



Part 2

LAWS AND REGULATIONS

11 August 2021 / Volume 153

Summary

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NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

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Part 2 – LAWS AND REGULATIONS

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Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 9 JUNE 2021

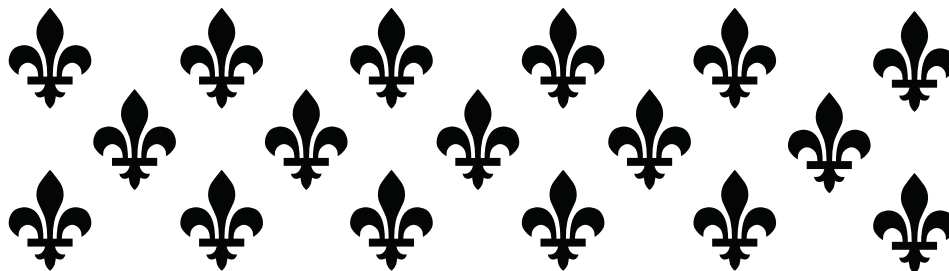
OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 9 June 2021*

This day, at half past eleven o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

93 An Act to recognize the Royal Military College Saint-Jean as an educational institution at the university level

209 An Act respecting Ville de Saint-Tite

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



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 93
(2021, chapter 20)

**An Act to recognize the Royal Military
College Saint-Jean as an educational
institution at the university level**

Introduced 5 May 2021
Passed in principle 26 May 2021
Passed 3 June 2021
Assented to 9 June 2021

Québec Official Publisher
2021

EXPLANATORY NOTES

This Act amends the Act respecting educational institutions at the university level so that the Royal Military College Saint-Jean is recognized as an educational institution at the university level. It provides for specific terms and conditions regarding the accountability requirements that must be met by this institution.

The Act also amends other Acts. Among other things, it specifies that the degree programs established by the Royal Military College Saint-Jean will be excluded from the jurisdiction of the Commissioner for Admission to Professions, that the Royal Military College Saint-Jean may not be financed by the University Excellence and Performance Fund and that it will be subject to the Act to prevent and fight sexual violence in higher education institutions.

Lastly, the Act includes a transitional provision and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Professional Code (chapter C-26);
- Act respecting educational institutions at the university level (chapter E-14.1);
- Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1);
- Act to prevent and fight sexual violence in higher education institutions (chapter P-22.1).

REGULATION AMENDED BY THIS ACT:

- Lobbying Transparency and Ethics Act Exclusions Regulation (chapter T-11.011, r. 1).

Bill 93

AN ACT TO RECOGNIZE THE ROYAL MILITARY COLLEGE SAINT-JEAN AS AN EDUCATIONAL INSTITUTION AT THE UNIVERSITY LEVEL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING EDUCATIONAL INSTITUTIONS AT THE UNIVERSITY LEVEL

1. Section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) is amended by inserting the following paragraph after paragraph 11:

“(12) the Royal Military College Saint-Jean;”.

2. Section 4.1 of the Act is amended by adding the following paragraph at the end:

“The institution referred to in paragraph 12 of section 1 must transmit each year to the Minister a performance report established in accordance with the provisions of section 4.6 and a report on its development prospects.”

PROFESSIONAL CODE

3. Section 16.10 of the Professional Code (chapter C-26) is amended by replacing “11” in subparagraph *b* of subparagraph 2 of the second paragraph by “12”.

ACT RESPECTING THE MINISTÈRE DE L'ENSEIGNEMENT SUPÉRIEUR, DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE

4. Section 17 of the Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1) is amended by inserting “paragraphs 1 to 11 of” before “section 1” in the second paragraph.

ACT TO PREVENT AND FIGHT SEXUAL VIOLENCE IN HIGHER EDUCATION INSTITUTIONS

5. Section 2 of the Act to prevent and fight sexual violence in higher education institutions (chapter P-22.1) is amended by replacing “11” in subparagraph 1 of the first paragraph by “12”.

LOBBYING TRANSPARENCY AND ETHICS ACT EXCLUSIONS REGULATION

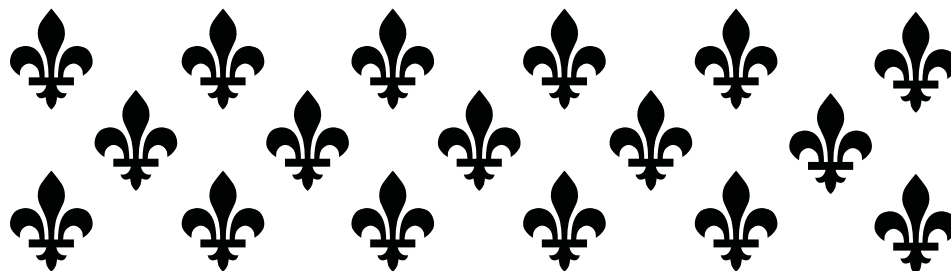
6. Section 1 of the Lobbying Transparency and Ethics Act Exclusions Regulation (chapter T-11.011, r. 1) is amended by replacing “11” in paragraph 2 by “12”.

TRANSITIONAL AND FINAL PROVISIONS

7. The Royal Military College Saint-Jean must adopt the policy referred to in section 3 of the Act to prevent and fight sexual violence in higher education institutions (chapter P-22.1) before 9 June 2022 and implement it not later than 9 March 2023.

8. In any Act, regulation or other document, “Collège militaire Royal de Saint-Jean” in the French text is replaced by “Collège militaire royal de Saint-Jean”.

9. This Act comes into force on 9 June 2021.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 209
(Private)

An Act respecting Ville de Saint-Tite

Introduced 4 December 2019
Passed in principle 8 June 2021
Passed 8 June 2021
Assented to 9 June 2021

Québec Official Publisher
2021

Bill 209

(Private)

AN ACT RESPECTING VILLE DE SAINT-TITE

AS the Act respecting Ville de Saint-Tite (1995, chapter 77) grants the town certain powers necessary to ensure the orderly conduct of special events held in its territory;

AS it is appropriate to grant Ville de Saint-Tite new powers for regulating the holding of such events, in particular the Festival western de Saint-Tite, to replace the powers granted to it under that Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de Saint-Tite may, in accordance with this Act, regulate special events held in its territory.

For the purposes of this Act, a special event is an activity of provincial scope that is held in all or part of the territory of the town for a period not exceeding 15 days and that is designated as a special event by a by-law of the municipal council brought into force at least one month before the event is held. Not more than five activities may be designated by the council as special events in any one year.

No provision of this Act prevents the town from regulating such special events using powers conferred on it by any other Act.

2. The town must, before adopting a by-law under this Act, request an opinion from a committee established in accordance with the second paragraph.

The committee is to be composed of members appointed by the town, the majority of whom must be persons chosen from among the residents of the territory of the town and who must include at least one member from each of the following groups:

- (1) members of the municipal council and town officers and employees;
- (2) persons who participate in the organization of special events;
- (3) operators of a commercial establishment; and
- (4) operators of a parking area for recreational vehicles.

3. The town may, by by-law, regulate the occupation of immovables during a special event and may, among other things and for that purpose,

(1) regulate temporary structures, activities and uses authorized only for the duration of the special event;

(2) prescribe that a structure, activity or use referred to in subparagraph 1 is authorized on an immovable to the extent that a use authorized by the zoning by-law has been exercised on the immovable for a minimum period of time before the special event is held; and

(3) prescribe rules that derogate from any other municipal by-law.

Section 6 of the Municipal Powers Act (chapter C-47.1) and sections 124 to 127 of the Act respecting land use planning and development (chapter A-19.1) apply to any by-law adopted under the first paragraph.

4. The town may, by by-law, and for the duration of a special event, authorize any person to carry out any intervention on any immovable that is necessary to eliminate a risk for human health or safety or to avert any adverse effects on the quality of the environment.

The immovable's owner bears the cost of any intervention under the first paragraph. Except in an emergency situation, not less than 24 hours' prior notice must be given for such an intervention.

5. The town may, by by-law, provide that it ensures the supervision of an activity held during a special event in cases where a person subject to a supervision obligation under a municipal by-law or under the conditions of a permit issued for the activity fails to comply with that obligation. The person concerned bears the cost of the supervision ensured by the town.

The town may also, by by-law, prescribe that such a person must pay a monetary guarantee to the town before the activity is held, to ensure compliance with the supervision obligation.

6. The town may, by by-law, require persons offering passenger transportation services by horse or by animal-drawn vehicle during a special event to hold insurance covering riders, passengers and other users of public roads.

7. Despite the second paragraph of section 369 of the Cities and Towns Act (chapter C-19), the town may, by by-law, prescribe that an offence under a provision of any municipal by-law committed during a special event is sanctioned by a fine in an amount not exceeding, for a first offence, \$5,000 if the offender is a natural person or \$10,000 if the offender is a legal person. The amounts are doubled for a subsequent offence.

- 8.** This Act replaces the Act respecting Ville de Saint-Tite (1995, chapter 77).
- 9.** This Act comes into force on 9 June 2021.

Regulations and other Acts

Gouvernement du Québec

O.C. 1077-2021, 4 August 2021

Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1)

Application of provisions of the Act to English-Language school service centres

Regulation respecting the application of provisions of the Act to amend mainly the Education Act with regard to school organization and governance to English-language school service centres

WHEREAS the Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1) was assented to on 8 February 2020;

WHEREAS, under section 331 of the Act, the Government may, by regulation, take, before 8 August 2021, any measure useful for carrying out the Act or fully achieving its purpose and such a regulation may, if it so provides, apply from a date not prior to 8 February 2020;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS, under section 18 of that 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 urgency of the situation requires it and the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation respecting the application of provisions of the Act to amend mainly the Education Act with regard to school organization and governance to English-language school service centres:

— on 10 August 2020, the Superior Court ordered a stay of the application of the Act to amend mainly the Education Act with regard to school organization and governance to English school boards until a judgment is rendered on the merits of the application for judicial review challenging the validity of certain provisions of the Act;

— the application for judicial review has been heard on the merits and a judgment may be rendered at any time, allowing the coming into force of provisions of the Act;

— the provisions of coming into force of the Act can no longer apply correctly to English school boards considering that the dates provided for have passed and the provisions of the Act could therefore all come into force simultaneously, no longer allowing a progressive and orderly application of the new measures provided for therein;

— section 331 of the Act to amend mainly the Education Act with regard to school organization and governance gives the Government the power to take, before 8 August 2021, any measure useful for carrying out the Act or fully achieving its purpose;

— it is necessary to act promptly to allow a progressive and orderly application of several provisions of the Act, including those regarding the mode of governance;

— the absence of measures taken before that date for such application would prevent English-language school service centres from adequately exercising the functions assigned to them by the Education Act (chapter I-13.3);

WHEREAS it is expedient to make the Regulation respecting the application of provisions of the Act to amend mainly the Education Act with regard to school organization and governance to English-language school service centres;

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

THAT the Regulation respecting the application of provisions of the Act to amend mainly the Education Act with regard to school organization and governance to English-language school service centres, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the application of provisions of the Act to amend mainly the Education Act with regard to school organization and governance to English-language school service centres

Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1, s. 331)

1. The Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1) is amended in section 322 by replacing “the 1 November 2020 election” by “the election held in replacement of the general school election that was to be held on 1 November 2020”.

2. Despite section 325 of the Act, the first sitting of an English-language school service centre’s board of directors must be held on the date set by order of the Government.

3. Despite subparagraph 3 of the first paragraph of section 332 of the Act, representatives who are designated at the end of the first processes for designating representatives of the English-language school service centres’ staff take office on the date set by order of the Government.

In addition, despite subparagraph 2 of the second paragraph of section 332, for the purposes of Schedule II to the Act, a reference to a school service centre is a reference to a school board where a provision of the Schedule applies before English-language school boards were designated under the name “English-language school service centre”.

4. Despite section 335 of the Act, the provisions of the Act come into force on the date or dates to be set by the Government insofar as they concern an English-language school service centre, except for sections 314 to 334, which have effect since 8 February 2020.

5. Despite section 3 of Schedule II to the Act, the persons referred to in section 2 of the Schedule are designated not later than the date set by order of the Government.

6. This Regulation has effect since 8 February 2020.

105220

Notice of adoption

Act respecting racing (chapter C-72.1)

Rules respecting Standardbred horse races held at a professional race track —Amendment

Notice is hereby given that the Régie des alcools, des courses et des jeux, at its plenary session of 29 July 2021, made the Rules to amend the Rules respecting Standardbred horse races held at a professional race track, appearing below.

In accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Rules were published in Part 2 of the *Gazette officielle du Québec* of 2 June 2021 with a notice that they could be made by the Régie des alcools, des courses et des jeux on the expiry of 45 days following that publication.

MTRE. DENIS DOLBEC
President

Rules to amend the Rules respecting Standardbred horse races held at a professional race track

Act respecting racing (chapter C-72.1, s. 103)

1. The Rules respecting Standardbred horse races held at a professional race track (chapter C-72.1, r. 4) are amended in section 278

(1) by replacing “of a total length of 4 ft 8 in, including the snapper which may not exceed 8 in” by “of which the butt end is a maximum length of 48 in and a snapper measuring between 6 in and 12 in long”;

(2) by adding the following paragraph at the end:

“The whip must not be made of leather and its snapper must not have been altered or knotted.”.

2. Section 279 is replaced by the following:

“**279.** A driver, trainer or groom shall not make excessive use of a whip at a race track.

He shall also not use a whip in any of the following ways:

- (1) by touching the horse with the butt end of the whip;
- (2) by placing the whip under the arch of the sulky;
- (3) by placing the whip between the legs of the horse.

He may use a whip to stimulate the horse only by making a wrist movement. In addition, the movement of the whip may be made only between the shafts of the sulky.”.

3. The following is inserted after section 279:

“**279.1.** A driver, trainer or groom shall not use a whip in any of the following situations:

- (a) the horse is not responding to the stimulation of the whip;
- (b) the horse can no longer improve its position in the race;
- (c) the horse is not maintaining or improving its position in the race;
- (d) the horse is winning;
- (e) the horse has passed the finishing post at the end of the race;
- (f) so as to cut the horse or leave marks on it.”.

4. Section 281 is amended by replacing “strike with” in the first paragraph by “use”.

5. Section 283 is amended by replacing the first paragraph by the following:

“The driver shall keep both hands on the reins during a race, except to adjust equipment.”.

6. These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

105219

Notice of adoption

Act respecting racing
(chapter C-72.1)

Rules respecting Standardbred horse races held at an amateur race track —Amendment

Notice is hereby given that the Régie des alcools, des courses et des jeux, at its plenary session of 29 July 2021, made the Rules to amend the Rules respecting Standardbred horse races held at an amateur race track, appearing below.

In accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Rules were published in Part 2 of the *Gazette officielle du Québec* of 2 June 2021 with a notice that they could be made by the Régie des alcools, des courses et des jeux on the expiry of 45 days following that publication.

MTRE. DENIS DOLBEC
President

Rules to amend the Rules respecting Standardbred horse races held at an amateur race track

Act respecting racing
(chapter C-72.1, s. 103)

1. The Rules respecting Standardbred horse races held at an amateur race track (chapter C-72.1, r. 5) are amended in section 194

(1) by replacing “of a total length of 4 ft 8 in, including the snapper which may not exceed 8 in” by “of which the butt end is a maximum length of 48 in and a snapper measuring between 6 in and 12 in long”;

(2) by adding the following paragraph at the end:

“The whip must not be made of leather and its snapper must not have been altered or knotted.”.

2. Section 195 is replaced by the following:

“**195.** A driver, trainer or groom may not make excessive use of a whip at a race track.

He or she may also not use a whip in any of the following ways:

- (1) by touching the horse with the butt end of the whip;
- (2) by placing the whip under the arch of the sulky;
- (3) by placing the whip between the legs of the horse.

He or she may use a whip to stimulate the horse only by making a wrist movement. In addition, the movement of the whip may be made only between the shafts of the sulky.”.

3. The following is inserted after section 195:

“**195.1.** A driver, trainer or groom must not use a whip in any of the following situations:

- (a) the horse is not responding to the stimulation of the whip;
- (b) the horse can no longer improve its position in the race;
- (c) the horse is not maintaining or improving its position in the race;
- (d) the horse is winning;
- (e) the horse has passed the finishing post at the end of the race;
- (f) so as to cut the horse or leave marks on it.”.

4. Section 197 is amended by replacing “may not strike with” by “must not use”.

5. Section 198 is amended by inserting “or another horse” after “another driver”.

6. Section 199 is amended

- (1) by inserting “, except to adjust equipment” after “reins”;

- (2) by adding the following paragraph at the end:

“The driver must not snap his or her reins during a race.”.

7. These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.