No. 20

Part 2
LAWS AND REGULATIONS

15 May 2024 / Volume 156

Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

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).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

Contents

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.

Rates*

1. Publication of a document in Partie 1:
   $2.03 per agate line.
2. Publication of a document in Part 2:
   $1.35 per agate line.

   A minimum rate of $295 is applied, however, in the case of a publication of fewer than 220 agate lines.

*** Taxes not included.**

General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email (gazette.officielle@servicesquebec.gouv.qc.ca) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

Gazette officielle du Québec
Email: gazette.officielle@servicesquebec.gouv.qc.ca
425, rue Jacques-Parizeau, 5e étage
Québec (Québec) G1R 4Z1

Table of Contents

Page

Acts 2024

Regulations and other Acts

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 28 MARCH 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 28 March 2024

This day, at five past one o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

54 An Act to follow up on the Table Justice-Québec with a view to reducing processing times in criminal and penal matters and to make the administration of justice more efficient

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 54
(2024, chapter 7)

An Act to follow up on the Table Justice-Québec with a view to reducing processing times in criminal and penal matters and to make the administration of justice more efficient

Introduced 20 February 2024
Passed in principle 12 March 2024
Passed 27 March 2024
Assented to 28 March 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act in particular follows up on the action plan of the Table Justice-Québec aiming to reduce judicial processing times in criminal and penal matters. To implement certain measures, it was necessary to make various legislative amendments.

The Act amends the Courts of Justice Act by granting new powers to presiding justices of the peace, including the power to preside at appearances and at release hearings. The purpose of the Act is also to add seven new judge positions to the Superior Court and to adjust the allocation of the judges of that court in the various judicial districts.

The Act also amends certain rules of the Code of Penal Procedure, such as those relating to the trial of proceedings deemed uncontested by the defendant in particular as regards the time limit for serving a statement of offence on the defendant where the offence is evidenced by a photograph taken by a photo radar device or a red light camera system. It simplifies the rules of evidence in the cases where a defendant fails to appear at the hearing or where a defendant is deemed to have transmitted a plea of not guilty. It also simplifies other rules of evidence, such as those relating to the admissibility in evidence of documents appended to an offence report and those concerning proof of an extract from a register made available to the public on the website of a government department or public body.

The Act amends that Code in order to increase the amount of the penal contribution that is added to the total amount of the fine and costs imposed on the issue of a statement of offence for an offence under the laws of Québec. It reviews the allotment of the contributions thus collected between the fund dedicated to assistance for persons who are victims of criminal offences, the Access to Justice Fund and the Consolidated Revenue Fund.

In addition, the Act makes various amendments to the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity, including to the elements that the Attorney General is required to prove so that the court may grant a civil forfeiture application.

Moreover, the Act updates the rules giving rise to a seizure before judgment of property that is the subject of a forfeiture application and prescribes the content of applications by the Attorney General for authorization to seize the property. It allows the court, on certain conditions, to make an order authorizing the alienation of property that is or could be the subject of a forfeiture application.

The Act establishes a regime for the administrative forfeiture of proceeds and instruments of unlawful activity and prescribes the rules relating to the contestation of such forfeiture. It adds certain presumptions applicable to the administrative or civil forfeiture of certain property. It provides for the possibility of entering into agreements for the communication of information with other governments or for allotting the proceeds of the alienation of property forfeited in Québec or outside Québec.

The Act amends the Code of Civil Procedure by empowering the Minister of Justice to determine the judicial districts in which a dispute must be referred to mediation and those in which arbitration is offered to the parties in small claims matters.

Lastly, the Act amends the Court of Appeal Reference Act to provide that references will, from here onward, be heard by the Court of Appeal sitting at Québec.

LEGISLATION AMENDED BY THIS ACT:

– Tax Administration Act (chapter A-6.002);

– Code of Civil Procedure (chapter C-25.01);

– Code of Penal Procedure (chapter C-25.1);

– Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);

– Act respecting the Ministère de la Justice (chapter M-19);

– Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);

– Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1);

– Court of Appeal Reference Act (chapter R-23);

– Courts of Justice Act (chapter T-16);

– Act mainly to reform municipal courts and to improve the justice system's efficiency, accessibility and performance (2023, chapter 31).

REGULATION AMENDED BY THIS ACT:

– Regulation respecting the mediation and arbitration of small claims (2023, G.O. 2, 2754).

Bill 54

AN ACT TO FOLLOW UP ON THE TABLE JUSTICE-QUÉBEC WITH A VIEW TO REDUCING PROCESSING TIMES IN CRIMINAL AND PENAL MATTERS AND TO MAKE THE ADMINISTRATION OF JUSTICE MORE EFFICIENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CODE OF PENAL PROCEDURE

1. Article 8.1 of the Code of Penal Procedure (chapter C-25.1) is amended

(1) by replacing subparagraphs 1 to 3 of the first paragraph by the following subparagraphs:

"(1) $28, if the total amount of the fine does not exceed $100;

"(2) $52, if the total amount of the fine exceeds $100 without exceeding $300;

"(3) $75, if the total amount of the fine exceeds $300 without exceeding $500; and

"(4) 25% of the total amount of the fine, if it exceeds $500.";

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

"The first amount referred to in each of the following subparagraphs shall be credited to the fund dedicated to assistance for persons who are victims of criminal offences that is established under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1), whereas the second amount shall be credited to the Access to Justice Fund established under the Act respecting the Ministère de la Justice (chapter M-19):

(1) $15 and $9, from each contribution of $28 collected;

(2) $17 and $11, from each contribution of $52 collected; and

(3) $24 and $16, from each contribution of $75 or more collected.";

(3) by replacing "subparagraph 3" in the last paragraph by "subparagraph 4".

2. Article 62 of the Code is amended by adding the following paragraph at the end:

"Any document attached by the peace officer or the person entrusted with the enforcement of an Act to the offence report that he drew up shall be admissible in evidence to the extent that the document could, in compliance with the applicable rules of evidence, be filed in support of his testimony if the testimony were given before the court."

3. Article 67 of the Code is amended by adding the following paragraph at the end:

"An extract from a register kept under or for the purposes of an Act by a government department or a public body constitutes proof of its content, in the absence of any evidence to the contrary, if it is from a register made available to the public on the website of the department or body."

4. Article 157.2 of the Code is amended

(1) by replacing "or 23, within 60 days" in paragraphs 2 and 3 by ", 22.1 or 23, within 120 days";

(2) by inserting ", 22.1" after "article 20, 21, 22" in paragraph 4.

5. The Code is amended by inserting the following article after article 158:

"**158.0.1.** In the case of an offence evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system, or of the offence provided for in section 417.2 of the Highway Safety Code (chapter C-24.2), service by public notice, provided for in article 22.1, may be authorized only if another method of service was unsuccessfully used first.

The prosecutor shall promptly send notice of the service to the defendant. The sending of the notice does not operate to vary any time limit fixed by this Code."

6. The Code is amended by inserting the following article after article 191:

"**191.0.1.** Despite Division IX of Chapter I, where proceedings are tried under articles 188, 189 and 191, any relevant evidence, which offers reasonable guarantees of reliability, is admissible, in particular documentary evidence and written depositions of witnesses. However, the judge may, if the interests of justice so require, compel a witness to attend and testify.

The judge may render judgment by default on the face of the record, in the courtroom or in chambers or another place serving as chambers."

7. Article 191.1 of the Code is replaced by the following article:

"**191.1.** For the purposes of article 191.0.1, the clerk may transmit to the judge a written proceeding or any other type of document received from the prosecutor and file it in the court record."

8. Article 218.4 of the Code is amended by inserting ", 158.0.1" after "articles 158" in subparagraph 4 of the second paragraph.

TAX ADMINISTRATION ACT

9. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended by adding the following subparagraph at the end of the second paragraph:

"(*z*.12) the Attorney General, in respect of information necessary for the purposes of sections 4 to 8, 10, 11, 14, 15.1, 15.2 and 15.9 to 15.11 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2)."

CODE OF CIVIL PROCEDURE

10. Article 556 of the Code of Civil Procedure (chapter C-25.01) is amended

(1) by replacing "cases and according to the terms and conditions prescribed by a government regulation made under" in the second paragraph by "districts determined by the Minister and according to the terms and conditions prescribed by the Government in accordance with";

(2) by replacing "cases and according to the terms and conditions prescribed by a government regulation made under" in the fourth paragraph by "districts determined by the Minister and according to the terms and conditions prescribed by the Government in accordance with".

11. Article 570 of the Code is amended

(1) by replacing "any matters and districts in which mediation is, notwithstanding the principles of Title I of Book I and of Book VII, mandatory and in which arbitration is offered to the parties" in paragraph 1.1 by ", notwithstanding the principles of Title I of Book I and of Book VII, the cases where mediation is mandatory and where arbitration is offered to the parties";

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

"The Minister of Justice determines, by order published in the *Gazette officielle du Québec*, the districts in which mediation is mandatory and those in which arbitration is offered to the parties."

ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

12. Section 1 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended

(1) in the first paragraph,

(*a*) by inserting "or administrative forfeiture" after "civil forfeiture",

(*b*) by replacing "or used to engage in unlawful activity" by "unlawful activity or used or intended to be used to engage in such activity";

(2) by inserting ", of an amount received by the State as part of an allotment of the proceeds of the alienation of property forfeited outside Québec," after "of forfeited property" in the second paragraph.

13. Section 2 of the Act is replaced by the following section:

"**2.** For the purposes of this Act, any act or omission that is an offence under a law of Québec, a federal law or a law of a legislative authority in Canada or outside Canada is unlawful activity. An act or omission occurring outside Québec is unlawful activity if that act or omission would constitute an offence under a federal law or a law of Québec if it were to occur in Québec."

14. Section 3 of the Act is replaced by the following section:

"**3.** A forfeiture application under this Act applies to property that is in Québec."

15. Section 4 of the Act is amended by replacing "is in whole or in part directly or indirectly derived from or used" in the first paragraph by ", in whole or in part and even indirectly, is derived from unlawful activity or was used or is intended to be used".

16. Section 7 of the Act is replaced by the following section:

"**7.** The court grants the forfeiture application if it is convinced that the property concerned, in whole or in part and even indirectly, is proceeds or an instrument of unlawful activity or is intended to be used in the course of such activity.

The court may, according to the evidence presented before it, grant the forfeiture application only for some of the property for which the forfeiture application is filed."

17. Section 8 of the Act is amended

(1) by replacing "When ruling on the forfeiture application or the incidental application, the court may" by "When ruling on the forfeiture application or the incidental application, the court may, at the request of one of the parties,",

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

"The parties must indicate in their application the facts on which their contentions are based and the evidence they intend to produce so that the court may prescribe a measure under this section."

18. The Act is amended by inserting the following sections after section 12:

"**12.1.** An immovable is presumed to be an instrument of unlawful activity if the number of cannabis plants cultivated there is greater than the number of cannabis plants cultivated for medical purposes authorized under the Cannabis Act (Statutes of Canada, 2018, chapter 16).

"**12.2.** Property is presumed to be proceeds of unlawful activity in any of the following situations:

(1) it is a cash sum found near prohibited substances within the meaning of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or the Cannabis Act (Statutes of Canada, 2018, chapter 16) or near equipment used to traffic in or produce such substances; or

(2) it is a cash sum of $2,000 or more the disposition of which is incompatible with the practices of financial institutions.

"**12.3.** A vehicle is presumed to be an instrument of unlawful activity if a restricted firearm or a prohibited weapon within the meaning of subsection 1 of section 84 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), prohibited substances within the meaning of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or the Cannabis Act (Statutes of Canada, 2018, chapter 16), equipment used to traffic in such substances, break-in instruments within the meaning of subsection 1 of section 351 of the Criminal Code or a compartment that was added to the vehicle are found in or on the vehicle.

"**12.4.** Property is presumed to be an instrument of unlawful activity if an offence of a sexual nature was committed using that property."

19. Section 14 of the Act is amended

(1) by replacing "if there is reason to fear that the forfeiture of the property would otherwise be jeopardized or that the property would otherwise be destroyed, severely damaged or squandered" in the first paragraph by "where there are serious reasons to believe that the property is proceeds or an instrument of unlawful activity or that it is intended to be used in the course of such activity. The judge authorizes the seizure, unless the judge considers that the consequences would be contrary to the public interest";

(2) by replacing "the facts giving rise to the seizure" in the second paragraph by "the serious reasons to believe that the property is proceeds or an instrument of unlawful activity or that it is intended to be used in the course of such activity,";

(3) by inserting ", with the necessary modifications" at the end of the third paragraph.

20. The Act is amended by inserting the following sections after section 14:

"**14.1.** At any time during the proceedings and at the request of one of the parties, a judge may, according to the terms and conditions the judge determines, make an order authorizing the alienation of property that is the subject of or that could be the subject of forfeiture in the following cases:

(1) the property is perishable or could depreciate rapidly;

(2) the alienation of the property would preserve its value; and

(3) the costs to preserve the property would exceed its value.

"**14.2.** If property is alienated, by order of the court or following an agreement between the parties, the forfeiture application concerns the proceeds of the alienation of the property."

21. The Act is amended by inserting the following division after section 15:

"**DIVISION II.1**

"ADMINISTRATIVE FORFEITURE OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

"**15.1.** Movable property that, in whole or in part and even indirectly, is derived from unlawful activity or was used or is intended to be used to engage in unlawful activity may be subject to administrative forfeiture if its value does not exceed $100,000.

"**15.2.** The Attorney General initiates an administrative forfeiture proceeding by giving written notice

(1) to the person in the hands of whom the property was seized, if applicable;

(2) to the public body or the person that seized the property, if applicable; and

(3) to any person who has an interest in the property.

The notice is sent by ordinary mail to the last known address of the person or public body. It may also be the subject of a public notice.

"**15.3.** The public body or the possessor or holder of the property must maintain possession or detention of the property during the administrative forfeiture proceeding.

"**15.4.** The notice of forfeiture must

(1) describe the property concerned;

(2) indicate, if applicable, the date and place of the seizure of the property concerned;

(3) set out the reasons for the forfeiture; and

(4) mention that persons wishing to object to the forfeiture must send to the Attorney General, at the address provided, a notice of contestation within 30 days of receipt of the notice of forfeiture.

"**15.5.** The notice of forfeiture is presumed to have been received five days after it was sent.

"**15.6.** A person who claims to have an interest in the property may object to its administrative forfeiture by sending the Attorney General, at the address provided, a notice of contestation within 30 days of receipt of the notice of forfeiture.

"**15.7.** The notice of contestation is accompanied by an affidavit of the person contesting the notice of forfeiture. The affidavit must

(1) indicate the name of the person claiming an interest in the property;

(2) indicate the address of the person contesting the notice of forfeiture;

(3) specify the person's interest in the property; and

(4) set out the reasons for the contestation.

"**15.8.** Failure to contest the notice of forfeiture within 30 days of its receipt entails the forfeiture of the property and is equivalent to a title of the State to the forfeited property and has all the effects of such a title. The forfeiture strips the forfeited property of its nature as proceeds of unlawful activity.

"**15.9.** The Attorney General may, if the notice of administrative forfeiture is contested, introduce civil forfeiture proceedings within 60 days of receipt of the notice of contestation. The public body or the possessor or holder of the property must maintain possession or detention of the property during the proceedings.

"**15.10.** The court may relieve a person from failure to contest the notice of forfeiture within the prescribed time if the person shows that it was in fact impossible to act sooner.

The application to be relieved from the failure must be made within six months of the receipt of the notice of forfeiture and accompanied by the notice of contestation in accordance with section 15.7.

"**15.11.** The court may cancel the administrative forfeiture if a person is relieved from failure to contest. The Attorney General may then introduce civil forfeiture proceedings, under section 15.9, within 60 days of the cancellation of the administrative forfeiture. Where the property has been alienated, the civil forfeiture application concerns the proceeds of the alienation of the property.

"**15.12.** Sections 5, 9, 11, 12, 12.2, 12.3, 12.4, 14, 14.1, 14.2 and 15 apply, with the necessary modifications, to the administrative forfeiture of proceeds and instruments of unlawful activity."

22. Section 16 of the Act is amended by inserting "or administrative forfeiture and administers any amount received by the State as part of an allotment of the proceeds of the alienation of property forfeited outside Québec" at the end of the first paragraph.

23. Section 17 of the Act is amended by inserting "or administrative forfeiture" after "civil forfeiture" in the first paragraph.

24. Section 22 of the Act is amended

(1) by replacing "civil forfeiture are" and "civil forfeiture and" in the introductory clause by "civil forfeiture or administrative forfeiture are" and "such forfeiture and", respectively;

(2) by replacing "a civil forfeiture" and "through civil forfeiture" in paragraph 1 by "a civil forfeiture or administrative forfeiture" and "through such forfeiture", respectively;

(3) by replacing "in connection with civil forfeiture-related activities" in paragraph 4 by "to fund the activities related to civil forfeiture or administrative forfeiture";

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

"(5) amounts paid to the Government of Canada or to a government in Canada or outside Canada pursuant to an agreement made under the second paragraph of section 26.1."

25. Section 24 of the Act is amended

(1) by inserting "or administrative forfeiture" after "civil forfeiture";

(2) by adding the following sentence at the end: "The same applies to any amount received by the State as part of an allotment of the proceeds of the alienation of property forfeited outside Québec pursuant to an agreement made under the second paragraph of section 26.1."

26. Section 25 of the Act is amended, in the first paragraph,

(1) by replacing "The Government may, in the circumstances and according to the proportions it determines, allow the proceeds referred to in section 24 to be wholly or partly shared with one or more of the following government departments, bodies or organizations:" in the introductory clause by "The Government may, in the circumstances and according to the proportions it determines, allow the proceeds and amounts referred to in section 24 to be wholly or partly credited to the fund dedicated to assistance for persons who are victims of criminal offences established under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1) or to be wholly or partly allotted among one or more of the following government departments, bodies, organizations or governments:";

(2) by striking out subparagraph 1;

(3) in subparagaphs 6 and 7,

(*a*) by striking out "listed in Schedule 1",

(*b*) by inserting "or administrative forfeiture" after "civil forfeiture";

(4) by adding the following subparagraph at the end:

"(8) the Government of Canada or a government in Canada or outside Canada that participated in the operations that led to the forfeiture of the property."

27. The Act is amended by inserting the following section after section 26:

"**26.1.** The Government may enter into agreements for the communication of information, including personal information, with the Government of Canada or a government in Canada or outside Canada.

It may also enter into agreements for the allotment of the proceeds of the alienation of property forfeited in Québec or outside Québec with the Government of Canada or a government in Canada or outside Canada."

28. Schedule 1 to the Act is repealed.

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

29. Section 16 of the Act respecting the Ministère de la Justice (chapter M-19) is replaced by the following section:

"**16.** The Government may, on the recommendation of the Minister, by commission under the Great Seal, appoint, from among the members of the Barreau du Québec or the Chambre des notaires du Québec, any person it may choose as "Conseiller en loi de l'État du Québec". Any person having exercised the function of Minister of Justice shall *ex officio* bear that title.

Those persons may use that title or the abbreviation "c.l." after their name."

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

30. Section 15.4.40 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended by inserting "or administrative forfeiture" after "civil forfeiture" in subparagraph 18 of the first paragraph.

ACT TO ASSIST PERSONS WHO ARE VICTIMS OF CRIMINAL OFFENCES AND TO FACILITATE THEIR RECOVERY

31. Section 12 of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1) is amended by inserting "or administrative forfeiture" after "civil forfeiture" in paragraph 7.

COURT OF APPEAL REFERENCE ACT

32. Section 1 of the Court of Appeal Reference Act (chapter R-23) is amended

(1) by striking out ", and thereupon the court shall hear and consider the same" in the first paragraph;

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

"The Attorney General of Québec shall thereupon initiate, at Québec, a reference to the Court of Appeal, and that court shall hear and consider the questions submitted."

COURTS OF JUSTICE ACT

33. Section 21 of the Courts of Justice Act (chapter T-16) is amended by replacing "157" in the first paragraph by "164".

34. Section 32 of the Act is amended, in the first paragraph,

(1) in subparagraph 1,

(*a*) by replacing "101" by "89",

(*b*) by striking out "Terrebonne, another of the district of";

(2) by replacing "one judge" in subparagraph 1.1 by "two judges";

(3) by inserting the following subparagraphs after subparagraph 1.1:

"(1.2) for the district of Laval, with residence in the territory of Ville de Laval or in its vicinity, one judge;

"(1.3) for the district of Terrebonne, with residence in the territory of Ville de Saint-Jérôme or in its vicinity, two judges;

"(1.4) for the district of Drummond, with residence in the territory of Ville de Drummondville or in its vicinity, one judge;

"(1.5) for the district of Joliette, with residence in the territory of Ville de Joliette or in its vicinity, one judge;";

(4) by replacing ", another of the district of Kamouraska, another of the district of Charlevoix and another of the district of Roberval" in subparagraph 2 by "and another of the district of Charlevoix";

(5) by inserting the following subparagraph after subparagraph 7.1:

"(7.2) for the district of Roberval, with residence at Roberval or in its immediate vicinity, one judge;";

(6) by replacing subparagraph 9 by the following subparagraph:

"(9) for the district of Rimouski, two judges with residence, for one of them, at the option of the judge, at Rimouski or at Rivière-du-Loup or in the immediate vicinity thereof and, for the other judge, at Rimouski or in its immediate vicinity; one of them shall have special charge of the district of Kamouraska;";

(7) by replacing "with residence at Sept-Iles or in its immediate vicinity, one judge" in subparagraph 11 by "two judges, one with residence at Sept-Îles or in its immediate vicinity and the other with residence at Baie-Comeau or in its immediate vicinity";

(8) by adding the following subparagraph at the end of the first paragraph:

"(12) 10 judges established in the district or districts that the Minister of Justice determines by order published in the *Gazette officielle du Québec*; the Minister also sets the judges' place of residence."

35. The Act is amended by inserting the following section after section 87.1:

"**87.2.** The judges must be domiciled and reside in the territory of Québec."

36. The Act is amended by inserting the following section after section 162.1:

"**162.2.** Presiding justices of the peace must be domiciled and reside in the territory of Québec."

37. Schedule V to the Act is amended, in subsection 1,

(1) by replacing the first dash by the following dashes:

"— exercising all the powers that a federal statute confers on a justice of the peace, except the power to take evidence at the preliminary inquiry and the powers to discharge the accused or to order the accused to stand trial (section 548 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)) and except, for trying proceedings commenced under Part XXVII, the power to proceed with the trial and to take the evidence of witnesses, from both the prosecution and the defence, where the defendant pleads not guilty (section 801(3) of the Criminal Code) in connection with an offence under the Criminal Code, the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19), the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27) or the Cannabis Act (Statutes of Canada, 2018, chapter 16);

"— ordering the accused to stand trial in the court having criminal jurisdiction, without taking or recording any evidence or further evidence, with the consent of the accused and the prosecutor (section 549 of the Criminal Code);

"— convicting or discharging the defendant who pleads guilty or making an order against the defendant (section 801(2) of the Criminal Code) in connection with an offence under the Criminal Code, the Controlled Drugs and Substances Act, the Food and Drugs Act or the Cannabis Act prosecuted under Part XXVII;

"— exercising the powers of two justices of the peace in connection with any indictable offence under the jurisdiction of a provincial court judge, but for the sole purpose of taking the plea of an accused or defendant, without commencing to hear evidence (section 669.1 of the Criminal Code);";

(2) by striking out "sections 503 and 516 of the Criminal Code and" in the fourth dash;

(3) in the seventh dash,

(*a*) by replacing "autorisation" in the French text by "autorisations" and "the Criminal Code and other federal and Québec statutes" by "the statutes of Québec",

(*b*) by inserting "or of a judge of the Court of Québec" at the end;

(4) by replacing "sole purpose" in the tenth dash by "purposes";

(5) by striking out the eleventh dash;

(6) by striking out "with the consent of the parties" in the twelfth dash;

(7) by inserting "(article 42 of the Code of Penal Procedure)" at the end of the fourteenth dash.

REGULATION RESPECTING THE MEDIATION AND ARBITRATION OF SMALL CLAIMS

38. Section 20 of the Regulation respecting the mediation and arbitration of small claims (chapter C-25.01, r. 0.6.1) is replaced by the following section:

"**20.** This Chapter applies only in the judicial districts determined by the Minister of Justice in accordance with the third paragraph of article 570 of the Code of Civil Procedure (chapter C-25.01)."

39. Section 32 of the Regulation is replaced by the following section:

"**32.** This Chapter applies only in the judicial districts determined by the Minister of Justice in accordance with the third paragraph of article 570 of the Code of Civil Procedure (chapter C-25.01)."

ACT MAINLY TO REFORM MUNICIPAL COURTS AND TO IMPROVE THE JUSTICE SYSTEM'S EFFICIENCY, ACCESSIBILITY AND PERFORMANCE

40. Section 71 of the Act mainly to reform municipal courts and to improve the justice system's efficiency, accessibility and performance (2023, chapter 31) is replaced by the following section:

"**71.** The Government may, at any time before 1 July 2024 and after consultation with the chief municipal judge, appoint a coordinating judge of a coordinating region. The latter must be selected from among the judges appointed to one of the municipal courts established under the Act respecting

municipal courts (chapter C-72.01). The judge takes office on 1 July 2024. Furthermore,

(1) the coordinating judge's term of office is three years from the date of his or her taking office but may be renewed until the total term of office reaches six years;

(2) the judge is deemed, from the date of his or her taking office, to have been appointed and to have taken the oath in accordance with the Courts of Justice Act (chapter T-16), as amended by this Act; and

(3) where an order is made under section 199 of the Courts of Justice Act, enacted by section 9 of this Act, the judge receives the additional remuneration and all the social benefits fixed in the order with regard to the office of coordinating judge from the date of his or her taking office.

If no coordinating judge has been appointed in a coordinating region on 1 July 2024, from that date and until a coordinating judge, if any, is appointed by the Government, a president judge appointed to a municipal court established under the Act respecting municipal courts and who is exercising his or her functions in that court on 30 June 2024 becomes a coordinating judge of the coordinating region in which the municipal court in which he or she is president judge on 30 June 2024 is situated, for the unexpired portion of his or her term as president judge, with no possibility of renewal.

A president judge who has not become a coordinating judge in accordance with the second paragraph continues to receive the additional remuneration related to the position of president judge for the unexpired portion of his or her term. He or she is then entitled to receive, until his or her salary as a judge is equal to the amount of salary and additional remuneration he or she was receiving as president judge, the difference between the latter amount and his or her salary. He or she is also entitled to the benefits provided for in section 74 of this Act.

A new coordinating judge of a coordinating region taking office before the end of the unexpired portion of the term of the president judge who became coordinating judge puts an end to the term of the latter who, however, continues to receive the additional remuneration related to the position of president judge for the unexpired portion of his or her term. He or she is then entitled to receive, until his or her salary as a judge is equal to the amount of salary and additional remuneration he or she was receiving as president judge, the difference between the latter amount and his or her salary. He or she is also entitled to the benefits provided for in section 74 of this Act."

41. Section 72 of the Act is replaced by the following section:

"**72.** The Government may, at any time before 1 July 2024 and after consultation with the chief municipal judge, appoint an associate coordinating judge to a coordinating region. The latter must be selected from among the judges appointed to one of the municipal courts established under the Act

respecting municipal courts (chapter C-72.01). The associate coordinating judge takes office on 1 July 2024. Furthermore,

(1) the associate coordinating judge's term of office is three years from the date of his or her taking office but may be renewed until the total term of office reaches six years;

(2) the judge is deemed, from the date of his or her taking office, to have been appointed and to have taken the oath in accordance with the Courts of Justice Act (chapter T-16), as amended by this Act; and

(3) where an order is made under section 199 of the Courts of Justice Act, enacted by section 9 of this Act, the judge receives the additional remuneration and all the social benefits fixed in the order with regard to the office of associate coordinating judge from the date of his or her taking office.

If no associate coordinating judge has been appointed for Coordinating Region 4 on 1 July 2024, from that date and until an associate coordinating judge, if any, is appointed for that coordinating region, the associate president judge appointed under the Act respecting municipal courts and who is exercising his or her functions in the municipal court of Ville de Montréal on 30 June 2024 becomes the associate coordinating judge for Region 4 for the unexpired portion of his or her term as associate president judge, with no possibility of renewal.

A new associate coordinating judge for Region 4 taking office before the end of the unexpired portion of the term of the associate president judge who became associate coordinating judge puts an end to the term of the latter who, however, continues to receive the additional remuneration related to the position of associate president judge for the unexpired portion of his or her term."

FINAL PROVISIONS

42. For the purposes of any provision of an Act or regulation, the Minister of Justice is considered to have determined, by order made in accordance with the third paragraph of article 570 of the Code of Civil Procedure (chapter C-25.01), as enacted by section 11 of this Act, that mediation is mandatory and that arbitration is offered to the parties in the following judicial districts:

(1) the judicial district of Laval;

(2) the judicial district of Longueuil;

(3) the judicial district of Québec;

(4) the judicial district of Richelieu; and

(5) the judicial district of Saint-Hyacinthe.

43. The 10 judges' offices referred to in subparagraph 12 of the first paragraph of section 32 of the Courts of Justice Act (chapter T-16) are considered to be established, by order made in accordance with that subparagraph, in the district of Montréal, with residence in the territory of Ville de Montréal or in the immediate vicinity thereof until, for each of those offices that have become vacant, the Minister of Justice determines, by order made in accordance with that subparagraph, the district in which such an office shall be established and sets the place of residence attached to it.

44. This Act comes into force on 28 March 2024, except the provisions of sections 1 to 8, which come into force on the date or dates to be set by the Government.

106831

Regulations and other Acts

Gouvernement du Québec

O.C. 783-2024, 1 May 2024

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

Act respecting the protection of personal information in the private sector (chapter P-39.1)

Anonymization of personal information

Regulation respecting the anonymization of personal information

WHEREAS, under the first paragraph of section 73 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), when the purposes for which personal information was collected or used have been achieved, the public body must destroy the information, or anonymize it to use it for public interest purposes, subject to the Archives Act (chapter A-21.1) or the Professional Code (chapter C-26);

WHEREAS, under the third paragraph of section 73 of the Act, information anonymized under the Act respecting Access to documents held by public bodies and the Protection of personal information must be anonymized according to generally accepted best practices and according to the criteria and terms determined by regulation;

WHEREAS, under subparagraph 6.3 of the first paragraph of section 155 of the Act, the Government may make regulations for the purposes of section 73 of the Act, determining the criteria and terms applicable to the anonymization of personal information;

WHEREAS, under the first paragraph of section 23 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), where the purposes for which personal information was collected or used are achieved, the person carrying on an enterprise must destroy the information, or anonymize it to use it for serious and legitimate purposes, subject to any preservation period provided for by an Act;

WHEREAS, under the third paragraph of section 23 of that Act, information anonymized under the Act respecting the protection of personal information in the private sector must be anonymized according to generally accepted best practices and according to the criteria and terms determined by regulation;

WHEREAS, under subparagraph 3.2 of the first paragraph of section 90 of that Act, the Government, after obtaining the advice of the Commission d'accès à l'information, may make regulations, for the purposes of section 23 of the Act, to determine the criteria and terms applicable to the anonymization of personal information;

WHEREAS, in accordance with section 156 of the Act respecting Access to documents held by public bodies and the Protection of personal information and the first paragraph of section 90 of the Act respecting the protection of personal information in the private sector, the Minister Responsible for Access to Information and the Protection of Personal Information obtained the opinion of the Commission d'accès à l'information on 19 October 2023;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 156 of the Act respecting Access to documents held by public bodies and the Protection of personal information, a draft Regulation respecting the anonymization of personal information was published in Part 2 of the *Gazette officielle du Québec* of 20 December 2023 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 Responsible for Access to Information and the Protection of Personal Information:

THAT the Regulation respecting the anonymization of personal information, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting the anonymization of personal information

Act respecting Access to documents held by public bodies and the Protection of personal information
(chapter A-2.1, s. 155, 1st par., subpar. 6.3)

Act respecting the protection of personal information in the private sector
(chapter P-39.1, s. 90, 1st par., subpar. 3.2)

DIVISION I
SCOPE AND DEFINITIONS

1. This Regulation applies to all public bodies referred to in section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), and any person carrying on an enterprise and referred to in the Act respecting the protection of personal information in the private sector (chapter P-39.1).

It also applies to professional orders to the extent provided for in the Professional Code (chapter C-26).

2. In this Regulation,

"correlation criterion" means the inability to connect datasets concerning the same person;

"individualization criterion" means the inability to isolate or distinguish a person within a dataset;

"inference criterion" means the inability to infer personal information from other available information;

"body" means a public body, a person carrying on an enterprise or a professional order to which this Regulation applies.

DIVISION II
CRITERIA AND TERMS APPLICABLE TO THE ANONYMIZATION OF PERSONAL INFORMATION

3. Before beginning a process of anonymization, a body must establish the purposes for which it intends to use the anonymized information. The body must ensure that those purposes are consistent with section 73 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or section 23 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), as the case may be.

If a body wishes to use anonymized information for purposes other than those established before beginning the process of anonymization in accordance with the first paragraph, the body must, before using that anonymized information, ensure that those purposes are consistent with, as the case may be, section 73 or section 23.

4. The process of anonymization must be carried out under the supervision of a person qualified in the field.

5. At the beginning of a process of anonymization, a body must remove from the information it intends to anonymize all personal information that allows the person concerned to be directly identified.

The body must then conduct a preliminary analysis of the re-identification risks considering in particular the individualization criterion, the correlation criterion and the inference criterion, as well as the risks of other reasonably available information, in particular in the public space, being used to identify a person directly or indirectly.

6. On the basis of the re-identification risks determined in accordance with the second paragraph of section 5, a body must establish the anonymization techniques to be used, which must be consistent with generally accepted best practices. The body must also establish reasonable protection and security measures to reduce re-identification risks.

7. After implementing the anonymization techniques established for the process of anonymization and the protection and security measures in accordance with section 6, a body must conduct an analysis of the re-identification risks.

The results of the analysis must show that it is, at all times, reasonably foreseeable in the circumstances that the information produced further to a process of anonymization irreversibly no longer allows the person to be identified directly or indirectly.

For the purposes of the second paragraph, it is not necessary to demonstrate that zero risk exists. However, taking into account the following elements, the results of the analysis must show that the residual risks of re-identification are very low:

(1) the circumstances related to the anonymization of personal information, in particular the purposes for which the body intends to use the anonymized information;

(2) the nature of the information;

(3) the individualization criterion, the correlation criterion and the inference criterion;

(4) the risks of other reasonably available information, in particular in the public space, being used to identify a person directly or indirectly; and

(5) the measures required to re-identify the persons, taking into account the efforts, resources and expertise required to implement those measures.

8. A body must periodically assess the information it has anonymized to ensure that it remains anonymized. For that purpose, the body must update the latest re-identification risk analysis it conducted. The update must consider, in particular, technological advancements that may contribute to the re-identification of a person.

The results of the analysis update must be consistent with the second paragraph of section 7. If they are not, the information is no longer considered anonymized.

For the purposes of the first paragraph, the intervals at which a body must conduct information assessments are determined according to the residual risks identified in the latest re-identification risk analysis conducted by the body and the elements provided in the third paragraph of section 7.

9. A body that anonymizes personal information must record the following information in a register:

(1) a description of the personal information that has been anonymized;

(2) the purposes for which the body intends to use anonymized information;

(3) the anonymization techniques used and the protection and security measures established in accordance with section 6; and

(4) the date on which the re-identification risk analysis conducted in accordance with section 7 was completed and, as the case may be, the date on which the update of the analysis conducted in accordance with section 8 was completed.

DIVISION III
FINAL

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 9 which comes into force on 1 January 2025.

106829

M.O., 2024

Order 2024-09 of the Minister of Finance dated 29 April 2024

Act respecting the Institut de la statistique du Québec (chapter I-13.011)

Regulation respecting the communication of designated information for research purposes

THE MINISTER OF FINANCE,

CONSIDERING paragraph 4 of section 13.8 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011), which provides that the Minister may determine by regulation any other document that must be submitted with the communication request provided for in section 13.7 of the Act;

CONSIDERING that in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the communication of designated information for research purposes was published in Part 2 of the *Gazette officielle du Québec* of 31 January 2024 with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation respecting the communication of designated information for research purposes without amendment;

ORDERS AS FOLLOWS:

The Regulation respecting the communication of designated information for research purposes, attached to this Order, is hereby made.

Québec, 29 April 2024

ERIC GIRARD
Minister of Finance

Regulation respecting the communication of designated information for research purposes

Act respecting the Institut de la statistique du Québec (chapter I-13.011, s. 13.8, par. 4)

DIVISION I
DOCUMENT TO BE FILED TO OBTAIN THE COMMUNICATION OF DESIGNATED INFORMATION

1. To obtain from the Institut de la statistique du Québec the communication of designated information for research purposes, a researcher attached to a public body by a contract of employment must submit with their request a document, issued by the most senior officer of the public body to which the researcher is attached or by a person with management responsibilities who reports directly to the most senior officer, authorizing the researcher to

(1) make a request to the Institut for the communication of designated information as part of the researcher's research activities; and

(2) enter into the communication agreement provided for in section 13.9 of the Act respecting the Institut de la statistique du Québec with the Institut.

2. This Regulation comes into force on (*insert the date occurring 15 days after the date of its publication in the Gazette officielle du Québec*).

106827

M.O., 2024

Order 5206 of the Minister of Justice dated 30 April 2024

Act respecting the Ministère de la Justice (chapter M-19)

Extension of the measures for ensuring the proper administration of justice following the fire at the Roberval courthouse

THE MINISTER OF JUSTICE,

CONSIDERING section 5.1 of the Act respecting the Ministère de la Justice (chapter M-19), which provides that in a situation where it is impossible in fact to comply with the rules of the Code of Civil Procedure (chapter C-25.01) or of the Code of penal procedure (chapter C-25.1), the Minister of Justice may, if necessary for the proper administration of justice, amend any rule of procedure, introduce a new one or provide for any other measure;

CONSIDERING that section 5.1 of the Act provides that such measures are to be published in the *Gazette officielle du Québec* and may take effect on the date on which the situation occurs or on any later date specified in the measures, and that they are applicable for the period determined by the Minister of Justice, which may not exceed one year after the end of the situation;

CONSIDERING that section 5.1 of the Act provides that the Minister of Justice may, each year for five years, extend the period before it expires, if necessary for the proper administration of justice;

CONSIDERING that section 5.1 of the Act provides that before extending the measures, the Minister must take into consideration their effects on the rights of individuals and obtain the agreement of the Chief Justice of Québec and the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction, and that the Minister must also take into consideration the opinion of the Barreau du Québec and, if applicable, of the Chambre des notaires du Québec or the Chambre des huissiers de justice du Québec;

CONSIDERING section 12 of the Regulations Act (chapter R-18.1), which provides that a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that a reason provided for in the Act under which the proposed regulation may be made warrants it;

CONSIDERING section 13 of that Act, which provides that the reason justifying the absence of prior publication must be published with the regulation;

CONSIDERING section 27 of that Act, which provides that a regulation may take effect before the date of its publication in the *Gazette officielle du Québec* where the Act under which it is made or approved expressly provides therefor;

CONSIDERING Order 4477 of the Minister of Justice dated 12 May 2021, which provides for measures for ensuring the proper administration of justice following the fire at the Roberval courthouse on 8 May 2021;

CONSIDERING that the effective period of the measures provided for in that Order was extended to 11 May 2023 by Order 4740 of the Minister of Justice dated 11 May 2022, and further extended to 11 May 2024 by Order 4990 of the Minister of Justice dated 26 April 2023;

CONSIDERING that the measures provided for in Order 4477 of the Minister of Justice dated 12 May 2021 cease to have effect on 11 May 2024;

CONSIDERING that the proper administration of justice requires the extension of the measures provided for in that Order;

CONSIDERING that the extension of those measures will have a beneficial effect on the rights of individuals;

CONSIDERING that the proper administration of justice justifies the absence of prior publication of this Order and its coming into force on 11 May 2024, as permitted under section 5.1 of the Act respecting the Ministère de la Justice;

CONSIDERING that the Chief Justice of Québec, the Chief Justice of the Superior Court and the Chief Judge of the Court of Québec have given their agreement to this Order;

CONSIDERING that the opinion of the Barreau du Québec, the Chambre des notaires du Québec and the Chambre des huissiers has been taken into consideration;

ORDERS AS FOLLOWS:

THAT the effective period of the measures provided for in Order 4477 of the Minister of Justice dated 12 May 2021 be extended by one year, that is, from 11 May 2024 to 11 May 2025.

Québec, 30 April 2024

SIMON JOLIN-BARRETTE
Minister of Justice

106828