1) by replacing "the regional county municipality" in the first paragraph by "the responsible body";

(2) by replacing "the objectives of the applicable land use planning and development plan or the provisions of the applicable" in the second paragraph by "the applicable metropolitan plan, RCM plan or".

91. Section 228 of the Act is amended by replacing "regional county municipality or the municipality in whose territory" in the first paragraph by "municipality or the responsible body in whose territory".

92. Section 230 of the Act is amended by replacing "regional county municipality or the municipality in whose territory" in the second paragraph by "municipality or the responsible body in whose territory".

93. Section 234.1 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

"**234.1.** Where this Act requires that a copy of a revised metropolitan plan or RCM plan or of a by-law be sent to a recipient after its coming into force, and the recipient has already received an identical copy after the adoption of the metropolitan plan, RCM plan or by-law, the sender may send to the recipient, instead of the copy, a notice indicating that the text in force is identical to the adopted text and specifying the dates of coming into force and adoption.

Where this Act requires that a copy of a metropolitan plan, RCM plan or by-law adopted to replace another which did not come into force by reason of non-conformity be sent to a recipient after its adoption, and the recipient has already received a copy of the replaced metropolitan plan, RCM plan or by-law, the sender may send to the recipient, instead of the copy, only the pages of the new metropolitan plan, RCM plan or by-law which contain changes, with a notice indicating the changes, mentioning that except for those changes, the new text is identical to the previous one and specifying the date of adoption of each."

94. The Act is amended by inserting the following section after section 234.1:

"**234.2.** Before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 to a regional county municipality that is the responsible body with respect to an RCM plan applicable to a territory contiguous to the territory of the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec, the Minister must request that the metropolitan community give its opinion on the document submitted to the Minister.

Before giving an opinion under any of those sections to the Communauté métropolitaine de Québec or to a regional county municipality that is the responsible body with respect to an RCM plan applicable to part of the territory of the metropolitan community, the Minister must request an assessment from the Commission de la capitale nationale du Québec with respect to the document submitted.

The opinion or assessment requested under either of the first two paragraphs must be received by the Minister, respectively, within 45 or 60 days after the request is made, depending on whether the ministerial opinion is applied for under any of sections 51, 53.7 and 65 or either of sections 56.4 and 56.14. Despite section 47 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 38 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), the council of the metropolitan community may delegate to the executive committee the power to prepare the opinion requested by the Minister.

Aside from inconsistency with government policy directions referred to in the sections mentioned in the first paragraph, an objection or disapproval expressed by the Minister under any of those sections may be based on a reason set out in the opinion or assessment received by the Minister. For the purposes of the provisions that concern the process of amendment or revision of the RCM plan or an interim control by-law related to that process and that refer to consistency or inconsistency with government policy directions, that reference also includes the solution or lack of a solution offered to the problems raised in the opinion of the Minister based on the opinion or assessment received by the Minister.

The first four paragraphs do not apply when the Minister gives an opinion

(1) under section 53.7 on a replacement by-law referred to in the second paragraph of section 53.8;

(2) under section 53.7 if the proposed amendment to the RCM plan results from the application of any of sections 53.12 to 53.14;

(3) under section 56.14 in respect of a revised replacement RCM plan adopted pursuant to a request by the Minister under the second paragraph of that section; or

(4) under section 65 on a replacement interim control by-law adopted pursuant to a request by the Minister under the second paragraph of that section."

95. Section 236 of the Act is amended

(1) by replacing "secretary-treasurer" by "secretary";

(2) by replacing "the regional county municipality" by "the responsible body".

96. Section 237.2 of the Act is amended

(1) by replacing "land use planning and development" in the first paragraph by "RCM";

(2) by replacing "secretary-treasurer" in the third paragraph by "secretary".

97. Section 238 of the Act is amended by replacing "notice, assessment or decree made or passed" in the first paragraph by "decree, notice, opinion or assessment passed, made or given".

98. Section 239 of the Act is amended

(1) by replacing "a regional county municipality" in the first paragraph by "a responsible body";

(2) by replacing "notice, assessment or decree made or passed" in the first paragraph by "decree, notice, opinion or assessment passed, made or given";

(3) by replacing "regional county municipality" in the second paragraph by "responsible body".

99. Section 240 of the Act is replaced by the following section:

"**240.** The Minister may request from the Commission an assessment of the conformity, with a metropolitan plan, the objectives of an RCM plan, the provisions of a complementary document or a planning program, of any document with respect to which an application for an assessment may be filed with the Commission under this Act by the council of a responsible body or municipality or a qualified voter.

The Minister must request the assessment within the period prescribed by the provision entitling such a council or a qualified voter to apply to the Commission for an assessment of the same document. The request for an assessment has the same effect as an application filed by such a council or the required number of qualified voters, as the case may be."

100. Section 244 of the Act is amended

(1) by replacing "a regional county municipality" in the first paragraph by "a responsible body";

(2) by replacing "land use planning and development plan" in the first paragraph by "metropolitan plan or an RCM plan".

101. Section 246 of the Act is amended by replacing "land use planning and development plan" in the first paragraph by "metropolitan plan, an RCM plan".

102. The Act is amended by inserting the following section after section 246.1:

"**246.2.** To the extent provided for in the second paragraph and in addition to any sending or service provided for in another provision of this Act, a municipal body must send another municipal body, at the request of the latter and free of charge, a certified copy of any document in its archives or any information it is authorized to communicate that is directly or indirectly related to the other body's exercise of a power under this Act.

Certified copies or information may be sent under the first paragraph between a metropolitan community and a regional county municipality that is the responsible body with respect to an RCM plan applicable to part of the territory of the metropolitan community or between such a regional county municipality and a municipality to whose territory such an RCM plan applies."

103. Section 264 of the Act is replaced by the following section:

"**264.** Ville de Laval is subject both to the provisions of this Act, except Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council, the executive committee and the secretary of a regional county municipality shall be exercised in that city by the mayor, the council, the executive committee, and the clerk or any other officer designated for that purpose, respectively.

However,

(1) the examination of the conformity of the planning program or of a planning by-law with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) paragraphs 6 and 7 of section 84 and section 85 apply to the optional content of the RCM plan;

(3) section 85.1 applies to Ville de Laval as if its RCM plan were not in force;

(4) sections 114 and 117 apply, taking into account the procedure provided for in subsection 23 of section 51*a* of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), enacted for Ville de Laval by section 12 of the Charter of the City of Laval (1965, 1st session, chapter 89);

(5) subparagraph 2 of the second paragraph of section 113 applies with the addition of "where the RCM plan specifies development areas grouping one or more zones for which a special planning program has come into force, a development area may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum" at the end;

(6) Chapter V of Title I applies, with the possibility of establishing subcommittees of the planning advisory committee on the basis of existing planning sectors.

Subparagraphs 2 and 3 of the second paragraph cease to apply if a planning program comes into force in the territory of the city."

104. Section 264.0.1 of the Act is replaced by the following section:

"**264.0.1.** Ville de Mirabel is subject both to the provisions of this Act, except Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city by the mayor, the council and the clerk or any other officer designated for that purpose, respectively.

However,

(1) the examination of the conformity of the planning program or of a planning by-law with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) paragraphs 6 and 7 of section 84 and section 85 apply to the optional content of the RCM plan;

(3) section 85.1 applies to Ville de Mirabel as if its RCM plan were not in force;

(4) subparagraph 2 of the second paragraph of section 113 applies with the addition of "where the RCM plan specifies development areas grouping one or more zones for which a special planning program has come into force, a development area may be a territorial unit for the purposes of the provisions

of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum" at the end.

Subparagraphs 2 and 3 of the second paragraph cease to apply if a planning program comes into force in the territory of the city."

105. Section 264.0.2 of the Act is amended

(1) by replacing "secretary-treasurer" in the first paragraph by "secretary";

(2) by replacing "land use planning and development" in the second paragraph by "RCM";

(3) by striking out the third paragraph.

106. The Act is amended by inserting the following sections after section 264.0.2:

"**264.0.3.** Ville de Montréal is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, with the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Montréal (chapter C-11.4) relating to borough councils, by the mayor, the urban agglomeration council and the clerk, respectively.

However,

(1) the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) the examination of the conformity of a by-law adopted by a borough council with the city's RCM plan must be carried out in accordance with sections 137.2 to 137.8, with the necessary modifications and the modifications applicable under the second paragraph of section 133 of the Charter of Ville de Montréal.

All the functions devolved under this section to Ville de Montréal as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de Montréal is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Montréal.

"**264.0.4.** Ville de Québec is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Québec (chapter C-11.5) relating to borough councils, by the mayor, the urban agglomeration council and the clerk, respectively.

However,

(1) the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws, and a 15-day period applies rather than the 30-day period prescribed in the second paragraph of section 137.11;

(2) the examination of the conformity of a by-law adopted by a borough council with the city's RCM plan must be carried out in accordance with sections 137.2 to 137.8, with the necessary modifications and the modifications applicable under the third, fourth and fifth paragraphs of section 117 of the Charter of Ville de Québec.

All the functions devolved under this section to Ville de Québec as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de Québec is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Québec.

"**264.0.5.** Ville de Longueuil is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Longueuil (chapter C-11.3) relating to borough councils, by the mayor, the urban agglomeration council and the clerk, respectively.

However,

(1) the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) the examination of the conformity of a by-law adopted by a borough council with the city's RCM plan must be carried out in accordance with sections 137.2 to 137.8, with the necessary modifications and the modifications applicable under the second paragraph of section 74 of the Charter of Ville de Longueuil.

All the functions devolved under this section to Ville de Longueuil as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de Longueuil is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Longueuil.

"**264.0.6.** Ville de Lévis is subject both to the provisions of this Act, except Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Lévis (chapter C-11.2) relating to borough councils, by the mayor, the city council and the clerk, respectively.

However, the examination of the conformity of the planning program or of a planning by-law with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws.

"**264.0.7.** Municipalité des Îles-de-la-Madeleine is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that municipality by the mayor, the urban agglomeration council and the clerk, respectively.

However, the examination of the conformity of the planning program or by-law adopted by the municipal council with the municipality's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws.

All the functions devolved under this section to Municipalité des Îles-de-la-Madeleine as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In

accordance with that Act in particular, the territory of Municipalité des Îles-de-la-Madeleine is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Îles-de-la-Madeleine.

"**264.0.8.** Ville de La Tuque is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city by the mayor, the urban agglomeration council and the clerk, respectively.

However, the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws.

All the functions devolved under this section to Ville de La Tuque as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de La Tuque is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of La Tuque."

107. Section 267 of the Act is amended by replacing "documents, assessments" in the first paragraph by "guidelines, documents, assessments, opinions".

108. Section 267.1 of the Act is amended by adding the following paragraph at the end:

"Those obligations do not apply if the document in respect of which the opinion is given is a metropolitan plan or is related to a metropolitan plan."

109. Sections 267.2 and 267.3 of the Act are repealed.

110. The Act is amended by replacing "a land use planning and development" and "land use planning and development" wherever they appear in the following provisions by "an RCM" and "RCM", respectively:

(1) section 3;

(2) the beginning of section 6;

(3) the beginning of section 7;

(4) section 8;

(5) the first paragraph of section 33;

(6) both paragraphs of section 34;

(7) section 36;

(8) the first paragraph of section 38;

(9) section 40;

(10) section 45;

(11) the beginning of section 72;

(12) the second paragraph of section 75.9;

(13) the first paragraph of section 85.1;

(14) the first paragraph of section 98;

(15) the first and second paragraphs of section 102;

(16) the second paragraph of section 109.6;

(17) subparagraph 1 of the first paragraph of section 112.7;

(18) subparagraph 1 of the third paragraph of section 136.0.1;

(19) section 137.1; and

(20) section 265.

111. The Act is amended by replacing "regional county municipality" wherever it appears in the following provisions by "responsible body":

(1) the first paragraph of section 63;

(2) all four paragraphs of section 148.3;

(3) the first and third paragraphs of section 148.5;

(4) both paragraphs of section 148.6;

(5) the third paragraph of section 148.11;

(6) section 148.12;

(7) both paragraphs of section 148.13;

(8) the second paragraph of section 165;

(9) the first paragraph of section 229;

(10) both paragraphs of section 231;

(11) the second paragraph of section 232;

(12) section 233;

(13) section 237;

(14) the first paragraph of section 238; and

(15) section 246.1.

112. The Act is amended by replacing "secretary-treasurer" wherever it appears in the following provisions by "secretary":

(1) the first paragraph of section 44;

(2) the third paragraph of section 59.2;

(3) section 79.3;

(4) the second paragraph of section 79.4;

(5) the second paragraph of section 79.7;

(6) section 79.11;

(7) the fourth paragraph of section 79.13;

(8) the second paragraph of section 79.16;

(9) the third and fourth paragraphs of section 109.7;

(10) the second paragraph of section 109.10;

(11) the second and third paragraphs of section 109.12;

(12) the third and fourth paragraphs of section 137.3;

(13) the second paragraph of section 137.6;

(14) the second and third paragraphs of section 137.8;

(15) the first paragraph of section 165.4.12; and

(16) subparagraph 2 of the second paragraph of section 198.

113. The Act is amended by replacing "development plan" wherever it appears in the following provisions by "RCM plan":

(1) the first and fourth paragraphs of section 59.2;

(2) the first paragraph of section 59.3;

(3) the second and fourth paragraphs of section 59.4;

(4) the first paragraph of section 79.12;

(5) the first paragraph of section 79.13;

(6) both paragraphs of section 79.14;

(7) all three paragraphs of section 79.15;

(8) the first paragraph of section 79.16;

(9) subparagraph 1 of the second paragraph of section 79.20;

(10) the first paragraph of section 109.7;

(11) the first paragraph of section 109.8;

(12) the first paragraph of section 109.10;

(13) section 109.11;

(14) the fifth paragraph of section 109.12;

(15) the first paragraph of section 110;

(16) section 110.1;

(17) the fourth paragraph of section 110.4;

(18) the first paragraph of section 137.4;

(19) the second and fourth paragraphs of section 137.5;

(20) the first paragraph of section 137.6;

(21) section 137.7;

(22) the fifth paragraph of section 137.8; and

(23) the first paragraph of section 137.15.

114. The Act is amended by replacing "land use planning and development" wherever it appears in the following provisions by "RCM":

(1) the fourth paragraph of section 85.1;

(2) the third paragraph of section 102; and

(3) the second paragraph of section 237.2.

115. The Act is amended by replacing "notice" and "a notice" wherever they appear in the following provisions by "opinion" and "an opinion", respectively:

(1) the first paragraph of section 66;

(2) the second paragraph of section 75.6;

(3) the first and second paragraphs of section 151;

(4) the first paragraph of section 152;

(5) the second and third paragraphs of section 165.2;

(6) the first paragraph of section 165.3; and

(7) the first paragraph of section 165.4.

116. The Act is amended by replacing "opinion", "opinion on" and "its opinion on" wherever they appear in the following provisions by "assessment", "assessment of" and "an assessment of", respectively:

(1) the first paragraph of section 79.12;

(2) all four paragraphs of section 79.13;

(3) the second paragraph of section 79.14; and

(4) the third paragraph of section 79.15.

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

117. Section 30 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended

(1) by replacing "the land use planning and development plans and planning program" in subparagraph 2 of the second paragraph by "the metropolitan land use and development plan, RCM land use and development plans and planning programs";

(2) by inserting "2.24," after "sections" in subparagraph 2 of the second paragraph.

CHARTER OF VILLE DE QUÉBEC

118. Section 114 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is repealed.

119. Section 116 of Schedule C to the Charter is repealed.

120. Section 190 of Schedule C to the Charter is repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

121. Section 119 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by striking out paragraph 1.

122. The Act is amended by inserting the following section after section 119:

"**119.1.** The Community is the responsible body under the Act respecting land use planning and development (chapter A-19.1) with respect to a metropolitan land use and development plan."

123. Division II of Chapter III of the Act, comprising sections 126 to 149.1, is repealed.

124. Section 150 of the Act is replaced by the following section:

"**150.** The Community must have a general economic development plan for its territory."

125. Section 237.1 of the Act is repealed.

126. Sections 264, 265.1 and 265.2 of the Act are repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

127. Section 112 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by striking out paragraph 1.

128. The Act is amended by inserting the following section after section 112:

"**112.1.** The Community is the responsible body under the Act respecting land use planning and development (chapter A-19.1) with respect to a metropolitan land use and development plan."

129. Division II of Chapter III of the Act, comprising sections 118 to 142, is repealed.

130. Section 143 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"**143.** The Community must have a general economic development plan for its territory.";

(2) by replacing "The decision to adopt the" in the first line of the second paragraph by "All decisions relating to the";

(3) by striking out the third and fourth paragraphs.

131. Sections 226, 227, 229 and 230 of the Act are repealed.

FOREST ACT

132. Section 124.7 of the Forest Act (R.S.Q., chapter F-4.1) is amended by adding the following paragraph after the second paragraph:

"For the purposes of the first paragraph and sections 124.14 and 124.15, a metropolitan community all or part of whose territory is comprised in the territory of an agency is considered to be a municipality."

133. Section 124.18 of the Act is amended by replacing the third paragraph by the following paragraph:

"For the purposes of the second paragraph and sections 124.19 to 124.23,

(1) the following are considered to be regional county municipalities:

(*a*) Ville de Gatineau, Ville de Laval, Ville de Mirabel and Ville de Lévis;

(*b*) Ville de Montréal, Ville de Québec and Ville de Longueuil; and

(*c*) the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec, from the coming into force of their first metropolitan land use and development plan;

(2) the territory of a municipality listed in subparagraph *b* of subparagraph 1 is deemed to correspond to the urban agglomeration provided for in any of sections 4 to 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), and the council by which the municipality acts is its urban agglomeration council constituted under that Act; and

(3) any reference to a land use planning and development plan or the objectives of such a plan is deemed to be a reference to the metropolitan land use and development plan of a community."

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

134. Section 21.7 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1) is amended by replacing "schéma" in the third paragraph in the French text by "plan".

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE, DE L'INNOVATION ET DE L'EXPORTATION

135. Section 90 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01) is amended by replacing "schéma" in subparagraph 2 of the second paragraph in the French text by "plan".

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

136. Section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) is amended by replacing the third paragraph by the following paragraphs:

"For the purposes of this Act, the following are considered to be regional county municipalities:

(1) Ville de Gatineau, Ville de Laval, Ville de Mirabel and Ville de Lévis; and

(2) Ville de Montréal, Ville de Québec and Ville de Longueuil.

When a municipality listed in subparagraph 2 of the third paragraph is considered to be a regional county municipality, its territory is deemed to correspond to the urban agglomeration provided for in any of sections 4 to 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), and the council by which the municipality acts is its urban agglomeration council constituted under that Act."

137. Section 58.4 of the Act is amended

(1) by replacing the second "or" in the first paragraph by a comma;

(2) by striking out the second and third sentences of the first paragraph;

(3) by replacing ", the provisions of the complementary document" in the third paragraph by "and the provisions of the complementary document or the metropolitan land use and development plan".

138. Section 59 of the Act is amended

(1) by replacing "land use planning and development plan" in subparagraph 2 of the third paragraph by "RCM land use and development plan, in the metropolitan land use and development plan";

(2) by inserting "ou plan" after "tel schéma" in subparagraph 2 of the third paragraph in the French text;

(3) by replacing the fifth paragraph by the following paragraph:

"However, an application that relates to a proposed amendment or revision of the RCM land use and development plan or the metropolitan land use and development plan may only be made from the day the draft amendment or draft revised plan may be adopted under, as the case may be, the second paragraph of section 53.5 or the second paragraph of section 56.6 of the Act respecting land use planning and development (chapter A-19.1)."

139. Section 62 of the Act is amended by replacing "land use planning and development plan and with the provisions of the complementary document" in subparagraph 1 of the third paragraph by "RCM land use and development plan and the provisions of the complementary document or with the metropolitan land use and development plan".

140. Section 65.1 of the Act is amended by replacing "land use planning and development plan" at the end of the second paragraph by "RCM land use and development plan or the metropolitan land use and development plan".

141. Section 67 of the Act is amended by replacing "land use planning and development plan" in the third paragraph by "RCM land use and development plan or its metropolitan land use and development plan".

142. Section 69.1 of the Act is amended

(1) by replacing "land use planning and development plan" in the first paragraph by "RCM land use and development plan or a metropolitan land use and development plan";

(2) by replacing "date of adoption of the plan" in the third paragraph by "date of adoption of the RCM land use and development plan or the metropolitan land use and development plan".

143. Section 69.4 of the Act is amended by replacing "land use planning and development plan" by "RCM land use and development plan or the metropolitan land use and development plan".

144. Section 79.1 of the Act is amended

(1) by replacing "revised land use planning and development plan" in the second paragraph by "revised RCM land use and development plan or revised metropolitan land use and development plan";

(2) by replacing "a land use planning and development plan" in the second paragraph by "an RCM land use and development plan or a metropolitan land use and development plan".

145. Section 79.6 of the Act is amended by striking out "or the community" in the first paragraph.

146. Section 79.7 of the Act is amended

(1) by striking out "or the chairman of the community" in the first paragraph;

(2) by striking out "the chairman or" in the third paragraph.

147. Section 79.14 of the Act is amended by striking out ", the chairman of the community".

148. Section 98 of the Act is amended by replacing "any provision of a land use planning and development plan" in the second paragraph by "any incompatible provision of a metropolitan land use and development plan, an RCM land use and development plan,".

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

149. Section 25 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) is amended by replacing the third paragraph by the following paragraphs:

"For the purposes of section 23 and the first paragraph, the following are considered to be regional county municipalities:

(1) Ville de Gatineau, Ville de Laval, Ville de Mirabel and Ville de Lévis; and

(2) Ville de Montréal, Ville de Québec and Ville de Longueuil.

When a municipality listed in subparagraph 2 of the third paragraph is considered to be a regional county municipality, its territory is deemed to correspond to the urban agglomeration provided for in any of sections 4 to 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) and the council by which the municipality acts is its urban agglomeration council constituted under that Act.

For the purposes of section 23, the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec are considered to be regional county municipalities from the coming into force of their first metropolitan land use and development plan. In that section, any reference to the land use planning and development plan is deemed to be a reference to the metropolitan land use and development plan."

ACT RESPECTING OFF-HIGHWAY VEHICLES

150. Section 12 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2), amended by section 4 of chapter 18 of the statutes of 2009, is again amended by replacing "land use planning" in paragraph 4 by "land use".

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

151. Section 247 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), amended by section 227 of chapter 25 of the statutes of 2001, section 112 of chapter 68 of the statutes of 2001, section 262 of chapter 37 of the statutes of 2002 and section 52 of chapter 68 of the statutes of 2002, is again amended by striking out the first and second paragraphs.

152. Section 248 of the Act, amended by section 228 of chapter 25 of the statutes of 2001, section 113 of chapter 68 of the statutes of 2001, section 263 of chapter 37 of the statutes of 2002, sections 44 and 52 of chapter 68 of the statutes of 2002 and section 236 of chapter 19 of the statutes of 2003, is again amended by striking out the first and second paragraphs.

153. Section 249 of the Act, amended by section 229 of chapter 25 of the statutes of 2001, section 114 of chapter 68 of the statutes of 2001, section 264 of chapter 37 of the statutes of 2002 and section 52 of chapter 68 of the statutes of 2002, is again amended by striking out the first and second paragraphs.

154. Section 250 of the Act, amended by section 230 of chapter 25 of the statutes of 2001, section 115 of chapter 68 of the statutes of 2001, section 265 of chapter 37 of the statutes of 2002, sections 45 and 52 of chapter 68 of the statutes of 2002 and section 123 of chapter 60 of the statutes of 2006, is again amended by striking out the first and second paragraphs.

SUSTAINABLE FOREST DEVELOPMENT ACT

155. Section 138 of the Sustainable Forest Development Act (2010, chapter 3) is amended by adding the following paragraph after the second paragraph:

"For the purposes of the first paragraph and sections 146 and 147, a metropolitan community all or part of whose territory is included in that of an agency is regarded as a municipality."

156. Section 150 of the Act is amended by replacing the third paragraph by the following paragraph:

"For the purposes of the second paragraph and sections 151 to 156,

(1) the following are regarded as regional county municipalities:

(*a*) Ville de Gatineau, Ville de Laval, Ville de Mirabel and Ville de Lévis;

(*b*) Ville de Montréal, Ville de Québec and Ville de Longueuil; and

(*c*) the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec, from the coming into force of their first respective metropolitan land use and development plans;

(2) the territory of a municipality mentioned in subparagraph *b* of paragraph 1 is deemed to correspond to the urban agglomeration provided for in any of sections 4 to 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) and the council by which the municipality acts is its urban agglomeration council constituted under that Act;

(3) any reference to a land use planning and development plan or its objectives is deemed to apply to the metropolitan land use and development plan of a metropolitan community."

OTHER AMENDING PROVISIONS

157. Section 24 of Order in Council 1043-2001 (2001, G.O. 2, 5111), concerning Municipalité des Îles-de-la-Madeleine, amended by section 50 of chapter 68 of the statutes of 2002, is again amended by striking out the first and second paragraphs.

158. Section 29 of Order in Council 371-2003 (2003, G.O. 2, 1339), concerning Ville de La Tuque, is amended

(1) by striking out the first and second paragraphs;

(2) by replacing "third" in the third line of the fifth paragraph by "first".

TRANSITIONAL AND FINAL PROVISIONS

159. For the purposes of sections 160 to 170,

(1) except in the title of an Act, "Act" means the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) the words defined in section 1 of that Act, amended by section 1, have the meaning given to them by those definitions;

(3) the words "regional county municipality" mean any body responsible, under that Act, a charter, another law or an order, for maintaining an RCM plan in force.

160. For the purposes of sections 238 and 239 of the Act, amended by sections 98 and 111, any period prescribed by any of sections 162 to 168 is considered to be a period prescribed by a provision of the Act.

161. A metropolitan community's strategic vision statement referred to in subparagraph 9 of the first paragraph of section 5 of the Act, struck out by section 5, and in force on 1 June 2010 is deemed to have been adopted under section 2.20 of the Act, enacted by section 3.

The acts performed by the metropolitan community to adopt that statement under any of sections 131 to 136 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) or sections 123 to 128 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02), as they existed before being repealed by sections 123 and 129, are deemed to have been performed under the corresponding provision of any of sections 2.4 to 2.16 of the Act, enacted by section 3.

162. In the case of a regional county municipality no part of whose territory is situated within the territory of a metropolitan community, the first strategic vision statement provided for in section 2.3 of the Act, enacted by section 3, must be adopted, at the latest during the first period of revision of the RCM plan beginning after 18 December 2002.

163. The provisions of the Act that relate to a revised metropolitan plan, in particular those concerning the revision process, interim control related to that process and the effects of the revision, also apply to the first metropolitan plan of each metropolitan community.

However, for the purposes of those provisions,

(1) the revision period provided for in section 55 of the Act is deemed to have begun on the day of the passage of the resolution provided for in section 129 of the Act respecting the Communauté métropolitaine de Montréal or section 121 of the Act respecting the Communauté métropolitaine de Québec, as the case may be;

(2) not later than 30 April 2011, the council of the metropolitan community must adopt a draft metropolitan plan that is deemed to constitute both the first and second drafts provided for in sections 56.3 and 56.6 of the Act; the second and third paragraphs of section 56.3 and sections 56.4, 56.7 to 56.12.2 and 56.12.5 to 56.12.7 of the Act apply to that draft metropolitan plan, with the necessary modifications;

(3) the by-law establishing the metropolitan plan must be adopted under section 56.13 of the Act not later than 31 December 2011.

A reference to provisions of the Act in this section is a reference to those provisions as amended or enacted by sections 18 and 20. A reference to the provisions of the Act respecting the Communauté métropolitaine de Montréal or the Act respecting the Communauté métropolitaine de Québec in this section is a reference to those provisions as they existed before being repealed by sections 123 and 129.

164. A metropolitan perimeter delimited under the third paragraph of section 2.24 of the Act, enacted by section 3, may not exclude, on the date of coming into force of the first metropolitan plan, any part of the territory of the metropolitan community which, on 30 April 2011, is situated within an urbanization perimeter determined in an RCM plan.

165. The first biennial report provided for in section 2.26 of the Act, enacted by section 3, must be adopted by a metropolitan community not later than three years after the coming into force of its first metropolitan plan.

166. A person who is an officer or an employee of a metropolitan community on 1 June 2010 and who became an officer or employee by reason of section 265.1 of the Act respecting the Communauté métropolitaine de Montréal or section 229 of the Act respecting the Communauté métropolitaine de Québec does not cease to hold the position and will not be given new work conditions solely because that provision is repealed by section 126 or 131.

An agreement on the sharing of the services of an officer or an employee in force on 1 June 2010 and entered into under section 265.2 of the Act respecting the Communauté métropolitaine de Montréal or section 230 of the Act respecting the Communauté métropolitaine de Québec will not cease to have effect solely because that provision is repealed by section 126 or 131.

167. Sections 53.11.7 to 53.11.14, the fourth sentence of the third paragraph of section 53.12 and sections 57.4 to 57.8 of the Act, enacted by sections 16 and 21, have effect in respect of an RCM plan applicable to part of the territory of the metropolitan community from the coming into force of the first metropolitan plan of that community.

168. Until the coming into force of the first metropolitan plan of a metropolitan community, the Minister, before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 of the Act to a regional county municipality with respect to an RCM plan applicable to a part of the territory of the metropolitan community, must request that the latter give its opinion on the document submitted to the Minister.

The opinion of the metropolitan community must be received by the Minister, respectively, within 45 or 60 days after it is applied for, depending on whether the ministerial opinion is applied for under section 51, 53.7 or 65

of the Act, or under section 56.4 or 56.14 of the Act. Despite section 47 of the Act respecting the Communauté métropolitaine de Montréal or section 38 of the Act respecting the Communauté métropolitaine de Québec, as the case may be, the council of the metropolitan community may delegate to the executive committee the power to prepare the opinion requested by the Minister.

Aside from inconsistency with the government policy directions referred to in the sections mentioned in the first paragraph, an objection or disapproval expressed by the Minister under any of those sections may be based on a reason set out in the opinion of the metropolitan community. For the purposes of the provisions of the Act that concern the process of amendment or revision of the RCM plan or an interim control by-law related to that process and that refer to consistency or inconsistency with government policy directions, that reference also comprises the solution or lack of a solution offered to the problems raised in the ministerial opinion and based on the opinion of the metropolitan community.

The first three paragraphs do not apply when the Minister gives an opinion

(1) under section 53.7 of the Act on a replacement by-law referred to in the second paragraph of section 53.8 of the Act;

(2) under section 53.7 of the Act if the proposed amendment to the RCM plan arises from the application of any of sections 53.12 to 53.14 of the Act;

(3) under section 56.14 of the Act on a by-law enacting a revised replacement RCM plan adopted pursuant to a request by the Minister under the second paragraph of that section; or

(4) under section 65 of the Act on a replacement interim control by-law adopted pursuant to a request by the Minister under the second paragraph of that section.

A reference in this section to the provisions of the Act is a reference to the provisions as amended by sections 14, 16, 20 and 36.

169. The planning programs and by-laws provided for in the Act that were adopted by the municipalities to which Ville de Gatineau succeeded and that were in force on 31 December 2001 have constituted the planning program and the by-laws of Ville de Gatineau since 1 January 2002 and continue to constitute them until being replaced or repealed by the council of the city.

170. Sections 77 and 79 of the Act, repealed by section 47, continue to apply for the purpose of completing any process underway on 1 June 2010 under those repealed provisions.

171. Despite the repeal of section 190 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) by section 120, Ville de Québec continues to be a member of the Agence des forêts privées de Québec 03, established under the Forest Act (R.S.Q., chapter F-4.1), until 31 August 2010.

The first paragraph does not prevent the city from applying for and obtaining admission as a member of the agency before that date, under the admission process prescribed under that Act. The city will then become a member in good standing rather than an *ex officio* member of the agency, which is the status temporarily maintained under the first paragraph.

172. This Act comes into force on 2 June 2010, except

(1) section 155, which comes into force on 1 April 2013 or on the earlier date set by the Government for the coming into force of section 138 of the Sustainable Forest Development Act (2010, chapter 3); and

(2) section 156, which comes into force on 1 April 2013 or on the earlier date set by the Government for the coming into force of section 150 of the Sustainable Forest Development Act.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-NINTH LEGISLATURE

Bill 101
(2010, chapter 11)

An Act to amend the Act respecting the Pension Plan of Management Personnel and other legislation establishing pension plans in the public sector

Introduced 11 May 2010
Passed in principle 18 May 2010
Passed 27 May 2010
Assented to 2 June 2010

Québec Official Publisher
2010

EXPLANATORY NOTES

This Act contains various amendments to the Acts establishing three different pension plans to clarify the definition of an employee's pensionable salary, particularly with respect to periods of absence during which an employee receives benefits under a mandatory long-term salary insurance plan. It also provides specifics concerning the payment of contributions by insurers and the resulting service credited to employees.

Under the Act, the employees of a research centre in the health and social services network may become members of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel if, jointly with the employer, they elect to do so.

Lastly, various technical, consequential and transitional amendments are introduced to simplify the administration of the public sector pension plans.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);

– Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

– Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

Bill 101

AN ACT TO AMEND THE ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL AND OTHER LEGISLATION ESTABLISHING PENSION PLANS IN THE PUBLIC SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 19 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by replacing "shall apply and thereafter, the insurer shall pay the contributions that would have been paid by the person in respect of the employment and the contributions shall be credited to the account of the person" by "and the first and third paragraphs of section 34.1 shall apply to that person".

2. Section 19.2 of the Act is amended by adding the following sentence at the end: "The second and third paragraphs of section 34.1 apply to that attorney."

3. Section 20 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to employees of a research centre within the meaning of section 22.2."

4. Section 21 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to the employees of a research centre within the meaning of section 22.2."

5. The Act is amended by inserting the following sections after section 22:

"**22.1.** The plan applies to employees, other than the employees referred to in the second paragraph, who hold employment in a research centre within the meaning of section 22.2 and whose remuneration is paid out of the centre's budget, if both the employer and the employees so elect by means of polls held in accordance with sections 6.1 and 7 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

Employees who, on 31 December 2009, contribute to the plan for employment held in the research centre or who, on that date, would have contributed to the plan for such employment had they not been absent

without pay, receiving salary insurance benefits or on maternity leave and those to whom the plan, if it became applicable, would not apply by reason of the regulation made under subparagraph 3 of the first paragraph of section 3 may not make an election for the purposes of the first paragraph.

The plan applies to the extent provided for in this chapter from the date determined in section 8 of the Act respecting the Government and Public Employees Retirement Plan.

"**22.2.** A research centre is a research centre, research institute, research structure or any other organization that makes the participation in research activities possible that is described in section 88, 89, 90 or 91 of the Act respecting health services and social services (chapter S-4.2) and is managed by the employer defined in the second paragraph.

The employer of the employees who hold non-unionizable employment designated in Schedule I in a research centre, with the corresponding classification, and whose remuneration is paid out of the centre's budget is, for the purposes of this Act, one or more institutions described in section 88, 89, 90 or 91 of the Act respecting health services and social services or a non-profit legal person created by such an institution or such institutions for the purpose of managing a research centre and all the researchers deemed self-employed workers who work in the research centre, whether they are grouped together in a juridical form or not."

6. Section 25 of the Act is replaced by the following section:

"**25.** The pensionable salary of an employee is the basic salary paid to the employee in the course of a calendar year.

The pensionable salary of an employee on maternity leave is the basic salary to which the employee would have been entitled if she had not taken maternity leave.

The pensionable salary of an employee on adoption leave is the basic salary the employee would have been entitled to receive had the employee not been on adoption leave for the period during which the employee receives benefits, or would receive benefits if the employee had applied for them, under the Québec parental insurance plan established by the Act respecting parental insurance (chapter A-29.011) or the employment insurance plan established by the Employment Insurance Act (Statutes of Canada, 1996, chapter 23).

The pensionable salary of an employee during a period of absence covered by salary insurance is the basic salary the employee would have been entitled to receive if the employee had been at work.

Despite the fourth paragraph, the pensionable salary of an employee or a person who receives benefits under the mandatory basic long-term salary insurance plan applicable to management personnel in the public and parapublic sectors, the mandatory supplementary salary insurance plan applicable to criminal and penal prosecuting attorneys, the mandatory long-term disability insurance plan applicable to employees of the Caisse de dépôt et placement du Québec or the mandatory long-term salary insurance plan of the Commission des services juridiques is, from the 105th week, the pensionable salary established at the end of the 104th week of disability. The pensionable salary is then adjusted annually according to the conditions set out in the insurance contract.

Despite the fourth paragraph, the pensionable salary of an employee who receives benefits under the long-term salary insurance plan applicable to full-time permanent management and non-unionized staff of the Société des alcools du Québec or any of the supplementary insurance plans provided for in the agreements entered into with the Fédération des médecins omnipraticiens du Québec, the Fédération des médecins spécialistes du Québec, the Association des chirurgiens dentistes du Québec or the Association des optométristes du Québec is, from the 157th week, the pensionable salary established at the end of the 156th week of disability. The pensionable salary is then adjusted annually according to the conditions set out in the insurance contract.

Unless included by government regulation, bonuses, allowances, compensations and other additional remuneration are not included in the basic salary."

7. Section 28 of the Act is amended by replacing "third" by "last".

8. Section 34 of the Act is amended by striking out the third paragraph.

9. The Act is amended by inserting the following section after section 34:

"**34.1.** The contributions of an employee covered by the mandatory basic long-term salary insurance plan applicable to management personnel in the public and parapublic sectors are paid into the plan by the insurer until the date set in the insurance contract.

The contributions of an employee covered by any other mandatory salary insurance plan in force on 31 December 2009 that provides, on that date, that the insurer pay the contributions into the plan are paid until the employee reaches the age of 65 or retires, whichever comes first.

The days and parts of a day of a period during which the insurer pays the contributions into the plan on behalf of the employee are credited to the employee in respect of the employment giving the employee entitlement to salary insurance benefits."

10. The Act is amended by inserting the following sections after section 152:

"**152.1.** An employee who is a member of the plan and has held employment in a research centre is entitled, if the employee applies for it, to be credited, for pension purposes under this plan, with the service accumulated in that research centre after 3 September 1991 and before the date on which the employee began contributing to the plan for employment held in the research centre if, on the date of the application for redemption, the centre is a research centre within the meaning of section 22.2 and if the centre is a party to the plan.

To be credited with all or part of that service, the employee is required to pay to the Commission the amount determined under the tariff established by regulation, on the basis of the pensionable salary at the time of receipt of the employee's application for redemption, according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the employee's age, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions governing the application of the tariff. If the employee applies to have only part of that service credited, the most recent service is credited first.

For the purposes of the second paragraph, the pensionable salary of an employee who, at the time of the receipt of his or her application for redemption, participates in the plan but does not hold pensionable employment is established by regulation. This rule also applies to the establishment of the pensionable salary of an employee who retires on the day following the day on which the employee ceases to participate in the plan and applies simultaneously for a pension and for credit for a period between the dates specified in this section.

"**152.2.** The amount established under section 152.1 is payable in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate provided for in Schedule VIII in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

"**152.3.** Divisions I and III of Chapter VI of Title I of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) do not apply to employees of a research centre within the meaning of section 22.2. Moreover, they do not apply to employees who are members of the plan with respect to past service in a research centre within the meaning of section 22.2."

11. Section 178 of the Act is amended by replacing the second paragraph by the following paragraph:

"All sums bear interest until the date of the transfer, according to the terms provided for in section 206."

12. Section 196 of the Act is amended by replacing "and 146" by ", 146 and 152.1" in subparagraph 5.1 of the first paragraph.

13. Section 203 of the Act is amended by adding the following paragraph at the end:

"A transfer agreement referred to in the first paragraph may not be entered into with respect to all or part of the years of service counted under the pension plan applicable in a research centre within the meaning of section 22.2 of which the employee was a member."

14. Schedule II to the Act is amended by inserting the following paragraphs after paragraph 3:

"(3.1) THE EMPLOYEES OF A RESEARCH CENTRE WITHIN THE MEANING OF SECTION 22.2 WHO, ON 31 DECEMBER 2009, CONTRIBUTE TO THE PLAN FOR EMPLOYMENT HELD IN THE RESEARCH CENTRE OR WHO, ON THAT DATE, WOULD HAVE CONTRIBUTED TO THE PLAN FOR SUCH EMPLOYMENT HAD THEY NOT BEEN ABSENT WITHOUT PAY, RECEIVING SALARY INSURANCE BENEFITS OR ON MATERNITY LEAVE, AND THE EMPLOYEES WHO, BEFORE 31 DECEMBER 2009 BUT AFTER 3 SEPTEMBER 1991, CONTRIBUTED TO THE PLAN FOR EMPLOYMENT HELD IN THE RESEARCH CENTRE

"(3.2) THE EMPLOYEES OF A RESEARCH CENTRE WITHIN THE MEANING OF SECTION 22.2 WHO ARE APPOINTED OR ENGAGED AFTER 31 DECEMBER 2009 IN A RESEARCH CENTRE WHERE, ON THAT DATE, ALL EMPLOYEES CONTRIBUTE TO THIS PLAN OR TO THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

"(3.3) THE EMPLOYEES OF A RESEARCH CENTRE WITHIN THE MEANING OF SECTION 22.2 WHERE POLLS FAVOURABLE TO THE MEMBERSHIP OF EMPLOYEES WERE HELD UNDER SECTION 22.1, AND THE EMPLOYEES APPOINTED OR ENGAGED AFTER THE LAST OF THESE POLLS WERE HELD".

15. Schedule IV to the Act is amended by adding the following at the end:

"the employers of the employees of the research centres within the meaning of section 22.2".

16. Section 9 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is replaced by the following section:

"**9.** The pensionable salary of an employee is the basic salary paid to the employee in the course of a calendar year.

The pensionable salary of an employee on maternity leave is the basic salary to which she would have been entitled if she had not taken maternity leave.

The pensionable salary of an employee on adoption leave is the basic salary the employee would have been entitled to receive if the employee had not been on adoption leave for the period during which the employee receives benefits, or would receive benefits if the employee had applied for them, under the Québec parental insurance plan established by the Act respecting parental insurance (chapter A-29.011) or the employment insurance plan established by the Employment Insurance Act (Statutes of Canada, 1996, chapter 23).

The pensionable salary of an employee during a period of absence covered by salary insurance is the basic salary the employee would have been entitled to receive if the employee had been at work.

Despite the fourth paragraph, the pensionable salary of an employee or person who receives benefits under the mandatory basic long-term salary insurance plan applicable to management personnel in the public and parapublic sectors or a mandatory supplementary salary insurance plan referred to in section 20 is, from the 105th week, the pensionable salary established at the end of the 104th week of disability. The pensionable salary is then adjusted annually according to the conditions set out in the insurance contract.

Unless included by government regulation, bonuses, allowances, compensations and other additional remuneration are not included in the basic salary."

17. Section 13 of the Act is amended by replacing "third" by "last".

18. Section 18 of the Act is amended by striking out the third paragraph.

19. The Act is amended by inserting the following section after section 18:

"**18.1.** The contributions of an employee covered by the mandatory basic long-term salary insurance plan applicable to management personnel in the public and parapublic sectors are paid into the plan by the insurer until the date set in the insurance contract.

The contributions of an employee covered by a mandatory supplementary salary insurance plan referred to in section 20, that is in force on 31 December 2009 and that provides on that date that the insurer pay the contributions into the plan, are paid until the employee reaches the age of 65 or retires, whichever comes first.

The days and parts of a day of a period during which the insurer pays the contributions into the plan on behalf of the employee are credited to the employee in respect of the employment giving the employee entitlement to salary insurance benefits."

20. Section 20 of the Act is amended by adding the following sentence at the end of the second paragraph: "The second and third paragraphs of section 18.1 apply to the person described in the first paragraph of this section."

21. Section 135 of the Act is amended by replacing "from the midpoint of the year in which they were paid" in the second paragraph by ", computed according to the conditions set out in the second and third paragraphs of section 72,".

22. Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by adding ", except an employee of a research centre within the meaning of section 6.2" at the end of paragraph 1.

23. Section 6 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to employees of a research centre within the meaning of section 6.2."

24. The Act is amended by inserting the following sections after section 6:

"**6.1.** The plan applies to employees, other than the employees referred to in the second paragraph, who hold employment in a research centre within the meaning of section 6.2 and whose remuneration is paid out of the centre's budget, if both the employer and the employees so elect by means of a poll.

Employees who, on 31 December 2009, contribute to the plan for employment held in a research centre or who, on that date, would have contributed to the plan for such employment had they not been absent without pay, receiving salary insurance benefits or on maternity leave, those who, on the date of the poll of the employees, are included in one of the four bargaining units constituted under the Act respecting bargaining units in the social affairs sector (chapter U-0.1) and those to whom the plan, if it became applicable, would not apply by reason of the regulation made under paragraph 3 of section 4 may not make an election for the purposes of the first paragraph.

The employees may hold a poll only after a favourable vote by the employer. The other rules governing the holding of a poll by the employees and by the employer are prescribed by regulation.

"**6.2.** A research centre is a research centre, research institute, research structure or any other organization that makes the participation in research activities possible that is described in section 88, 89, 90 or 91 of the Act respecting health services and social services (chapter S-4.2) and is managed by the employer defined in the second paragraph.

The employer of the employees who hold pensionable employment under this plan in a research centre and whose remuneration is paid out of the centre's budget is, for the purposes of this Act, one or more institutions described in section 88, 89, 90 or 91 of the Act respecting health services and social services or a non-profit legal person created by such an institution or such institutions for the purpose of managing a research centre and all the researchers deemed self-employed workers who work in the research centre, whether they are grouped together in a juridical form or not."

25. Section 7 of the Act is replaced by the following section:

"**7.** In no case may the employees referred to in section 6 or 6.1 who, following their respective polls, have maintained their membership in the supplemental pension plan or chosen not to become members of this plan or the Pension Plan of Management Personnel hold another poll under those sections to elect to become members of this plan or the Pension Plan of Management Personnel before 12 months after the date of their last poll.

Any new poll held by the employees referred to in section 6.1 may be held only after a favourable vote by the employer. The favourable vote must be obtained not more than three months before the date on which the employees hold a new poll."

26. Section 8 of the Act is amended by inserting "or 6.1" after "6".

27. Section 14 of the Act is replaced by the following section:

"**14.** The pensionable salary of an employee is the basic salary paid to the employee in the course of a calendar year.

The pensionable salary of an employee on maternity leave is the basic salary to which the employee would have been entitled if she had not taken maternity leave.

The pensionable salary of an employee on adoption leave is the basic salary the employee would have been entitled to receive if the employee had not been on adoption leave for the period during which the employee receives benefits, or would receive benefits if the employee had applied for them, under the Québec parental insurance plan established by the Act respecting

parental insurance (chapter A-29.011) or the employment insurance plan established by the Employment Insurance Act (Statutes of Canada, 1996, chapter 23).

The pensionable salary of an employee during a period of absence covered by salary insurance is the basic salary the employee would have been entitled to receive if the employee had been at work.

Despite the fourth paragraph, the pensionable salary of an employee or person who receives benefits under the mandatory basic long-term salary insurance plan applicable to management personnel in the public and parapublic sectors, the mandatory supplementary salary insurance plan applicable to criminal and penal prosecuting attorneys, the mandatory long-term disability insurance plan applicable to employees of the Caisse de dépôt et placement du Québec or the mandatory long-term salary insurance plan of the Commission des services juridiques is, from the 105th week, the pensionable salary established at the end of the 104th week of disability. The pensionable salary is then adjusted annually according to the conditions set out in the insurance contract.

Despite the fourth paragraph, the pensionable salary of an employee who receives benefits under the long-term salary insurance plan applicable to full-time permanent management and non-unionized staff of the Société des alcools du Québec or any of the supplementary insurance plans provided for in the agreements entered into with the Fédération des médecins omnipraticiens du Québec, the Fédération des médecins spécialistes du Québec, the Association des chirurgiens dentistes du Québec or the Association des optométristes du Québec is, from the 157th week, the pensionable salary established at the end of the 156th week of disability. The pensionable salary is then adjusted annually according to the conditions set out in the insurance contract.

Unless included by government regulation, bonuses, allowances, compensations and other additional remuneration are not included in the basic salary."

28. Section 17 of the Act is amended by replacing "third" by "last".

29. Section 21 of the Act is amended by striking out the third paragraph.

30. The Act is amended by inserting the following section after section 21:

"**21.0.1.** The contributions of an employee covered by the mandatory basic long-term salary insurance plan applicable to management personnel in the public and parapublic sectors are paid into the plan by the insurer until the date set in the insurance contract.

The contributions of an employee covered by any other mandatory salary insurance plan in force on 31 December 2009 that provides, on that date, that the insurer pay the contributions into the plan are paid until the employee reaches the age of 65 or retires, whichever comes first.

The days and parts of a day of a period during which the insurer pays the contributions into the plan on behalf of the employee are credited to the employee in respect of the employment giving the employee entitlement to salary insurance benefits."

31. The Act is amended by inserting the following sections after section 115.10:

"**115.10.1.** An employee who is a member of the plan and has held employment in a research centre is entitled, if the employee applies for it, to be credited, for pension purposes under this plan, with the service accumulated in that research centre after 3 September 1991 and before the date on which the employee began contributing to the plan for employment held in the research centre if, on the date of the application for redemption, the centre is a research centre within the meaning of section 6.2 and if the centre is a party to the plan.

To be credited with all or part of that service, the employee is required to pay to the Commission the amount determined under the tariff established by regulation, on the basis of the pensionable salary at the time of receipt of the employee's application for redemption, according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the employee's age, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions governing the application of the tariff. If the employee applies to have only part of that service credited, the most recent service is credited first.

For the purposes of the second paragraph, the pensionable salary of an employee who, at the time of the receipt of his or her application for redemption, participates in the plan but does not hold pensionable employment is established by regulation. This rule also applies to the establishment of the pensionable salary of an employee who retires on the day following the day on which the employee ceases to participate in the plan and applies simultaneously for a pension and for credit for a period between the dates specified in this section.

"**115.10.2.** The amount established under section 115.10.1 is payable in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate provided for in Schedule VII in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

"**115.10.3.** Divisions I and III of this chapter do not apply to employees of a research centre within the meaning of section 6.2. Moreover, they do not apply to employees who are members of the plan with respect to past service in a research centre within the meaning of section 6.2."

32. Section 128.1 of the Act is amended by replacing the second paragraph by the following paragraph:

"All sums bear interest until the date of the transfer, according to the terms provided for in section 219."

33. Section 134 of the Act is amended

(1) by replacing "section 6" in subparagraph 3 of the first paragraph by "section 6 or 6.1";

(2) by replacing "and 115.1" in subparagraph 4.2 of the first paragraph by ", 115.1 and 115.10.1".

34. Section 158 of the Act is amended by adding the following paragraph at the end:

"A transfer agreement referred to in the first paragraph may not be entered into with respect to all or part of the years of service counted under the pension plan applicable in a research centre within the meaning of section 6.2, of which the employee was a member."

35. Schedule I to the Act is amended by inserting the following paragraphs after paragraph 2:

"(2.1) THE EMPLOYEES OF A RESEARCH CENTRE WITHIN THE MEANING OF SECTION 6.2 WHO, ON 31 DECEMBER 2009, CONTRIBUTE TO THE PLAN FOR EMPLOYMENT HELD IN THE RESEARCH CENTRE OR WHO, ON THAT DATE, WOULD HAVE CONTRIBUTED TO THE PLAN FOR SUCH EMPLOYMENT HAD THEY NOT BEEN ABSENT WITHOUT PAY, RECEIVING SALARY INSURANCE BENEFITS OR ON MATERNITY LEAVE, AND THE EMPLOYEES WHO, BEFORE 31 DECEMBER 2009 BUT AFTER 3 SEPTEMBER 1991, CONTRIBUTED TO THE PLAN FOR EMPLOYMENT HELD IN THE RESEARCH CENTRE

"(2.2) THE EMPLOYEES OF A RESEARCH CENTRE WITHIN THE MEANING OF SECTION 6.2 WHO BECOME INCLUDED IN ONE OF THE FOUR BARGAINING UNITS CONSTITUTED UNDER THE ACT RESPECTING BARGAINING UNITS IN THE SOCIAL AFFAIRS SECTOR (CHAPTER U-0.1) OR ARE APPOINTED OR ENGAGED AFTER 31 DECEMBER 2009 IN A RESEARCH CENTRE WHERE, ON THAT DATE, ALL EMPLOYEES CONTRIBUTE TO THIS PLAN OR TO THE PENSION PLAN OF MANAGEMENT PERSONNEL

"(2.3) THE EMPLOYEES OF A RESEARCH CENTRE WITHIN THE MEANING OF SECTION 6.2 WHERE POLLS FAVOURABLE TO THE MEMBERSHIP OF EMPLOYEES WERE HELD UNDER SECTION 6.1 AND THE EMPLOYEES APPOINTED OR ENGAGED AFTER THE LAST OF THESE POLLS WERE HELD".

36. Schedule II.2 to the Act is amended by adding the following at the end:

"the employers of the employees of the research centres within the meaning of section 6.2".

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

37. For the purposes of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1), the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) and the Pension plan for federal employees transferred to employment with the gouvernement du Québec (Order in Council 430-93, 1993, G.O. 2, 2389), the pensionable salary of an employee or person who is a member of one of those plans is, for any period of absence during which the employee or person received salary insurance benefits under a mandatory long-term disability insurance plan between 31 December 1973 and 1 June 2010, the salary declared annually by the insurer.

The first paragraph does not infringe on the rights of an employee or person who, before 11 May 2010, submitted an application for reexamination relating to a decision of the Commission administrative des régimes de retraite et d'assurances affecting the determination of the eligible salary for a period during which the employee or person received salary insurance benefits under a mandatory long-term salary insurance plan.

38. The first amendments to the Pension plan for federal employees transferred to employment with the gouvernement du Québec (Order in Council 430-93, 1993, G.O. 2, 2389) that are made after this Act has been assented to and that are similar to the amendments under sections 27 to 30 of this Act may have effect from a date not prior to 2 June 2010.

39. Sections 17, 18 and 20 of the Act to amend the Act respecting the Government and Public Employees Retirement Plan and other legislation concerning pension plans in the public sector (2008, chapter 25) have effect from 1 April 2010.

40. Section 5, to the extent that it concerns section 22.2 of the Act respecting the Pension Plan of Management Personnel, section 14, to the extent that it concerns paragraph 3.1 of Schedule II to that Act, section 24, to the extent that it concerns section 6.2 of the Act respecting the Government and Public Employees Retirement Plan and section 35, to the extent that it concerns paragraph 2.1 of Schedule I to that Act, have effect from 4 September 1991.

41. Section 14, to the extent that it concerns paragraph 3.2 of Schedule II to the Act respecting the Pension Plan of Management Personnel and section 35, to the extent that it concerns paragraph 2.2 of Schedule I to the Act respecting the Government and Public Employees Retirement Plan, have effect from 1 January 2010.

42. This Act comes into force on 2 June 2010 except:

(1) sections 11, 21 and 32, which come into force on 7 June 2010; and

(2) section 5, to the extent that it concerns section 22.1 of the Act respecting the Pension Plan of Management Personnel, sections 10 and 12, section 14, to the extent that it concerns paragraph 3.3 of Schedule II to that Act, section 24, to the extent that it concerns section 6.1 of the Act respecting the Government and Public Employees Retirement Plan, sections 25, 26, 31 and 33, and section 35, to the extent that it concerns paragraph 2.3 of Schedule I to that Act, which come into force on the date or dates to be set by the Government.

Coming into force of Acts

Gouvernement du Québec

O.C. 641-2010, 7 juillet 2010

An Act giving effect to the Economic Statement delivered on 14 January 2009, to the Budget Speech delivered on 19 March 2009 and to certain other budget statements (2010, c. 5)
— Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act giving effect to the Economic Statement delivered on 14 January 2009, to the Budget Speech delivered on 19 March 2009 and to certain other budget statements

WHEREAS the Act giving effect to the Economic Statement delivered on 14 January 2009, to the Budget Speech delivered on 19 March 2009 and to certain other budget statements (2010, c. 5) was assented to on 20 April 2010;

WHEREAS section 251 of the Act provides that the Act comes into force on 20 April 2010, except sections 197 to 200, 202, section 227, when it enacts sections 350.50 to 350.55 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1), section 243 and section 245, which come into force on the date or dates to be set by order of the Government, and such orders may apply to one or more classes of operators of establishments providing restaurant services;

WHEREAS it is expedient to set the dates of coming into force of sections 197 to 200, 202, section 227, when it enacts sections 350.50 to 350.55 of the Act respecting the Québec sales tax, section 243 and section 245 of the Act giving effect to the Economic Statement delivered on 14 January 2009, to the Budget Speech delivered on 19 March 2009 and to certain other budget statements;

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

THAT 1 September 2010 be set as the date of coming into force of section 227, when it enacts sections 350.50 and 350.51 of the Act respecting the Québec sales tax, section 243 and section 245 of the Act giving effect to the Economic Statement delivered on 14 January 2009, to the Budget Speech delivered on 19 March 2009 and to certain other budget statements;

THAT 1 November 2011 or, if prior to that date, the first of the dates set in accordance with the following paragraphs *a* to *c* in respect of each operator of an establishment providing restaurant services to which the paragraphs apply, be set as the date of coming into force of sections 197 to 200, 202 and section 227, when it enacts sections 350.52 to 350.55 of the Act respecting the Québec sales tax, of the Act giving effect to the Economic Statement delivered on 14 January 2009, to the Budget Speech delivered on 19 March 2009 and to certain other budget statements:

(a) the date on which an operator activates in an establishment, after 31 August 2010, a device referred to in section 350.52 of the Act respecting the Québec sales tax, in respect of that establishment;

(b) the date on which an operator makes the first supply of a meal in an establishment if the supply is made after 31 August 2010 and is the first supply made in connection with the operation of the establishment, in respect of that establishment; or

(c) the date that is 60 days after the date of a notice sent to an operator to the effect that the operator committed an offence against a fiscal law after 20 April 2010; the notice is signed by a public servant who is the head of the Service d'implantation et de suivi des modules d'enregistrement des ventes in the Direction générale adjointe de la recherche fiscale within the Direction générale de la planification, de l'administration et de la recherche of the Ministère du Revenu.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

9984

Gouvernement du Québec

O.C. 643-2010, 7 July 2010

An Act respecting clinical and research activities related to assisted procreation (2009, c. 30)
— Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act respecting clinical and research activities related to assisted procreation

WHEREAS the Act respecting clinical and research activities related to assisted procreation (2009, c. 30) was assented to on 19 June 2009;

WHEREAS section 61 of the Act provides that the Act comes into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the date of coming into force of the Act, except section 8, subparagraphs 2 and 3 of the first paragraph of section 17 and paragraph 3 of section 30 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 5 August 2010 be set as the date of coming into force of the Act respecting clinical and research activities related to assisted procreation (2009, c. 30), except section 8, subparagraphs 2 and 3 of the first paragraph of section 17 and paragraph 3 of section 30 of the Act.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

9986

Regulations and other Acts

Gouvernement du Québec

O.C. 597-2010, 7 July 2010

An Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30)

Signing of certain documents — Amendment

Regulation to amend the Regulation respecting the of the Ministère du Conseil exécutif

WHEREAS, under the first paragraph of section 2 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30), no deed, document or writing shall bind the department or be attributed to the Premier in the Premier's capacity as Chair of the department unless it is signed by the Premier, by the Deputy Minister or by a functionary, and only, as regards the latter, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS the Regulation respecting the signing of certain documents of the Ministère du Conseil exécutif was made by Order in Council 1150-2006 dated 18 December 2006;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDORED, therefore, on the recommendation of the Premier:

THAT the Regulation to amend the Regulation respecting the signing of certain documents of the Ministère du Conseil exécutif, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère du Conseil exécutif *

An Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30, s. 2, 1st par., and s. 3)

1. The Regulation respecting the signing of certain documents of the Ministère du Conseil exécutif is amended by replacing section 2 by the following:

"**2.** The Associate Secretary General responsible for the Secrétariat du Conseil exécutif is authorized to sign, in lieu of the Premier and with the same effect, any deed, document or writing respecting the administration of all the programs of the Ministère du Conseil exécutif.".

2. Section 15 is replaced by the following:

"**15.** The Associate Secretary General responsible for the Secrétariat du Conseil exécutif and the advisors who assist the Associate Secretary General in his or her duties are authorized to sign any document certifying that an Order in Council has been made, amended or revoked and to certify as true a copy of an Order in Council.".

3. This Regulation comes into force on 31 July 2010.

9974

Gouvernement du Québec

O.C. 606-2010, 7 July 2010

Environment Quality Act (R.S.Q., c. Q-2)

Agricultural Operations — Amendments

Regulation to amend the Agricultural Operations Regulation

WHEREAS subparagraphs *a*, *c*, *d* and *e* of the first paragraph of section 31, subparagraphs 1, 2, 4 and 5 of the first paragraph of section 53.30, paragraphs 1, 2 and 5

* The Regulation respecting the signing of certain documents of the Ministère du Conseil exécutif, made by Order in Council 1150-2006 dated 18 December 2006 (2007, *G.O.* 2, 55), has not been amended since it was made.

of section 70 and section 109.1 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matter set out therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Agricultural Operations Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 May 2009 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

That the Regulation to amend the Agricultural Operations Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Agricultural Operations Regulation*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a*, *c*, *d* and *e*, s. 53.30, 1st par., subpars. 1, 2, 4 and 5, s. 70, pars. 1, 2 and 5, and s. 109.1)

1. The Agricultural Operations Regulation is amended by inserting the following after section 3:

"**3.1.** In this Regulation, every reference to an agrologist or an engineer is a reference to a person who is a member of a professional order governing that profession in Québec, as well as any other person legally authorized to act in that capacity in Québec.".

2. Section 9 is amended by replacing "2" in the third paragraph by "5" and by adding "within the time indicated by the Minister" after "upon request".

3. Section 9.1 is replaced by the following:

"**9.1.** The operator of a spreading site and, despite section 9, the operator of a raising site may store solid manure piles in a cultivated field, on the following conditions:

(1) contaminated water from the pile must not enter the surface water;

(2) runoff must not reach the pile;

(3) the solid manure pile must not contain more than 2,000 kg of phosphorus (P_2O_5) and must be used only for the fertilization needs of the cultivated parcel on which the pile is located or on an adjacent parcel for the growing season during which it is laid out, or, as the case may be, for the growing season following the date of the first input of solid manure forming the pile;

(4) the pile must be laid out at least 100 metres from the location of a pile that has been removed for 12 months or less; and

(5) the pile must be completely removed and reclaimed or eliminated, in accordance with section 19, within 12 months of the first input of solid manure forming the pile.".

4. The following is inserted after section 9.1:

"**9.1.1.** An operator who, under the second paragraph of section 22, is required to establish an agro-environmental fertilization plan must, if intending to store solid manure piles in a cultivated field, obtain, before laying out each pile in accordance with section 9.1, a recommendation dated and signed by an agrologist pertaining to the conditions for laying out the pile.

The operator must also give an agrologist a mandate to inspect each pile during the growing season. The agrologist writes, in a dated and signed report, his or her observations and, where applicable, his or her recommendations, as well as an annual report summarizing all the inspections carried out for all the piles for which a recommendation was made under the first paragraph.

Copies of every document produced by an agrologist under this section must be kept by the operator who stores solid manure piles in a cultivated field for a minimum of 5 years from the date of signature and be provided to the Minister upon request within the time indicated by the Minister.".

5. Section 9.2 is amended

(1) by replacing "or third party" and "the pile is created" in the first paragraph by "of a raising site or spreading site" and "of the first input of solid manure forming the pile";

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

"The operator of a raising site or spreading site must be in possession of a copy of that register and keep it for a minimum of 5 years from the date on which the pile is

* The Agricultural Operations Regulation, made by Order in Council 695-2002 dated 12 June 2002 (2002, *G.O.* 2, 2643), was last amended by Order in Council 1006-2007 dated 14 November 2007 (2007, *G.O.* 2, 3225). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

completely removed. The operator must provide the copy to the Minister upon request within the time indicated by the Minister.".

6. Section 9.3 is replaced by the following:

"**9.3.** Despite section 9**,** the storage of solid manure piles near the farm building in which the manure is produced is allowed on the following conditions:

(1) the raising site's annual phosphorus (P_2O_5) production resulting from solid manure management is 1,600 kg or less;

(2) contaminated water from the pile must not enter the surface water;

(3) runoff must not reach the pile; and

(4) the pile must be completely removed and reclaimed or eliminated, in accordance with section 19, within 12 months of the first input of solid manure forming the pile.".

7. Section 16 is amended

(1) by replacing "2" and "Minister of Sustainable Development, Environment and Parks upon request" in the third paragraph by "5" and "Minister upon request within the time indicated by the Minister";

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

"The owner of a storage facility must keep a register of delivery and record therein the information relevant to the waste received and provide it to the Minister upon request within the time indicated by the Minister. The owner must keep the register for at least 5 years from the date of expiry of the agreement referred to in the first paragraph.".

8. Section 20 is amended

(1) by replacing the first paragraph by the following:

"The operator of a raising site who spreads livestock waste and, where applicable, other fertilizers must have, at the beginning of each annual growing season and for all the season, cultivated parcels that correspond to the total area required for the purpose of spreading the waste or surplus waste and other fertilizers.";

(2) by replacing "is made from the charts of maximum deposits appearing in" in the third paragraph by "must be made in accordance with".

9. The following is added after section 20:

"**20.1.** The operator of a spreading site who spreads fertilizers must have, at the beginning of each annual growing season and for all the season, cultivated parcels that correspond to the total area required for the purpose of spreading fertilizers.

The minimum area required to comply with the first paragraph must be calculated in accordance with Schedule I.".

10. Section 21 is amended by replacing "2" and "of Sustainable Development, Environment and Parks" by "5" and "upon request within the time indicated by the Minister".

11. Section 24 is amended by striking out "who is a member of the Ordre des agronomes du Québec".

12. Section 26 is amended

(1) by striking out "of Sustainable Development, Environment and Parks" in the first paragraph;

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

"Those persons and, where applicable, the mandatary must keep a copy of the plan for a minimum of 5 years after it ceases to have effect and, upon request and within the time indicated by the Minister, provide the Minister with the plan or, if so authorized by the Minister, with a summary of the plan.".

13. Section 27 is amended by replacing the second paragraph by the following:

"That person and the owner of the parcel must keep a copy of the document for a minimum of 5 years from the end of the last spreading period. They must provide the document to the Minister upon request within the time indicated by the Minister.".

14. The following is inserted after section 28:

"**28.1.** The operator of a raising site, other than a raising site with solid manure management whose annual phosphorus (P_2O_5) production is 1,600 kg or less, must give a mandate to an agrologist to have the livestock waste produced on the site and spread on cultivated parcels characterized. The mandate must be given by the operator to the agrologist before 1 April of the year where characterization must be carried out in accordance with this Regulation.

Characterization consists in determining the annual volume of livestock waste produced and its fertilizing content so as to establish the raising site's annual phosphorus (P_2O_5) production which must be taken into account to carry out the agro-environmental fertilization plan and any phosphorus report concerning that site.

For the purpose of determining the fertilizing content of animal waste, the operator must have the number of livestock waste samples determined by the agrologist analyzed by a laboratory accredited by the Minister under section 118.6 of the Environment Quality Act, with regard to the following parameters:

— total nitrogen;
— calcium;
— magnesium;
— dry matter;
— total phosphorus;
— potassium.

In addition, where for the purposes of the third paragraph of section 31, the agrologist who prepared the agro-environmental fertilization plan indicated therein that it is necessary, the analysis must also pertain to the following parameters:

— ammoniacal nitrogen;
— carbon/nitrogen ratio.

In order to complete characterization, the mandate given to the agrologist must also provide that the latter is to evaluate, using the method of his or her choice, the annual volume of animal waste produced on the raising site.

The operator must keep a copy of every laboratory's certificate of analysis and of the characterization report made by the agrologist pursuant to his or her mandate for a minimum of 5 years from the date of signature and provide it to the Minister upon request within the time indicated by the Minister.

28.2. The annual phosphorus (P_2O_5) production of a raising site referred to in section 28.1 may, despite that section, be determined in accordance with section 50.01 by using the data of Schedule VI instead of the data in Schedule VII referred to in the first paragraph of that section.

In such a case, an operator referred to in section 28.1 and availing himself or herself of this section must so notify an agrologist in writing and give the agrologist a mandate to establish, in the manner provided for in the first paragraph, the annual phosphorus (P_2O_5) production of the operator's raising site.

The annual phosphorus (P_2O_5) production so established must be used to carry out the agro-environmental fertilization plan and any phosphorus report concerning the raising site and will be taken into account throughout the year for which the annual production was established. The annual phosphorus (P_2O_5) production will also be taken into account for subsequent years unless the operator notifies the agrologist in writing of the his or her decision to be subject to section 28.1 and gives the agrologist a mandate to characterize the animal waste produced by the operator's raising site in accordance with that section. The operator is then deemed to be a new operator with respect to compulsory consecutive characterization that must be carried out for the first two years of existence of a raising site, in accordance with the third paragraph of section 28.3. In such a case, the operator may not avail himself or herself of this section again before the expiry of the 5-year period provided for in section 28.3.

The operator must keep a copy of the annual phosphorus (P_2O_5) production as calculated by the agrologist pursuant to his or her mandate and of any notice provided for in this section for a minimum of 5 years from the date of signature and provide it to the Minister upon request within the time indicated by the Minister.

28.3. Characterization as provided for in sections 28.1 and 28.2 must be made, for each 5-year period of existence of the raising site, at least 2 consecutive years included in that 5-year period.

For a raising site existing on 5 August 2010, characterization is compulsory for that site's operator for the first two years that follow the date of coming into force of sections 28.1 to 28.3.

For a raising site established as of 5 August 2010, characterization is compulsory for the year of establishment and the subsequent year. However, where a raising site is established after 1 April of a year, characterization must be made for the two full years that follow the year of establishment.

The time elapsed between 2 non-consecutive characterizations may not exceed 5 years.".

15. Section 29 is replaced by the following:

"**29.** The operator of a parcel cultivated under an agro-environmental plan must have its phosphorus content and percentage saturation analyzed by a laboratory accredited by the Minister under section 118.6 of the Environment Quality Act.

The analysis must pertain to all the parameters necessary for the parcel's use, and the following parameters are mandatory:

— aluminum;
— calcium;
— magnesium;
— organic matter;
— pH (water);
— pH (buffer);
— phosphorus;
— potassium.

The operator and the owner of the parcel must be in possession of a copy of the certificate of analysis and keep it for a minimum of 5 years from the date of signature and provide it to the Minister upon request within the time indicated by the Minister.

The analysis must not have been made more than 5 years prior to the fertilization year.".

16. Section 32 is amended by replacing the second and third paragraphs by the following:

"Livestock waste from liquid manure management must be spread with low-ramp equipment or other low-trajectory broadcast equipment whose exit point put in place to project liquid manure is at a maximum height of 1 m above the ground and that projects manure over a distance of not more than 2 m to reach the ground.

Despite the second paragraph, livestock waste from liquid manure management exclusively from dairy or beef cattle raising, except veal calf raising, may also be spread with low-trajectory broadcast equipment whose exit point put into place to project liquid manure is at a maximum height of 1.2 m above the ground and that projects manure over a distance of not more than 5.5 m to reach the ground.

Livestock waste from solid manure management from raisings referred to in the third paragraph may also be spread by means of equipment provided for in the second and third paragraphs, provided that the waste's water content has reached at least 85% before spreading, by being exposed to natural precipitations, by adding water until that water content is reached, or by a combination of both methods.".

17. Section 33 is amended by replacing "2" and "Minister of Sustainable Development, Environment and Parks upon request" in the second paragraph by "5" and "Minister upon request within the time indicated by the Minister".

18. Section 34 is amended by replacing the second paragraph by the following:

"The operator must keep a copy of the document for a minimum of 5 years after the date of the last shipment. The operator must provide it to the Minister upon request within the time indicated by the Minister.".

19. Section 35 is replaced by the following:

"**35.** Every operator of a raising site referred to in subparagraphs 1 and 3 of the second paragraph of section 22 must have a phosphorus report of the raising site drawn up yearly and signed by an agrologist, establishing the annual phosphorus production volume combined with any other fertilizer used, as well as the volume that may be spread in accordance with Schedule 1 on the lots available.

Every operator of a spreading site referred to in subparagraph 2 of the second paragraph of section 22 must have a phosphorus report of the spreading site drawn up yearly and signed by an agrologist, establishing the annual phosphorus volume received from all fertilizer as well as the volume that may be spread in accordance with Schedule 1 on the lots available.

The report must be updated upon any change in the raising or spreading site that may have an impact on data taken into consideration while the phosphorous report was being drawn up.

The operator must immediately notify in writing an agrologist of any change referred to in the preceding paragraph and give the agrologist the mandate to update within 30 days his or her phosphorus report to take that change into account. In addition, the operator must immediately inform in writing the director of the Centre de contrôle environnemental of the Ministère du Développement durable, de l'Environnement et des Parcs in the region where the raising site or spreading site is situated, of the change where the operator no longer has cultivated parcels corresponding to the required area pursuant to section 20, 20.1 or 50.

The yearly phosphorus report and any update due to a change must be dated and signed by an agrologist. The operator's signature on the report and each of its updates certifies that the information provided to the agrologist is accurate. They must be given on the form provided by the Minister.

The report and any update must contain the identity of the operator, a description of the raising site, specify the number of animals present and planned on the site, the categories provided for in Schedule VII to which the animals belong and, for the raising site and spreading site, a description of all fertilizers produced, where applicable, received or used, as well as all information on the fertilization, treatment, transformation or disposal of any fertilizer.

The operator must be in possession of a copy of the notice given to the agrologist pursuant to the fourth paragraph, of the yearly phosphorus report and each subsequent update and keep them for a minimum of 5 years from the date of signature by the agrologist. The operator must provide that copy to the Minister upon request within the time indicated by the Minister.

As of 1 January 2011, operators of a raising site or spreading site referred to in this section must send a copy of their yearly phosphorus report not later than 15 May of each year to the director of the Centre de contrôle environnemental in the region where the raising site or spreading site is situated.".

20. Section 36 is amended by replacing "of Sustainable Development, Environment and Parks" by "and within the time indicated by the Minister".

21. Section 39 is amended

(1) by replacing the first paragraph by the following:

"With the exception of the projects for which a certificate of authorization is required, notice must be given to the director of the Direction de l'analyse et de l'expertise of the Ministère du Développement durable, de l'Environnement et des Parcs in the region where the project is situated at least 30 days before

(1) implementing a new raising site with liquid manure management;

(2) implementing a new raising site with solid manure management whose annual phosphorus (P_2O_5) production will be greater than 1,600 kg;

(3) increasing, in a raising site, the annual phosphorus (P_2O_5) production to raise the annual phosphorus (P_2O_5) production to more than 1,600 kg or to make the production equal to or above one of the following production thresholds: 2,100 kg, 2,600 kg or 3,100 kg without, however, reaching 3,200 kg; however, where an increase is such that more than one threshold will be reached or exceeded, only a notice for the highest threshold is required. In addition, the notice given for reaching or exceeding a threshold is valid until a project notice for an increase to reach or exceed a subsequent higher threshold is required; and

(4) transferring, in a raising facility, from solid manure to liquid manure management.

For the purposes of subparagraph 3 of the first paragraph,

(1) as of 1 January 2011, in the case of an existing raising site for which the operator is required to establish an agro-environmental fertilization plan under section 22, the increase is calculated by subtracting from the annual phosphorus (P_2O_5) production provided for in the project, the production resulting from the number of animals present and planned on the site and specified in the yearly phosphorus report for the first growing season following that date. The latter report is used to calculate whether any subsequent threshold has been reached or exceeded, for the entire lifetime of the raising site; and

(2) in the case of a raising site established as of 1 January 2011 for which the operator is required to establish an agro-environmental fertilization plan under section 22, the increase is calculated by subtracting from the annual phosphorus (P_2O_5) production provided for in the project, the production resulting from the number of animals present and planned on the site and specified in the yearly phosphorus report for the first growing season of the raising site. The latter report is used to calculate whether any subsequent threshold has been reached or exceeded, for the entire lifetime of the raising site.";

(2) by striking out "who is a member of the Ordre des agronomes du Québec and" in the second paragraph;

(3) by replacing "Minister of Sustainable Development, Environment and Parks" in the fourth paragraph by "director of the Direction de l'analyse et de l'expertise in the region where the project is situated".

22. Section 40 is amended

(1) by replacing "served to the Minister of Sustainable Development, Environment and Parks" in the first paragraph by "given to the director of the Direction de l'analyse et de l'expertise in the region where the raising site is situated";

(2) by striking out "who is a member of the Ordre des ingénieurs du Québec and" in the second paragraph;

(3) by replacing "Minister of Sustainable Development, Environment and Parks" in the third paragraph by "director of the Direction de l'analyse et de l'expertise in the region where the raising site is situated".

23. Section 41 is amended by striking out "of Sustainable Development, Environment and Parks" in the first paragraph;

24. Section 42 is replaced by the following:

"**42.** Despite section 2 of the Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993, the following projects are subject to section 22 of the Environment Quality Act:

(1) implementing a new raising site where the annual phosphorus (P_2O_5) production will be equal to or greater than 3,200 kg; and

(2) increasing, in a raising site, the annual phosphorus (P_2O_5) production to raise the production to 3,200 kg or more, without, however, reaching 3,700 kg, or to make the production equal to or greater than the 3,200 kg production threshold increased by 500 kg or a multiple of 500 kg, calculated according to the following formula: [3,200 kg + (500 kg X 1, 2, 3, 4, etc.)]; however, where an increase is such that more than one threshold will be reached or exceeded, only the highest threshold reached or exceeded is subject to section 22 of the Environment Quality Act. In addition, the certificate of authorization referred to in section 22 of the Environment Quality Act issued for reaching or exceeding a threshold is valid until a certificate of authorization for an increase to reach or exceed a subsequent higher threshold is required.

For the purposes of subparagraph 2 of the first paragraph,

(1) as of 1 January 2011, in the case of an existing raising site for which the operator is required to establish an agro-environmental fertilization plan under section 22, the increase is calculated by subtracting from the annual phosphorus (P_2O_5) production provided for in the project, the production resulting from the number of animals present and planned on the site and specified in the yearly phosphorus report for the first growing season following that date The latter report is used to calculate whether any subsequent threshold has been reached or exceeded, for the entire lifetime of the raising site; and

(2) in the case of a raising site established as of 1 January 2011 for which the operator is required to establish an agro-environmental fertilization plan under section 22, the increase is calculated by subtracting from the annual phosphorus (P_2O_5) production provided for in the project, the production resulting from the number of animals present and planned on the site and specified in the yearly phosphorus report for the first growing season of that raising site. The latter report is used to calculate whether any subsequent threshold has been reached or exceeded, for the entire lifetime of the raising site.

However, an increase of the annual phosphorus production within the limits already authorized by a certificate of authorization issued before 5 August 2010 is not subject to this section.".

25. Section 43 is amended by striking out "of Sustainable Development, Environment and Parks" in the first paragraph.

26. Section 44 is amended by replacing the second paragraph by the following:

"Any offence against the provisions of section 50.3 makes the owner and, where applicable, the operator of the raising site, spreading site, or the person who cultivates land, liable

(1) to a fine of $2,000 to $20,000 for a first offence and $5,000 to $50,000 for any subsequent offence, for a natural person;

(2) to a fine of $2,000 to $150,000 for a first offence and $5,000 to $500,000 for any subsequent offence, for a legal person.

Any offence against the provisions of the other sections of this Regulation makes the offender liable to the fines provided for in the second paragraph.".

27. Sections 48.2 and 48.3 are revoked.

28. Section 49 is amended by striking out "of Sustainable Development, Environment and Parks" in the first paragraph.

29. The following is inserted after section 50:

"**50.01.** Despite the definition of "annual phosphorus (P_2O_5) production" provided for in section 3, the annual phosphorus (P_2O_5) production is determined, for the purposes of sections 9.3, 22, 28, 28.1, 39, 42 and 48.4, by multiplying the number of animals present and planned of a category in a raising site, specified in the yearly phosphorus report applicable to the growing season in progress or, as the case may be, in its latest update, by the factor assigned to that category in Schedule VII.

Where the number of animals present in a raising site at any time during a growing season is higher than the number specified in the phosphorus report or its latest update, the highest number must be used for the purpose of calculating the annual phosphorus production.

If more than one category of animals is present or planned in the raising site, the annual phosphorus production is the total obtained by adding the production of each category.".

30. Section 50.3 is amended by replacing the second paragraph by the following:

"Crop cultivation is however authorized

(1) in a raising site or spreading site situated in the territory of a municipality listed in Schedule II or III and existing on 16 December 2004, over an area that does not exceed the area of that site used for crop cultivation during the 2004 growing season;

(2) in a raising site or spreading site situated in the territory of a municipality listed in Schedule V and existing on 19 October 2005, over an area that does not exceed the area of that site used for crop cultivation during the 2005 growing season; or

(3) on land whose area used for crop cultivation does not exceed 1 hectare.".

31. Section 50.4 is amended by replacing "Minister of Sustainable Development, Environment and Parks" by "director of the Centre de contrôle environnemental in the region where the raising site or spreading site is situated".

32. The following is inserted after section 50.4:

"**50.5.** Any document or notice sent to the Minister, to the director of a Direction régionale de l'analyse et de l'expertise or to the regional director of a Centre de contrôle environnemental under this Regulation must be sent by registered or certified mail or by any other means providing proof of receipt.".

33. Section 55 is amended by striking out "of Sustainable Development, Environment and Parks".

34. Schedule I is amended

(1) by inserting "or 20.1" after "section 20" in Note 1;

(2) by replacing "Minister" in the second paragraph of Note 3 by "director of the Direction de l'analyse et de l'expertise in the region where the raising site or spreading site is situated".

35. Schedule II is replaced by the following:

"**SCHEDULE II**
(ss. 46, 47, 47.1 and 50.3)

LIST OF MUNICIPALITIES

48028	Acton Vale	V
31056	Adstock	M
93042	Alma	V
55008	Ange-Gardien	M
19037	Armagh	M
27028	Beauceville	V
48005	Béthanie	M
42040	Bonsecours	M
46090	Brigham	M
46070	Brome	VL
47005	Bromont	V
39030	Chesterville	M
44037	Coaticook	V
44071	Compton	M
41038	Cookshire-Eaton	V
61013	Crabtree	M
40047	Danville	V
31020	Disraeli	P
44023	Dixville	M
33040	Dosquet	M
49058	Drummondville	V
46050	Dunham	V
46085	East Farnham	M
44010	East Hereford	M
46112	Farnham	V
38047	Fortierville	M
26005	Frampton	M
47017	Granby	V
45043	Hatley	M
93025	Hébertville-Station	VL
19070	Honfleur	M
32058	Inverness	M
78042	Ivry-sur-le-Lac	M
14050	Kamouraska	M
31105	Kinnear's Mills	M
19090	La Durantaye	P
29030	La Guadeloupe	VL
54035	La Présentation	M
46075	Lac-Brome	V
28053	Lac-Etchemin	M
30095	Lambton	M
32072	Laurierville	M
49025	L'Avenir	M
42045	Lawrenceville	VL
33123	Leclercville	M
49020	Lefebvre	M
60040	L'Épiphanie	P
25213	Lévis	V
51015	Louiseville	V
32065	Lyster	M

39165	Maddington	CT	44055	Sainte-Edwidge-de-Clifton	CT
42065	Maricourt	M	39090	Sainte-Élizabeth-de-Warwick	M
44060	Martinville	M	38035	Sainte-Françoise	M
42075	Melbourne	CT	14025	Sainte-Hélène	M
56097	Mont-Saint-Grégoire	M	54095	Sainte-Hélène-de-Bagot	M
41037	Newport	M	26040	Sainte-Hénédine	P
39045	Norbertville	VL	63060	Sainte-Julienne	M
32080	Notre-Dame-de-Lourdes	P	26022	Saint-Elzéar	M
49080	Notre-Dame-du-Bon-Conseil	P	54025	Sainte-Madeleine	VL
33085	Notre-Dame-du-Sacré-Coeur-d'Issoudun	P	26035	Sainte-Marguerite	P
50113	Pierreville	M	26030	Sainte-Marie	V
32045	Plessisville	P	38015	Sainte-Marie-de-Blandford	M
32033	Princeville	V	63005	Sainte-Marie-Salomé	P
42032	Racine	M	61050	Sainte-Mélanie	M
55037	Rougemont	M	29112	Saint-Éphrem-de-Beauce	M
48015	Roxton	CT	28030	Sainte-Rose-de-Watford	M
48010	Roxton Falls	VL	46105	Sainte-Sabine	M
47047	Roxton Pond	M	39105	Sainte-Séraphine	P
31130	Sacré-Coeur-de-Jésus	P	75028	Sainte-Sophie	M
31095	Saint-Adrien-d'Irlande	M	38040	Sainte-Sophie-de-Lévrard	P
33045	Saint-Agapit	M	32023	Sainte-Sophie-d'Halifax	M
39085	Saint-Albert	M	63030	Saint-Esprit	M
14035	Saint-Alexandre-de-Kamouraska	M	49105	Saint-Eugène	M
63025	Saint-Alexis	P	51040	Sainte-Ursule	P
47010	Saint-Alphonse-de-Granby	M	62007	Saint-Félix-de-Valois	M
61040	Saint-Ambroise-de-Kildare	P	33052	Saint-Flavien	M
14040	Saint-André	M	31030	Saint-Fortunat	M
19062	Saint-Anselme	M	42020	Saint-François-Xavier-de-Brompton	P
33090	Saint-Apollinaire	M	27065	Saint-Frédéric	P
51025	Saint-Barnabé	P	52085	Saint-Gabriel-de-Brandon	P
54105	Saint-Barnabé-Sud	M	40032	Saint-Georges-de-Windsor	M
28025	Saint-Benjamin	M	14045	Saint-Germain	P
29100	Saint-Benoît-Labre	M	49048	Saint-Germain-de-Grantham	M
26055	Saint-Bernard	M	19075	Saint-Gervais	M
54115	Saint-Bernard-de-Michaudville	M	33035	Saint-Gilles	P
93030	Saint-Bruno	M	19068	Saint-Henri	M
40025	Saint-Camille	CT	44015	Saint-Herménégilde	M
55023	Saint-Césaire	V	29038	Saint-Honoré-de-Shenley	M
19097	Saint-Charles-de-Bellechasse	M	54100	Saint-Hugues	M
39060	Saint-Christophe-d'Arthabaska	P	54048	Saint-Hyacinthe	V
54060	Saint-Dominique	M	46095	Saint-Ignace-de-Stanbridge	M
33017	Sainte-Agathe-de-Lotbinière	M	26063	Saint-Isidore	M
78032	Sainte-Agathe-des-Monts	V	31140	Saint-Jacques-de-Leeds	M
51055	Sainte-Angèle-de-Prémont	M	33065	Saint-Janvier-de-Joly	M
42050	Sainte-Anne-de-la-Rochelle	M	57033	Saint-Jean-Baptiste	M
39150	Sainte-Anne-du-Sault	M	62015	Saint-Jean-de-Matha	M
56105	Sainte-Brigide-d'Iberville	M	75017	Saint-Jérôme	V
47055	Sainte-Cécile-de-Milton	CT	47040	Saint-Joachim-de-Shefford	P
48020	Sainte-Christine	P	27043	Saint-Joseph-de-Beauce	V
19055	Sainte-Claire	M	14030	Saint-Joseph-de-Kamouraska	P
31060	Sainte-Clotilde-de-Beauce	M	27050	Saint-Joseph-des-Érables	M
39117	Sainte-Clotilde-de-Horton	M	54110	Saint-Jude	M
49100	Saint-Edmond-de-Grantham	P	27055	Saint-Jules	P
33080	Saint-Édouard-de-Lotbinière	P	26070	Saint-Lambert-de-Lauzon	P

19050	Saint-Lazare-de-Bellechasse	M
19020	Saint-Léon-de-Standon	P
51035	Saint-Léon-le-Grand	P
54072	Saint-Liboire	M
63065	Saint-Liguori	P
63048	Saint-Lin–Laurentides	V
54120	Saint-Louis	M
49030	Saint-Lucien	P
19025	Saint-Malachie	P
44003	Saint-Malo	M
29045	Saint-Martin	P
19110	Saint-Michel-de-Bellechasse	M
33030	Saint-Narcisse-de-Beaurivage	P
48050	Saint-Nazaire-d'Acton	P
19015	Saint-Nazaire-de-Dorchester	P
19045	Saint-Nérée	P
52070	Saint-Norbert	P
39042	Saint-Norbert-d'Arthabaska	M
27035	Saint-Odilon-de-Cranbourne	P
14070	Saint-Pacôme	M
14018	Saint-Pascal	V
33025	Saint-Patrice-de-Beaurivage	M
61005	Saint-Paul	M
55015	Saint-Paul-d'Abbotsford	M
51060	Saint-Paulin	M
29065	Saint-Philibert	M
14060	Saint-Philippe-de-Néri	P
54008	Saint-Pie	V
61020	Saint-Pierre	VL
31135	Saint-Pierre-de-Broughton	M
19082	Saint-Raphaël	M
63035	Saint-Roch-de-l'Achigan	M
63040	Saint-Roch-Ouest	M
39145	Saint-Rosaire	P
26010	Saints-Anges	P
27070	Saint-Séverin	P
54090	Saint-Simon	P
29125	Saint-Simon-les-Mines	M
38005	Saint-Sylvère	M
33007	Saint-Sylvestre	M
48045	Saint-Théodore-d'Acton	P
39135	Saint-Valère	M
54065	Saint-Valérien-de-Milton	CT
44005	Saint-Venant-de-Paquette	M
27008	Saint-Victor	M
50023	Saint-Wenceslas	M
28005	Saint-Zacharie	M
50090	Saint-Zéphirin-de-Courval	P
26048	Scott	M
47035	Shefford	CT
46030	Stanbridge Station	M
44050	Stanstead-Est	M
42005	Stoke	M
30110	Stratford	CT
31084	Thetford Mines	V
27060	Tring-Jonction	VL
48038	Upton	M
33070	Val-Alain	M
42060	Valcourt	CT
42095	Val-Joli	M
26015	Vallée-Jonction	M
39062	Victoriaville	V
32085	Villeroy	M
47030	Warden	VL
39077	Warwick	V
41098	Weedon	M
41065	Westbury	CT
49040	Wickham	M
40017	Wotton	M
51020	Yamachiche	M".

36. Schedule III is replaced by the following:

"SCHEDULE III
(ss. 47, 47.1 and 50.3)

LIST OF MUNICIPALITIES

46005	Abercorn	VL
92030	Albanel	M
40043	Asbestos	V
41055	Ascot Corner	M
50013	Aston-Jonction	M
30055	Audet	M
45085	Austin	M
45035	Ayer's Cliff	VL
62906	Baie-de-la-Bouteille	NO
50100	Baie-du-Febvre	M
44045	Barnston-Ouest	M
70022	Beauharnois	V
31008	Beaulac-Garthby	M
19105	Beaumont	M
38010	Bécancour	V
46035	Bedford	V
57040	Beloeil	V
52035	Berthierville	V
73015	Blainville	V
45095	Bolton-Est	M
46065	Bolton-Ouest	M
58033	Boucherville	V
58007	Brossard	V
76043	Brownsburg-Chatham	V
41070	Bury	M
59030	Calixa-Lavallée	P
67020	Candiac	V
57010	Carignan	V
57005	Chambly	V
51080	Charette	M
60005	Charlemagne	V
41020	Chartierville	M

67050	Châteauguay	V
62047	Chertsey	M
42110	Cleveland	CT
59035	Contrecoeur	V
30090	Courcelles	P
46080	Cowansville	V
39155	Daveluyville	V
67025	Delson	V
38070	Deschaillons-sur-Saint-Laurent	M
31015	Disraeli	V
41117	Dudswell	M
69075	Dundee	CT
49015	Durham-Sud	M
41060	East Angus	V
31122	East Broughton	M
45093	Eastman	M
69050	Elgin	CT
62053	Entrelacs	M
77011	Estérel	V
69010	Franklin	M
46010	Frelighsburg	M
30025	Frontenac	M
92055	Girardville	M
69060	Godmanchester	CT
76025	Gore	CT
50065	Grand-Saint-Esprit	M
76052	Grenville-sur-la-Rouge	M
39010	Ham-Nord	CT
41075	Hampden	CT
45055	Hatley	CT
69005	Havelock	CT
93020	Hébertville	M
68015	Hemmingford	CT
56042	Henryville	M
69045	Hinchinbrooke	CT
69025	Howick	VL
69055	Huntingdon	V
31040	Irlande	M
61025	Joliette	V
42070	Kingsbury	VL
39097	Kingsey Falls	V
41027	La Patrie	M
67015	La Prairie	V
50085	La Visitation-de-Yamaska	M
22040	Lac-Beauport	M
22030	Lac-Delage	V
62914	Lac-des-Dix-Milles	NO
30080	Lac-Drolet	M
76020	Lachute	V
62910	Lac-Legendre	NO
30030	Lac-Mégantic	V
62902	Lac-Minaki	NO
56023	Lacolle	M
16902	Lac-Pikauba	NO
29095	Lac-Poulin	VL
78095	Lac-Supérieur	M
23057	L'Ancienne-Lorette	V
52017	Lanoraie	M
78015	Lantier	M
94265	Larouche	M
60028	L'Assomption	V
33060	Laurier-Station	VL
52007	Lavaltrie	V
38020	Lemieux	M
60035	L'Épiphanie	V
67055	Léry	V
41085	Lingwick	CT
58227	Longueuil	V
33115	Lotbinière	M
45072	Magog	V
52095	Mandeville	M
38028	Manseau	M
55048	Marieville	V
30035	Marston	CT
64015	Mascouche	V
53010	Massueville	VL
57025	McMasterville	VL
67045	Mercier	V
30040	Milan	M
76030	Mille-Isles	M
74005	Mirabel	V
78055	Montcalm	M
14005	Mont-Carmel	M
57035	Mont-Saint-Hilaire	V
77050	Morin-Heights	M
30045	Nantes	M
68030	Napierville	VL
50072	Nicolet	V
92040	Normandin	V
45050	North Hatley	VL
19010	Notre-Dame-Auxiliatrice-de-Buckland	P
39015	Notre-Dame-de-Ham	M
62055	Notre-Dame-de-la-Merci	M
61045	Notre-Dame-de-Lourdes	M
30010	Notre-Dame-des-Bois	M
29120	Notre-Dame-des-Pins	P
61030	Notre-Dame-des-Prairies	V
46100	Notre-Dame-de-Stanbridge	P
49075	Notre-Dame-du-Bon-Conseil	VL
56015	Noyan	M
45020	Ogden	M
45115	Orford	CT
69037	Ormstown	M
57030	Otterburn Park	V
38055	Parisville	P
77030	Piedmont	M
30020	Piopolis	M
32040	Plessisville	V

45030	Potton	CT	56060	Sainte-Anne-de-Sabrevois	P
75040	Prévost	V	77035	Sainte-Anne-des-Lacs	P
23027	Québec	V	53065	Sainte-Anne-de-Sorel	M
62037	Rawdon	M	73035	Sainte-Anne-des-Plaines	V
60013	Repentigny	V	28015	Sainte-Aurélie	M
55057	Richelieu	V	69065	Sainte-Barbe	P
42098	Richmond	V	62020	Sainte-Béatrix	M
77065	Saint-Adolphe-d'Howard	M	22045	Sainte-Brigitte-de-Laval	M
40010	Saint-Adrien	M	49085	Sainte-Brigitte-des-Saults	P
53015	Saint-Aimé	P	67030	Sainte-Catherine	V
56055	Saint-Alexandre	M	45060	Sainte-Catherine-de-Hatley	M
63020	Saint-Alexis	VL	38060	Sainte-Cécile-de-Lévrard	P
51065	Saint-Alexis-des-Monts	P	30050	Sainte-Cécile-de-Whitton	M
27015	Saint-Alfred	M	68020	Sainte-Clotilde-de-Châteauguay	P
62025	Saint-Alphonse-Rodriguez	M	33102	Sainte-Croix	M
59015	Saint-Amable	M	92050	Saint-Edmond-les-Plaines	M
76008	Saint-André-d'Argenteuil	M	68045	Saint-Édouard	P
69070	Saint-Anicet	P	52030	Sainte-Élisabeth	P
33095	Saint-Antoine-de-Tilly	M	62070	Sainte-Émélie-de-l'Énergie	M
57075	Saint-Antoine-sur-Richelieu	M	50005	Sainte-Eulalie	M
46017	Saint-Armand	M	52040	Sainte-Geneviève-de-Berthier	P
23072	Saint-Augustin-de-Desmaures	V	39035	Sainte-Hélène-de-Chester	M
30005	Saint-Augustin-de-Woburn	P	59010	Sainte-Julie	V
57020	Saint-Basile-le-Grand	V	28045	Sainte-Justine	M
45080	Saint-Benoît-du-Lac	M	51075	Saint-Élie-de-Caxton	M
68005	Saint-Bernard-de-Lacolle	P	50095	Saint-Elphège	P
56065	Saint-Blaise-sur-Richelieu	M	78020	Sainte-Lucie-des-Laurentides	M
49125	Saint-Bonaventure	M	62030	Sainte-Marcelline-de-Kildare	M
14010	Saint-Bruno-de-Kamouraska	M	77012	Sainte-Marguerite-du-Lac-Masson	V
58037	Saint-Bruno-de-Montarville	V	54030	Sainte-Marie-Madeleine	P
63055	Saint-Calixte	M	70012	Sainte-Martine	M
50030	Saint-Célestin	VL	50057	Sainte-Monique	M
61035	Saint-Charles-Borromée	M	50050	Sainte-Perpétue	P
57057	Saint-Charles-sur-Richelieu	M	31050	Sainte-Praxède	P
69017	Saint-Chrysostome	M	28065	Sainte-Sabine	P
42100	Saint-Claude	M	70030	Saint-Étienne-de-Beauharnois	M
52075	Saint-Cléophas-de-Brandon	M	45100	Saint-Étienne-de-Bolton	M
75005	Saint-Colomban	P	29025	Saint-Évariste-de-Forsyth	M
62065	Saint-Côme	P	53025	Sainte-Victoire-de-Sorel	P
29057	Saint-Côme-Linière	M	78047	Saint-Faustin-Lac-Carré	M
67035	Saint-Constant	V	91042	Saint-Félicien	V
52062	Saint-Cuthbert	M	49005	Saint-Félix-de-Kingsey	M
28040	Saint-Cyprien	P	32013	Saint-Ferdinand	M
68035	Saint-Cyprien-de-Napierville	P	50128	Saint-François-du-Lac	M
49070	Saint-Cyrille-de-Wendover	M	52080	Saint-Gabriel	V
54017	Saint-Damase	M	22025	Saint-Gabriel-de-Valcartier	M
62075	Saint-Damien	P	14075	Saint-Gabriel-Lalemant	M
19030	Saint-Damien-de-Buckland	P	93035	Saint-Gédéon	M
53005	Saint-David	P	29013	Saint-Gédéon-de-Beauce	M
42025	Saint-Denis-de-Brompton	P	29073	Saint-Georges	V
57068	Saint-Denis-sur-Richelieu	M	56010	Saint-Georges-de-Clarenceville	M
62060	Saint-Donat	M	53085	Saint-Gérard-Majella	P
77022	Sainte-Adèle	V	49113	Saint-Guillaume	M
55030	Sainte-Angèle-de-Monnoir	M	62912	Saint-Guillaume-Nord	NO

29020	Saint-Hilaire-de-Dorset	P
75045	Saint-Hippolyte	P
67040	Saint-Isidore	P
41012	Saint-Isidore-de-Clifton	M
63013	Saint-Jacques	M
31025	Saint-Jacques-le-Majeur-de-Wolfestown	P
68040	Saint-Jacques-le-Mineur	P
31100	Saint-Jean-de-Brébeuf	M
56083	Saint-Jean-sur-Richelieu	V
31045	Saint-Joseph-de-Coleraine	M
40005	Saint-Joseph-de-Ham-Sud	P
53050	Saint-Joseph-de-Sorel	V
31035	Saint-Julien	M
58012	Saint-Lambert	V
50042	Saint-Léonard-d'Aston	M
39170	Saint-Louis-de-Blandford	P
70035	Saint-Louis-de-Gonzague	P
28060	Saint-Luc-de-Bellechasse	M
30072	Saint-Ludger	M
28075	Saint-Magloire	M
49095	Saint-Majorique-de-Grantham	P
54125	Saint-Marcel-de-Richelieu	M
57050	Saint-Marc-sur-Richelieu	M
55065	Saint-Mathias-sur-Richelieu	M
67005	Saint-Mathieu	M
57045	Saint-Mathieu-de-Beloeil	M
51070	Saint-Mathieu-du-Parc	M
68050	Saint-Michel	P
62085	Saint-Michel-des-Saints	M
53032	Saint-Ours	V
68025	Saint-Patrice-de-Sherrington	P
56035	Saint-Paul-de-l'Île-aux-Noix	P
19005	Saint-Philémon	P
67010	Saint-Philippe	M
49130	Saint-Pie-de-Guire	P
32050	Saint-Pierre-Baptiste	P
46025	Saint-Pierre-de-Véronne-à-Pike-River	M
38065	Saint-Pierre-les-Becquets	M
72043	Saint-Placide	M
28020	Saint-Prosper	M
68055	Saint-Rémi	V
39020	Saint-Rémi-de-Tingwick	P
29050	Saint-René	P
53020	Saint-Robert	P
30070	Saint-Robert-Bellarmin	M
53040	Saint-Roch-de-Richelieu	M
30100	Saint-Romain	M
39130	Saint-Samuel	P
77043	Saint-Sauveur	V
30085	Saint-Sébastien	M
51030	Saint-Sévère	P
39005	Saints-Martyrs-Canadiens	P
70040	Saint-Stanislas-de-Kostka	M
60020	Saint-Sulpice	P
29005	Saint-Théophile	M
61027	Saint-Thomas	M
92045	Saint-Thomas-Didyme	M
70005	Saint-Urbain-Premier	M
56030	Saint-Valentin	M
19117	Saint-Vallier	M
62080	Saint-Zénon	M
41080	Scotstown	V
22020	Shannon	M
43027	Sherbrooke	V
53052	Sorel-Tracy	V
46045	Stanbridge East	M
45008	Stanstead	V
22035	Stoneham-et-Tewkesbury	CU
30105	Stornoway	M
45105	Stukely-Sud	VL
46058	Sutton	V
64008	Terrebonne	V
39025	Tingwick	P
69030	Très-Saint-Sacrement	P
42078	Ulverton	M
42055	Valcourt	V
78010	Val-David	VL
78100	Val-des-Lacs	M
78005	Val-Morin	M
30015	Val-Racine	P
59020	Varennes	V
56005	Venise-en-Québec	M
59025	Verchères	M
47025	Waterloo	V
44080	Waterville	V
76035	Wentworth	CT
77060	Wentworth-Nord	M
42088	Windsor	V
53072	Yamaska	M".

37. Schedule IV is revoked.

38. Schedule V is replaced by the following:

"**SCHEDULE V**
(ss. 47, 47.1 and 50.3)

LIST OF MUNICIPALITIES

46040	Bedford	CT
68010	Hemmingford	VL
50035	Saint-Célestin	M
28035	Saint-Louis-de-Gonzague	M
56050	Saint-Sébastien	P
45025	Stanstead	CT".

39. The following Schedule is added after Schedule V:

"**SCHEDULE VI**
(s. 28.2)

ANNUAL PHOSPHORUS (P_2O_5) PRODUCTION

Type of animal	Category [1]	Factor (P_2O_5 /animal space (kg))[2]
Dairy cattle	Dairy cow and its 11-day calf	62.2
	Dairy heifer (more than 15 months)	38.8
	Heifer (more than 11 days - 15 months)	16.4
	Dairy bull	25.1
Beef cattle	Slaughter cow and its calf	32.9
	Slaughter heifer (more than 15 months)	23.5
	Heifer (8 months - 15 months)	15.7
	Feeder cattle	30.5
	Backgrounding cattle	19.1
	Finishing cattle	37.7
	Bull (12 months or less)	22.9
	Bull (more than 12 months)	30.8
	Buffalo	29.6
	Grain-fed calf	12.0
	Grain-fed calf nursery	5.46
	Finishing grain-fed calf	14.4
	Veal calf	5.56
Suidae	Sow and unweaned piglets	12.7
	Gilt	8.0
	Weanling	1.49
	Feeder pig (weight gain ≤ 80.3 kg)	4.6
	Feeder pig (weight gain > 80.3 kg)	5.7
	Boar	18.6
	Wild boar (female)	16.4
Poultry	Broiler – male (≤ 3.0 kg)	0.313
	Broiler – female (≤ 3.0 kg)	0.246
	Roaster (> 3.0 kg)	0.362
	Broiler turkey (≤ 9.9 kg)	0.724
	Heavy turkey (> 9.9 kg)	1.57
	Breeding pullets (133 days)	0.188
	Laying hen	0.456
	Pullets – hatching eggs	0.185
	Roosters – hatching eggs	0.226
	Laying hens – hatching eggs	0.71
	Quail (meat)	0.054
	Pheasant	0.214
	Guinea fowl	0.223
Ovine	Ewe and its annual production	7.46
	Breeding ram	7.25
	Replacement ewe lamb	1.61
	Light lamb	0.29
	Heavy lamb	0.89
Caprine	Angora goat (1 year or more)	8.98
	Dairy goat (1 year or more)	9.08
	Slaughter goat	8.98
	Billy goat	8.98
Anatidae	Goose	0.71
	Breeding goose	0.71
	Duck	0.77
	Breeding duck	0.77
	Peking duck	0.595
Cervidae	Red deer	2.84
	White-tailed deer	2.84
	Elk	5.81
	Other cervidae	2.84
	Fallow deer	2.84

Equidae	Stallion	22.6
	Gelding	27.8
	Mare	32.2
	Colt	16.1
	Filly	16.1
Struthionidae and ratitae	Breeding ostrich	31.0
	Feeder ostrich	12.0
	Rhea	12.0
	Breeding emu	10.14
	Feeder emu	3.56
Leporidae	Rabbit (female)	6.61
Fur animals	Chinchilla (female)	0.13
	Female fox	0.96
	Mink (female)	1.4
Other types	Peacock	0.6
	Llama	2.8

(1) A category of animal not listed in the Schedule is deemed to have an annual phosphorus (P_2O_5) production/animal space of 5 kg. The counting of an animal may, for certain animal categories, correspond to an adult animal and its offspring.

In the case of a raising facility in which animals are in rotation for a raising cycle, the number of animals taken into consideration corresponds to the number of available places for such livestock in that raising site.

(2) Where the animals are not raised in a raising facility, the factor "P_2O_5 /animal space (kg)" is replaced by the factor "P_2O_5 /animal (kg)".

SCHEDULE VII
(ss. 35 and 50.01)

ANNUAL PHOSPHORUS (P_2O_5) PRODUCTION

Type of animal	Category [1]	Factor (P_2O_5 /animal space (kg))[2]
Dairy cattle	Dairy cow and its 11-day calf	51.8
	Dairy heifer (more than 15 months)	32.3
	Heifer (more than 11 days - 15 months)	13.7
	Dairy bull	20.9
Beef cattle	Slaughter cow and its calf	27.4
	Slaughter heifer (more than 15 months)	19.6
	Heifer (8 months - 15 months)	13.1
	Feeder cattle	25.4
	Backgrounding cattle	15.9
	Finishing cattle	31.4
	Bull (12 months or less)	19.1
	Bull (more than 12 months)	25.7
	Buffalo	24.7
	Grain-fed calf	10.0
	Grain-fed calf nursery	4.55
	Finishing grain-fed calf	12.0
	Veal calf	4.63
Suidae	Sow and unweaned piglets	10.6
	Gilt	6.7
	Weanling	1.24
	Feeder pig	4.75
	Boar	15.5
	Wild boar (female)	13.7
Poultry	Broiler – male (≤ 3.0 kg)	0.261
	Broiler – female (≤ 3.0 kg)	0.205
	Roaster (> 3.0 kg)	0.302
	Broiler turkey (≤ 9.9 kg)	0.603
	Heavy turkey (> 9.9 kg)	1.31
	Breeding pullets (133 days)	0.157
	Laying hen	0.380
	Pullets – hatching eggs	0.154
	Roosters – hatching eggs	0.188
	Laying hens – hatching eggs	0.592
	Quail (meat)	0.045
	Pheasant	0.178
	Guinea fowl	0.186
Ovine	Ewe and its annual production	6.22
	Breeding ram	6.04
	Replacement ewe lamb	1.34
	Light lamb	0.24
	Heavy lamb	0.74
Caprine	Angora goat (1 year or more)	7.48
	Dairy goat (1 year or more)	7.57
	Slaughter goat	7.48
	Billy goat	7.48
Anatidae	Goose	0.59
	Breeding goose	0.59
	Duck	0.64
	Breeding duck	0.64
	Peking duck	0.496
Cervidae	Red deer	2.37
	White-tailed deer	2.37
	Elk	4.84
	Other cervidae	2.37
	Fallow deer	2.37

Equidae	Stallion	18.8
	Gelding	23.2
	Mare	26.8
	Colt	13.4
	Filly	13.4
Struthionidae and ratitae	Breeding ostrich	25.8
	Feeder ostrich	10
	Rhea	10
	Breeding emu	8.45
	Feeder emu	2.97
Leporidae	Rabbit (female)	5.51
Fur animals	Chinchilla (female)	0.11
	Female fox	0.8
	Mink (female)	1.17
Other types	Peacock	0.5
	Llama	2.3

(1) A category of animal not listed in the Schedule is deemed to have an annual phosphorus (P_2O_5) production/animal space of 5 kg. The counting of an animal may, for certain animal categories, correspond to an adult animal and its offspring.

In the case of a raising facility in which animals are in rotation for a raising cycle, the number of animals taken into consideration corresponds to the number of available places for such livestock in that raising site.

(2) Where the animals are not raised in a raising facility, the factor "P_2O_5 /animal space (kg)" is replaced by the factor "P_2O_5 /animal (kg)".".

40. (1) Section 28 of the Agricultural Operations Regulation ceases to have effect in respect of the operator of a raising site as of the date of coming into force, for that operator, of sections 28.1 to 28.3 of that Regulation, introduced by section 14 of this Regulation.

(2) Section 28 of the Agricultural Operations Regulation also ceases to have effect in respect of the operator of a raising site until the date of coming into force of section 28.1 of that Regulation for that operator, where the latter decides to be subject to the provisions of that section. Subject to compliance with the provisions of section 28.1 and the following conditions, section 28 ceases to have effect right from the first year of characterization:

(a) the operator must notify an agrologist in writing that the operator elects to be subject to section 28.1 of the Agricultural Operations Regulation until that section is applicable to the operator, and give the agrologist a mandate to establish, in accordance with that section for the purposes provided for therein, the annual phosphorus (P_2O_5) production of the operator's raising site;

(b) characterization must be made for 2 consecutive years during the 2 years that follow the date of signature of the notice to the agrologist. However, where the notice is received by the agrologist after 1 April of a year, characterization must be made for the 2 consecutive years that follow the year in which the notice was received;

(c) the operator must keep a copy of the notice provided for in subparagraph *a* for a minimum period of 5 years following the date of signature and provide it to the Minister upon request within the time indicated by the Minister;

Where an operator who availed himself or herself of this subsection becomes subject to section 28.3 of that Regulation, the characterization made in accordance with subparagraph *b* is deemed to comply with the second paragraph of that section.

41. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 28.1 to 28.3 of the Agricultural Operations Regulation, introduced by section 14 of this Regulation, which will come into force on

— 1 January 2011 for operators of a raising site with liquid manure management having an annual phosphorus (P_2O_5) production of more than 5,000 kg;

— 1 January 2012 for operators of a raising site with liquid manure management having an annual phosphorus (P_2O_5) production of 5,000 kg or less;

— 1 January 2013 for operators of a raising site with solid manure management having an annual phosphorus (P_2O_5) production of more than 3,200 kg;

— 1 January 2014 for operators of a raising site with solid manure management having an annual phosphorus (P_2O_5) production of more than 1,600 kg without exceeding 3,200 kg.

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Gouvernement du Québec

O.C. 608-2010, 7 July 2010

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Boundaries of the Réserve aquatique de l'Estuaire-de-la-Rivière-Bonaventure and amendment to the conservation plan of that aquatic reserve

WHEREAS, under Order in Council 300-2009 dated 25 March 2009, the Réserve aquatique de l'Estuaire-de-la-Rivière-Bonaventure was established and the plan of its boundaries and its conservation plan were approved by the Government;

WHEREAS it was established, during the various discussions and consultations for the creation of that protected area, that the peninsula known under the name of "Île aux Pirates" should be entirely included within the boundaries;

WHEREAS the plan and technical description of the Réserve aquatique de l'Estuaire-de-la-Rivière-Bonaventure approved by the Government show the entire Île aux Pirates within the protected area;

WHEREAS the text of the conservation plan of the Réserve aquatique de l'Estuaire-de-la-Rivière-Bonaventure specifies that Île aux Pirates is included within the boundaries of the reserve;

WHEREAS the two maps in the Schedule to the conservation plan of the aquatic reserve show boundaries that do not include the northwest point of Île aux Pirates;

WHEREAS Île aux Pirates is a sandy spit whose form changes constantly, through the addition of sediments or the erosion of its banks, and, consequently, it is expedient to specify that the northwest point of Île aux Pirates that exceeds the cadastral boundary is included in the aquatic reserve and its boundaries will vary over time as a result of erosion or the addition of sedimentary material;

WHEREAS it is expedient to amend the conservation plan of the Réserve aquatique de l'Estuaire-de-la-Rivière-Bonaventure by replacing the two maps attached to the plan, which contain the erroneous boundaries of the northwest point of Île aux Pirates;

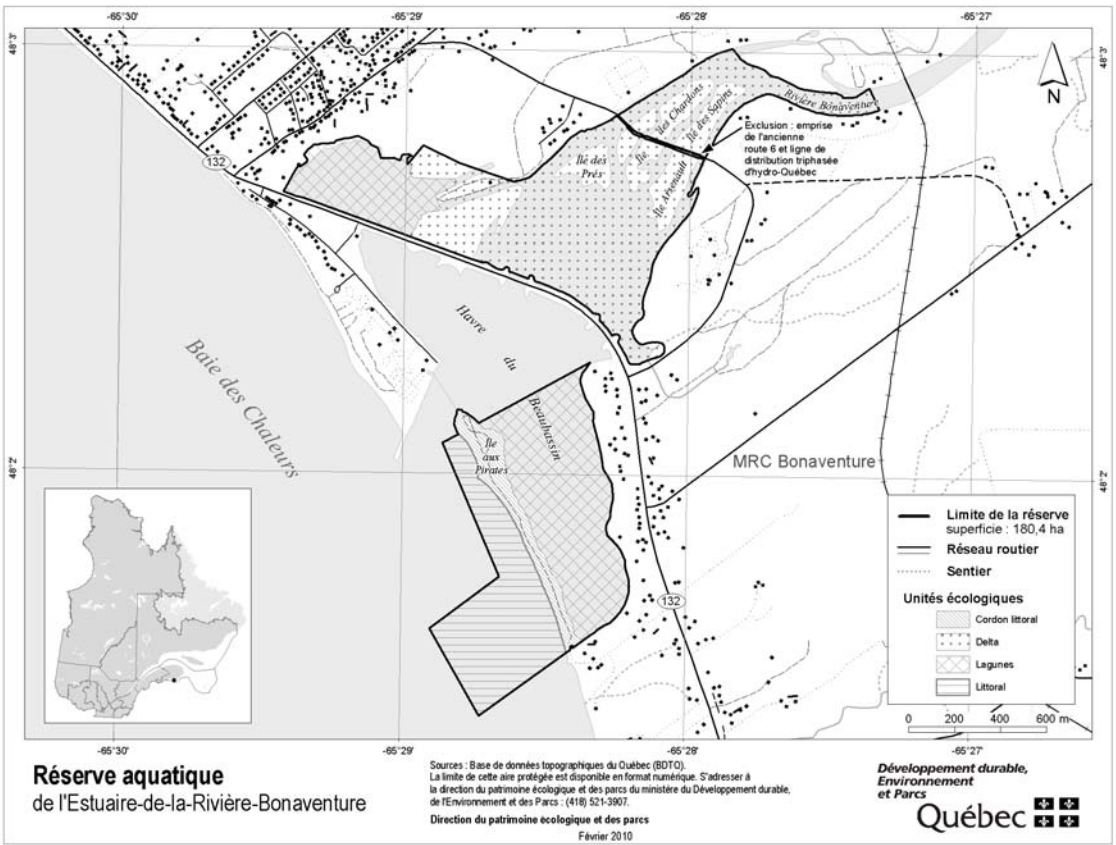
IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT it be specified that the Réserve aquatique de l'Estuaire-de-la-Rivière-Bonaventure includes the entire Île aux Pirates and, consequently, the boundaries of the aquatic reserve in the northwest portion of Île aux Pirates exceeding the cadastral boundary will vary over time as a result of erosion or the addition of sedimentary material;

THAT the conservation plan of the Réserve aquatique de l'Estuaire-de-la-Rivière-Bonaventure, approved by Order in Council 300-2009 dated 25 March 2009 and attached thereto, be amended by replacing the two maps contained in Schedule 1 by the maps attached to this Order in Council.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

SCHEDULE 1
RÉSERVE AQUATIQUE DE L'ESTUAIRE-DE-LA-RIVIÈRE-BONAVENTURE: LOCATION, BOUNDARIES AND ECOLOGICAL UNITS



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Gouvernement du Québec

O.C. 620-2010, 7 July 2010

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Amendment to the plan of the proposed Paakumshumwaau-Maatuskaau biodiversity reserve and its conservation plan

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, such as a park, the Minister of Sustainable Development, Environment and Parks shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, under section 31 of the Act, the Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under section 27 or the conservation plan established for that land. No amendment to or replacement of a plan may affect the period of time for which the land has been set aside;

WHEREAS Order in Council 445-2008 dated 7 May 2008 authorized the Minister of Sustainable Development, Environment and Parks to assign the status of biodiversity reserve to the proposed territory of Paakumshumwaau-Maatuskaau and has approved the plan of the area and its conservation plan;

WHEREAS, under Minister's Order dated 29 May 2008 and the notice of setting aside published in the *Gazette officielle du Québec* of 11 June 2008, the proposed Paakumshumwaau-Maatuskaau biodiversity reserve received its temporary protection status, the plan of the area and its conservation plan being those approved by the Government;

WHEREAS a portion of the road leading to the Wemindji Cree village crosses the territory of the proposed Paakumshumwaau-Maatuskaau biodiversity reserve;

WHEREAS certain repair work to the Wemindji road must be carried out in the short term by the Ministère des Transports to improve public safety;

WHEREAS, for the purpose of facilitating the carrying out of the repair work to the Wemindji road, certain portions of the territory must be excluded from the proposed biodiversity reserve, namely the road and the sectors including borrow pits for sand and gravel necessary for the work, but whose development is prohibited within such a protected area;

WHEREAS the Ministère des Transports will be able, in the coming months, to locate precisely the location of the borrow pits necessary for the future maintenance of the road, which will allow the reintegration of the excess portions of the protected area;

WHEREAS in establishing the temporary protected area, certain portions of the territory could not be included because of the presence of mining rights;

WHEREAS on those portions of territory, confined by the proposed biodiversity reserve, the mining rights have since expired so that it is now possible to integrate those areas of the protected territory in accordance with the agreements made with the various stakeholders in the territory during the consultations preceding the establishment of the proposed biodiversity reserve;

WHEREAS a minor amendment is also necessary to exclude a portion of land to give access, from the Wemindji road, to the existing mining titles;

WHEREAS it is expedient to amend the boundary of the proposed Paakumshumwaau-Maatuskaau biodiversity reserve mainly to allow the carrying out of the repair work to the Wemindji road and ensure legal protection of the portions of territory no longer under mining titles;

WHEREAS, for the purposes of introducing these amendments, the Minister prepared the revised plan of the proposed Paakumshumwaau-Maatuskaau biodiversity reserve and made consequent changes to its conservation plan, the plans thus amended being attached to this Order in Council;

WHEREAS it is advisable that the amended plans come into force on the date of their publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the plan of the proposed Paakumshumwaau-Maatuskaau biodiversity reserve and its conservation plan attached hereto be approved, as amended;

THAT the amended plans take effect on the date of their publication with this Order in Council in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

QUÉBEC STRATEGY FOR PROTECTED AREAS

Protected areas in Québec:
A Lifelong Heritage

Proposed Paakumshumwaau -Maatuskaau biodiversity reserve

Conservation plan

May 2010

Québec

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The permanent protection status envisaged for the reserve is "biodiversity reserve", status under the Natural Heritage Conservation Act.

The proposed reserve is to have the name: Proposed Paakumshumwaau-Maatuskaau biodiversity reserve. The official toponym will be determined when the land is granted permanent protection status.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Paakumshumwaau-Maatuskaau biodiversity reserve are shown at the appendix 1.

The proposed Paakumshumwaau-Maatuskaau biodiversity reserve is located in the Nord-du-Québec administrative region between 52°30' and 53°15' north latitude and 76°46' and 78°53' west longitude. It lies roughly 20 kilometres to the southeast of the Cree village of Wemindji and 32.5 kilometres to the north of the Cree village of Eastmain in the territory of the municipality of Baie-James, which is not in a regional county municipality. The proposed biodiversity reserve covers an area of 4 539.0 km² which is divided between a marine portion of 146.5 km² and a terrestrial portion 4 392.5 km².

2.2. Ecological overview

The proposed Paakumshumwaau-Maatuskaau biodiversity reserve is located in the natural province of the La Grande Hills. More specifically, it lies within the natural regions of the Lake Duncan Plain and the Opinaca Hills.

The reserve comprises a littoral plain to the west, climbing gradually to the east as far as the depression containing the Opinaca reservoir. The eastern section of the reserve is characterized by litoral and marine deposits, while the central and western sections are dominated by organic deposits alternating with rock and drumlinized, litoral and marine deposits.

The landscape of plains and low hills has little variation in relief; the altitude varies from 0 m to 236 m with an average of 120 m. The proposed biodiversity reserve is situated in the domain of mossy spruce stands, and the forest cover is mostly mature black spruce with lichens in the higher, drier areas, with mossy

spruce stands in the more humid environments. Fire, the main natural disturbance, has left ecosystems of burned vegetation covering almost 25% of the area.

The proposed biodiversity reserve lies within the Vieux-Comptoir and Du Peuplier watersheds. The conservation of a large part of the last unharnessed watersheds in the natural province will provide protection for a representative sample of the shoreline structured by a hydrographic system featuring rivers flowing from the east to the west and part of the low plateau of the Opinaca river.

2.3. Occupation and land uses

The proposed biodiversity reserve lies entirely within the Vieux Comptoir beaver reserve and is also part of hunting zone 22. The James Bay highway crosses the eastern extremity of the reserve. The territory of the dike OA-33 which is concerns by the placing at the disposal of Hydro-Québec is excluded of the proposed biodiversity reserve.

The proposed biodiversity reserve is located on Category II and Category III lands of the community of Wemindji, pursuant to the James Bay and Northern Québec Agreement signed in 1975 and *Act respecting the land regime in the James Bay and New Québec territories* (R.S.Q., c. R-13.1). Six traplines of the Cree community of Wemindji overlap parts of the proposed biodiversity reserve. The protection of this area follows a proposal made by the Cree community of Wemindji, which wished to preserve the watersheds of the Vieux Comptoir and Peuplier rivers, a territory traditionally used by the community for over 3500 years.

3. Activities framework

§1. — Introduction

Activities carried on within the proposed reserve are governed mainly by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides the framework for the various activities permitted so as to better protect the natural environment in keeping with the conservation principles and other management objectives established for the proposed reserves. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned are

- mining, and gas or petroleum development;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1); and
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

The measures in the Natural Heritage Conservation Act and in this conservation plan apply subject to the provisions of the agreements under the Act approving the Agreement concerning James Bay and Northern Québec (R.S.Q., c. C 67) and the Act approving the Northeastern Québec Agreement (R.S.Q., c. C 67.1).

§2. — Prohibitions, prior authorizations and other conditions governing activities in the proposed reserve

§2.1. Protection of resources and the natural environment

3.1. Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna, including by stocking, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

No person may stock a watercourse or body of water for aquaculture, commercial fishing or any other commercial purpose.

No person may establish in the proposed reserve a non-native species of flora, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

Before issuing an authorization under this section, the Minister is to take into consideration, in addition to the characteristics and the number of species involved, the risk of biodiversity imbalance, the importance of conserving the various ecosystems, the needs of the species in the ecosystems, the needs of rehabilitating degraded environments or habitats within the proposed reserve, and the interest in reintroducing certain species that have disappeared.

3.2. No person may use fertilizer or fertilizing material in the proposed reserve. Compost for domestic purposes is permitted if used at least 20 metres from a watercourse or body of water measured from the high-water mark.

The high-water mark means the high-water mark defined in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains, adopted by Order in Council 468-2005 dated 18 May 2005.

3.3. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) intervene in a wetland area, including a marsh, swamp or bog;

(2) modify the reserve's natural drainage or water regime, including by creating or developing watercourses or bodies of water;

(3) dig, fill, obstruct or divert a watercourse or body of water;

(4) install or erect any structure, infrastructure or new works in or on the bed, banks, shores or floodplain of a watercourse or body of water, although no authorization is required for minor works such as a wharf, platform or boathouse erected for private purposes and free of charge under section 2 of the Regulation respecting the water property in the domain of the State made by Order in Council 81-2003 dated 29 January 2003;

(5) carry on any activity other than those referred to in the preceding subparagraphs that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the quality of the biochemical characteristics of aquatic or riparian environments or wetland areas in the proposed reserve, including by discharging or dumping waste or pollutants into those areas;

(6) carry out soil development work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as trail development;

(7) install or erect any structure, infrastructure or new works;

(8) reconstruct or demolish an existing structure, infrastructure or works,

(9) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work, although no authorization is required for the removal of soapstone by beneficiaries within the meaning of section 1 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R 13.1);

(10) use a pesticide, although no authorization is required for the use of personal insect repellent;

(11) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(12) hold a sports event, tournament, rally or similar event if more than 15 persons are likely to participate in the activity and have access to the proposed reserve at the same time; no authorization may be issued by the Minister if the activity involves motor vehicle traffic, unless it has been shown to the Minister that it is impossible to organize the activity elsewhere or that bypassing the proposed reserve is highly unfeasible.

The conditions determined by the Minister for the authorization may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including on-site materials, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in

particular as regards the results obtained from the research to which subparagraph 11 of the first paragraph refers.

3.4. Despite subparagraphs 6, 7, 8 and 9 of the first paragraph of section 3.3, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met.

(1) The work involves

(*a*) work to maintain, repair or upgrade an existing structure, infrastructure or works such as a camp, cottage, road or trail, including ancillary facilities such as lookouts or stairs;

(*b*) the construction or erection of

i. an appurtenance or ancillary facility of a trapping camp, rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; or

ii. a trapping camp, rough shelter, shelter or cottage if such a building was permitted under the right to use or occupy the land but had not been constructed or installed on the effective date of the status as a proposed reserve; or

(*c*) the demolition or reconstruction of a trapping camp, rough shelter, shelter or cottage, including an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities.

(2) The work is carried out in compliance with the following requirements:

(*a*) the work involves a structure, infrastructure or works permitted within the proposed reserve;

(*b*) the work is carried out within the area of land or right-of-way subject to the right to use or occupy the land in the proposed reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

(*c*) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and, if applicable, the limits allowed under an authorization for the structure, works or infrastructure; and

(*d*) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

3.5. No person may bury, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, an outfitting operation does not require an authorization to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the effective date of the protection status as a proposed reserve.

§2.2. Rules of conduct for users

3.6. Every person staying, carrying on an activity or travelling in the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.7. Every person who makes a campfire must

(1) first clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible material;

(2) ensure that the fire is at all times under the immediate supervision of a person on the premises; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.8. In the proposed reserve, no person may

(1) cause any excessive noise;

(2) behave in a manner that unduly disturbs other persons or interferes with their enjoyment of the proposed reserve; or

(3) harass wildlife.

For the purposes of subparagraphs 1 and 2 of the first paragraph, behaviour that significantly disturbs other persons and constitutes unusual or abnormal conditions for the carrying on of an activity or for the permitted use of property, a device or an instrument within the proposed reserve is considered excessive or undue.

3.9. No person may enter, carry on an activity or travel in a vehicle in a given sector of the proposed reserve if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

3.10. No person may destroy, remove, move or damage any poster, sign, notice or other types of signage posted by the Minister within the proposed reserve.

§2.3. Activities requiring an authorization

3.11. No person may occupy or use the same site in the proposed reserve for a period of more than 90 days in the same year, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

(1) For the purposes of the first paragraph,

(*a*) the occupation or use of a site includes

i. staying or settling in the proposed reserve, including for vacation purposes;

ii. installing a camp or shelter in the proposed reserve; and

iii. installing, burying or leaving property in the proposed reserve, including equipment, any device or a vehicle;

(*b*) "same site" means any other site within a radius of 1 kilometre from the site.

(2) Despite the first paragraph, no authorization is required if a person,

(*a*) on the effective date of the protection status as a proposed reserve, was a party to a lease or had already obtained another form of right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;

(*b*) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in paragraph *a*, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(*c*) elects to acquire land the person legally occupies on the effective date of the protection status as a proposed reserve, pursuant to the Act respecting the lands in the domain of the State.

3.12. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions determined by the Minister for the authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister is not required if a person staying or residing in the proposed reserve collects wood to make a campfire.

An authorization is also not required if a person collects firewood to meet domestic needs in the following cases and on the following conditions:

(*a*) the wood is collected to supply a trapping camp or a rough shelter permitted within the proposed reserve if

i. the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act;

ii. the quantity of wood collected does not exceed 7 apparent cubic metres per year;

(*b*) in all other cases if

i. the wood is collected within a sector designated by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act may be issued, and for which, on the effective date of the protection status as a proposed reserve, a designation as such had already been made by the Minister;

ii. the wood is collected by a person who, on the effective date of the protection status as a proposed reserve or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve;

iii. the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the proposed reserve in accordance with this conservation plan carries on the forest management activity for the purpose of

(a) clearing the permitted areas, maintaining them or creating visual openings, or any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State, including work for access roads, stairs and other trails permitted under those provisions; or

(b) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in paragraph *b* of subsection 3 is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions in sections 3.13 and 3.15.

(4) Despite subsection 1, an authorization to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic needs is not required if

(*a*) the activity is carried on by a person who, on the effective date of the protection status as a proposed reserve or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on within the proposed reserve the activities associated with operating a sugar bush;

(*b*) the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the effective date of the protection status as a proposed reserve or in any of the three preceding years; or

(*c*) the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

§ 2.4. Authorization exemptions

3.13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended disaster. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. The members of a Native community who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed reserve are exempted from obtaining an authorization.

For greater certainty, the provisions of this conservation plan also apply subject to the authorization exemptions and other provisions in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1).

3.15. Despite the preceding provisions, the following activities and interventions involving the transmission, distribution or production of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

(1) any activity or intervention required within the proposed reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the Minister, in accordance with the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société, and the activity or intervention is carried out in conformity with the request; and

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and ascertain the impact of electric power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement incidental to the work.

§2.5. General provisions

3.16. Every person who applies to the Minister for an individual authorization or an authorization for a group or a number of persons must provide all information or documents requested by the Minister for the examination of the application.

3.17. The Minister's authorization, which is general or for a group, may be communicated for the benefit of the persons concerned by any appropriate means including a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister may also provide a copy to any person concerned.

§3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed reserve.

A special legal framework may govern permitted activities within the proposed reserves in connection with the following matters:

- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) and its regulations;
- Removal of species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) prohibiting the removal of such species;
- Development and conservation of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, in particular the fishery regulations; in Northern

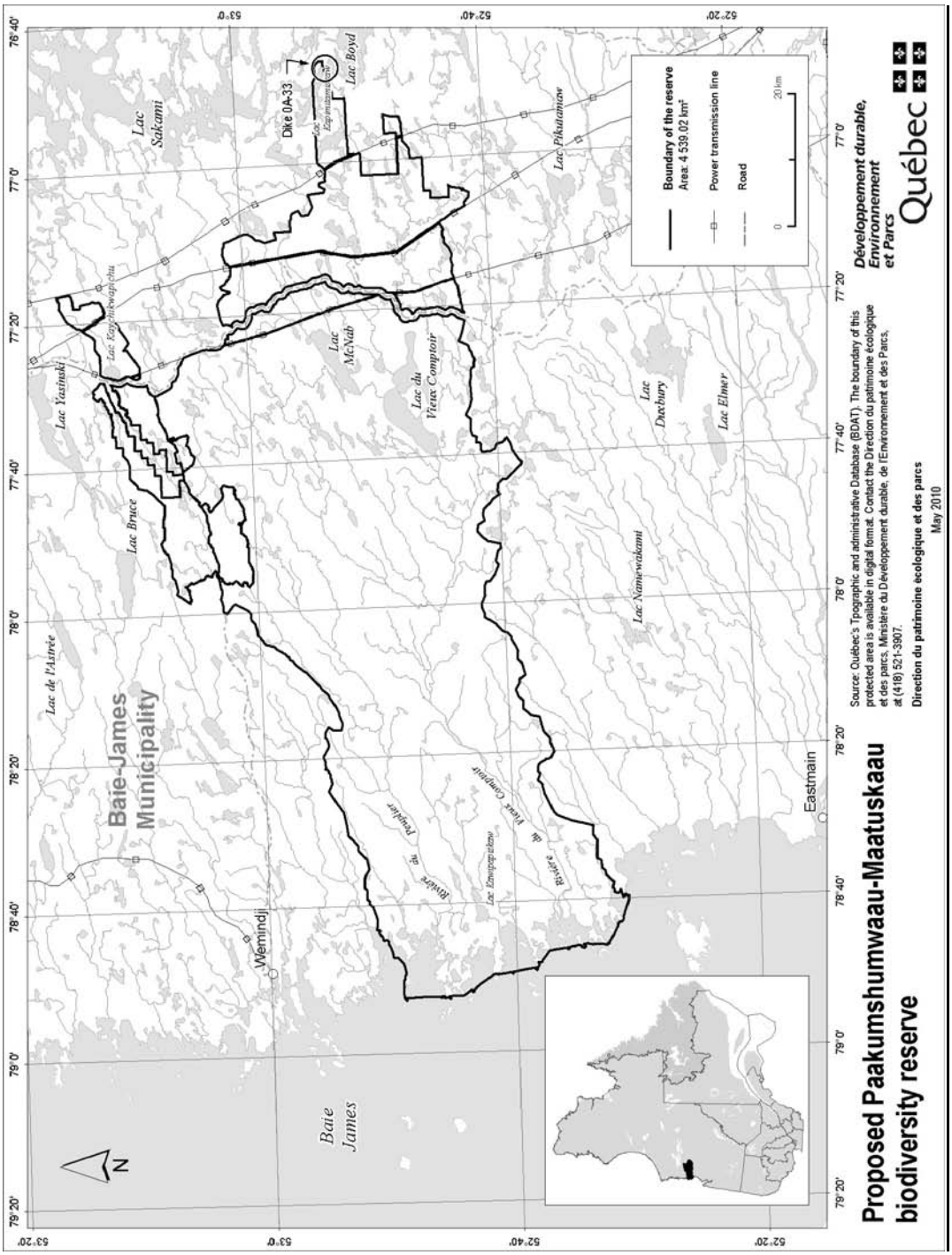
regions: special measures set out in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1);

- Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);
- Access and land rights related to the domain of the State: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the Watercourses Act (R.S.Q., c. R-13) and, in Northern regions, in the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1);
- Operation of vehicles*:* measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation respecting motor vehicle traffic in certain fragile environments made under the Environment Quality Act;
- Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the proposed Paakumshumwaau-Maatuskaau biodiversity reserve and is therefore responsible for supervising and monitoring the activities that may be carried on within the reserve. In managing the reserve, the Minister will work collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

Appendix 1
Plan of Proposed Paakumshumwaau-Maatuskaau Biodiversity Reserve



Gouvernement du Québec

O.C. 627-2010, 7 July 2010

General and Vocational Colleges Act
(R.S.Q., c. C-29)

College Education
— Amendments

Regulation to amend the College Education Regulations

WHEREAS, under section 18 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Government is to establish, by regulation, the College Education Regulations;

WHEREAS the Government made the College Education Regulations (R.R.Q., c. C-29, r. 4);

WHEREAS, under section 18 of the General and Vocational Colleges Act, every draft regulation under that section must be submitted to the Conseil supérieur de l'éducation for examination;

WHEREAS a draft of the Regulation attached to this Order in Council was submitted to the Conseil supérieur de l'éducation, which gave its opinion;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 26 August 2009 with a notice that it could be made by the Government on the expiry of 45 days following its publication;

WHEREAS it is expedient to amend the College Education Regulations with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Regulation to amend the College Education Regulations, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the College Education Regulations

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18)

1. The College Education Regulations (R.R.Q., c. C-29, r. 4) are amended in section 1 by replacing the definition of "course" by the following:

""course" means a set of learning activities for which credits are attributed and comprising at least 45 periods of instruction or, in the cases determined by the Minister, the number of periods of instruction set by the Minister; (*cours*)".

2. Section 2.2 is amended by replacing "In the case referred to in the second paragraph" in the third paragraph, by "In those cases".

3. The following sections are added after section 3.1:

"**3.2.** Despite section 3.1, a college may admit a person to a program of studies leading to a Specialization Diploma in Technical Studies if the person has received instruction the college considers equivalent.

3.3. A college may conditionally admit to a program of studies leading to a Specialization Diploma in Technical Studies a person who, not having attained the set of objectives and standards of a program of studies referred to in section 3.1 or passed the imposed examinations, commits to meeting the conditions to obtain the Diploma of College Studies during the first half of the period normally required to complete such a specialization.

Despite the foregoing, a person who must complete training components for a number of credits greater than 5 or who has previously failed to fulfil his or her commitments after being conditionally admitted may not be conditionally admitted.".

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

9978

Gouvernement du Québec

O.C. 631-2010, 7 July 2010

An Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1)

Interactive television games — Amendment

By-law to amend the By-law respecting interactive television games

WHEREAS the first paragraph of section 13 of the Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1) provides that the board of directors of the Société des loteries du Québec determines by by-law the general standards and conditions relating to the nature and holding of the lottery schemes it conducts and administers;

WHEREAS the second paragraph of that section provides that the by-law is to be submitted to the Government for approval;

WHEREAS the Government approved the By-law respecting interactive television games by Order in Council 268-92 dated 26 February 1992;

WHEREAS it is expedient to amend the By-law;

WHEREAS the Société des loteries du Québec made the By-law to amend the By-law respecting interactive television games on 20 November 2009;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the By-law to amend the By-law respecting interactive television games was published in the *Gazette officielle du Québec* of 10 February 2010 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the By-law without amendments;

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

THAT the By-law to amend the By-law respecting interactive television games, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

By-law to amend the by-law respecting interactive television games*

An Act respecting the Société des loteries du Québec (R.S.Q., c. S 13.1, s. 13)

1. The By-law respecting interactive television games is amended by replacing section 8 by the following:

"**8.** The annual rate of return for all interactive television games covered by this By-law may not be less than 83%.".

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

9982

Gouvernement du Québec

O.C. 635-2010, 7 July 2010

An Act respecting immigration to Québec (R.S.Q., c. I-0.2)

Selection of foreign nationals — Amendment

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS, under section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may make regulations on the matters set forth therein

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (c. I-0.2, r. 4);

WHEREAS it is expedient to amend the Regulation to extend from 36 months to 48 months the maximum period of validity of the certificate of acceptance issued by Québec to a foreign national wishing to stay temporarily in Québec to work as a live-in caregiver;

* The By-law respecting interactive television games, approved by Order in Council 268-92 dated 26 February 1992 (1992, *G.O.* 2, 1058), has not been amended since its approval.

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 amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* of 12 May 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration and Cultural Communities:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection of foreign nationals

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2, s. 3.3, 1st par., subpar. *f*.1.0.1)

1. The Regulation respecting the selection of foreign nationals (c. I-0.2, r. 4) is amended by inserting "or, in the case of a foreign national who wishes to stay temporarily in Québec to work as a live-in caregiver, as defined in the Immigration and Refugee Protection Regulations (SORS/02-227), for a period of not more than 48 months." after "months" in the second sentence of paragraph 4 of section 50.

2. 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. 642-2010, 7 juillet 2010

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

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

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

Various regulations of a fiscal nature — Amendments

Regulations to amend various regulations of a fiscal nature

WHEREAS the Minister of Finance, in his Budget Speech of 23 March 2006, announced two measures aimed at reducing tax evasion and undeclared labour in the restaurant sector, i.e. the obligation for restaurant operators to provide the customer with an invoice and the obligation for restaurant operators to produce the invoice for the transaction with a cash register equipped with a microcomputer held inside a secure box;

WHEREAS the legislative provisions giving effect to those measures were added in the Act giving effect to the Economic Statement delivered on 14 January 2009, to the Budget Speech delivered on 19 March 2009 and to certain other budget statements (2010, c. 5), which was assented to on 20 April 2010;

WHEREAS the Act to amend the Tobacco Tax Act and other legislative provisions primarily to counter tobacco smuggling (2009, c. 47) came into force on 19 November 2009 and provides for various measures aimed at countering tobacco smuggling;

WHEREAS, among other measures aimed at countering tobacco smuggling, section 7.10.1 of the Tobacco Tax Act (R.S.Q., c. I-2) provides that the holder of a manufacturer's permit must keep a register setting out the inventory of the tobacco manufacturing equipment in the permit holder's possession, its origin and the manner in which it was disposed of, if such is the case, as well as any other information prescribed by regulation;

WHEREAS, under section 19 of the Tobacco Tax Act, for the purpose of carrying into effect the provisions of the Act according to their true intent or of supplying any deficiency therein, the Government may make such regulations, not inconsistent with the Act, as are considered necessary;

WHEREAS, under the first paragraph of section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government may make regulations, in particular, to prescribe the measures required to carry out the Act;

WHEREAS subparagraph 33.2 of the first paragraph of section 677 of the Act respecting the Québec sales tax (R.S.Q., c. T0.1) provides, in particular, that the Government may, by regulation, determine, for the purposes of section 350.51 of that Act, the prescribed information that an invoice must contain and the prescribed cases and conditions in respect of which an invoice is not provided to the recipient;

WHEREAS subparagraph 33.3 of the first paragraph of section 677 of the Act provides, in particular, that the Government may, by regulation, determine, for the purposes of section 350.52 of that Act, the prescribed devices, the prescribed information and the prescribed cases in respect of which information is not required to be entered without delay;

WHEREAS subparagraph 33.4 of the first paragraph of section 677 of the Act provides, in particular, that the Government may, by regulation, determine, for the purposes of section 350.53 of that Act, the prescribed cases and conditions in respect of which a document may be provided;

WHEREAS subparagraph 33.5 of the first paragraph of section 677 of the Act provides, in particular, that the Government may, by regulation, determine, for the purposes of section 350.54 of that Act, the prescribed periods, prescribed times and prescribed cases;

WHEREAS subparagraph 33.6 of the first paragraph of section 677 of the Act provides, in particular, that the Government may, by regulation, determine, for the purposes of sections 350.55 and 350.56 of that Act, the prescribed manner of notifying the Minister;

WHEREAS it is expedient to amend the Regulation respecting the application of the Tobacco Tax Act (R.R.Q., c. I-2, r. 1) to give effect to a legislative provision introduced in the Tobacco Tax Act by section 7 of chapter 47 of the Statutes of 2009;

WHEREAS it is expedient to amend the Regulation respecting fiscal administration (R.R.Q., c. M-31, r. 1) to provide for delegations of signature to take into account the changes made to certain fiscal laws;

WHEREAS it is expedient to amend the Regulation respecting the Québec sales tax (R.R.Q., c. T-0.1, r. 2) to give effect to legislative provisions introduced in the Act respecting the Québec sales tax by section 227 of chapter 5 of the Statutes of 2010;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without the prior publication provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS, under section 18 of the Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established, amended or repealed by the regulations attached to this Order in Council justifies the absence of prior publication and such coming into force;

WHEREAS, under section 27 of the Act, the Act does not prevent a regulation from taking effect before the date of its publication in the *Gazette officielle du Québec* where the Act under which it is made expressly provides therefor;

WHEREAS, under section 20 of the Tobacco Tax Act, every regulation made under the Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on a later date fixed therein. Such a regulation may also, once published and where it so provides, take effect on a date prior to its publication but not prior to the date on which the legislative provision under which it is made takes effect;

WHEREAS, under section 97 of the Act respecting the Ministère du Revenu, every regulation made under the Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein and may, if it so provides, apply to a period prior to its publication;

WHEREAS, under the second paragraph of section 677 of the Act respecting the Québec sales tax, regulations made under the Act come into force on the date of their publication in the *Gazette officielle du Québec*, unless they fix another date which may in no case be prior to 1 July 1992;

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

THAT the following Regulations be made:

— the Regulation to amend the Regulation respecting the application of the Tobacco Tax Act;

— the Regulation to amend the Regulation respecting fiscal administration;

— the Regulation to amend the Regulation respecting the Québec sales tax.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Tobacco Tax Act

Tobacco Tax Act
(R.S.Q., c. I-2, ss. 19 and 20)

1. The Regulation respecting the application of the Tobacco Tax Act (R.R.Q., c. I-2, r. 1) is amended by inserting the following after section 1.5:

"**1.5.1.** For the purposes of section 7.10.1 of the Act, the register that must be kept by the holder of a manufacturer's permit must indicate

(a) a description of the tobacco manufacturing equipment, the name of the manufacturer, the trademark, model, serial number and capacity;

(b) the name and address of the vendor or lessor of the tobacco manufacturing equipment and, where applicable, the registration number assigned to the vendor or lessor in accordance with section 415 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1) and the number of the manufacturer's permit;

(c) the date of acquisition or of the start of the lease of the tobacco manufacturing equipment, the price or rent and the term of the lease as well as the invoice number;

(d) in the case of imported tobacco manufacturing equipment, the number of every document related thereto issued by, as the case may be, the Canada Border Services Agency or the Canada Revenue Agency and, where applicable, the name and address of the customs broker;

(e) the name and address of the carrier of the tobacco manufacturing equipment, the address of the place of delivery, the delivery date and the number of the receiving document;

(f) the date of commissioning and, where applicable, the date of the end of the use of the tobacco manufacturing equipment;

(g) where the holder of a manufacturer's permit disposes, by sale, lease or otherwise, of the tobacco manufacturing equipment, the name and address of the purchaser or lessee, the date on which the holder disposed of the equipment, the price or rent and the term of the lease, the number of the manufacturer's permit of the purchaser or lessee and the number of every document relating thereto;

(h) where the holder of a manufacturer's permit disposes of the tobacco manufacturing equipment for its destruction, its recycling or the recovery of parts, the name and address of the person in charge of the destruction, recycling or recovery and the date on which the holder disposed of the equipment.".

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

Regulation to amend the Regulation respecting fiscal administration

An Act respecting the Ministère du Revenu
(R.S.Q., c. M-31, s. 96, 1st par. and s. 97)

1. (1) The Regulation respecting fiscal administration (R.R.Q., c. M-31, r. 1) is amended by inserting the following after section 7R23.5:

"**7R23.6.** A public servant who holds the position of Director of Tax Audit Technology Research at the Direction générale adjointe de la recherche fiscale within the Direction générale de la planification, de l'administration et de la recherche is authorized to sign the documents required for the purposes of sections 350.56 and 350.57 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1).".

(2) Paragraph 1 has effect from 20 April 2010.

2. The Regulation is amended by inserting the following after section 7R91:

"**7R92.** A public servant who holds the position of Director of Electronic Solutions and Government Partnerships within the Direction générale du traitement et des technologies is authorized to sign, in place of the Minister of Revenue but within the limits of the public servant's duties, any agreement to establish rules or procedures in connection with the organization of the process for validating software or a computer application enabling the electronic transmission of data or the

reproduction of forms, or any agreement to establish rules or procedures to ensure a sales registration system, a cash register or software is compatible with a device referred to in section 350.52 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1).".

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

Regulation to amend the Regulation respecting the Québec sales tax

An Act respecting the Québec sales tax
(R.S.Q., c. T-0.1, s. 677, 1st and 2nd pars.)

1. The Regulation respecting the Québec sales tax (R.R.Q., c. T-0.1, r. 2) is amended by inserting the following after section 346.1R1:

"RESTAURANT SERVICES

"**350.51R1.** For the purposes of sections 350.51R3 to 350.51R9,

"goods and services tax paid or payable" means the tax that has become payable or, if it has not become payable, has been paid under Part IX of the Excise Tax Act (Revised Statutes of Canada 1985, chapter E-15);

"tax paid or payable" means the tax that has become payable or, if it has not become payable, has been paid.

350.51R2. For the purposes of section 350.51 of the Act in respect of an operator of an establishment providing restaurant services that is not a registrant, sections 350.51R3 and 350.51R4 list the information that is the prescribed information contained on the invoice.

For the purposes of section 350.51 of the Act in respect of an operator of an establishment providing restaurant services that is a registrant, sections 350.51R5 to 350.51R7 list the information that is the prescribed information contained on the invoice.

350.51R3. Where the operator of an establishment providing restaurant services is not a registrant, the following is the prescribed information:

(1) the name of the establishment providing restaurant services as declared to the enterprise registrar or, if no name has been so declared, the name under which the establishment carries on business;

(2) the address of the establishment providing restaurant services;

(3) the date on which the invoice was prepared;

(4) a unique invoice identification number;

(5) a sufficiently detailed description of each food and each beverage supplied;

(6) the amount paid or payable by the recipient in respect of each food or beverage referred to in paragraph 5 or, if the food or beverage is provided free of charge, mention to that effect; and

(7) the total amount paid or payable for the supply.

350.51R4. For the purposes of paragraph 5 of section 350.51R3, mention of a buffet or a salad bar or a similar mention is a sufficiently detailed description if food, a beverage or a combination of food and beverages is made available at a table by the operator of an establishment providing restaurant services for self-service by the recipient.

Mention of a fixed-price menu or a menu of the day or another general mention is also a sufficiently detailed description if it clearly refers to a food, a beverage or combination of food and beverages specified in a menu or other similar document, kept by the operator, that states the price payable on a specific date.

350.51R5. Where the operator of an establishment providing restaurant services is a registrant, the prescribed information that the invoice must contain is the following, other than for the case described in section 350.51R7:

(1) the information required under paragraphs 5 and 6 of section 350.51R3;

(2) the date, hour and minute of issue of the invoice;

(3) a number identifying the invoice and meeting the conditions set out in section 350.51R6;

(4) the partial total of the value of the consideration paid or payable in respect of the supply, determined without reference to the goods and services tax paid or payable for the supply;

(5) the registration number assigned to the operator pursuant to subsection 241(1) of the Excise Tax Act (Revised Statutes of Canada 1985, chapter E-15);

(6) the registration number assigned to the operator pursuant to section 415 of the Act;

(7) a row of 42 equal signs (=) immediately preceding the information required under paragraphs 8 to 19;

(8) the total of the goods and services tax paid or payable for the supply;

(9) the total of the tax paid or payable for the supply;

(10) the total amount for the supply that is both the tax paid or payable and the value of the consideration paid or payable in respect of the supply;

(11) mention that the document is an original invoice, a reprinted invoice, a revised invoice, a credit note or that the operator has received payment, as the case may be;

(12) for a revised invoice, mention of the number of invoices already produced that the revised invoice replaces;

(13) a two-dimensional PDF417 barcode;

(14) the date, hour, minute and second of the invoice printing;

(15) the number of the device referred to in section 350.52 of the Act assigned by the Minister to the operator at the time the device is activated;

(16) a sequential number, based on one or more series, identifying the invoice and linked by a dash to the information required under paragraph 15;

(17) the information required under paragraphs 1 and 2 of section 350.51R3;

(18) a row of 4 to 42 special characters; and

(19) a row of 42 equal signs (=) immediately following the information required under paragraphs 7 to 18.

The information required under subparagraphs 7 to 19 of the first paragraph are generated in that order by the device referred to in section 350.52 of the Act.

350.51R6. The number referred to in subparagraph 3 of the first paragraph of section 350.51R5 must meet the following conditions:

(1) it must be solely composed of American Standard Code for Information Interchange (ASCII) characters;

(2) it must be composed of 1 to 10 characters;

(3) the characters must not be an ASCII code number from 0 to 31 (control characters), 34 (right quotation mark), 38 (ampersand), 60 (less-than) or 127 (control character);

(4) the first and last characters cannot be ASCII code number 32 (space); and

(5) at least one of the characters must be an ASCII code number from 48 to 57, 65 to 90 or 97 to 122 (alphanumerical characters).

350.51R7. Where the operator of an establishment providing restaurant services is a registrant and makes a supply of meals to be consumed during an event by a group of persons pursuant to a written agreement relating to the supply, the prescribed information is the following:

(1) the information required under subparagraphs 2, 3, 5 and 6 of the first paragraph of section 350.51R5;

(2) a unique reference number entered on the written agreement by the operator;

(3) the estimated total value of the consideration payable in respect of the supply, determined without reference to the goods and services tax paid or payable for the supply;

(4) the date or dates of the group event;

(5) the estimated maximum number of persons attending the event;

(6) a row of 42 equal signs (=) immediately preceding the information required under paragraphs 7 to 12;

(7) mention that the event is a group event;

(8) a two-dimensional PDF417 barcode;

(9) the information required under subparagraphs 14, 15 and 16 of the first paragraph of section 350.51R5;

(10) the information required under paragraphs 1 and 2 of section 350.51R3;

(11) the information required under subparagraph 18 of the first paragraph of section 350.51R5; and

(12) a row of 42 equal signs (=) immediately following the information required under paragraphs 7 to 11.

The information required under subparagraphs 6 to 12 of the first paragraph are generated in that order by the device referred to in section 350.52 of the Act.

350.51R8. For the purposes of section 350.51 of the Act, section 350.51R9 lists the cases and prescribed conditions in respect of which an operator of an establishment providing restaurant services is not required to provide an invoice without delay after preparing it.

350.51R9. Where the operator of an establishment providing restaurant services makes a supply of meals to be consumed by a group of persons pursuant to a written agreement relating to the supply, the operator may, as soon as possible after the group event, provide an invoice insofar as it is provided to the recipient with another document requesting payment; the operator is to retain a copy of the invoice and other document with the written agreement.

350.52R1. For the purposes of the first paragraph of section 350.52 of the Act, a device listed in Schedule IV, containing all the software components furnished for that purpose by the Minister, and their updates, is a prescribed device.

For the purposes of section 350.52 of the Act and in the circumstances provided for in section 350.56 of the Act, a device referred to in Schedule IV needs not contain all the software components furnished for that purpose by the Minister, and their updates, to be a prescribed device.

350.52R2. For the purposes of the second paragraph of section 350.52 of the Act, section 350.52R3 lists the information that is the prescribed information concerning an operation relating to an invoice or the supply of a meal.

350.52R3. Other than for the case described in section 350.51R7, the prescribed information is the following:

(1) the method or methods of payment used by the recipient to pay the invoice, such as cash, credit card, debit card, or any combination of such methods, or if applicable, mention of another means of payment;

(2) when an order is processed and the registration and payment take place at the same time, mention that the operation is a counter order;

(3) mention of the word "addition", in the case of an invoice prepared before payment, with reference to an earlier invoice if it is related to that invoice, and mention of the words "reçu de fermeture" if payment has been received by the operator;

(4) for a training activity involving a fictitious supply, mention to that effect and that a printed document, if any, must not be provided to the patron; and

(5) mention of the date, hour, minute and second relating to information referred to in paragraphs 1 to 4.

350.53R1. For the purposes of the second paragraph of section 350.53 of the Act, sections 350.53R2 to 350.53R4 list the cases and prescribed conditions where a document may be provided to a recipient.

350.53R2. The original or a copy of the written agreement for the supply referred to in section 350.51R7, or any other document requesting payment of the consideration for the supply may be provided to the recipient.

350.53R3. A document may be provided to the recipient to allow the recipient to claim an input tax refund or an input tax credit if the invoice has already been provided to the recipient, as long as the other document only completes the invoice and contains a reference to it.

350.53R4. A document may be provided to the recipient if the invoice has already been provided to the recipient and the invoice was printed on a day other than the day on which the document is provided.

350.54R1. For the purposes of section 350.54 of the Act, in respect of a prescribed device and for a reporting period, the prescribed report is not required to be produced by the registrant if the device was not in use throughout the entire reporting period and the Minister was so notified in accordance with the second paragraph of section 350.56 of the Act.

350.54R2. For the purposes of section 350.54 of the Act, the prescribed periods correspond to calendar months.

350.54R3. For the purposes of section 350.54 of the Act, the prescribed time for producing a report for a reporting period is on or before the last day of the month following the end of the reporting period.

350.55R1. For the purposes of section 350.55 of the Act, the prescribed manner for a registrant to notify the Minister that a new seal has been affixed is to notify, by telephone, a public servant in the Service d'implantation et de suivi des modules d'enregistrement des ventes at the Direction générale adjointe de la recherche fiscale within the Direction générale de la planification, de l'administration et de la recherche at the Ministère du Revenu.

350.56R1. For the purposes of section 350.56 of the Act, sections 350.56R2 to 350.56R4 determine the prescribed manner of notifying the Minister.

350.56R2. For a person, the prescribed manner of notifying the Minister is to use an electronic process provided for that purpose by Clic Revenu electronic services, when the person activates, deactivates, initializes, maintains or updates a device referred to in section 350.52 of the Act or, in respect of such a device,

(1) reactivates the device;

(2) cancels or reinitializes the password used by an operator;

(3) updates a software component; or

(4) updates the information required under paragraphs 1 and 2 of section 350.51R3 and paragraphs 5 and 6 of section 350.51R5.

350.56R3. For a registrant, the prescribed manner of notifying the Minister when a device referred to in section 350.52 of the Act has been deactivated, reactivated or initialized is to notify, by telephone, a public servant at the Centre d'assistance aux services à la clientèle at the Direction principale des services à la clientèle des particuliers within the Direction générale des particuliers at the Ministère du Revenu.

350.56R4. For the manufacturer of the device referred to in section 350.52 of the Act, the prescribed manner of notifying the Minister is to notify the Minister in the manner provided for in the written agreement entered into with the Minister, when the manufacturer has installed or affixed a seal on the device or has made a repair or carried out other work agreed on with the Minister.".

2. The Regulation is amended by adding the following after Schedule III:

"**SCHEDULE IV**
(s. 350.52R1)

PRESCRIBED DEVICES

Mini-PC Model AEC-6822 manufactured by AAEON and secured by IBM Canada using a seal containing a unique number and an image identifying Revenu Québec".

3. Sections 350.51R1 to 350.51R5, 350.51R8 and 350.51R9 of the Regulation, enacted by section 1, come into force on 1 September 2010. However, for the period, if applicable, preceding the date on which sections 350.52 to 350.55 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1) take effect in respect of an operator of an establishment providing restaurant services, that is a registrant, or of an establishment of such an operator, as the case may be, section 350.51R5 of the Regulation, enacted by section 1, is to be read as follows:

"**350.51R5.** Where the operator of an establishment providing restaurant services is a registrant, the prescribed information that the invoice must contain is the following:

(1) the information required under paragraphs 1 to 6 of section 350.51R3;

(2) the partial total of the value of the consideration paid or payable in respect of the supply that is not the goods and services tax paid or payable for the supply;

(3) the registration number assigned to the operator pursuant to subsection 241(1) of the Excise Tax Act (R.S.C. 1985, c. E-15);

(4) the registration number assigned to the operator pursuant to section 415 of the Act;

(5) the total of the goods and services tax paid or payable for the supply;

(6) the total of the tax paid or payable for the supply; and

(7) the total amount for the supply that is both the tax paid or payable and the value of the consideration paid or payable in respect of the supply.".

4. Sections 350.56R1 to 350.56R4 of the Regulation, enacted by section 1, have effect from 20 April 2010.

5. Sections 350.51R6, 350.51R7, 350.52R1 to 350.52R3, 350.53R1 to 350.53R4, 350.54R1 to 350.54R3 and 350.55R1 of the Regulation, enacted by section 1, and Schedule IV to the Regulation, enacted by section 2, come into force on 1 November 2011 or on the earliest of the dates set in accordance with the following paragraphs *a* to *c* in respect of each operator of an establishment providing restaurant services to which the paragraphs apply, if the date precedes 1 November 2011:

(a) the date on which an operator activates in an establishment, after 31 August 2010, a device referred to in section 350.52 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1), in respect of that establishment;

(b) the date on which an operator makes the first supply of a meal in an establishment if the supply is made after 31 August 2010 and is the first supply made in connection with the operation of the establishment, in respect of that establishment; or

(c) the date that is 60 days after the date of a notice sent to an operator of an establishment providing restaurant services to the effect that the operator committed an offence against a fiscal law after 20 April 2010.

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Gouvernement du Québec

O.C. 644-2010, 7 July 2010

An Act respecting clinical and research activities related to assisted procreation (2009, c. 30)

Clinical activities related to assisted procreation

Regulation respecting clinical activities related to assisted procreation

WHEREAS paragraphs 1, 2, 4, 5, 6 and 7 of section 30 of the Act respecting clinical and research activities related to assisted procreation (2009, c. 30) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting clinical activities related to assisted procreation was published in Part 2 of the *Gazette officielle du Québec* of 24 March 2010 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 amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting clinical activities related to assisted procreation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting clinical activities related to assisted procreation

An Act respecting clinical and research activities relating to assisted procreation
(2009, c. 30, s. 30, pars. 1, 2, 4, 5, 6 and 7)

1. This Regulation applies only to clinical activities related to assisted procreation.

DIVISION I
LICENCE

2. A physician referred to in section 4 of the Act respecting clinical and research activities relating to assisted procreation (R.S.Q., c. A-5.01) who applies for a licence for the class of clinical activities to operate a centre for assisted procreation must

(1) be solvent;

(2) not have been found guilty, in the 3 years preceding the application, of an offence against the Act;

(3) not have been the holder of a licence that, in the 3 years preceding the application, was revoked or not renewed under section 32 of the Act;

(4) not have been found guilty of a criminal offence in connection with the performance of activities for which a licence is applied for in the 5 years preceding the application or, if so, a pardon was granted;

(5) not have had his or her right to practise medicine limited or suspended or been temporarily struck off the roll in the 3 years preceding the application in connection with clinical activities related to the application;

(6) have a liability insurance contract in the amount of not less than $1,000,000 per claim providing coverage against the pecuniary consequences of the liability the physician may incur for fault or negligence committed while operating the centre for assisted procreation, and undertake to maintaining such a contract in force for the entire term of the licence; and

(7) have entered into a service agreement with an institution operating a hospital centre referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) so that a person who shows complications resulting from an assisted procreation activity may be directed there.

3. A licence application made by a physician referred to in section 2 must be accompanied by the physician's membership number at the Collège des médecins du Québec and by proof that the physician has an insurance contract provided for in paragraph 6 of that section and has entered into an agreement provided for in paragraph 7 of that section.

4. A legal person or partnership referred to in section 4 of the Act that applies for a licence for the class of clinical activities to operate a centre for assisted procreation must

(1) be solvent;

(2) not, nor must any of its directors, have been found guilty of an offence against the Act in the 3 years preceding the application;

(3) not have been the holder of a licence that, in the 3 years preceding the application, was revoked or not renewed under section 32 of the Act;

(4) not, nor must any of its directors, have been found guilty of a criminal offence in connection with the performance of activities for which a licence is applied for in the 5 years preceding the application or, if so, a pardon was granted;

(5) not have any physician sitting on the board of directors or on the internal management board who has had his or her right to practise medicine limited or suspended or been temporarily struck off the roll in the 3 years preceding the application in connection with clinical activities related to the application;

(6) have a liability insurance contract in the amount of not less than $1,000,000 per claim providing coverage against the pecuniary consequences of the liability it may incur for fault or negligence committed while operating the centre for assisted procreation, and undertake to maintaining such a contract in force for the entire term of the licence; and

(7) have entered into a service agreement with an institution operating a hospital centre referred to in the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons so that a person who shows complications resulting from an assisted procreation activity may be directed there.

5. An application for a licence made by a legal person or a partnership referred to in section 4 must be accompanied by

(1) a resolution from the board of directors or the internal management board authorizing the filing of a licence application;

(2) a copy of the constituting act or contract of partnership;

(3) the name and address of every shareholder or partner referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act, the percentage of their shares in the legal person or partnership and the voting rights attached to the shares;

(4) the name and profession of the members of the board of directors or the internal management board;

(5) the membership number at the Collège des médecins du Québec of any physician referred to in paragraph 3 or 4;

(6) proof that the legal person or partnership has an insurance contract provided for by paragraph 6 of section 4; and

(7) proof that the legal person or partnership has entered into an agreement provided for in paragraph 7 of section 4.

6. An institution referred to in section 3 of the Act that applies for a licence to operate a centre for assisted procreation must hold a permit issued under the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons and provide a resolution from its board of directors authorizing the filing of a licence application.

7. A licence application made by a physician, a legal person, a partnership or an institution must also be accompanied by

(1) the name under which the centre intends to carry on activities;

(2) the name of the centre's director;

(3) the names of the physicians who will carry on assisted procreation activities in the centre, their specialty and their status as professionals subject to the application of an agreement or as non-participating professionals;

(4) a description of how the centre is organized and a list of the various specialties of staff members involved in the centre's clinical activities; and

(5) the state of the accreditation and, where applicable, the assessment report provided by the accreditation body.

8. A licence application must state the clinical activities that the centre intends to engage in.

9. A centre for assisted procreation for which a licence is required under the Act must group together either exclusively physicians subject to the application of an agreement entered into under section 19 of the Health Insurance Act (R.S.Q., c. A-29), or exclusively non-participating physicians within the meaning of that Act.

10. An application for renewal of the licence of a centre for assisted procreation must be made at least 6 months before the licence's date of expiry.

A permit holder seeking renewal must fulfil requirements and provide the documents and information provided for in section 2, 3, 4, 5, 6, 7, 8 or 9, as the case may be, except those already provided to the Minister if the applicant certifies that they are complete and accurate.

11. A licence holder must apply for a licence modification in the event of

(1) a change in the legal status of the centre; or

(2) a planned change of activities since the licence was issued.

The second paragraph of section 10 applies to an application for a licence modification.

12. A centre for assisted procreation must inform without delay the Minister in writing of any change in the state of the centre's accreditation.

13. The fees payable for the issue or renewal of a licence to operate a centre for assisted procreation to a physician, a legal person or partnership are $1,500.

14. Beginning 1 January 2011, the fees payable under section 13 are adjusted on 1 January of each year based on the percentage change, in relation to the preceding year, in the Consumer Price Index for Canada, as published by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19). For that purpose, the Consumer Price Index for a year is the annual average calculated from the monthly indexes for the 12-month period ending on 30 September of the preceding year.

If the amounts obtained contain a fraction of a dollar, that fraction is cancelled. The amount is then rounded down to the nearest 10 dollars if the last figure is lower than 5, or rounded up to the nearest 10 dollars in all other cases.

The Minister is to inform the public of the adjustment under this section through Part 1 of the *Gazette officielle du Québec* or by such other means as the Minister considers appropriate.

DIVISION II
CONDITIONS AND STANDARDS GOVERNING ASSISTED PROCREATION CLINICAL ACTIVITIES

15. In addition to the obligations provided for in the Act, the director of a centre for assisted procreation must

(1) see that all information, including consents and expressions of intention, are adequately kept by the centre;

(2) see that the privacy of personal information held by the centre is preserved and require a written undertaking to that effect from each staff member;

(3) ensure that the information and documents provided for in the Act are sent to the Minister; and

(4) approve any use of biological material derived from assisted procreation and any transfer of such material to a physician or another centre.

16. The assisted procreation clinical activities referred to in section 2 of the Act that may be carried out outside a centre for assisted procreation are the following:

(1) the prescription of ovulatory stimulants or ovulation induction;

(2) folliculograms;

(3) sperm sampling and treatment for insemination purposes;

(4) sperm freezing and storage; and

(5) artificial insemination.

17. Following an *in vitro* fertilization activity, only one embryo may be transferred into a woman.

However, taking into account the quality of embryos, a physician may decide to transfer a maximum of 2 embryos if the woman is 36 years of age or under and a maximum of 3 embryos including no more than 2 blastocysts if the woman is 37 years of age or over.

A physician who transfers more than one embryo must justify his or her choice.

18. A preimplantation genetic diagnosis may be made on embryos only for the purpose of identifying serious monogenic diseases and chromosomal abnormalities.

19. At every stage of all assisted procreation activities, a free and enlightened consent must be given in writing, particularly from

(1) the donor, in the case of gamete donation;

(2) the person who undergoes the intervention, in the case of any clinical intervention relating to assisted procreation, particularly ovarian stimulation, egg retrieval or embryo transfer;

(3) the person to whom the gametes belong, the woman for whom the embryos were intended and any spouse, in cases involving assisted procreation activities relating to gamete or embryo cryoconservation and their storage;

(4) the woman for whom the embryo was intended and not transferred into her and any spouse, in cases of embryo donation for a parental project or research purposes; and

(5) the person concerned by the research project, in the case of a research project relating to assisted procreation activities, other than a research project involving embryos.

Such consent is also required where gametes or embryos are disposed of, from the person to whom the gametes belong or from the woman for whom the embryos were intended and from any spouse.

For the purposes of this Regulation, "spouse" means the spouse who is a party to the parental project.

20. Prior to any consent required for an assisted procreation activity, a person must be informed by a physician or a health professional of

(1) the adverse effects of the clinical intervention and the related risks, in particular risks of multiple pregnancy and the person's own morbidity risks;

(2) the procedures and their rates of success;

(3) the possibility that the number of eggs and embryos exceeds the person's and any spouse's needs and of the necessity to plan what will become of them;

(4) the possibility, for the person and any spouse, of withdrawing their consent and of the situations in which it will no longer be possible;

(5) the necessity to obtain the spouse's consent before disposing of an embryo, in particular for a parental project or for research purposes;

(6) the fact that gamete donation may involve a use for clinical or research purposes;

(7) the necessity for the person and any spouse to express their intents should death, the dissolution of the union or disagreement occurs;

(8) the fact that the centre will dispose of unused biological material should the person and any spouse fail to establish contact, after the time period provided for in section 24;

(9) the fact that the biological material will always be used according to the intents expressed, provided that the person and any spouse remain in contact with the centre and pay the conservation fees, where applicable;

(10) the physician's obligation to declare information on the treatment in order to provide surveillance of the health of persons who resorted to assisted procreation activities and of the children born of such activities;

(11) the possibility of long-term follow-up of *in vitro* fertilization activities, which involves that the person could be contacted again from time to time after the end of activities; and

(12) the availability of psychological support at the centre.

21. Where gametes have not been used or embryos not transferred, the gamete donor or the woman for whom the embryos were intended and any spouse must express their intent in writing regarding the donation, conservation or disposal of those gametes or embryos, in case of death, dissolution of the union, disagreement or where the woman is no longer of childbearing age or no longer has the physical capacity to bear children.

The persons referred to in the first paragraph may decide to change their previously expressed intents at all times, in writing.

22. The consents referred to in section 19 and the intents expressed in accordance with section 21 must be filed in the record of the person who resorted to assisted procreation activities and be kept by the centre for assisted procreation where those activities take place in such a centre.

23. A person and any spouse must contact the centre for assisted procreation at least once a year to express their intents again regarding the conservation or disposal of the gametes or embryos conserved there. Those persons must also inform the centre of any change of address.

24. Should the persons referred to in section 23 fail to make contact for more than 5 years, a centre for assisted procreation may conserve, donate, transfer or dispose of those persons' gametes or embryos in a manner that is acceptable in terms of ethics and recognized by the Minister.

25. A centre for assisted procreation may transfer eggs, sperm or embryos to another centre for assisted procreation or, in the case of sperm transfer, to a physician, for clinical or research purposes, provided that

(1) the applicant for biological material has provided his or her name and contact information, the date of the application and the expected date of transfer, the purpose, the identity of the physician responsible for using the material in a clinical environment or of the person responsible for the research project, the type of material requested and the quantity and state of that material;

(2) the centre's director ensured that the biological material will be used only for the purposes of a parental or research project approved by a committee on ethics recognized by the Minister; and

(3) the donors of biological material consented to the purpose for which the transfer will be made.

The director must record the information in the application and the information related to the transfer, in particular the name and contact information of the physician or centre that receives the eggs, sperm or embryos, the date of the application and the effective date of transfer, the purpose, the identity of the physician responsible for using the material in a clinical environment or of the person responsible for the research project, the type of material transferred and the quantity and state of that material.

That information must be kept within the centre permanently so as to ensure the traceability of biological material at all times.

26. Every centre for assisted procreation must, following an *in vitro* fertilization activity, gather information enabling it to know the fertilization results, particularly a birth, and send that information to the Minister in accordance with the Public Health Act (R.S.Q., c. S-2.2).

27. The annual report sent to the Minister by a centre for assisted procreation must contain and be accompanied, where applicable, by the following information and documents:

(1) the name of the centre;

(2) the state of the accreditation;

(3) the number of patients, the type and number of treatments administered;

(4) the distribution of treatments for each person and each of the centre's clinical activities;

(5) the number of multiple pregnancies and their type, in particular twins and triplets;

(6) detail about the type, state and quantity of biological material transferred to a physician or another centre, including the name of the physician or centre, the person in charge and the purpose for which the material was transferred; and

(7) the number of persons per sector of activity;

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

9981

Gouvernement du Québec

O.C. 645-2010, 7 July 2010

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

Regulation
— Amendments

Regulation to amend the Regulation respecting the application of the Health Insurance Act

WHEREAS, under subparagraph *c*.2 of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), enacted by section 48 of chapter 30 of the Statutes of 2009, the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine in which cases and on which conditions, such as age, assisted procreation services must be considered as insured services for the purposes of subparagraph *e* of the first paragraph of section 3 of the Act;

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 amend the Regulation respecting the application of the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 24 March 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Board was consulted regarding the amendments;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Health Insurance Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 1st par., subpar. *e* and s. 69, 1st par., subpar. *c*.2; 2009, c. 30, ss. 46 and 48)

1. The Regulation respecting the application of the Health Insurance Act is amended in section 22 by adding ", or is required for the purposes of medically assisted procreation in accordance with section 34.4, 34.5 or 34.6" at the end of paragraph *q*.

2. The following is inserted after section 34.2:

"**DIVISION XII.2**
MEDICALLY ASSISTED PROCREATION SERVICES

34.3. For the purposes of this Division,

"frozen embryo" means a frozen embryo produced by *in vitro* fertilization insured under subparagraph *c* of the first paragraph of section 34.4 or an embryo already frozen before the coming into force of that section, which must come from the couple asking for the services covered in this division unless the couple consents otherwise; (*embryon congelé*)

"modified natural cycle" means a cycle being stimulated by medication to obtain only one egg; (*cycle naturel modifié*)

"modified natural cycle or natural cycle IVF" means *in vitro* fertilization following the retrieval of an egg obtained during a modified natural cycle or a natural cycle; (*FIV sur cycle naturel modifié ou sur cycle naturel*)

"natural cycle" means a cycle in which ovulation occurs spontaneously, without being stimulated by medication; (*cycle naturel*)

"stimulated cycle" means a cycle stimulated by medication to increase the number of eggs; (*cycle stimulé*)

"stimulated cycle IVF" means *in vitro* fertilization following the retrieval of eggs obtained during a stimulated cycle. (*FIV sur cycle stimulé*)

34.4 The assisted procreation services listed below and rendered in a centre for assisted procreation that holds a licence issued in accordance with the Regulation respecting clinical activities related to assisted procreation, made by Order in Council 644-2010 dated 7 July 2010, by a physician who practises at the centre must be considered as insured services for the purposes of subparagraph *e* of the first paragraph of section 3 of the Act, up to a live birth or after each live birth, for one of the following options determined by the physician, that is, 1 stimulated cycle IVF and 4 modified natural cycle or natural cycle IVFs, or 2 stimulated cycle IVFs and 2 modified natural cycle or natural cycle IVFs, or 3 stimulated cycle IVFs or 6 modified natural cycle or natural cycle IVFs:

(a) the services required to retrieve sperm by medical intervention, including percutaneous epididymal sperm aspiration and surgical or micro-surgical testicular sperm extraction;

(b) the services required to retrieve eggs or ovarian tissue;

(c) the services required for in vitro fertilization, including assisted hatching services and sperm microinjection (ICSI) services;

(d) the services required for preimplantation genetic diagnosis, rendered in a university hospital center that holds the licence referred to in this section, to identify serious monogenic diseases or chromosomal abnormalities;

(e) the services required to transfer 1 fresh embryo or, in accordance with the decision of the physician having considered the quality of the embryos, a maximum of 2 fresh embryos, in the case of a woman 36 years of age or under, and 3 fresh embryos including no more than 2 blastocysts, in the case of a woman 37 years of age or over.

The services referred to in the first paragraph are insured only to the extent that no quality frozen embryo is available for a transfer. However, after 1 live birth obtained following an IVF referred to in this section, transfers of frozen embryos, determined according to the conditions referred to in subparagraph *b* of the first paragraph of section 34.5, are considered as only 1 modified natural cycle or natural cycle IVF insured under this section, even if the transfers are done during separate tests.

34.5. The assisted procreation services listed below and rendered in a centre for assisted procreation that holds a licence issued in accordance with the Regulation

* The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1) was last amended by the regulation made by Order in Council 894-2009 dated 12 August 2009 (2009, *G.O.* 2, 3165). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

respecting clinical activities related to assisted procreation by a physician who practises at the centre must be considered as insured services for the purposes of subparagraph *e* of the first paragraph of section 3 of the Act:

(a) in the case of egg donations by an insured person, the services required to retrieve eggs or ovarian tissue;

(b) the services required, including cryopreservation, to transfer 1 frozen embryo or, in accordance with the decision of the physician having considered the quality of the embryos, a maximum of 2 frozen embryos, in the case of a woman 36 years of age or under, and 3 frozen embryos including no more than 2 blastocysts, in the case of a woman 37 years of age or over.

All quality frozen embryos must be transferred before the services referred to in the first paragraph of section 34.4 are insured. However, after 1 live birth obtained following an IVF referred to in that section, transfers of frozen embryos, determined according to the conditions referred to in subparagraph *b* of the first paragraph, are considered as only 1 modified natural cycle or natural cycle IVF insured under the first paragraph of section 34.4, even if the transfers are done during separate tests.

34.6. The assisted procreation services listed below and rendered by a physician must be considered as insured services for the purposes of subparagraph *e* of the first paragraph of section 3 of the Act:

(a) the services required for ovarian stimulation or ovulation induction;

(b) the services required for artificial insemination, including retrieval of sperm by medical intervention;

(c) the services required for freezing and storing sperm.".

3. As of the coming into force of this Regulation, the assisted procreation services listed in sections 34.4 and 34.5, made by section 2 of this Regulation, must be considered as insured services if they are rendered within the 6-month period provided for in section 57 of the Act respecting clinical and research activities relating to assisted procreation (2009, c. 30) in a centre for assisted procreation that does not hold a licence.

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

9979

M.O., 2010

Order number 2010-09 of the Minister of Transport dated 7 July 2010 to amend the Order of the Minister of Transport dated 22 May 1990 respecting the approval of weigh scales*

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

THE MINISTER OF TRANSPORT,

CONSIDERING section 467 of the Highway Safety Code (R.S.Q., c. C-24.2), which provides that the axle load and the total loaded mass of a road vehicle or combination of road vehicles are determined by means of devices designed for that purpose, approved by the Minister of Transport and used in the manner determined by the Minister;

ORDERS AS FOLLOWS:

1. The following wheel-load scales are approved:

Make	Model	Serial No.
Haenni	WL-101	32488
Haenni	WL-101	32489
Haenni	WL-101	32571
Haenni	WL-101	32572
Haenni	WL-101	32573
Haenni	WL-101	32574
Haenni	WL-101	32575
Haenni	WL-101	32576
Haenni	WL-101	32577
Haenni	WL-101	32578
Haenni	WL-101	32579
Haenni	WL-101	32580
Haenni	WL-101	32755
Haenni	WL-101	32756
Haenni	WL-101	32757
Haenni	WL-101	32758
Haenni	WL-101	32759
Haenni	WL-101	32760
Haenni	WL-101	32761
Haenni	WL-101	32762
Haenni	WL-101	32763
Haenni	WL-101	32764
Haenni	WL-101	32765

* The Order of the Minister of Transport dated 22 May 1990 respecting the approval of weigh scales, made by Minister's Order 90-05-22 dated 22 May 1990 (1990, *G.O.* 2, 1423), was last amended by Minister's Order 2010-02 dated 24 February 2010 (2010, *G.O.* 2, 660). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

Make	Model	Serial No.
Haenni	WL-101	32766
Haenni	WL-101	32767
Haenni	WL-101	32768
Haenni	WL-101	32769
Haenni	WL-101	32770
Haenni	WL-101	32771
Haenni	WL-101	32772
Haenni	WL-101	32773
Haenni	WL-101	32774

2. Schedule V to the Order from the Minister of Transport dated 22 May 1990 respecting the approval of weigh scales is amended by inserting, after HAENNI wheel-load scale, model WL-101, serial number 32198, the following:

Make	Model	Serial No.
Haenni	WL-101	32488
Haenni	WL-101	32489
Haenni	WL-101	32571
Haenni	WL-101	32572
Haenni	WL-101	32573
Haenni	WL-101	32574
Haenni	WL-101	32575
Haenni	WL-101	32576
Haenni	WL-101	32577
Haenni	WL-101	32578
Haenni	WL-101	32579
Haenni	WL-101	32580
Haenni	WL-101	32755
Haenni	WL-101	32756
Haenni	WL-101	32757
Haenni	WL-101	32758
Haenni	WL-101	32759
Haenni	WL-101	32760
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Haenni	WL-101	32763
Haenni	WL-101	32764
Haenni	WL-101	32765
Haenni	WL-101	32766
Haenni	WL-101	32767
Haenni	WL-101	32768
Haenni	WL-101	32769
Haenni	WL-101	32770
Haenni	WL-101	32771
Haenni	WL-101	32772
Haenni	WL-101	32773
Haenni	WL-101	32774

3. This Order takes effect on the date of its signature.

JULIE BOULET,
Minister of Transport

9987

M.O., 2010

Order number AM 2010-029 of the minister of Natural Resources and Wildlife and the minister for Natural Resources and Wildlife dated 6 July 2010

CONCERNING the delimitation of areas on lands in the domain of the State in view of increased utilization of wildlife resources of the Lac Blanc, located on the territory of the MRC La Haute-Côte-Nord

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE AND THE MINISTER FOR NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may delimit areas on lands in the domain of the State in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that it is expedient to delimit the areas on lands in the domain of the State specified in appendix attached to this Order in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

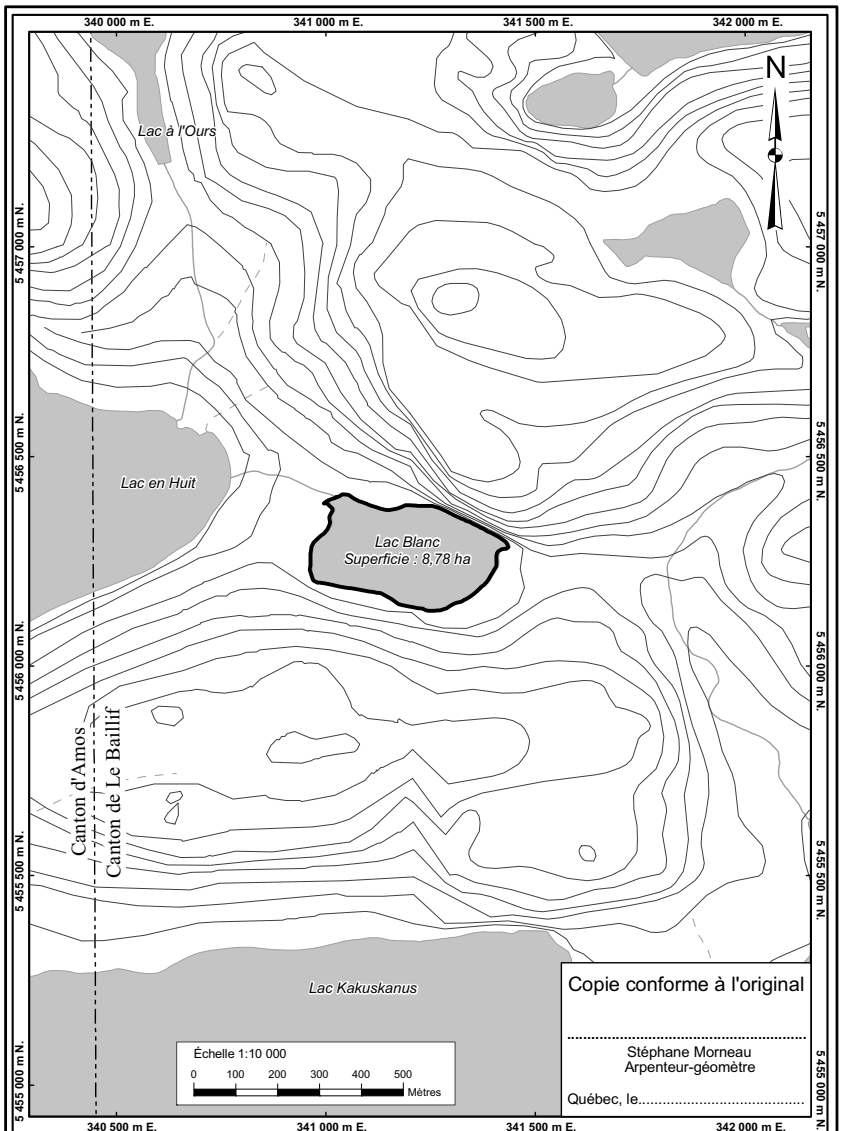
ORDER THAT:

The areas on lands in the domain of the State specified in appendix attached to this Order are delimited in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

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

Québec, 6 july 2010

SERGE SIMARD, *Minister for Natural Resources and Wildlife*	NATHALIE NORMANDEAU, *Minister of Natural Resources and Wildlife*


340 000 m E.
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N
Lac à l'Ours
Lac en Huit
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Superficie : 8,78 ha
Canton d'Amos
Canton de Le Baillif
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Mètres
Copie conforme à l'original
Stéphane Morneau
Arpenteur-géomètre
Québec, le.....
Ressources naturelles et Faune
Québec
TERRES DU DOMAINE DE L'ÉTAT
DÉLIMITÉES AUX FINS DE DÉVELOPPER
L'UTILISATION DES RESSOURCES FAUNIQUES.
Arpentage primitif : Le Baillif
Dossier : 0200-0607-00-6407
Plan n° : 0200-0607-01
1/1
Municipalité : Lac-au-Brochet (TNO)
Préparé à Québec, le 9 octobre 2009
MRC : La Haute-Côte-Nord
Région administrative : Côte-Nord (09)
Par : Original signé
Stéphane Morneau
Arpenteur-géomètre
L'original de ce document est déposé au Greffe de l'arpenteur général du Québec du ministère des Ressources naturelles et de la Faune.
Minute : 533
Matricule : 2190

9967

M.O., 2010

Order of the minister of Agriculture, Fisheries and Food dated 5 July 2010

An Act respecting reserved designations and added-value claims
(R.S.Q., c. A-20.03)

CONCERNING the Regulation respecting reserved designations

THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD,

CONSIDERING paragraphs 1, 2 and 3 of section 57 of the Act respecting reserved designations and added-value claims (R.S.Q., c. A-20.03), which provide that the Minister may make regulations to determine criteria and requirements for the recognition of reserved designations, to prescribe the documents and information that must be submitted with an application for recognition and to determine the standards and criteria that an accreditation manual prepared by the Board must set out and that certification bodies must meet in order to obtain accreditation;

CONSIDERING the making of the Regulation respecting reserved designations by M.O. 1997 of the Minister of Agriculture, Fisheries and Food dated 10 September 1997;

CONSIDERING that, by reason of the number of provisions in that Regulation that need to be amended, it is expedient to replace the Regulation;

CONSIDERING the publication of a draft Regulation respecting reserved designations in Part 2 of the *Gazette officielle du Québec* of 30 September 2009, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the draft Regulation with amendments that take the comments received into account;

ORDERS AS FOLLOWS:

The Regulation respecting reserved designations, attached to this Minister's Order, is hereby made.

Québec, 5 July 2010

The minister of Agriculture, Fisheries and Food,
CLAUDE BÉCHARD

Regulation respecting reserved designations

An Act respecting reserved designations and added-value claims
(R.S.Q., c. A-20.03, s. 57)

1. A reserved designation may be recognized where it designates products which, by reason of their special characteristics or method of production, are distinguishable from the other products in the same class and where the following criteria and requirements are met:

(1) in the case of a reserved designation relating to a method of production, the product must result from a comprehensive system of cultivation, breeding or processing, whose standards make it possible to achieve distinctive objectives;

(2) in the case of a reserved designation relating to a link with a terroir, the product must comply with the following:

(a) in the case of a protected geographical indication, the product must have a specific quality, a reputation or another characteristic attributable to its geographical origin. In addition, its development, processing or production must take place in the geographical area delimited on the basis of the link between those characteristics and its geographical origin;

(b) in the case of a designation of origin, the quality or features of the product must derive exclusively or essentially from its geographical site, comprising natural and human factors. In addition, its development, processing and production must take place in the geographical area delimited on the basis of the link between the quality or features of the product and its geographical site;

(3) in the case of a reserved designation relating to a specificity, the product must have a characteristic or a group of characteristics that clearly distinguishes it from other similar products in the same class; in the case of a traditional specificity, the product must be distinguishable by a characteristic inherited from at least one prior generation, whether the characteristic results from the raw material used, the product's composition or the method by which the product is obtained.

In addition, a reserved designation relating to the method of production must designate or describe the method of production, a reserved designation relating to a link with a terroir must include a toponym related to the delimited geographical area and a reserved designation relating to a specificity must express the claimed specificity.

2. An application for the recognition of a reserved designation is made by a person or partnership directly involved in the production or processing of the product concerned, or by a group of such persons or partnerships. Other interested persons may join in the application.

The application includes at least the following information and documents:

(1) the identification of the applicant, the nature of its activities and, where applicable, its legal structure, constituting act and internal by-laws. In the case of a group of applicants, that information also includes a list of the group members and the nature of their activities;

(2) the scope of the reserved designation, a list or the class of products that may be certified, a description of the product bearing the designation, the characteristics that distinguish it from other products of the same category, the benefits of such a type of production, the economic data and opportunities, the distribution network and the problems related to product imitation or forgery;

(3) a specification manual compliant with section 3;

(4) a study comparing the main elements of the specification manual for the reserved designation whose recognition is applied for with the corresponding elements in a specification manual for a similar designation.

3. The specification manual provided for in section 2 must include

(1) in the case of a reserved designation relating to a method of production,

(a) the reserved designation whose recognition is applied for;

(b) a description of the method of production and of the principles and objectives on which it relies and that make it distinguishable;

(c) a description of the specific practices involved in that method of production;

(d) control points and their assessment methods;

(e) references concerning the control structure;

(f) labelling requirements, if any;

(2) in the case of a reserved designation relating to a link with a terroir,

(a) the reserved designation whose recognition is applied for;

(b) a description of the product, including any raw materials used, where applicable, and the main physical, chemical, microbiological or organoleptic characteristics of the product;

(c) the delimitation of the geographical area;

(d) the elements mentioned, as the case may be, in subparagraphs *a* or *b* of subparagraph 2 of the first paragraph of section 1 establishing that the product originates from that geographical area;

(e) a description of the method by which the product is obtained and, where applicable, the local, fair and constant methods;

(f) the elements mentioned, as the case may be, in subparagraphs *a* or *b* of subparagraph 2 of the first paragraph of section 1 establishing the link with the geographical origin or geographical site**;**

(g) control points and their assessment methods;

(h) references concerning the control structure;

(i) labelling requirements, if any;

(3) in the case of a reserved designation relating to a specificity,

(a) the reserved designation whose recognition is applied for;

(b) a description of the method by which the product is obtained, including the nature and characteristics of the raw material and ingredients used, in reference to its specificity;

(c) a description of the product's main physical, chemical, microbiological or organoleptic distinctive characteristics;

(d) in the case of a reserved designation relating to a traditional specificity, the elements that make it possible to assess the product's traditional character according to subparagraph 3 of the first paragraph of section 1;

(e) control points and their assessment methods;

(f) references concerning the control structure;

(g) labelling requirements, if any.

4. Except in case of inconsistency, the requirements of the international standard ISO/CEI 17011 – General requirements for accreditation bodies accrediting conformity assessment bodies – apply to the Conseil des appellations réservées et des termes valorisants ("the Board") with respect to the accreditation of a certification body.

The accreditation manual prepared by the Board, for the assessment of applications for accreditation made by certification bodies, must correspond to the international standard ISO/CEI Guide 65 – General requirements for bodies operating product certification systems.

Where the International Organization for Standardization (ISO) amends or replaces a standard referred to in this section, the amended or replaced standard applies 6 months after it is published by the Organization.

The Board provides certification bodies with the accreditation manual they must comply with when applying for accreditation.

5. This Regulation replaces the Regulation respecting reserved designations, made by Minister's Order 1997 of the Minister of Agriculture, Fisheries and Food, dated 10 September 1997.

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

9966

Notice

Amendments to the Rules of Practice of the Superior Court of the district of Quebec in civil matters (C-25, r. 1.02)

Notice is hereby given, to be published in the *Gazette officielle du Québec*, that the judges of the Superior Court appointed for the district of Quebec, at their annual meeting on May 30th, 2010, have established the Rules of Practice in civil matters (2010) to amend the Rules of Practice of the Superior Court of the district of Quebec in civil matters, the text of which appears below, in virtue of the inherent power of the Court and of section 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Québec, 29 June 2010

ROBERT PIDGEON,
Senior Associate Chief Justice

Superior Court (District of Québec)

Rules of practice in civil matters (2010)*

1. The Rules of practice in civil matters of the Superior Court (District of Québec) (C-25, r. 1.02) are amended as follows:

2. Section 17.5 is replaced by the following:

"**17.5.** A commercial case is heard in the Administrative Division when the estimated duration is more than 3 hours.".

Sections 4.1 to 4.6 apply to the management of those cases, with the necessary modifications.".

3. Section 17.8 is revoked.

4. The following is added after section 17.9:

"**17.10.** Urgent commercial cases are heard by the judge in chambers.".

9965

* Made under the inherent jurisdiction of the Court and article 47 of the Code of Civil Procedure.

Draft Regulations

Draft Regulation

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

Financial assistance for education expenses — Amendments

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

The draft Regulation adjusts certain amounts allocated as exemptions or allowable expenses for the purpose of computing financial assistance for education expenses, and increases the maximum amount of a loan that may be granted for a year of allocation.

Further information may be obtained by contacting Martin Doiron, Direction de la planification, des programmes et des systèmes administratifs, Aide financière aux études, Ministère de l'Éducation, du Loisir et du Sport, 1035, rue De La Chevrotière, 20e étage, Québec (Québec) G1R 5A5; telephone: 418 643-6276.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Education, Recreation and Sports, 1035, rue De La Chevrotière, 16e étage, Québec (Québec) G1R 5A5.

MICHELLE COURCHESNE,
Minister of Education, Recreation and Sports

Regulation to amend the Regulation respecting financial assistance for education expenses

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

1. The Regulation respecting financial assistance for education expenses (R.R.Q., c. A-13.3, r. 1) s amended in section 17 by replacing "$2,740" in the second paragraph by "$2,805".

2. Section 26 is amended by replacing "$171" in the second paragraph by "$174".

3. Section 29 is amended by replacing the amounts provided for in subparagraphs 1 to 6 of the third paragraph by the following, respectively:

(1) "$171";

(2) "$171";

(3) "$198";

(4) "$378";

(5) "$431";

(6) "$198".

4. Section 32 is amended

(1) by replacing "$338" and "$743" in the first paragraph by "$345" and "$758", respectively;

(2) by replacing "$131" and "$536" in the second paragraph by "$138 and "$551", respectively.

5. Section 33 is amended

(1) by replacing "$61" in the first paragraph by "$62";

(2) by replacing "$172" in the second paragraph by "$175".

6. Section 34 is amended by replacing "$252" and "$1,173" in the first paragraph by "$257" and "$1,196", respectively.

7. Section 35 is amended by replacing "$87" in the second paragraph by "$89".

8. Section 37 is amended by replacing "$228" in the fifth paragraph by "$233".

9. Section 40 is amended by replacing "$66" and "$528" in the first paragraph by "$67" and "$536", respectively.

10. Section 50 is amended

(1) by replacing the amounts provided for in subparagraphs 1 to 3 of the first paragraph by the following, respectively:

(1) "$13,571";

(2) "$13,571";

(3) "$16,252";

(2) by replacing the amounts provided for in subparagraphs 1 to 3 of the second paragraph by the following, respectively:

(1) "$3,657";

(2) "$4,628";

(3) "$5,604".

11. Section 74 is amended by replacing "$228" and "$115" in the second paragraph by "$234" and "$117", respectively.

12. Section 82 is amended by replacing "$2,740" and "$2,060" in the third paragraph by "$2,805" and "$2,101", respectively.

13. Section 86 is amended

(1) by replacing the amounts provided for in subparagraphs 1 to 3 of the first paragraph by the following, respectively:

(1) "$2.08";

(2) "$3.11";

(3) "$105.23";

(2) by replacing "$10.18" in the second paragraph by "$10.38".

14. Despite the amendments made to section 50 of the Regulation respecting financial assistance for education expenses by section 10 of this Regulation, the amount of $16,152 is allocated for the 2010-2011 year of allocation pursuant to subparagraph 3 of the first paragraph of section 50 of the Regulation respecting financial assistance for education expenses.

15. Despite the amendments made to section 86 of the Regulation respecting financial assistance for education expenses by section 13 of this Regulation, the amount of $101.90 per credit is allocated for the 2010-2011 year of allocation pursuant to subparagraph 3 of the first paragraph of section 86 of the Regulation respecting financial assistance for education expenses.

16. This Regulation applies as of the 2010-2011 year of allocation.

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

9970

Draft Regulation

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

Nurses
— Diplomas giving access to permits or specialist's certificates
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 1.17 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders to add new diplomas issued by the Université du Québec à Trois-Rivières and the Université du Québec en Outaouais which give access to the specialist's certificate, nurse practitioner specializing in primary care, of the Ordre des infirmières et infirmiers du Québec.

The amendments should have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and the Ordre des infirmières et infirmiers du Québec for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister of Justice after consultation with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Carmelle Marchessault, Director, Direction des services juridiques, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal (Québec) H3Z 1V4; telephone: 514 935-2501 or 1 800 363-6048, fax: 514 935-3147.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, Jean Paul Dutrisac, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. The comments will be sent by the Office to the Minister of Justice; they may also be sent to the professional order concerned and to interested persons, departments and bodies.

KATHLEEN WEIL,
Minister of Justice

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders is amended in section 1.17 by adding the following after subparagraph *d* of subparagraph 4 of the second paragraph:

"*(e)* Maîtrise en sciences infirmières (M. Sc.) (soins de première ligne) held with the Diplôme d'études supérieures spécialisées en sciences infirmières (soins de première ligne), from the Université du Québec à Trois-Rivières;

"*(f)* Maîtrise en sciences infirmières (M. Sc.) (soins de première ligne) held with the Diplôme d'études supérieures spécialisées en sciences infirmières (soins de première ligne), from the Université du Québec en Outaouais.".

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

9972

* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1046-2009 dated 30 September 2009 (2009, *G.O.* 2, 3481). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

Draft Regulation

Business Corporations Act
(2009, c. 52)

Shareholder proposals

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 respecting shareholder proposals, appearing below, may be submitted to the Government on the expiry of 45 days following this publication.

The draft Regulation specifies the rules applicable to shareholder proposals that may be submitted under the Business Corporations Act (2009, c. 52). It provides for the number of proposals that a person may present for a shareholders meeting and the maximum content of a proposal. It also establishes the conditions to be met for submitting a proposal. Lastly, the Regulation sets various periods applicable to shareholder proposals.

The draft Regulation has no impact on small and medium-sized businesses.

Further information may be obtained by contacting Martin Landry, Director, Développement du secteur financier et des personnes morales, Ministère des Finances, 8, rue Cook, 4e étage, Québec (Québec) G1R 0A4; telephone: 418 646-7537; fax: 418 646-5744; e-mail: martin.landry@finances.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1er étage, Québec (Québec) G1R 5L3.

RAYMOND BACHAND,
Minister of Finance

Regulation respecting shareholder proposals

Business Corporations Act
(2009, c. 52, s. 194, 2nd par., s. 195, 1st par., s. 197, 1st par., s. 200, pars. 1, 4 and 5, s. 201, s. 203, s. 489, pars. 4 to 9)

1. A shareholder or beneficiary may not, under section 194 of the Business Corporations Act (2009, c. 52), present more than 5 proposals for a shareholders meeting.

2. The period referred to in the first paragraph of section 195 of the Business Corporations Act is 6 months before the day on which the proposal is submitted; the number and value of the outstanding shares referred to in that paragraph are 1% and $2,000, respectively.

The shares are appraised at their fair market value.

3. The proposal and the attached statement must together not exceed 500 words.

4. The period referred to in paragraph 1 of section 200 of the Business Corporations Act is 90 days before the expiry of 1 year after the date of the notice of meeting for the last annual meeting sent to the shareholders.

The period referred to in paragraph 4 of that section is 2 years.

The period referred to in paragraph 5 of that section is 5 years; the minimum amount of support referred to in that paragraph is, as the case may be,

(a) 3% of the total number of shares whose voting right was exercised, if the proposal was presented at only one annual shareholders meeting;

(b) 6% of the total number of shares whose voting right was exercised during the last presentation of the proposal to the holders, if the proposal was presented at 2 annual shareholders meetings;

(c) 10% of the total number of shares whose voting right was exercised during the last presentation of the proposal to the holders, if the proposal was presented at at least 3 annual shareholders meetings.

5. The period referred to in section 201 of the Business Corporations Act is 2 years after the meeting referred to in that section was held.

6. The period referred to in section 203 of the Business Corporations Act is 21 days as of the receipt of the proposal.

7. This Regulation comes into force on *(insert the date of coming into force of the Business Corporations Act (2009, c. 52))*.

9971

Draft Regulation

Civil Code of Québec
(1991, c. 64)

Tariff of duties
— Acts of civil status, change of name or of designation of sex
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The Government may by regulation, under the third paragraph of article 151 of the Civil Code of Québec (1991, c. 64), fix duties for the issuing of copies of acts, certificates or attestations.

In accordance with that provision, the Government made, by Order in Council 1593-93 dated 17 November 1993, the Tariff of duties respecting the acts of civil status and change of name or of designation of sex.

This draft Regulation amends the Tariff to adjust the amount of the duties payable for the issuing of copies of acts, certificates or attestations and provides for the indexing of those duties.

Further information on the draft Regulation may be obtained by contacting the Director of Civil Status, 2535, boulevard Laurier, 4e étage, Québec (Québec) G1V 5C5; telephone: 418 643-1447, extension 2300; fax: 418 644-9018; e-mail: pierre.rodrigue@dec.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Government Services, Dominique Vien, 875, Grande Allée Est, 5e étage, secteur 5.700, Québec (Québec) G1R 5R8.

DOMINIQUE VIEN,
Minister of Government Services

Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex*

Civil Code of Québec
(1991, c. 64, arts. 64, 73 and 151)

1. The Tariff of duties respecting the acts of civil status and change of name or of designation of sex is amended by replacing section 1 by the following:

"**1.** The duties payable for the issuing of copies of acts, certificates and attestations are, according to the document, the method of issue and the period indicated, as follows:

(1) for a certificate of birth, marriage, civil union or death,

(a) $28 by electronic means, $38 by mail and $43 at the counter until 31 March 2012;

(b) $29 by electronic means, $39 by mail and $44 at the counter from 1 April 2012 to 31 March 2013; and

(c) $31 by electronic means, $44 by mail and $49 at the counter as of 1 April 2013;

(2) for a copy of an act of civil status,

(a) $35 by electronic means, $45 by mail and $50 at the counter until 31 March 2012;

(b) $36 by electronic means, $46 by mail and $51 at the counter from 1 April 2012 to 31 March 2013; and

(c) $37 by electronic means, $51 by mail and $55 at the counter as of 1 April 2013;

(3) for a certificate of civil status,

(a) $40 by electronic means, $50 by mail and $55 at the counter until 31 March 2012;

(b) $41 by electronic means, $51 by mail and $56 at the counter from 1 April 2012 to 31 March 2013; and

(c) $42 by electronic means, $56 by mail and $61 at the counter as of 1 April 2013;

(4) for an attestation related to an act or to a notation made in an act of civil status, $6.

The duties payable for an application requiring an accelerated processing are, according to the document, the method of issue and the period indicated, as follows:

(1) in any case referred to in subparagraphs 1 to 3 of the first paragraph,

(a) $50 by electronic means, $60 by mail and $65 at the counter until 31 March 2012;

(b) $51 by electronic means, $61 by mail and $66 at the counter from 1 April 2012 to 31 March 2013; and

(c) $60 by electronic means, $65 by mail and $70 at the counter as of 1 April 2013;

(2) in the case referred to in subparagraph 4 of the first paragraph, $35.".

2. Section 2 is revoked.

3. The following Division is added after section 10:

"**DIVISION III.1**
INDEXING

10.1. The duties prescribed in subparagraphs 1 to 3 of the first paragraph and in subparagraph 1 of the second paragraph of section 1 are indexed on 1 April of each year starting in 2014 according to the rate determined in section 83.3 of the Financial Administration Act (R.S.Q., c. A-6.001).

10.2. The duties prescribed in subparagraph 4 of the first paragraph of section 1, in subparagraph 2 of the second paragraph of section 1 and in sections 4, 5, 5.1, 6, 7, 8, 9 and 10 are indexed in the same manner, each year as of 2011.".

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

9973

* The Tariff of duties respecting the acts of civil status and change of name or of designation of sex, made by Order in Council 1593-93 dated 17 November 1993 (1993, *G.O.* 2, 6213), was last amended by the regulation made by Order in Council 490-2002 dated 24 April 2002 (2002, *G.O.* 2, 2292). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

Treasury Board

Gouvernement du Québec

T.B. 209124, 29 June 2010

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendment to Schedule II.1

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under section 16.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the pensionable salary of an employee who is released with pay for union activities is the salary paid to him by his employer and the salary, if any, paid to him by a body designated in Schedule II.1, and that body must pay its employer's contributory amount and deduct the contributions from the pensionable salary it pays to such an employee;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedule II.1 of the Act, and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988, determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1 of the Act;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers mentioned in paragraphs 1 to 6 of that section 40;

WHEREAS the consultation has taken place;

WHEREAS the Syndicat de l'enseignement de la Rivière-du-Nord satisfies the conditions provided for in the Regulation under the Act respecting the Government and Public Employees Retirement Plan in order to be designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan, attached to this decision, is hereby made.

GUYLAINE BÉRUBÉ,
Interim clerk of the Conseil du trésor

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

1. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting "the Syndicat de l'enseignement de la Rivière-du-Nord" in alphabetical order.

2. The amendment in section 1 has effect twelve months before the date on which this Decision is made.

9968

* Schedule II.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has not been amended since the last updating of the Revised Statutes of Québec to 1 August 2009.

Gouvernement du Québec

T.B. 209125, 29 June 2010

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendment to Schedule I

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Amendment to Schedule II

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII and, where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988, determines pursuant to subparagraph 25 of the first paragraph of section 134 of that Act the conditions that permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1 to that Act;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies, to the extent provided for in chapter I of that Act, to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the first paragraph of section 207 of that Act, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers mentioned in paragraphs 1 to 6 of section 40;

WHEREAS the consultation has taken place;

WHEREAS the Syndicat du personnel enseignant du CÉGEP de Jonquière satisfies the conditions provided for in the Regulation under the Act respecting the Government and Public Employees Retirement Plan in order to be designated in Schedule I to the Act respecting the Government and Public Employees Retirement Plan and Schedule II to the Act respecting the Pension Plan of Management Personnel;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, are hereby made.

GUYLAINE BÉRUBÉ,
Interim clerk of the Conseil du trésor

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan* and to Schedule II to the Act respecting the Pension Plan of Management Personnel**

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting "the Syndicat du personnel enseignant du Cégep de Jonquière" in paragraph 1 in alphabetical order.

2. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended by inserting "the Syndicat du personnel enseignant du Cégep de Jonquière" in paragraph 1 in alphabetical order.

3. The amendments in sections 1 and 2 have effect 12 months before the date on which this Decision is made.

9969

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended since the last updating of the Revised Statutes of Québec to 1 August 2009 by T.B. 208371 dated 17 November 2009 (2009, *G.O.* 2, 4061), by T.B. 208791 dated 16 March 2010 (2010, *G.O.* 2, 785) and by section 47 of chapter 53 of the Statutes of 2009.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) has been amended since the last updating of the Revised Statutes of Québec to 1 August 2009 by T.B. 208371 dated 17 November 2009 (2009, *G.O.* 2, 4061), by T.B. 208791 dated 16 March 2010 (2010, *G.O.* 2, 785) and by section 48 of chapter 53 of the Statutes of 2009.

Transport

Gouvernement du Québec

O.C. 659-2010, 7 July 2010

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

Roads under the management of the Minister of Transport

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

WHEREAS, under the first paragraph of section 3 of the Act, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of the Minister is, from the date indicated in the order, to be managed by a municipality in accordance with Chapter I and Division I of Chapter IX of Title II of the Municipal Powers Act (R.S.Q., c. C-47.1);

WHEREAS, under the second paragraph of section 3 of the Act, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of a municipality is, from the date indicated in the order, to pass under the management of the Minister;

WHEREAS Order in Council 292-93 dated 3 March 1993 and its subsequent amendments determined, by municipality, the roads under the management of the Minister of Transport;

WHEREAS it is expedient to again amend the Schedule to that Order in Council and its subsequent amendments in order to correct the description of certain roads and to list the roads that have been geometrically redefined and those whose right-of-way has undergone a change in width;

WHEREAS it is expedient to again amend the Schedule to that Order in Council and its subsequent amendments in order to determine that certain roads under the management of the Minister are to pass under the management of municipalities in which they are situated and that certain other roads under the management of municipalities are to pass under the management of the Minister;

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

THAT the Schedule to Order in Council 292-93 dated 3 March 1993 and its subsequent amendments concerning roads under the management of the Minister of Transport be amended, with respect to the municipalities indicated, by correcting descriptions, by adding and withdrawing certain roads and by listing the roads that have been geometrically redefined and those whose right-of-way has undergone a change in width in the Schedule to this Order in Council;

THAT this Order in Council take effect on 21 July, 2010.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

SCHEDULE

ROADS UNDER THE MANAGEMENT
OF THE MINISTER OF TRANSPORT

EXPLANATORY NOTE

A. CORRECTIONS TO DESCRIPTIONS,
ADDITIONS AND WITHDRAWALS

The roads identified in the "Corrections to descriptions", "Additions" and "Withdrawals" divisions appearing in the Schedule to this Order in Council are described under the following 5 headings for each municipality in which they are situated:

1. Route class

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

2. Section identification

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

Road:	Group 1:	road number
	Group 2:	road segment number
	Group 3:	road section number

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

3. Name

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

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

4. Beginning of maintenance

The description of a physical landmark used to situate the beginning of a road section or the identification of a municipal boundary in the case of a road section located in more than one municipality.

5. Length in km

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

B. CHANGES IN WIDTH OF RIGHT-OF-WAY

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

1. Section identification

Roads are identified by a sequence of figures composed of 3 different groups:

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

2. Name

3. Name of land surveyor

4. Minute number

5. Plan number

6. Length in km

C. GEOMETRIC REDEFINITIONS

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

NOTE: The place names appearing in the Schedule do not necessarily comply with the standards of the Commission de toponymie du Québec.

ADSTOCK, M (3105600)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00269-01-150-0-00-7	Route 269	Limit Saint-Méthode-de-Frontenac, sd	7.41

- **Corrections to the section identification, the beginning of maintenance and the length;**
- **Geometric redefinition:**

Regional	00269-01-151-000-C	Route 269	Former limit Saint-Méthode-de-Frontenac, m	7.38
according to plan AA-6607-154-07-0692 prepared by Carole Lebel, l.s., minute number 173				

BERTHIER-SUR-MER, M (1806500)

- **Change in width of right-of-way**

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00132-09-022-080-C	Route 132	Limit Saint-Valier, p	4.43
according to plan TR-6608-07-7202 prepared by Guillaume Labarre, l.s., minute number 29				

BROMONT, V (4607800)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00241-01-063-0-00-1	Route 241	Limit Brigham, sd	11.79
Regional	00241-01-065-0-00-0	Route 241	Bridge Autoroute 10	0.80
		1 ramp		0.13

- **Corrections to the section identification, the beginning of maintenance and the length;**
- **Withdrawal (length of 2.23 km):**

Regional	00241-01-070-000-C	Route 241	Limit Brigham, m	7.47
Regional	00241-01-075-000-C	Route 241	Intersection rue John-Savage	2.88
		1 ramp		0.26

CABANO–NOTRE-DAME-DU-LAC, V (1307300)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00185-01-050-0-00-6	Route 185	Limit Notre-Dame-du-Lac, v	1.77
National	00185-01-061-0-00-3	Route 185	Intersection Route 232 west	3.44
		9 ramps		1.26
National	00185-01-063-0-00-1	Route 185	Intersection Route 232 east	5.57
Feeder	00232-01-040-0-00-9	Route 232	Limit Saint-Eusèbe, p	11.56

- **Corrections to the section identification, the name, the beginning of maintenance and the length;**
- **Geometric redefinition (Route 185, part divided highway and Route 232):**

National	00185-01-052-000-C	Route 185	Former limit Notre-Dame-du-Lac	0.87
National	00185-01-066-000-S	Route 185	End contiguous lane	4.51
		4 ramps		2.18
Feeder	00232-01-047-000-C	Route 232	Limit Saint-Eusèbe, p	11.66

CHELSEA, M (8202500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00005-01-050-000-S	Autoroute 5	Bridge on Chemin Scott	8.28
		2 ramps		1.22
National	00105-01-050-000-C	Route 105	80 metres north of Chemin de la Rivière	5.83
		1 ramp		0.12
National	25586-01-000-0-00-7	Chemin Tulip Valley	Intersection Route 105	0.35

- **Corrections to the route class, the section identification, the name, the beginning of maintenance and the length;**
- **Additions (ramps and part 00005-01-050)**
- **Geometric redefinition :**

Autoroute	00005-01-051-000-S	Autoruoute 5	Bridge on Chemin Scott	10.57
		4 ramps		2.60
National	00105-01-050-000-C	Route 105	Intersection Chemin Tulip Valley	5.85
		2 ramps		0.33
Feeder	25586-01-010-000-C	Chemin Tulip Valley	Intersection Route 105	0.35
according to plan 4-22GX prepared by Alain Courchesne, l.s., minute number 3025 and plan 622-87-K0-109 prepared by Régent Lachance, l.s., minute number 1165				

DONNACONA, V (3402500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00040-07-090-0-00-2	Autoroute 40	Limit Cap-Santé, sd	4.72
		5 ramps		3.37

- **Corrections to the section identification and the length;**
- **Geometric redefinition;**
- **Withdrawal (part ramp):**

Autoroute	00040-07-090-000-S	Autoroute 40	Limit Cap-Santé, m	4.69
		5 ramps		2.80
according to plan AA-7108-154-05-1545 prepared by Luc Ménard, l.s., minute number 5098				

L'AVENIR, M (4902500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00055-03-051-000-C	Autoroute 55	Limit Ulverton, m	6.91
		4 ramps		3.32
Autoroute	00055-03-053-000-S	Autoroute 55	End of contiguous lane	2.98

- **Corrections to the section identification and the length;**
- **Geometric redefinition (divided highway):**

Autoroute	00055-03-055-000-S	Autoroute 55	Limit Ulverton, m	9.88
		4 ramps		3.32
according to plans 288-A-3D, 288-E-3D and 291-A-3D prepared by Gaétan Lebrun, l.s., plan 291-C-3D prepared by Camille Robitaille, l.s., and plan EX-75-554-187 prepared by Gilles Le Maire, l.s.				

LAC-MINISTUK, NO (9492800)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00175-03-120-0-00-9	Route 175	Limit TNS Charlevoix Ouest, no	10.96
National	00175-03-130-0-00-7	Route 175	Bridge over Rivière Gilbert	11.59

- **Corrections to the section identification and the length;**
- **Geometric redefinition (divided highway):**

National	00175-03-140-000-S	Route 175	Limit Lac-Pikauba, no	10.87
National	00175-03-160-000-S	Route 175	Bridge over Rivière Gilbert	10.11.74

MONTRÉAL, V (6602300)

- **Additions:**

Route class	Section identification	Name	Beginning of maintenance	Length in km
Local	61100-01-010-000-C	Avenue de Carillon	Intersection Rue Notre-Dame Ouest	0.46
Local	61096-01-010-000-C	Rue Saint-Rémi	Intersection Rue de l'Église	0.71
Local	61094-01-010-000-C	Rue Brock	Intersection Rue Cabot	0.16
Local	61092-01-010-000-C	Rue Cabot	Intersection Avenue Gilmore	0.37
Local	61098-01-020-000-C	Chemin de la Côte Saint-Paul	North bridge Canal Lachine	0.33

MONTRÉAL, V (6602300)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00015-02-120-000-S	Autoroute 15	Intersection Autoroute 40	5.09
		22 ramps		9.85
	00040-03-010-000-S	Autoroute 40	Intersection Autoroute 15 (approach nose on the right)	2.57
		4 ramps		1.16
	00040-03-020-0-00-6	Autoroute 40	Limit Saint-Laurent, v	7.14
		21 ramps		6.35

- **Corrections to the section identification and the length;**
- **Geometric redefinition (Rond-point l'Acadie):**

Autoroute	00015-02-120-000-S	Autoroute 15	Intersection Autoroute 40	5.08
		25 ramps		11.30
Autoroute	00040-03-010-000-S	Autoroute 40	Intersection Autoroute 15 (approach nose on the right)	2.58
		5 ramps		1.82
Autoroute	00040-03-020-000-S	Autoroute 40	Limit Saint-Laurent, v	6.98
		20 ramps		6.51

SAINT-GÉDÉON, M (9303500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00170-01-411-0-00-2	Route 170	Limit Saint-Bruno, m	7.40
Feeder	44470-03-000-0-00-3	Ch. Dequen, Rte Des 14 Arp. 10^{e} Rg	Intersection Route 170	8.80

- **Corrections to the section identification and the length;**
- **Geometric redefinition (traffic circle):**

National	00170-01-410-000-C	Route 170	Limit Saint-Bruno, m	6.97
Feeder	44470-03-010-000-C	Rue De Quen	Intersection Route 170	0.03
	44470-03-020-000-C	Rue and Chemin De Quen, Route des Quatorze Arpents and 10^{e} Rang	End of traffic circle	8.73
according to plan AA-6807-154-02-0623 prepared by Louis Nadeau, l.s., minute number 1248				

SAINT-HYACINTHE, V (5404800)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00020-04-070-0-00-5	Autoroute 20	Bridge on Route 137	4.91
		12 ramps		4.31

- **Corrections to the section identification and the length;**
- **Additions (2 ramps);**
- **Geometric redefinition (Boulevard Casavant):**

Autoroute	00020-04-070-000-S	Autoroute 20	Bridge on Route 137	4.91
		14 ramps		7.35
according to plan TR-8607-157-03-1294 prepared by Chantal Leduc, l.s., minute number 545				

SAINT-LOUIS-DU-HA! HA!, P (1308000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00185-01-080-0-00-0	Route 185	Limit Cabano, v	12.48
		3 ramps		0.66

- **Corrections to the section identification and the length;**
- **Withdrawals (part Route 185-01-080, Rue de la VTL and Chemin de la Savane;**
- **Additions (92564-01-020 and 92565-01-020)**
- **Geometric redefinition (Route 185, part divided highway):**

National	00185-01-079-000-C	Route 185	Limit Cabano, v	2.91
National	00185-01-088-000-S	Route 185 south and north	End of contiguous lane	4.66
		4 ramps		1.78
National	00185-01-089-000-C	Route 185	End of divided highway	4.92
Feeder	92564-01-020-000-C	Rue Marquis	Intersection Rue Raymond	0.56
Feeder	92565-01-020-000-C	Rue Madgin	Intersection Rue Raymond	0.82

SAINT-PIERRE-DE-BROUGHTON, M (3113500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	82870-03-000-0-00-1	Seizième Rang	Intersection Route 271	1.72

- **Corrections to the section identification and the name;**
- **Change of width of right-of-way:**

Feeder	82870-03-000-000-C	16e Rang	Intersection Route 271	1.72
according to plan TR-6607-154-06-0613 prepared by Éric Bujold, l.s., minute number 3258				

SCOTT, M (2604800)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00173-01-340-0-00-2	Route 173	Intersection Route 171	0.73
Regional	00173-01-351-0-00-8	Route 173	Limit Scott, vl	0.16
Regional	00173-01-352-0-00-7	Route 173	Bridge on Autoroute 73	3.88

- **Corrections to the section identification, the beginning of maintenance and the length;**
- **Change of width of right-of-way:**

Regional	00173-01-341-000-C	Route 173	Intersection Route 171	4.73
according to plan TR-6606-154-09-7026 prepared by Philippe Côté, l.s., minute number 207				

TROIS-RIVIÈRES, V (3706700)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Autoroute	00040-05-071-0-00-9	Autoroute 40	Bridge on Route 138	5.90
		9 ramps		7.66

- **Corrections to the section identification and the length;**
- **Geometric redefinition:**

Autoroute	00040-05-071-000-S	Autoroute 40	Bridge on Route 138	5.89
		8 ramps		6.45
according to plan AA80-3873-0579 prepared by Claude Boudreau, l.s., minute number 876				

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Notices

Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Price Woods Nature Reserve
— Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property which extends approximately 56 hectares. This property, situated in the Foster village on the territory of the Municipality of Ville du Lac-Brome, Regional County Municipality Brome-Missisquoi, known and designated as being two parts of lot number 1 122 and a part of lot number 1 123, Canton de Brome land register, Brôme registry division.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

Director of Ecological
Heritage and Parks,
PATRICK BEAUCHESNE

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