

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

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## Regulations and other acts

Gouvernement du Québec

### O.C. 233-96, 28 February 1996

Financial Administration Act  
(R.S.Q., c. A-6)

#### Conditions of contracts of government departments and public bodies — Amendments

Regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, by a public body whose operating budget is voted wholly or in part by the National Assembly or by any other public body;

WHEREAS by Order in Council 1166-93 dated 18 August 1993, the Government made the General Regulation respecting conditions of contracts of government departments and public bodies, which was amended by the Regulations made by Orders in Council 1565-94 dated 9 November 1994 and 492-95 dated 12 April 1995;

WHEREAS it is expedient to amend the General Regulation respecting conditions of contracts of government departments and public bodies in order in particular to introduce therein requirements to comply with the standards in the ISO international system for quality management for suppliers in certain specialties and to ensure conformity with the Civil Code of Québec and consistency with all the regulations respecting contracts;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 13 December 1995 with a notice that it could be made by the Government, with or without amendments, upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation to amend the General Regulation respecting conditions of contracts of government

departments and public bodies has been the subject of a recommendation of the Conseil du trésor;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

1. The General Regulation respecting conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1565-94 dated 9 November 1994 and 492-95 dated 12 April 1995, is further amended in section 2

(1) by striking out the definition of “insurance contract”;

(2) by inserting, after the semi-colon at the end of the definition of “construction contract”, the words “this definition includes a contract for the erection of a building intended to be used mainly by a government department or body or intended to become, at the end of a lease, the property of the client department or body;”;

(3) by substituting the following for the definition of “services contract”:

““services contract” means a contract for services within the meaning of the Civil Code of Québec, a contract of enterprise other than a construction contract, a contract of affreightment, a damage insurance contract

and a cartage contract; notwithstanding the foregoing, this definition does not include a contract for financial services, a contract for banking or legal services, a contract for the hiring of a mediator designated by the Service de médiation familiale of the Superior Court or a contract for creation referred to in the Règlement sur l'intégration des arts à l'architecture et à l'environnement des édifices du gouvernement du Québec (R.R.Q., 1981, c. M-20, r. 3); (*contrat de services*)”;

(4) by substituting the following for the definition of “supplier”:

““supplier” means a legal person, a partnership, a cooperative or a natural person who operates an individual business, except a public body within the meaning of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), a department or body of another government or a non-profit corporation other than an adapted work centre; (*fournisseur*)”;

(5) by inserting the following definition after the definition of “insurance contract”:

““Minister” means the minister responsible for the administration of the Act respecting government services to departments and public bodies (R.S.Q., c. S-6.1); (*Ministre*)”;

(6) by inserting the following definition after the definition of “education or health and social services network”:

““estimated amount of the contract” means the estimated total expenditure of the contract, except in the case of a one-year contract that is renewable annually, in which case it means the estimated expenditure for the first year; notwithstanding the foregoing, in the case of an advertising contract, the estimated amount of the contract shall not include media placement costs; (*montant estimé du contrat*)”;

(7) by substituting the following for the definition of “professional”:

““professional” means a person entered on the roll of an order within the meaning of the Professional Code (R.S.Q., c. C-26) or whose training has been certified by an undergraduate university degree recognized by the Ministère de l'Éducation, or the equivalent; (*professionnel*)”;

(8) by striking out the definitions of “spontaneous proposal” and “education or health and social services network”.

**2.** Sections 5 and 6 are amended by striking out the words “of Supply and Services” everywhere they occur.

**3.** The Regulation is amended by inserting the following after section 7:

“**7.1** No contract pertaining mainly to any of the specialties listed in Schedule 1 may, from the date indicated in that Schedule, be awarded to a supplier unless he holds a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that he has a quality system for the field concerned by the specialty in question, complying with the ISO standard required in Schedule 1.

The definitions of the specialties listed in Schedule 1 correspond to the definitions set out in the Répertoire des spécialités established by the Conseil du trésor for the specialties included therein.

Where the awarding of a contract is made following a call for tenders, the amount of the contract specified in Schedule 1 shall be construed as the estimated amount of the contract.

**7.2** Any construction contract of the Ministère des Transports that includes the supplying of bituminous compound shall contain a clause that, from 1 April 1997, such product will have to have been manufactured by a compounding plant holding a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the plant has a quality system complying with standard ISO 9002.”.

**4.** Section 8 is amended

(1) by striking out paragraph 5; and

(2) by inserting the words “, its estimated amount is less than \$100 000” after the words “for travel services” in paragraph 8.

**5.** Section 11 is amended by substituting the words “complying offer” for the words “proposal or candidacy” after the words “supplier whose”.

**6.** Section 12 is amended by substituting the words “whose complying offer obtained” for the words “who obtained”.

**7.** Section 14 is amended by substituting the following for the second paragraph:

“The awarding procedures shall be approved by the Conseil du trésor before the call for tenders is held, unless the awarding procedures stipulate that a contract must be awarded to the supplier who submitted, in accordance with this Regulation, either the lowest price or the best quality/price ratio, taking into account the cost of administration and assumption of the contract and, where applicable, the availability of the goods or services sought.”.

**8.** Section 15 is amended by substituting the following for paragraph 6:

“(6) in the case of a damage insurance contract, except where the contract is for less than \$200 000 and pertains to a movable or an immovable belonging to a Québec office or delegation abroad and for which the Ministère des Relations internationales is required under local laws and practices to enter into an insurance contract.”.

**9.** Section 16 is amended by striking out paragraph 2.

**10.** The Regulation is amended by inserting the following Schedule at the end:

**“SCHEDULE 1  
LIST OF THE SPECIALTIES FOR WHICH A  
SUPPLIER MUST HOLD AN ISO REGISTRATION  
CERTIFICATE  
(s. 7.1)**

Specialty	Amount of contract	Date of coming into force	Standard required
Supplying:			
— Bituminous compound for the Ministère des Transports	≥ \$1	97 04 01	ISO 9002
Professional services:			
Group — Construction and physical sciences :			
Category — Civil engineering :			
11130 — Complex dam engineering	≥ \$10 000	96 04 01	ISO 9001
11121 — Bridge engineering	≥ \$10 000	96 04 01	ISO 9001
Category — Soil and materials engineering:			
— Metal quality control (1)	≥ \$10 000	96 04 01	ISO 9002
11262 — Bituminous concrete quality control	≥ \$10 000	96 04 01	ISO 9002
11245 — Cement concrete quality control	≥ \$10 000	96 04 01	ISO 9002
11246 — Soil quality control	≥ \$10 000	96 04 01	ISO 9002
11247 — Characterization testing of granulates	≥ \$10 000	96 04 01	ISO 9002
11248 — Performance testing of granulates	≥ \$10 000	96 04 01	ISO 9002

Specialty	Amount of contract	Date of coming into force	Standard required
11249 — Soil recognition (pedological studies)	≥ \$10 000	96 04 01	ISO 9002
11250 — Soil mechanics	≥ \$10 000	96 04 01	ISO 9002
11251 — Soil mechanics and soil and cement concrete quality control	≥ \$10 000	96 04 01	ISO 9002
— Complex soil mechanics (2)	≥ \$10 000	96 04 01	ISO 9002
11268 — Structural inventory of roads	≥ \$10 000	96 04 01	ISO 9002
11269 — Road mechanics	≥ \$10 000	96 04 01	ISO 9002

Supplying:

Group — Information technologies:

Category — Computers:

13061 — Management and planning of information technologies	≥ \$200 000	96 04 01	ISO 9001
13068 — Systems development	≥ \$100 000	96 04 01	ISO 9001
13062 — Management of processing centres	≥ \$200 000	96 04 01	ISO 9002
13063 — Computer security	≥ \$200 000	96 04 01	ISO 9001
13064 — Hardware and software counseling	≥ \$200 000	96 04 01	ISO 9001
13069 — Systems development	≥ \$200 000	96 04 01	ISO 9001
13070 — Systems maintenance	≥ \$200 000	96 04 01	ISO 9001

(1) Metal quality control: Quality control, by means of destructive or non-destructive tests, of the properties of metals, their protection, their processing and their assembly in factories or on construction sites.

(2) Complex soil mechanics: Determination of the physical, mechanical and hydraulic characteristics of soils by means of drilling, on-site or laboratory testing and calculations where stability, compaction or landslip problems are anticipated so as to assess the scope of those problems or to optimize the design and/or the “sizing” of works.

**11.** 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. 234-96, 28 February 1996**

Financial Administration Act  
(R.S.Q., c. A-6)

An Act respecting the Service des achats  
du gouvernement  
(R.S.Q., c. S-4)

**Supply contracts of government departments  
and public bodies  
— Amendments**

Regulation to amend the Regulation respecting supply contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, by a public body whose operating budget is voted wholly or in part by the National Assembly or by any other public body;

WHEREAS by Order in Council 1167-93 dated 18 August 1993, the Government made the Regulation respecting supply contracts of government departments and public bodies, which was amended by the Regulations made by Orders in Council 1809-93 dated 15 December 1993, 1105-94 dated 20 July 1994 and 1569-95 dated 6 December 1995;

WHEREAS it is expedient to amend the Regulation respecting supply contracts of government departments and public bodies in order in particular to ensure adequate application of the intergovernmental agreements entered into by the Government and consistency with all the regulations respecting contracts and to relax certain rules including those concerning recourse to the central register for contracts of less than \$25 000 and the information contained in the instructions to tenderers;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft Regulation to amend the Regulation respecting supply contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of

13 December 1995 with a notice that it could be made by the Government, with or without amendments, upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation to amend the Regulation respecting supply contracts of government departments and public bodies has been the subject of a recommendation of the Conseil du trésor;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting supply contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation  
respecting supply contracts of  
government departments and public  
bodies**

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

An Act respecting the Service des  
achats du gouvernement  
(R.S.Q., c. S-4)

**1.** The Regulation respecting supply contracts of government departments and public bodies, made by Order in Council 1167-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1809-93 dated 15 December 1993 and 1105-94 dated 20 July 1994, is further amended by striking out the words “concrete pipes,” in paragraph 1 of section 7.

**2.** The following is substituted for section 13:

“**13.** Instructions to tenderers shall

(1) describe the tendering procedure and specify the required supporting documents;

(2) determine the period of validity of the tender;

(3) state non-compliance clauses;



(4) inform the suppliers of the rules to be followed in evaluating the tenders;

(5) inform the suppliers that the call for bids and any contract that may be entered into are subject to the regulatory requirements in respect of the validity of contracts prescribed in Chapter II of the General Regulation respecting the conditions of contracts of government departments and public bodies; and

(6) where the purpose of the call for bids is to draw up a list of suppliers from whom a standing offer will be accepted, specify the procedures for selecting the suppliers to be registered on that list and the awarding procedures prescribed for those contracts.”.

**3.** Section 19 is amended

(1) by substituting the word “for” for the words “where the documents include” in paragraph 1;

(2) by substituting the words “for printed or photocopied documents other than copies of plans” for the words “where the tender documents comprise only printed or photocopied documents” in paragraph 2; and

(3) by substituting “1 to 200” for “less than 200” in paragraph 2.

**4.** Section 22 is amended by substituting the following for paragraph 2:

“(2) the estimated amount of the contract is \$25 000 or more and the goods concerned are included in a specialty in the central register of suppliers of goods and services to the Government, in which case section 47 applies; or”;

**5.** Sections 34 to 36 are revoked.

**6.** Sections 43, 44 and 52 are amended by striking out the words “of Supply and Services” everywhere they occur.

**7.** Section 45 is amended by substituting the words “Conseil du trésor” for the words “Minister of Supply and Services”.

**8.** Sections 46, 56, 57 and 58 are revoked.

**9.** Section 48 is amended by substituting the word “Section 47 also applies” for the words “Sections 46 and 47 also apply”.

**10.** Section 54 is amended by striking out the figures “56, 57,”.

**11.** Section 61 is amended by substituting the figure “15” for the figure “30”.

**12.** Sections 62 and 63 are amended

(1) by substituting the figure “15” for the figure “30” everywhere it occurs; and

(2) by striking out the words “of Supply and Services” everywhere they occur.

**13.** Section 64 is amended by inserting the words “or renewing” after the words “entering into”.

**14.** Section 68 is amended

(1) by substituting the words “and in sections 23 and 47” for the words “, in section 23 and in sections 46 and 47” in the first paragraph; and

(2) by substituting the words “for Administration and the Public Service” for the words “of Supply and Services” in the second paragraph.

**15.** The following are substituted for Schedules 1 to 3:

**“SCHEDULE 1**

LIST OF GOODS THAT MAY BE ACQUIRED BY THE DEPARTMENT IDENTIFIED INSTEAD OF THE GENERAL PURCHASING DIRECTOR (s. 4, par. 2, and s. 5)

Name of department	Goods in question
Agriculture, Pêcheries et Alimentation	Contracts relating to the following goods: — purebred animals; — provisions for regions other than those of Québec and Montréal; — crushed gravel; — crushed stone; — live fish and molluscs; — hay, straw, milled feed, food supplements and bedding for farm animals.
Conseil exécutif	Contracts relating to historic movable property.

Name of department	Goods in question	Name of department	Goods in question
Environnement et Faune	Contracts relating to the following goods: — sod; — loam; — crushed gravel; — crushed stone; — sand; — any granular material; — purebred animals; — live fish; — fish roe; — provisions for regions other than those of Québec and Montréal; — fruit; — vegetables; — raw aggregate.	Transports	Contracts relating to the following goods: — raw aggregate; — sod; — posts; — fence posts; — loam; — crushed gravel; — crushed stone; — reinforced concrete pipes; — pre-mixed concrete; — manufactured concrete products; — provisions for regions other than those of Québec and Montréal; — fruit; — vegetables; — bituminous compound and its constituents, excluding bitumen used for the preparation of hot bituminous coating, when covered by a standing offer entered into by the General Purchasing Director.
Industrie, Commerce, Science et Technologie	Contracts for the purchase of existing printed material, such as brochures, tourism maps, slides, etc., available from a single supplier.		
Relations internationales	Contracts relating to historic movable property.		
Ressources naturelles	Contracts relating to the following goods: — provisions for regions other than those of Québec and Montréal; — fruit; — vegetables; — raw aggregate; — sod; — posts; — fence posts; — loam; — crushed gravel; — crushed stone; — cones and seeds of deciduous trees for purposes of reforestation.		
Sécurité publique	Contracts relating to the following goods: — provisions for regions other than those of Québec and Montréal; — fruit; — vegetables.		

**SCHEDULE 2**  
TENDER BOND  
(s. 28., par. 1)

1. ...., having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the "Surety", having taken cognizance of the tender to be submitted on the ..... day of ..... 19 ... to the (..... identification of the department or public body .....), hereinafter called (the "Minister" or the "Body"), by ..... (name of the supplier) having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the "Supplier", in respect of ..... (description of the goods in question) ..... stands surety for the Supplier, to the benefit of (the Minister or the Body), under the following conditions:

If the Supplier fails to sign a contract in keeping with the tender submitted or fails to provide the required guarantees within 15 days following the date of acceptance, the Surety binds itself to pay (the Gouvernement du Québec or the Body) a sum of money corresponding

to the difference between the tendered price that had been accepted and the tendered price subsequently accepted by (the Minister or the Body), it being provided that the Surety shall not be required to pay more than ..... dollars (\$.....).

2. The Supplier whose tender has been accepted shall be notified of such acceptance within 45 days following the time limit for the receipt of tenders; failing that, this obligation shall be null and of no effect.

3. This bond shall be governed by the law applicable in Québec and, should it be contested, the courts of Québec shall have sole jurisdiction.

4. Any legal proceedings for the enforcement of this bond shall be instituted within 12 months following the date of these presents.

5. The Surety waives the benefit of discussion.

6. The Supplier intervenes in these presents to consent thereto; should the Supplier fail to do so, this obligation shall be null and of no effect.

IN WITNESS WHEREOF, the Surety and the Supplier, by their duly authorized representatives, have signed these presents in ..... this ..... day of the month of ..... 19.....

THE SURETY

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name of signatory in block letters)

\_\_\_\_\_  
(Title of signatory in block letters)

THE SUPPLIER

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name of signatory in block letters)

\_\_\_\_\_  
(Title of signatory in block letters)

**SCHEDULE 3**  
**IRREVOCABLE LETTER OF GUARANTEE**  
(s. 28, par. 2)

Recipient:

Name of department or public body  
Address  
\_\_\_\_\_

Object:

Supplier's name  
Address  
Summary identification of the call for tenders

..... (name of financial institution and branch), herein represented by ....., duly authorized, guarantees irrevocably the payment of the sums that will be owed to you by the abovementioned client in the event that the client fails to accept a purchase order conforming to the client's tender or to provide the required guarantees within ..... days of the date of the notice of acceptance of the tender.

This letter of guarantee may be realized only if the tenderer fails to accept an order conforming to the tender, or if he fails to furnish the required guarantees.

After receipt of a written application for payment, in which the date of the opening of the tenders shall be stated, ..... (name of financial institution) undertakes to pay those sums; notwithstanding the foregoing, ..... (name of financial institution) shall in no case be required to pay more than ..... dollars (\$.....) under this letter of guarantee.

This letter of guarantee shall remain valid for a period of ..... days from the date of the opening of the tenders and any application for payment under this letter of guarantee shall be received by ..... (name of financial institution) no later than ..... days from the date of the opening of the tenders.

Payment is due upon mere application for payment sent to the financial institution by the recipient.

\_\_\_\_\_  
\_\_\_\_\_  
(Name and address of the financial institution)

Per: \_\_\_\_\_  
(Authorized signatory)

\_\_\_\_\_  
(Authorized signatory)''.

**16.** 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. 235-96, 28 February 1996**

Financial Administration Act  
(R.S.Q., c. A-6)

**Construction contracts of government departments and public bodies  
— Amendments**

Regulation to amend the Regulation respecting construction contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly, or any other public body;

WHEREAS by Order in Council 1168-93 dated 18 August 1993, the Government made the Regulation respecting construction contracts of government departments and public bodies, which was amended by the Regulations made by Orders in Council 181-94 dated 2 February 1994 and 1106-94 dated 20 July 1994;

WHEREAS it is expedient to amend the Regulation respecting construction contracts of government departments and public bodies in order in particular to relax or clarify certain rules including those respecting the information contained in the instructions to suppliers, the conditions for registration in the central register and guarantees, and to ensure concordance with every regulation respecting contracts;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft of the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 13 December 1995 with a notice that it could be made by the Government, with or without amendment, upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies has been the subject of a recommendation of the Conseil du trésor;

WHEREAS it is expedient to make the Regulation without amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting construction contracts of government departments and public bodies**

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

**1.** The Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 181-94 dated 2 February 1994 and 1106-94 dated 20 July 1994, is further amended by striking out the definition “Estimated amount of the contract” in section 2.

**2.** The Regulation is amended by substituting the following words for the words “formed by the municipalities of Blanc-Sablon, Bonne-Espérance and Côte-Nord-du-Golfe-Saint-Laurent” everywhere they occur in the definition of “Subregion” in section 2 and in paragraph 5 of section 4:

“bounded on the east by the boundary of Québec, on the north and west by the “Minganie” subregion and on the south by the Gulf of St. Lawrence”.

**3.** The following is substituted for section 11:

“**11.** Instructions to tenderers shall

(1) describe the tendering procedure and specify the required supporting documents;

(2) state non-compliance clauses; and

(3) inform the contractors that the call for bids and any contract that may be entered into are subject to the regulatory requirements in respect of the validity of the contracts prescribed in Chapter II of the General Regulation respecting the conditions of contracts of government departments and public bodies.”.

**4.** Section 23 is amended

(1) by substituting the word “for” for the words “where the documents include” in paragraph 1;

(2) by substituting the words “for printed or photocopied documents other than copies of plans” for the words “where the tender documents comprise only printed or photocopied documents” in paragraph 2; and

(3) by substituting “1 to 200” for “less than 200” in paragraph 2.

**5.** Section 30 is amended by inserting the following sentences at the end of that section:

“In addition, where the estimated amount of the contract is less than \$25 000, the invitation and tenders may be made verbally. A written account of all actions taken shall nevertheless be kept.”.

**6.** Section 38 is amended by substituting the words “the securities are” for the words “the security is” in paragraph 2.

**7.** Sections 40, 41, 82, 88, 94, 95 and 96 are revoked.

**8.** Section 42 is amended

(1) by substituting the following for paragraph 1:

“(1) a contract entered into by an owner acting outside Québec for the carrying out of work outside Québec;”;

(2) by substituting the following for paragraph 2:

“(2) where an intergovernmental agreement is applicable, a contract entered into by an owner acting outside the territory covered by that agreement for the carrying out of work outside the territory covered by the agreement.”.

**9.** Sections 52, 63, 85 and 90 are amended by striking out the words “of Supply and Services” everywhere they occur.

**10.** Section 65 is amended by substituting the words “Conseil du trésor” for the words “Minister of Supply and Services”.

**11.** Section 77 is amended by substituting the following words for the words “made up of the municipalities of “Blanc-Sablon”, “Bonne-Espérance” and “Côte-Nord-du-Golfe-Saint-Laurent””:

“bounded on the east by the boundary of Québec, on the north and west by the “Minganie” subregion and on the south by the Gulf of St. Lawrence”.

**12.** Section 81 is amended by substituting the words “of specialties” for the words “established by the Minister of Supply and Services”.

**13.** Section 86 is amended by substituting the words “the licence required” for the words “a licence” in paragraph 3.

**14.** Section 87 is amended by striking out the words “or the 36 months preceding the application in the case of the watercourse development specialty”.

**15.** Section 89 is amended by substituting the words “des Ressources naturelles” for the words “de l’Énergie et des Ressources”.

**16.** Section 90 is amended by substituting the figures “86, 87 or 89” for the figures “86, 87, 88 or 89” in paragraph 4.

**17.** Section 92 is amended by substituting the figures “93, 97 and 98” for the figures “93, 94, 95, 97 and 98”.

**18.** Section 99 is amended by substituting the figure “15” for the figure “30”.

**19.** Sections 100 and 101 are amended

(1) by substituting the figure “15” for the figure “30” everywhere it occurs; and

(2) by striking out the words “of Supply and Services” everywhere they occur.

**20.** Section 102 is amended by inserting the words “or renewing” after the words “entering into”.

**21.** The following are substituted for Schedules 1 to 4:

“SCHEDULE 1  
(s. 37, par. 1)

TENDER BOND

1. ...., having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the “Surety”, having taken cognizance of the tender to be submitted on the ..... day of ..... 19... to the (..... identification of the department or public body .....), hereinafter called the “Owner”, by ..... (name of the contractor) having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the “Contractor”, in respect of ..... (description of the work and location) ..... stands surety for the Contractor, to the benefit of the Owner, under the following conditions:

If the Contractor fails to sign a contract in keeping with the tender submitted or fails to provide the required guarantees within 15 days following the date of acceptance, the Surety binds itself to pay (the Gouvernement du Québec or the Body) a sum of money corresponding to the difference between the tendered price that had been accepted and the tendered price subsequently accepted by the Owner, it being provided that the Surety shall not be required to pay more than ..... dollars (\$.....).

2. The Contractor whose tender has been accepted shall be notified of such acceptance within 45 days following the time limit for the receipt of tenders; failing that, this obligation shall be null and of no effect.

3. This bond shall be governed by the law applicable in Québec and, should it be contested, the courts of Québec shall have sole jurisdiction.

4. Any legal proceedings for the enforcement of this bond shall be instituted within 12 months following the date of these presents.

5. The Surety waives the benefit of discussion.

6. The Contractor intervenes in these presents to consent thereto; should the Contractor fail to do so, this obligation shall be null and of no effect.

IN WITNESS WHEREOF, the Surety and the Contractor, by their duly authorized representatives, have signed these presents in ..... this ..... day of the month of ..... 19.....

THE SURETY

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name of signatory in block letters)

\_\_\_\_\_  
(Title of signatory in block letters)

THE CONTRACTOR

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name of signatory in block letters)

\_\_\_\_\_  
(Title of signatory in block letters)

SCHEDULE 2  
(s. 37, par. 2)

IRREVOCABLE LETTER OF GUARANTEE

Recipient:

Name of department or public body  
Address

Object:

Contractor’s name  
Address  
Summary identification of the call for tenders

..... (name of financial institution and branch), herein represented by ....., duly authorized, guarantees irrevocably the payment of the sums that will be owed to you by the abovementioned client in the event that the client fails to accept a contract conforming to the client’s tender or to provide the required guarantees within ..... days of the date of the notice of acceptance of the tender.

This letter of guarantee may be realized only if the tenderer fails to accept a contract conforming to the tender, or if he fails to furnish the required guarantees.

After receipt of a written application for payment, in which the date of the opening of the tenders shall be stated, ..... (name of financial institution) agrees to pay those sums; notwithstanding the foregoing, ..... (name of financial institution) shall in no case be required to pay more than ..... dollars (\$.....) under this letter of guarantee.

This letter of guarantee shall remain valid for a period of ..... days from the date of the opening of the tenders and any application for payment under this letter of guarantee shall be received by ..... (name of financial institution) no later than ..... days from the date of the opening of the tenders.

Payment is due upon mere application for payment sent to the financial establishment by the recipient.

\_\_\_\_\_  
\_\_\_\_\_  
(Name and address of the financial institution)

Per: \_\_\_\_\_  
(Authorized signatory)

\_\_\_\_\_  
(Authorized signatory)”.  
\_\_\_\_\_

**SCHEDULE 3**  
(s. 38, par. 1)

**PERFORMANCE BOND**

(Work performed for government departments and public bodies)

1. ...., having its principal place of business in....., herein represented by ..... , duly authorized, hereinafter called the “Surety”, after having taken cognizance of the tender and the contract duly issued by ..... (identification of government department or public body), hereinafter called the “Owner”, in respect of ..... (description of work and location) and on behalf of ..... (name of contractor), having its principal place of business in ..... , herein represented by....., duly authorized, hereinafter called the Contractor, binds itself jointly and severally with the Contractor, to the benefit of the Owner, to perform the work described above in conformity with the call for tenders and the contract, it being provided that the Surety shall in no case be required to pay more than ..... dollars (\$.....).

2. The Surety agrees that the Owner and the Contractor may amend the contract at any time, subject to the right of the Surety to be informed thereof, upon request, and consents to the Owner’s granting any time period required to complete the work.

3. If the Contractor fails to perform the contract, including work covered by the guarantees, the Surety shall undertake and continue the work required within 15 days after receiving notice to that effect from the Owner, failing which the Owner may have such work completed and the Surety shall pay the Owner for any excess over the price agreed upon with the Contractor for performance of the contract.

4. This bond shall be governed by the law applicable in Québec and, should it be contested, the courts of Québec shall have sole jurisdiction. All proceedings shall be instituted before the expiry of the year following the date of the final estimate of the work done in performance of the contract or the date of completion of the work covered by the guarantees.

5. The Contractor intervenes in these presents to consent thereto; should the Contractor fail to do so, this obligation shall be null and of no effect.

IN WITNESS WHEREOF, the Surety and the Contractor, by their duly authorized representatives, have signed these presents in ....., this ..... day of the month of ..... 19....

**THE SURETY**

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name of signatory in block letters)

\_\_\_\_\_  
(Title of signatory in block letters)

**THE CONTRACTOR**

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name of signatory in block letters)

\_\_\_\_\_  
(Title of signatory in block letters)

**SCHEDULE 4**

(s. 38, par. 1)

**BOND FOR THE CONTRACTOR’S OBLIGATIONS WITH RESPECT TO WAGES, MATERIALS AND SERVICES**

(Work performed for government departments and public bodies)

1. ...., having its principal place of business in ....., herein represented by ..... duly authorized, hereinafter called the “Surety”, after having taken cognizance of the tender and contract duly issued by ..... (identification of the government department or public body), hereinafter called the “Owner”, for ..... (description of the work and location) and on behalf of ..... (name of contractor), having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the “Contractor”, binds itself jointly and severally with the Contractor, to the benefit of the Owner, to pay directly the creditors hereinafter defined, it being provided that the Surety shall in no case be required to pay more than ..... dollars (\$.....).

2. Creditor means

(a) any subcontractor of the Contractor;

(b) any natural or legal person having sold or leased services, materials or equipment intended exclusively for the work to the Contractor or to the Contractor’s subcontractors. Equipment leasing prices are determined solely on the basis of current construction industry standards;

(c) any supplier of materials specially prepared for that work;

(d) the Commission de la santé et de la sécurité du travail, with respect to its contributions.

3. The Surety agrees that the Owner and the Contractor may amend the contract at any time, subject to the right of the Surety to be informed thereof, upon request, and consents to the Owner’s granting any time period required to complete the work.

4. (1) Subject to clause 3 above, no creditor shall have direct recourse against the Surety unless the creditor has sent an application for payment to the Surety and to the Contractor within 120 days of the date on which the work was completed or the last services, materials or equipment were supplied;

(2) A creditor who has contracted other than directly with the Contractor shall have no direct recourse against the Surety unless the creditor has sent notice in writing of the contract to the Contractor within 60 days of the commencement of the leasing or delivery of the services, materials or equipment; such notice shall indicate the work concerned, the nature of the contract, the name of the subcontractor and the department or body concerned;

(3) No subcontractor shall have direct recourse against the Surety in respect of sums held back by the Contractor unless the subcontractor has sent an application for payment to the Surety and to the Contractor within 120 days of the date on which the sums held back became payable.

5. Any creditor may institute proceedings against the Surety upon the expiry of 30 days following the giving of the notice prescribed in clause 4, provided that

(1) the proceedings are not instituted before the expiry of 90 days from the date on which the work was performed or on which the last services, materials or equipment were supplied; and

(2) the proceedings are served before the expiry of one year from the date on which the Contractor ceased work in performance of the contract, including work performed pursuant to guarantees under the contract.

6. Any payment made in good faith by virtue of these presents operates a corresponding reduction in the amount of this bond.

7. The Contractor intervenes in these presents to consent thereto; should the Contractor fail to do so, this obligation shall be null and of no effect.

IN WITNESS WHEREOF, the Surety and the Contractor, by their duly authorized representatives, have signed these presents in ....., this ..... day of the month of ..... 19....

THE SURETY

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name of signatory in block letters)

\_\_\_\_\_  
(Title of signatory in block letters)



## THE CONTRACTOR

---

 (signature)

---

 (Witness)

---

 (Name of signatory in  
block letters)

---

 (Title of signatory in  
block letters)".

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

9625

Gouvernement du Québec

**O.C. 236-96, 28 February 1996**

Financial Administration Act  
(R.S.Q., c. A-6)

An Act respecting the Service des achats du gouvernement  
(R.S.Q., c. S-4)

**Services contracts of government departments and public bodies**  
— Amendments

Regulation to amend the Regulation respecting services contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS by Order in Council 1169-93 dated 18 August 1993, the Government made the Regulation respecting services contracts of government departments and public bodies, which was amended by the Regulations made by Order in Council 1810-93 dated 15 December 1993, 557-94 dated 20 April 1994, 1107-94 dated 20 July 1994 and 783-95 dated 14 June 1995;

WHEREAS it is expedient to amend the Regulation respecting services contracts of government departments and public bodies in order in particular to replace the

criteria for registration in the central register for certain specialties by a requirement to comply with standards in the ISO international system for quality management, to relax certain rules, including those concerning the selection and evaluation of suppliers in the area of advertising, the information contained in the instructions to suppliers and the composition of selection committees, and to ensure adequate application of the intergovernmental agreements entered into by the Government and the consistency with all the regulations respecting contracts;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft regulation to amend the Regulation respecting services contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 13 December 1995 with a notice that it could be made by the Government, with or without amendments, upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation to amend the Regulation respecting services contracts of government departments and public bodies has been the subject of a recommendation of the Conseil du trésor;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting services contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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**Regulation to amend the Regulation respecting services contracts of government departments and public bodies**

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

An Act respecting the Service des achats du gouvernement  
(R.S.Q., c. S-4)

**1.** The Regulation respecting services contracts of government departments and public bodies, made by

Order in Council 1169-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1810-93 dated 15 December 1993, 557-94 dated 20 April 1994, 1107-94 dated 20 July 1994 and 783-95 dated 14 June 1995, is further amended in section 2

(1) by substituting the following for the definition of “Services contract”:

“Services contract” means a services contract within the meaning of the General Regulation respecting the conditions of contracts of government departments and public bodies, excluding a travel services contract for an estimated amount of less than \$100 000, within the meaning of the Regulation respecting travel services contract of government departments and public bodies, a snow removal contract within the meaning of the Regulation respecting snow removal services contracts of government departments and public bodies and a services contract entered into with an individual; (*contrat de services*);

(2) by striking out the definition of “Estimated amount of the contract”; and

(3) by substituting the following words for the words “formed by the municipalities of Blanc-Sablon, Bonne-Espérance and Côte-Nord-du-Golfe-Saint-Laurent” in the definition of “subregion”:

“bounded on the east by the boundary of Québec, on the north and west by the “Minganie” subregion and on the south by the Gulf of St. Lawrence”.

## 2. Section 4 is amended

(1) by inserting the following after paragraph 5:

“(5.1) in the case of a contract for repairing an aircraft, where the work to be carried out cannot be evaluated before the repair work begins;”;

(2) by substituting the following words for the words “formed by the municipalities of Blanc-Sablon, Bonne-Espérance and Côte-Nord-du-Golfe-Saint-Laurent” in paragraph 8:

“bounded on the east by the boundary of Québec, on the north and west by the “Minganie” subregion and on the south by the Gulf of St. Lawrence”; and

(3) by substituting the following for paragraph 13:

“(13) where the department or body makes the media placement directly; and”.

## 3. The following is substituted for section 11:

“11. Instructions to suppliers shall

(1) describe the tendering procedure and specify the required supporting documents;

(2) state non-compliance clauses;

(3) inform the suppliers of the rules to be followed in evaluating and analysing the tenders;

(4) inform the suppliers that the call for tenders and any contract that may be entered into are subject to the regulatory requirements in respect of the validity of contracts that are prescribed in Chapter II of the General Regulation respecting the conditions of contracts of government departments and public bodies; and

(5) where the purpose of the call for tenders is to draw up a list of suppliers from whom a standing offer will be accepted, specify the procedures for selecting the suppliers to be registered on that list and the awarding procedures prescribed for those contracts.”.

## 4. Section 19 is amended

(1) by substituting the word “for” for the words “where the documents include” in paragraph 1;

(2) by substituting the words “for printed or photocopied documents other than copies of plans” for the words “where the tender documents comprise only printed or photocopied documents” in paragraph 2; and

(3) by substituting “1 to 200” for “less than 200” in paragraph 2.

## 5. Section 31 is amended by substituting the following for paragraph 1:

“(1) by extending an invitation to tender to at least 3 suppliers of its choice who have a place of business in Québec or, failing that, extending an invitation to tender to the only 2 suppliers who have a place of business in Québec; notwithstanding the foregoing, in the case of a professional services contract, the department or body shall, before the call for tenders is issued, request confirmation from the central register that the required specialty is not provided for therein;”.

## 6. Section 34 is amended by adding the following at the end:

“Furthermore, where the estimated amount of the contract is less than \$25 000 and the procedure used is a call

for bids, the invitation and the tenders may be made verbally. A written account of all actions taken shall nevertheless be kept.”.

**7.** The following is substituted for section 49:

“**49.** The selection committee in charge of the evaluation of tenders is composed of

(1) at least 2 members approved by the Minister, where the estimated amount of the contract is \$10 000 or more but less than \$25 000;

(2) a secretary and at least 3 members, where the estimated amount of the contract is \$25 000 or more but less than \$200 000; at least 2 members shall come from the personnel of the department or body concerned and at least 1 member shall be from outside the department or body and be an employee of a department or public body accredited.

The secretary and at least 2 of the committee’s members shall be by the Minister;

(3) a secretary and at least 5 members, where the estimated amount of the contract is \$200 000 or more; at least 3 members shall come from the personnel of the department or body concerned and at least 1 member shall be from outside the department or body and be an employee of a department or public body; at least 1 member shall be from outside the Government and his qualification shall be related to the field of activity covered by the contract or, failing that, to a related field of activity.

The secretary and at least 3 of the committee’s members shall be approved by the Minister.”.

**8.** Sections 50 and 52 to 55 are revoked.

**9.** The following is substituted for section 60:

“**60.** This Division applies to

(1) a contract entered into by a department or body acting outside Québec for the acquisition of services outside Québec;

(2) where an intergovernmental agreement is applicable, a contract entered into by a department or body acting outside the territory covered by that agreement for the acquisition of services outside the territory covered by the agreement.”.

**10.** Sections 68, 89, 90, 114 and 180 are amended by striking out the words “of Supply and Services” everywhere they occur.

**11.** Sections 80 to 82 are revoked.

**12.** Section 92 of the Regulation is amended by substituting the words “Conseil du trésor” for the words “Minister of Supply and Services”.

**13.** Section 98 is amended

(1) by substituting the following for the first paragraph:

“Suppliers shall be registered in the central register on subregional lists, except in respect of the specialties in the aircraft chartering group and the biology category, and the specialties of microbiological analysis, bridge engineering and advertising campaign, in which case suppliers shall be registered on regional lists, and in respect of the following specialties, in which case suppliers shall be registered on lists comprising all the suppliers in Québec:”;

(2) by striking out the words “metal quality control, geological consulting,” in paragraph 1.

**14.** Section 108 is amended by substituting the following for the words “made up of the municipalities of “Blanc-Sablon”, “Bonne-Espérance” and “Côte-Nord-du-Golfe-Saint-Laurent””:

“bounded on the east by the boundary of Québec, on the north and west by the “Minganie” subregion and on the south by the Gulf of St. Lawrence”.

**15.** The Regulation is amended by inserting the following after section 112:

“**112.1** Where, for a given project, a supplier who is registered for any specialty in the soil and materials engineering category and whose name has been referred from the central register informs the department or body that he considers himself to be in a conflict of interest by reason of his affiliation with the successful tenderer of the civil or mechanical engineering contract, the department or body shall request that the name be replaced, and it shall be put back at the top of the list.”.

**16.** The Regulation is amended by inserting the following after section 115:

“**115.1** Where it is specified that a supplier must, in order to register for a given specialty and level, hold a registration certificate complying with an ISO standard, that supplier shall also work in the specialty for which he registers and have in his employ the personnel required for that purpose.”.

**17.** The following is substituted for section 122:

“**122.** To be registered at level 1, 2 or 3 in either of the complex dam engineering or bridge engineering specialties, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that he has a quality system for the area concerned by the specialty in question, complying with the ISO 9001 standard.”.

**18.** Section 123 is revoked.**19.** The following is substituted for section 126:

“**126.** To be registered at level 1, 2 or 3 in any of the specialties in the soil and materials engineering category, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that he has a quality system for the area concerned by the specialty in question, complying with the ISO 9002 standard.”.

**20.** Sections 127 to 133 are revoked.

**21.** Sections 138 and 139 are amended by substituting the words “des Ressources naturelles” for the words “de l’Énergie et des Ressources” everywhere they occur.

**22.** Sections 143 and 144 are amended by inserting the words “et de la Faune” after the words “de l’Environnement” everywhere they occur.

**23.** Section 150 is amended by substituting the following for the first paragraph:

“To be registered in the other specialties in the construction and physical sciences group, excluding the specialties of consultant in fire prevention, consultant in the protection of buildings, property and persons and analysis of the value of construction projects, a supplier shall have in his employ:”.

**24.** Section 156 is revoked.

**25.** Section 157 is amended by substituting the figures “120, 121, 124, 125, 134, 136 to 139” for the figures “120 to 127, 134, 136 to 139, 154 and 155”.

**26.** The following is substituted for section 165:

“**165.** To be registered in the advertising campaign specialty, a supplier shall,

(1) at level 1,

(a) hold the accreditations of the Canadian Radio Common Carriers Association (CRCCA) and the Daily Newspapers Publishers Association (DNPA) or deposit a memorandum of understanding signed with a specialized supplier who has a place of business in Québec and holds those accreditations, whereby the supplier undertakes to make the media placement when required if the registered supplier is awarded a contract; and

(b) have in his employ at least 3 professionals who have jointly accumulated a minimum of 15 years of experience in the specialty;

(2) at level 2,

(a) have carried out in Québec, during the 12 months preceding the application for registration, activities in the specialty corresponding to a minimum gross income of \$600 000 in fees and commissions;

(b) meet the requirements provided for in subparagraph *a* of paragraph 1 of this section; and

(c) have in his employ at least 5 professionals who have jointly accumulated a minimum of 25 years of experience in the specialty.”.

**27.** Sections 167 to 173 and 177 are revoked.

**28.** Section 174 is amended by substituting the figures “120, 121, 124, 125, 134, 136, 137, 140, 142 to 144, 146, 147, 149 to 152, 154, 155, 158 to 162 and 164 to 166” for the figures “120 to 127, 134, 136, 137, 140, 142 to 144, 146, 147, 149 to 152, 154 to 156, 158 to 162 and 164 to 173”.

**29.** Section 182 is amended by substituting the figures “183, 187 and 188” for the figures “183 to 185, 187 and 188”.

**30.** Sections 184 to 186 are revoked.

**31.** Section 187 is amended by striking out the following words after the word “contract”:

“after a call for proposals or a call for bids”.

**32.** Section 189 is amended by substituting the figure “15” for the figure “30”.

**33.** Sections 190 and 191 are amended

(1) by substituting the figure “15” for the figure “30” everywhere it occurs; and

(2) by striking out the words “of Supply and Services” everywhere they occur.

**34.** Section 192 is amended by substituting the words “or renewing a contract” for the words “a contract or standing offer”.

**35.** Schedule 1 is amended

(1) by substituting the words “(e.g., ISO or other certification, quality plan, verification of results)” for the words “(e.g., plans of action, work organization, verification of results)” in subparagraph 5 of paragraph B “Suggested criteria” of section 1;

(2) by substituting the following for section 12:

“12. Every acceptable proposal shall be retained.”;

(3) by substituting the figure “100” for the figure “50” in section 13; and

(4) by substituting the following for section 15:

“15. For each retained tender, the points obtained in evaluating the quality and the tendered price shall be added together; the selection committee shall determine the supplier who has obtained the highest score.”.

**36.** Schedule 2 is amended by substituting the words “(e.g., ISO or other certification, quality plan, verification of results)” for the words “(e.g., plans of action, work organization, verification of results)” in subparagraph 3 of paragraph B “Suggested criteria” of section 1.

**37.** Schedule 3 is amended

(1) by deleting subparagraph 2 of the “Compulsory criteria” paragraph of section 1;

(2) by substituting the following for subparagraph 4 of the “Compulsory criteria” paragraph of section 1:

“(4) Value of contracts awarded, except if an inter-governmental agreement is applicable, in which case that criterion may not be used: the value of contracts awarded by the department or body in the specialty, during the 4 years preceding the forming of the selection committee;”;

(3) by substituting the following for section 4:

“4. The total weighting of the criteria shall be equal to 20 and no criterion may have a weighting greater than 5. The weighting applied to compulsory criteria shall represent at least 50 % of the total mark.”.

(4) by substituting the following for section 17:

“17. The total weighting of the criteria shall be equal to 20 and no criterion may have a weighting greater than 5. The weighting applied to compulsory criteria shall represent at least 50 % of the total mark.”.

**38.** Schedule 4 is amended

(1) by substituting the words “(e.g., ISO or other certification, quality plan, verification of results)” for the words “(e.g., plans of action, work organization, verification of results)” in subparagraph 5 of paragraph B “Suggested criteria” of section 1;

(2) by substituting the following for section 9:

“9. Each candidacy shall be evaluated separately and each criterion shall be given a mark from 0 to 5.”;

(3) by striking out section 10;

(4) by substituting the following for section 13:

“13. Every acceptable candidacy shall be retained.”;

(5) by substituting the figure “100” for the figure “50” in section 14; and

(6) by substituting the following for section 16:

“16. For each retained tender, the points obtained in evaluating the quality and the tendered price shall be added together; the selection committee shall determine the supplier who has obtained the highest score.”.

**39.** The following Schedules are substituted for Schedules 5 and 6:

#### “SCHEDULE 5

(s. 58., par. 1)

#### TENDER BOND

1. ...., having its principal place of business in ....., herein represented by ..... .., duly authorized, hereinafter called the “Surety”, having taken cognizance of the tender to be submitted on the ..... day of ..... 19 ... to the (..... identification of the department or public body ....., hereinafter called (the “Minister” or the “Body”), by ..... (name of the supplier), having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the “Supplier”, in respect of ..... (description of the services to be rendered) .....

..... stands surety for the Supplier, to the benefit of (the Minister or the Body), under the following conditions:

If the Supplier fails to sign a contract in keeping with the tender submitted or fails to provide the required guarantees within 15 days following the date of acceptance, the Surety binds itself to pay (the Gouvernement du Québec or the Body) a sum of money corresponding to the difference between the tendered price that had been accepted and the tendered price subsequently accepted by (the Minister or the Body), it being provided that the Surety shall not be required to pay more than ..... dollars (\$.....).

2. The Supplier whose tender has been accepted shall be notified of such acceptance within 45 days following the time limit for the receipt of tenders; failing that, this obligation shall be null and of no effect.

3. This bond shall be governed by the law applicable in Québec and, should it be contested, the courts of Québec shall have sole jurisdiction.

4. Any legal proceedings for the enforcement of this bond shall be instituted within 12 months following the date of these presents.

5. The Surety waives the benefit of discussion.

6. The Supplier intervenes in these presents to consent thereto; should the Supplier fail to do so, this obligation shall be null and of no effect.

IN WITNESS WHEREOF, the Surety and the Supplier, by their duly authorized representatives, have signed these presents in ..... this ..... day of the month of ..... 19.....

THE SURETY

(signature)

(Witness)

(Name of signatory in block letters)

(Title of signatory in block letters)

THE SUPPLIER

(signature)

(Witness)

(Name of signatory in block letters)

(Title of signatory in block letters)

SCHEDULE 6 (s. 58, par. 2)

IRREVOCABLE LETTER OF GUARANTEE

Recipient:

Name of department or public body Address

Object:

Supplier's name Address Summary identification of the call for tenders

..... (name of financial institution and branch), herein represented by ....., duly authorized, guarantees irrevocably the payment of the sums that will be owed to you by the abovementioned client in the event that the client fails to accept a contract conforming with the client's tender or to provide the required guarantees within ..... days of the date of the notice of acceptance of the tender.

This letter of guarantee may be realized only if the tenderer fails to accept a contract conforming with the tender, or if he fails to furnish the required guarantees.

After receipt of a written application for payment, in which the date of the opening of the tenders shall be stated, ..... (name of financial institution) undertakes to pay those sums; notwithstanding the foregoing, ..... (name of financial institution) shall in no case be required to pay more than ..... dollars (\$.....) under this letter of guarantee.

This letter of guarantee shall remain valid for a period of ..... days from the date of the opening of the tenders and any application for payment under this letter of guarantee shall be received by ..... (name of financial institution) no later than ..... days from the date of the opening of the tenders.

Payment is due upon mere application for payment sent to the financial institution by the recipient.

\_\_\_\_\_  
 (Name and address of the financial institution)

Per: \_\_\_\_\_

(Authorized signatory)

\_\_\_\_\_  
 (Authorized signatory)”.  
 \_\_\_\_\_

**40.** Schedule 7 is amended by striking out section 5.

**41.** Schedule 8 is amended

(1) by substituting the following words for the words “made up of the municipalities of Blanc-Sablon, Bonne-Espérance and Côte-Nord-du-Golfe-Saint-Laurent” in the first paragraph of section 6:

“bounded on the east by the boundary of Québec, on the north and west by the “Minganie” subregion and on the south by the Gulf of St. Lawrence”; and

(2) by inserting the following after section 11:

“12. Professional services related to the advertising campaign specialty:

The application for suppliers’ names shall be processed, as the department or body may choose, from a regional list or from the list comprising all the suppliers in Québec.”.

**42.** Schedule 9 is revoked.

**43.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 17, 18, 19, 20 and 42, which come into force on 1 April 1996.

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Gouvernement du Québec

**O.C. 237-96**, 28 February 1996

Financial Administration Act  
 (R.S.Q., c. A-6)

**Snow removal services contracts of government departments and public bodies**  
 — Amendments

Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, by a public body whose operating budget is voted wholly or in part by the National Assembly or by any other public body;

WHEREAS by Order in Council 1170-93 dated 18 August 1993, the Government made the Regulation respecting snow removal services contracts of government departments and public bodies, which was amended by the Regulations made by Orders in Council 448-94 dated 30 March 1994, 222-95 dated 22 February 1995 and 784-95 dated 14 June 1995;

WHEREAS it is expedient to amend the Regulation respecting snow removal services contracts of government departments and public bodies in order in particular to specify certain provisions, including that concerning the information contained in the instructions to tenderers and those pertaining to guarantees, and to ensure consistency with all the regulations respecting contracts;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 13 December 1995 with a notice that it could be made by the Government, with or without amendments, upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies has been the subject of a recommendation of the Conseil du trésor;

WHEREAS it is expedient to make the Regulation without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies**

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

**1.** The Regulation respecting snow removal services contracts of government departments and public bodies, made by Order in Council 1170-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 448-94 dated 30 March 1994, 222-95 dated 22 February 1995 and 784-95 dated 14 June 1995, is further amended in section 2 by striking out the definitions of the terms “Estimated amount of the contract” and “Minister”.

**2.** The following is substituted for section 14:

“**14.** Instructions to tenderers shall

(1) describe the tendering procedure and specify the required supporting documents;

(2) state non-compliance clauses; and

(3) inform the contractors that the call for bids and any contract that may be entered into are subject to the regulatory requirements in respect of the validity of contracts prescribed in Chapter II of the General Regulation respecting the conditions of contracts of government departments and public bodies.”

**3.** Section 57 is amended in the French text by substituting the words “du renouvellement” for the words “de la reconduction”.

**4.** The following are substituted for Schedules 1 to 3:

## **“SCHEDULE 1 TENDER BOND (s. 24., par. 1)**

1. ...., having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the “Surety”, having taken cognizance of the tender to be submitted on the ..... day of ..... 19 ... to the (..... identification of the department or public body ....., hereinafter called (the “Minister” or the “Body”), by .....(name of the contractor) having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the “Contractor”, in respect of .....(description of the work and location) .....stands surety for the Contractor, to the benefit of (the Minister or the Body), under the following conditions:

If the Contractor fails to sign a contract in keeping with the tender submitted or fails to provide the required guarantees within 15 days following the date of acceptance, the Surety binds itself to pay (the Gouvernement du Québec or the Body) a sum of money corresponding to the difference between the tendered price that had been accepted and the tendered price subsequently accepted by (the Minister or the Body), it being provided that the Surety shall not be required to pay more than ..... dollars (\$.....).

2. The Contractor whose tender has been accepted shall be notified of such acceptance within 45 days following the time limit for the receipt of tenders; failing that, this obligation shall be null and of no effect.

3. This bond shall be governed by the law applicable in Québec and, should it be contested, the courts of Québec shall have sole jurisdiction.

4. Any legal proceedings for the enforcement of this bond shall be instituted within 12 months following the date of these presents.

5. The Surety waives the benefit of discussion.

6. The Contractor intervenes in these presents to consent thereto; should the Contractor fail to do so, this obligation shall be null and of no effect.

IN WITNESS WHEREOF, the Surety and the Contractor, by their duly authorized representatives, have signed these presents in ..... this ..... day of the month of ..... 19.....



THE SURETY

(signature)

(Witness)

(Name of signatory in block letters)

(Title of signatory in block letters)

THE CONTRACTOR

(signature)

(Witness)

(Name of signatory in block letters)

(Title of signatory in block letters)

**SCHEDULE 2  
IRREVOCABLE LETTER OF GUARANTEE**  
(s. 24, par. 2)

Recipient:

Name of department or public body  
Address

Object:

Contractor's name  
Address  
Summary identification of the call for tenders

..... (name of financial institution and branch), herein represented by ....., duly authorized, guarantees irrevocably the payment of the sums that will be owed to you by the abovementioned client in the event that the client fails to accept a contract conforming to the client's tender or to provide the required guarantees within ..... days of the date of the notice of acceptance of the tender.

This letter of guarantee may be realized only if the tenderer fails to accept a contract conforming to the tender, or if he fails to furnish the required guarantees.

After receipt of a written application for payment, in which the date of the opening of the tenders shall be stated, ..... (name of financial institution) undertakes to pay those sums; notwithstanding the foregoing, ..... (name of financial institution) shall in no case be required to pay more than ..... dollars (\$.....) under this letter of guarantee.

This letter of guarantee shall remain valid for a period of ..... days from the date of the opening of the tenders and any application for payment under this letter of guarantee shall be received by ..... (name of financial institution) no later than ..... days from the date of the opening of the tenders.

Payment is due upon mere application for payment sent to the financial institution by the recipient.

(Name and address of the financial institution)

Per: \_\_\_\_\_  
(Authorized signatory)

(Authorized signatory)".

**SCHEDULE 3  
PERFORMANCE BOND FOR SNOW  
REMOVAL CONTRACTS**  
(s. 25, par. 1)

1. ...., having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the "Surety", after having taken cognizance of the tender duly accepted by ..... (identification of government department or public body), on ..... in respect of ..... (description of work and location) with a view to a contract for 19.... and the renewal years, if any, with (identification of government department or public body), hereinafter called (the "Minister" or the "Body") and ..... (name of the contractor) having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the "Contractor", binds itself jointly and severally with the Contractor, to the benefit of (the Minister or the Body) to perform the work described above in conformity with the contract, it being provided that the Surety shall in no case be required to pay more than ..... dollars (\$.....).

2. The Surety agrees that (the Minister or the Body) and the Contractor may amend the contract at any time, subject to the right of the Surety to be informed thereof, upon request, and also consents to (the Minister's or the Body's) granting any time period required to complete the work.

3. If the Contractor fails to perform the contract, including work covered by the guarantees, (the Minister or the Body) may, in an emergency and without notice, have the required work performed to correct the situation. Beyond the period of emergency and in all other cases of non-performance, the Surety shall undertake and continue the work required within 48 hours after receiving notice to that effect from (the Minister or the Body) or the representative of (the Minister or the Body) via the fastest means of communication, failing which (the Minister or the Body) may have the work completed and the Surety shall pay (the Minister or the Body) for any excess over the price agreed upon with the Contractor for performance of the contract.

4. This bond shall be governed by the law applicable in Québec and, should it be contested, the courts of Québec shall have sole jurisdiction. All proceedings shall be instituted before the expiry of the year following the date of the final estimate of the work done in performance of the contract or the date of completion of the work covered by the guarantees.

5. The Contractor intervenes in these presents to consent thereto; should the Contractor fail to do so, this obligation shall be null and of no effect.

IN WITNESS WHEREOF, the Surety and the Contractor, by their duly authorized representatives, have signed these presents in ..... this ..... day of the month of ..... 19.....

THE SURETY

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name of signatory in block letters)

\_\_\_\_\_  
(Title of signatory in block letters)

THE CONTRACTOR

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name of signatory in block letters)

\_\_\_\_\_  
(Title of signatory in block letters)”.  
\_\_\_\_\_

**5.** 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. 238-96, 28 February 1996**

Financial Administration Act  
(R.S.Q., c. A-6)

**Travel services contracts of government departments and public bodies — Amendments**

Regulation to amend the Regulation respecting travel services contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, by a public body whose operating budget is voted wholly or in part by the National Assembly or by any other public body;

WHEREAS by Order in Council 1171-93 dated 18 August 1993, the Government made the Regulation respecting travel services contracts of government departments and public bodies;

WHEREAS it is expedient to amend the Regulation respecting travel services contracts of government departments and public bodies in order mainly to ensure adequate application of the intergovernmental agreements entered into by the Government by limiting the scope of that Regulation to contracts of less than \$100 000 and to ensure consistency with all the regulations respecting contracts;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft Regulation to amend the Regulation respecting travel services contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 13 December 1995 with a notice that it could be made by the Government, with or without amendments, upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation to amend the Regulation respecting travel services contracts of government departments and public bodies has been the subject of a recommendation of the Conseil du trésor;

WHEREAS it is expedient to make the Regulation without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting travel services contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting travel services contracts of government departments and public bodies**

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

**1.** The Regulation respecting travel services contracts of government departments and public bodies, made by Order in Council 1171-93 dated 18 August 1993, is further amended, in section 1, by substituting the words “travel services contracts for an estimated amount of less than \$100 000 entered into by” for the words “travel services contracts of”.

**2.** The Regulation is amended by substituting the word “Minister” for the words “Ministère des Approvisionnements et Services” everywhere they occur in the definition of “Designated travel agency” in section 2 and in section 25.

**3.** The Regulation is amended by substituting the following words for the words “formed by the municipalities of Blanc-Sablon, Bonne-Espérance and Côte-Nord-du-Golfe-Saint-Laurent” in the definition of “Subregion” in section 2:

“bounded on the east by the boundary of Québec, on the north and west by the “Minganie” subregion and on the south by the Gulf of St. Lawrence”.

**4.** Section 4 is amended

(1) by substituting the word “Minister” for the words “Ministère des Approvisionnements et Services” in paragraph 2; and

(2) by striking out the words “of Supply and Services” after the word “Minister” in paragraphs 5 and 6.

**5.** Sections 15 and 35 are amended by striking out the words “of Supply and Services” after the word “Minister” everywhere it occurs.

**6.** Section 28 is amended by substituting the following for the words “made up of the municipalities of “Blanc-Sablon”, “Bonne-Espérance” and “Côte-Nord-du-Golfe-Saint-Laurent””:

“bounded on the east by the boundary of Québec, on the north and west by the “Minganie” subregion and on the south by the Gulf of St. Lawrence”.

**7.** Sections 39, 41 and 42 are amended

(1) by substituting the figure “15” for the figure “30” everywhere it occurs; and

(2) by striking out the words “of Supply and Services” after the word “Minister” everywhere they occur.

**8.** Section 40 is amended by substituting the figure “15” for the figure “30” everywhere it occurs.

**9.** Section 43 is amended by inserting the words “or renewing” after the words “entering into”.

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

Gouvernement du Québec

**O.C. 240-96, 28 February 1996**

An Act respecting the conditions of employment in the public sector and the municipal sector (1993, c. 37)

**Unpaid leave and implementation of alternative measures in public bodies**  
— **Amendment**

Amendment to the Order in Council respecting the taking of unpaid leave and the implementation of alternative measures in public bodies

WHEREAS under sections 20, 22, 28, 34 and 35 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, c. 37), the Government may, in respect of any group of employees, establish the number of days of unpaid leave to be allotted by a public body to its employees, prescribe rules for the determination by public bodies of the dates and of the conditions applicable to the unpaid leave and prescribe the implementation of alternative measures;

WHEREAS the Bill of the Act to amend the Act respecting the conditions of employment in the public sector and the municipal sector (Bill 128, 1995) will, if it is passed, provide for the elimination of those days of leave and measures from 1 April 1996 in respect of public bodies;

WHEREAS by Order in Council 1369-93 dated 29 September 1993, amended by Orders in Council 1616-93 dated 24 November 1993, 1803-93 dated 15 December 1993 and 1607-95 dated 13 December 1995, the Government adopted provisions respecting the taking of unpaid leave and the implementation of alternative measures in public bodies;

WHEREAS it is expedient to further amend the Order in Council to suspend the application thereof from 1 April 1996;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Amendment to Order in Council 1369-93 dated 29 September 1993, attached to this Order in Council, be made;

THAT the Amendment take effect on 1 April 1996.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**SCHEDULE**

The Schedule to the Order in Council respecting the taking of unpaid leave and the implementation of alternative measures in public bodies (O.C. 1369-93 dated 29 September 1993, amended by Orders in Council 1616-93 dated 24 November 1993, 1803-93 dated 15 December 1993 and 1607-95 dated 13 December 1995) is amended by adding the following after section 20:

“21. No unpaid leave nor any alternative measure referred to in sections 2 to 13.1 and relating to the reference year beginning on 1 April 1996 may be applied between 1 April 1996 and 30 June 1996.”

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Gouvernement du Québec

**O.C. 248-96, 28 February 1996**

Animal Health Protection Act  
(R.S.Q., c. P-42)

**Medicinal premixes and medicinal foods for animals**  
— **Amendments**

Regulation to amend the Regulation respecting medicinal premixes and medicinal foods for animals

WHEREAS under subparagraphs 1 and 4.1 of the first paragraph of section 55.9 of the Animal Health Protection Act (R.S.Q., c. P-42), the Government may make regulations to:

(1) prescribe conditions for the issue and renewal of permits, the form of permits and the fees therefor; and

(4.1) prescribe standards respecting the composition, quality and medication or substance content of medicinal premixes or medicinal food. With regard to medication content, the standards may vary according to the type of medication used and the medication content prescribed in the veterinary prescription or, in the absence of a prescription, in another document designated in the regulation; with regard to substance content, the standards may vary according to the weight of the medicinal premix or medicinal food;

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 medicinal premixes and medicinal foods for animals, attached to this Order in Council, was published in Part 2 of the

*Gazette officielle du Québec* of 8 November 1995 with a notice that upon the expiry of 45 days following that publication, it could be made by the Government;

WHEREAS the 45-day period provided for by the Act has expired;

WHEREAS no comments were forwarded following that publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting medicinal premixes and medicinal foods for animals, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting medicinal premixes and medicinal foods for animals

Animal Health Protection Act  
(R.S.Q., c. P-42, s. 55.9, 1<sup>st</sup> par., subpars. 1 and 4.1)

**1.** The Regulation respecting medicinal premixes and medicinal foods for animals, made by Order in Council 728-87 dated 13 May 1987 and amended by the Regulations made by Orders in Council 1633-92 dated 11 November 1992, 1829-93 dated 15 December 1993 and 728-94 dated 18 May 1994, is further amended by striking out the words “in the form in Schedule I” at the end of the first paragraph of section 1.

**2.** Section 2 is amended by substituting the following for paragraphs 1 to 4:

“(1) \$53 for a permit to sell or supply a medicinal premix or a medicinal food;

(2) \$21 for a permit to prepare a medicinal food;

(3) \$26 for a permit to prepare a medicinal food or a medicinal premix;

(4) \$78 for a permit to sell, supply or prepare a medicinal premix or a medicinal food.”.

**3.** Section 3 is amended by substituting the words “on 1 April of each year, from 1 April 1997” for the words “on 1 January of each year, from 1 April 1993” in the first paragraph.

**4.** Section 4.2 is amended by striking out the words “in the form in Schedule I” at the end.

**5.** Section 4.3 is amended by substituting the words “on his application” for the words “on the application form in Schedule I”.

**6.** The Regulation is amended by inserting the following after section 4.4:

“**4.5** An application for a permit and an application for permit renewal shall be made in writing and shall contain the following information:

(1) the applicant’s name, address, telephone number and, where applicable, fax number; that information is also required from the applicant’s representative, if any;

(2) where applicable, the applicant’s registration number in the register of sole proprietorships, partnerships and legal persons, instituted pursuant to section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (1993, c. 48);

(3) the name under which the establishment is operated;

(4) the address of the place of operation;

(5) the nature and class of the permit applied for;

(6) the applicant’s signature or the signature of his duly authorized representative.”.

**7.** Section 10 is amended by substituting “7<sup>th</sup> edition” for “6<sup>th</sup> edition”.

**8.** Section 11 is amended by substituting “7<sup>th</sup> edition” for “6<sup>th</sup> edition” in the first and second paragraphs.

**9.** Section 22 is amended by substituting “7<sup>th</sup> edition” for “6<sup>th</sup> edition” in the first and second paragraphs.

**10.** Schedule I is revoked.

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

Gouvernement du Québec

## O.C. 252-96, 28 February 1996

An Act respecting child day care  
(R.S.Q., c. S-4.1)

### Exemption and financial assistance for a child in day care

#### — Amendements

Regulation to amend the Regulation respecting exemption and financial assistance for a child in day care

WHEREAS under subparagraphs 21, 22 and 22.1 of the first paragraph of section 73 of the Act respecting child day care (R.S.Q., c. S-4.1), the Office des services de garde à l'enfance may make regulations for the whole or part of the Québec territory,

— determining the cases, terms and conditions in or according to which a person may be wholly or partially exempted from the payment of a contribution;

— determining the conditions and terms according to which financial assistance is paid in cases of exemption from contribution;

— determining the cases, conditions and terms in or according to which financial assistance paid without entitlement must be reimbursed and determining the cases, circumstances, conditions and terms in or according to which that debt may be deducted from any future payment of financial assistance;

and every regulation of the bureau shall be submitted to the Government, which may approve it with or without amendments;

WHEREAS by Order in Council 69-93 dated 27 January 1993, the Government approved the Regulation respecting exemption and financial assistance for a child in day care;

WHEREAS on 28 September 1995, the bureau made the Regulation to amend the Regulation respecting exemption and financial assistance for a child in day care;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 3 January 1996 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS following that publication, no comments were received before the expiry of the 45-day period;

WHEREAS it is expedient to approve the Regulation attached to this Order in Council;

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

THAT the Regulation to amend the Regulation respecting exemption and financial assistance for a child in day care, as attached hereto, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting exemption and financial assistance for a child in day care

An Act respecting child day care  
(R.S.Q., c. S-4.1, s. 73, 1<sup>st</sup> par., subpars. 20, 21, 22 and 22.1)

**1.** The Regulation respecting exemption and financial assistance for a child in day care, approved by Order in Council 69-93 dated 27 January 1993 and amended by the Regulations approved by Orders in Council 382-93 dated 24 March 1993, 661-94 dated 11 May 1994, 1345-94 dated 7 September 1994 and 1020-95 dated 2 August 1995, is amended by substituting the following for section 29:

“**29.** For the purposes of the calculation provided for in sections 27 and 28, the contribution required of the person by the day care establishment shall not exceed one of the following amounts:

- (1) \$12.14, for a half-day of day care per day;
- (2) \$24.29, for a day of day care per day;

and, as regards home day care establishments, in addition to the amounts provided for in subparagraphs 1 and 2, the following amounts:

- (3) \$36.43, for one and one-half days of day care per day;
- (4) \$48.58, for 2 days of day care per day.

Such contribution shall be exempt from the administration expenses related to the management of the applicant's exemption file and may not be greater than the contribution paid by a person not eligible for the

program for equivalent day care services or day care services of the same nature and duration offered by the day care establishment.”.

**2.** The Regulation is amended by revoking sections 29.1 and 29.2.

**3.** 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. 265-96, 28 February 1996**

#### **An Act to amend the Act respecting income security and other legislative provisions (1995, c. 69) — Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting income security and other legislative provisions

WHEREAS the Act to amend the Act respecting income security and other legislative provisions (1995, c. 69) was assented to on 15 December 1995;

WHEREAS section 27 of the Act prescribes that its provisions will come into force on the date or dates to be fixed by the Government, except sections 15, 16, 19 and 22 which came into force on 1 January 1996;

WHEREAS under Order in Council 201-96 dated 14 February 1996, sections 10, 14, 21 and 26 of that Act come into force on 1 March 1996 and sections 3 to 7, 9, 17, 23 and 25 of that Act come into force on 1 April 1996;

WHEREAS it is expedient to fix the date of coming into force of certain other provisions of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity and Minister of Income Security:

THAT 1 April 1996 be fixed as the date of coming into force of paragraph 2 of section 1, of paragraphs 2 and 6 of section 20 and of section 24 of the Act to amend the Act respecting income security and other legislative provisions (1995, c. 69).

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 266-96, 28 February 1996**

An Act respecting income security  
(R.S.Q., c. S-3.1.1)

#### **Income security — Amendments**

Regulation to amend the Regulation respecting income security

WHEREAS in accordance with section 91 of the Act respecting income security (R.S.Q., c. S-3.1.1), the Government, by Order in Council 922-89 dated 14 June 1989, made the Regulation respecting income security;

WHEREAS it is expedient to further amend that Regulation;

WHEREAS under subparagraph 6.1 of the first paragraph of section 91 of the Act, enacted by paragraph 2 of section 20 of Chapter 69 of the Statutes of 1995, the Government may, by regulation, determine, for the purposes of paragraph 6 of section 7 of the Act, enacted by paragraph 2 of section 1 of Chapter 69 of the Statutes of 1995, the scale of needs required for the determination of the applicable amount, and determine liquid assets and increases of certain of such assets that are excluded therefrom;

WHEREAS under subparagraph 13 of the first paragraph of section 91 of the Act, the Government may, by regulation, prescribe, for each last resort assistance program, the method used to compute the amount of the benefits granted for the month of the application;

WHEREAS under the second paragraph of section 91 of the Act, as amended by paragraph 6 of section 20 of Chapter 69 of the Statutes of 1995, the regulatory provisions under subparagraphs 6.1 and 13 of the first paragraph of section 91 of the Act may vary according to whether an independent adult or a family is concerned, according to the composition of the family, according to the situation of the independent adult or the member of a family, according to whether the independent adult or the member of a family is sheltered or incarcerated in an establishment or resides in a subsidized dwelling, or according to whether an independent adult would be part of a family if his spouse and their dependent children had not ceased to be a part thereof under a regulation made pursuant to subparagraph 3 of the first paragraph of section 91 of the Act;

WHEREAS under section 24 of Chapter 69 of the Statutes of 1995, a regulation under subparagraph 6.1 of the first paragraph of section 91 of the Act respecting income security, enacted by paragraph 2 of section 20 of Chapter 69 of the Statutes of 1995, and under subparagraph 13 of the first paragraph of section 91 of the Act respecting income security and the second paragraph of section 91, as amended by paragraph 6 of section 20 of Chapter 69 of the Statutes of 1995, is not subject to the publication requirement and to the period of coming into force prescribed in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Income Security:

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

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting income security

An Act respecting income security (R.S.Q., c. S-3.1.1, s. 91, 1<sup>st</sup> par., subpars. 6.1, 13, and 2<sup>nd</sup> par.; 1995, c. 69, s. 20, pars. 2 and 6 and s. 24)

**1.** The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995 and 202-96 dated 14 February 1996 is further amended by adding the following after section 6:

“**6.1** For the purposes of paragraph 6 of section 7 of the Act enacted by paragraph 2 of section 1 of Chapter 69 of the Statutes of 1995, the scales of needs are those

prescribed in sections 7, 8, 8.1 and 9, which are increased, where applicable, by the amounts prescribed in section 10.2.

For the purposes of this provision, the liquid assets referred to in sections 69 to 72 and the increases in the liquid assets prescribed in sections 68.1 and 68.2 are excluded.”

**2.** Section 20 is amended by adding the following at the end of the third paragraph:

“Notwithstanding the foregoing, the liquid assets referred to in section 68 are taken into account in that calculation. The amount of the cheques outstanding on the date of the application and intended to pay the rent, electricity and heating shall be subtracted therefrom, provided they are cashable during the month the application was made; the amount of the income taken into account for the purposes of the second paragraph shall be subtracted therefrom, provided it was deposited in a financial establishment.”

**3.** This Regulation comes into force on 1 April 1996.

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Gouvernement du Québec

## O.C. 267-96, 28 February 1996

Supplemental Pension Plans Act (R.S.Q., c. R-15.1)

### Rules of proof and procedure of the Pension Plans Review Committee

Rules of proof and procedure of the Pension Plans Review Committee

WHEREAS in accordance with section 250 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Régie des rentes du Québec formed the Pension Plans Review Committee according to the delegation of powers by the Régie des rentes du Québec pursuant to sections 250 and 251 of the Supplemental Pension Plans Act;

WHEREAS under subparagraph 13 of the first paragraph of section 244 of the above-mentioned Act, the Régie des rentes du Québec may, by regulation, determine the rules of proof and procedure for any matter within its competence, the applicable time limits and the required documents;



WHEREAS the Régie des rentes du Québec made the Rules of proof and procedure of the Pension Plans Review Committee, attached to this Order in Council, on 11 September 1995;

WHEREAS under the third paragraph of section 244 of the above-mentioned Act, the regulations of the Régie des rentes du Québec shall be submitted to the Government for approval;

WHEREAS in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1), the Rules of proof and procedure of the Pension Plans Review Committee were published in Part 2 of the *Gazette officielle du Québec* of 22 November 1995 with a notice that, upon the expiry of 45 days following that publication, they could be submitted to the Government for approval;

WHEREAS it is expedient to approve the Rules of proof and procedure of the Pension Plans Review Committee;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Income Security:

THAT the Rules of proof and procedure of the Pension Plans Review Committee, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## Rules of proof and procedure of the Pension Plans Review Committee

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, s. 244, 1<sup>st</sup> par., subpar. 13)

### DIVISION I GENERAL

**1.** These Rules apply to the review of decisions by the Pension Plans Review Committee, formed pursuant to an act of delegation of powers by the Régie des rentes du Québec in accordance with sections 250 and 251 of the Supplemental Pension Plans Act.

The purpose of these Rules is to ensure the smooth and expeditious course of the proceedings as well as respect for the principles of natural justice.

**2.** The Committee has sole authority over the procedure and the proof; it is not subject to the Code of Civil Procedure.

**3.** No written proceeding made in accordance with these Rules may be deemed to be void or be rejected for irregularity.

### DIVISION II PROCEDURE

#### §1. *Application for review*

**4.** The application for review shall be submitted in writing to the Committee. It shall include:

(1) the name, address and telephone number of the applicant and those of the advocate representing him, if any;

(2) the name of the pension plan and its registration number;

(3) the number and date of the decision whose review is applied for;

(4) a brief statement of the facts and reasons put forward in support of the application for review as well as the conclusions sought;

(5) the name and address of the employer who is a party to the pension plan.

**5.** The pension committee shall provide the Committee, within the time that the Committee fixes, with the following information:

(1) the names and addresses of the pension plan's active and non-active members or, if the Committee so specifies, the names and addresses of those affected by the decision under review;

(2) the names and addresses of the members of the pension committee, indicating by whom each was designated;

(3) in the case of a plan established under a collective agreement or an arbitration award in lieu thereof or rendered compulsory by an order or decree, the name and address of every employees' association representing the pension plan's members.

**6.** The Committee shall send an acknowledgment of receipt to the applicant for review and notify the pension committee, the employer and, in the case of a plan established under a collective agreement or an arbitration award in lieu thereof or rendered compulsory by an order or decree, every employees' association representing the pension plan's members.

**7.** The Committee may, as a matter of course or on application, summarily decide that an application for review is inadmissible, notably for one of the following reasons:

- (1) the application was not made within the time prescribed in section 242 of the Act;
- (2) the application is incomplete or the reasons are not sufficiently stated;
- (3) the application is manifestly frivolous or dilatory;
- (4) the decision concerned is the subject of recourse in another proceeding;
- (5) the application must be the object of the decision of an initial proceeding.

Before declaring an application inadmissible, the Committee shall give the interested parties the opportunity to make their views known in writing. In the case referred to in subparagraph 2, it shall first notify the applicant of the insufficiency of his application and grant him an extension of 15 days to better state or complete his application.

### *§2. Extension or deferment*

**8.** An application for the extension provided for in section 242 of the Act or an application to be exempted from the consequences of a failure to act within the prescribed time shall be made in writing to the Committee.

It shall include:

- (1) the name, address and telephone number of the applicant and those of the advocate representing him, if any;
- (2) the name of the pension plan and its registration number;
- (3) the number and date of the decision to which the application pertains;
- (4) a brief statement of the reasons for which the applicant failed to act sooner;
- (5) the name and address of the employer who is a party to the plan.

**9.** The Committee or one of its members shall send an acknowledgment of receipt to the applicant and notify

the pension committee, the employer and, in the case of a plan established under a collective agreement or an arbitration award in lieu thereof or rendered compulsory by an order or decree, every employees' association representing the pension plan's members.

It may request them or other interested parties to make their views known in writing, invite them to a hearing, or defer the matter until the merits of the application for review have been studied.

### *§3. Intervention*

**10.** Any interested party may intervene in the review, at any time prior to the taking under advisement, to oppose it or to support it, by submitting to the Committee in writing an application to intervene. The Committee may, however, allow an intervention to be made orally during a hearing.

The application to intervene shall include:

- (1) the name, address and telephone number of the applicant and those of the advocate representing him, if any;
- (2) the number and date of the decision to which the application for review pertains;
- (3) a brief statement of the facts and reasons put forward in support of the application.

**11.** The Committee shall send an acknowledgment of receipt to the intervener and notify the applicant for review and the other interveners.

### *§4. Interlocutory applications*

**12.** An interlocutory application, including an application for inadmissibility, amendment, continuance of proceedings, extension or deferment of the time period provided for in these Rules or an application whose object is the provisional execution of a decision, shall be made in writing to the Committee. The Committee may, however, allow an interlocutory application to be made orally during a hearing.

It shall include:

- (1) the name, address and telephone number of the applicant and those of the advocate representing him, if any;
- (2) the number and date of the decision to which the application for review pertains;

(3) a brief statement of the facts and reasons put forward in support of the interlocutory application.

**13.** The Committee shall send an acknowledgment of receipt to the applicant and notify the applicant for review and all interveners.

It may request them or other interested parties to make their views known in writing, invite them to a hearing, or defer the matter until the merits of the application for review have been studied.

#### *§5. Signature and serving of the applications*

**14.** Every application to the Committee shall be signed by the applicant or the advocate representing him and shall be accompanied with a declaration by the applicant attesting to the truth of the allegations whose proof is not already on file.

It shall also be accompanied with a list and copies of all the documents that support it.

**15.** The applicant shall serve his application, using one of the means provided for in section 50, to every person designated by the Committee in the acknowledgment of receipt.

#### *§6. Representation by an advocate*

**16.** Any interested party has the right to be represented by an advocate of his own choosing or to be assisted by one.

**17.** The advocate who represents an interested party shall file a written entry of appearance.

**18.** An advocate who ceases to represent an interested party shall file a declaration indicating the date on which his representation ended.

**19.** In order to dismiss his advocate, an interested party shall file a notice to that effect. Notice may also be given orally at the hearing.

#### *§7. Pre-hearing conference*

**20.** The Committee may, at any time prior to the hearing, invite in writing or orally the applicant for review and the interveners, or the advocates representing them, to a pre-hearing conference.

It may decide to hold the pre-hearing conference before all the members of the Committee or a single member, on the date and at the time and place it determines. It may also decide to hold the conference by any other

means that allows the participants to communicate with each other.

**21.** The main purposes of the pre-hearing conference are:

(1) to determine the questions to be argued during the hearing;

(2) to evaluate the appropriateness of amending the procedures to make them clear and specific;

(3) to facilitate the exchange of documents;

(4) to plan the course of the proceedings and proof during the hearing;

(5) to admit certain facts or the proof thereof;

(6) to examine any other question likely to simplify or expedite the course of the hearing;

(7) to collect the information needed to contact the interested parties.

**22.** The admission of facts during a pre-hearing conference shall be reduced to a written declaration signed by the persons participating in the conference. The declaration shall be filed and shall serve as proof of the facts admitted.

### **DIVISION III** **CONVOCATION AND INFORMATION**

**23.** Where the interested parties can adequately make their views known in writing, the Committee, if it does not hold a hearing, shall send them a notice indicating:

(1) the subject of the review;

(2) that its decision will be rendered without a hearing;

(3) that they may make their views known to the Committee by submitting notes and citations within the time that it fixes, which shall be at least 30 days;

(4) that if they wish to receive a copy of the decision, they must make a request therefor to the Committee.

**24.** A person who submits notes or citations shall send a copy of them by registered mail to any person designated by the Committee.

**25.** Where a hearing is necessary, the Committee shall, at least 30 days prior to the hearing, send the interested parties a notice indicating:

(1) the subject of the review and the date, time and place of the hearing;

(2) that the Committee may proceed without further delay or notice where an interested party is not present for the hearing;

(3) that the presence of witnesses falls to the interested parties;

(4) that if they wish to make their views known to the Committee, they must, within the time fixed by the Committee, make an application to intervene;

(5) that if they wish to receive a copy of the decision, they shall make a request therefor to the Committee.

**26.** The Committee may, however, reduce the time allowed for submitting notes and citations or the notice period for a hearing in the following cases:

(1) the decision under review concerns the provisional administration of the plan;

(2) the provisional execution of the decision under review has been requested or the Régie has ordered provisional execution of the decision;

(3) all interested parties have mutually consented to it.

#### **DIVISION IV HEARING**

**27.** The hearing is open to the public; however, the Committee may, as a matter of course or on application, order the hearing to proceed *in camera* if it deems it to be necessary. It may also order that witnesses be excluded.

**28.** The Committee or one of its members may, by simple notice, summon before it any person to give testimony or to submit any document it deems useful.

**29.** The Committee may also, as a matter of course or on application, summon witnesses in accordance with the procedure provided for by the Act respecting public inquiry commissions (R.S.Q., c. C-37). The summons must be served at least five clear days prior to the hearing. However, in the event of urgency, the Committee may reduce the time to 12 hours.

The summons shall be signed by one of the members of the Committee; it is filled out and served by the person who requested it, at his expense, and he has the obligation of proving the date of receipt.

**30.** The Committee may, as a matter of course or on application, postpone or adjourn the hearing, on the conditions that it fixes.

An application for postponement of the hearing shall be made in writing at least 10 days prior to the date of the hearing.

**31.** If at the opening of the hearing, a person to whom the notice provided for in section 25 was sent fails to appear, the Committee may proceed in the manner that it deems to be most just; it may notably proceed in his absence without further delay or notice.

**32.** The applicant and each intervener may present their proof and make their views known; they may also cross-examine the witnesses.

**33.** The Committee may provide for the recording of the depositions on magnetic media or by any other means that it deems appropriate. Any interested party may, at his expense, obtain a transcription or copy of the recorded depositions.

Where the Committee does not provide for the recording of the depositions, it may authorize recording by the means that it determines, at the expense of the person who makes the request therefor.

**34.** The Committee's secretary shall draw up a record of the proceedings. He shall include therein the following information:

(1) the names of the members of the Committee;

(2) the date, place and time of the beginning and end of each day of hearing;

(3) the names and addresses of the applicant for review, the interveners and the advocates representing them, as well as those of the witnesses heard;

(4) where applicable, that a recording of the hearing was made;

(5) the identification and classification number of the documents produced;

(6) the decisions of the Committee rendered without rising;

(7) any admission or partial or complete agreement;

(8) the fact that the case has been taken under advisement.

Any admission or agreement shall be dictated to the Committee's secretary and drawn up by him; it must be signed by the author of the admission or the parties to the agreement.

**35.** The Committee may order, on the conditions it fixes, that matters in which the questions raised are substantially the same or matters that may suitably be joined, whether or not they are raised by the same persons, be heard during the same hearing.

#### **DIVISION V PROOF**

**36.** Subject to section 39, the file of the pension plan in the keeping of the Direction des régimes de retraite of the Board is part of the proof.

**37.** The burden of proof falls to the person who applies for the review of a decision, unless otherwise provided in law.

**38.** The Committee, respecting the principles of natural justice, can receive any useful or relevant proof, including hearsay, where it offers reasonable guarantees of credibility; subject to section 39, it is not subject to the rules and techniques of proof applied by courts of justice.

It is, however, subject to the rule of the preponderance of the evidence.

**39.** Proof is inadmissible before the Committee where it would be inadmissible before a court of justice by reason of the laws governing professional secrecy or the laws ensuring the confidentiality of documents.

**40.** A person who has the intention of invoking or using a document or an expert's report, shall file with the Committee five copies thereof no later than 10 days prior to the date fixed for the opening of the hearing. He shall, in the same period, send a copy thereof to the other persons admitted to make their views known.

The Committee may, to forestall a denial of justice, allow any document or expert's report to be submitted during the hearing; it shall then, on request, allow the persons admitted to make their views known to study it and make comments on it within the time that it fixes.

**41.** Subject to section 23, the Committee may not require or receive information or documents outside the hearing or during advisement, nor base its decision on proof received without the knowledge of the applicant for review and the interveners.

It may not base its decision on facts brought up as a matter of course by a member without first inviting the applicant for review and the interveners to make representations, except those among them who have waived making known their pretensions.

**42.** The Committee may, according to the circumstances, have recourse to the professional knowledge and skills of its members in basing its decision.

**43.** The Committee may, as a matter of course or on application, at any time prior to rendering its decision on the merits of the application for review, order the reopening of the inquiry on the conditions it fixes, notably if an interested party has been prevented, by surprise or for any other reason deemed sufficient, from adducing complete proof. It shall then give notice thereof to the interested parties.

The application for reopening the inquiry shall be made in writing and shall contain a statement of the reasons put forward in its support.

#### **DIVISION VI DECISION**

**44.** The Committee shall base its decision on its inquiry, the proof received and the documents in the case file as constituted.

**45.** The decision on the merits of an application shall be signed by the members of the Committee to whom the matter was submitted.

**46.** The Committee may change a decision that it has rendered with a view to correcting a clerical or writing error.

**47.** The original of the Committee's decision on the merits of the application shall be filed and a certified copy shall be sent to the applicant for review, to the interveners and to any other interested parties who have made a request therefor.

#### **DIVISION VII INDEPENDENCE AND IMPARTIALITY**

**48.** The Committee is not bound by the administrative directives adopted by the Board.

**49.** A member of the Committee shall abstain from participating in a hearing or decision in the event of a reasonable apprehension of partiality that may arise from, among other things:

- (1) a conflict of interest;
- (2) being at the same time in a position of interested party and decision-maker;
- (3) personal, family, social, work or business relations with one of the interested parties;
- (4) prior public declarations or stands taken that directly relate to the case;
- (5) expressions of hostility or favouritism toward an interested party.

The reasonable apprehension of a Committee member's partiality shall be raised as soon as the hearing begins or as soon as an interested party knows of circumstances that could give rise to it.

#### DIVISION VIII MISCELLANEOUS

**50.** All communications sent to the Committee shall be addressed to the Committee's secretary.

The date of receipt of a document sent to the Committee by mail is deemed to be the date of its postmark.

**51.** A document, including a summons, may be served on an interested party by registered mail, certified letter, bailiff or any other means that allows the date of its receipt to be proved.

**52.** The Committee may use the means of notification provided for in section 252 of the Act for sending a decision, order or notice to members or beneficiaries.

**53.** Where there is a total or partial settlement of a case, the parties to the settlement shall submit to the Committee a declaration to that effect, signed by them and the advocates representing them.

**54.** The Committee may close its case on the filing of a declaration of total settlement or discontinuance.

#### DIVISION IX COMING INTO FORCE

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

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Gouvernement du Québec

### O.C. 269-96, 28 February 1996

An Act respecting liquor permits  
(R.S.Q., c. P-9.1)

#### Duties and costs payable — Amendments

Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits

WHEREAS under paragraph 4 of section 114 of the Act respecting liquor permits (R.S.Q., c. P-9.1), the Régie des alcools, des courses et des jeux may make regulations determining the amount of the costs and duties that are payable under the Act respecting liquor permits or standards permitting to establish such amount and prescribing the terms and conditions of payment;

WHEREAS under section 116 of the Act, any regulation made by the Régie des alcools, des courses et des jeux must be submitted to the approval of the Government, which may then amend it;

WHEREAS the Regulation respecting duties and costs payable under the Act respecting liquor permits was approved by Order in Council 826-90 dated 13 June 1990 and amended by Order in Council 1116-92 dated 29 July 1992;

WHEREAS the Régie des alcools, des courses et des jeux made, at its session of 6 October 1995, the Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits, attached to this Order in Council;

WHEREAS it is expedient to amend the Regulation in order to determine the amount of the costs and duties that are payable for an application for the approval of an advertisement and for an application for a tasting authorization;

WHEREAS it is expedient to amend certain sections of the Regulation in order to review the amount of the duties and costs payable under the Act respecting liquor permits;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 20 December 1995 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation, without amendment, as it appears attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits**

An Act respecting liquor permits  
(R.S.Q., c. P-9.1, s. 114, par. 4)

**1.** The Regulation respecting duties and costs payable under the Act respecting liquor permits, made by Order in Council 826-90 dated 13 June 1990 and amended by Order in Council 1116-92 dated 29 July 1992, is further amended in section 1.1

(1) by substituting the amount “\$0.75” for the amount “\$0.50” in the first paragraph;

(2) by substituting the amount “\$800” for the amount “\$700” in the first paragraph; and

(3) by substituting the amount “\$50” for the amount “\$40” in the second paragraph.

**2.** The following is substituted for section 3:

“**3.** The duties payable for the issue of a reunion permit authorizing the serving of alcoholic beverages are \$30 per day of use, up to a maximum of 6 times the amount prescribed for a day of use, for each room or terrace where the permit will be used.

For a reunion permit authorizing the sale of alcoholic beverages, the duties are \$65 per day of use, up to a maximum of 5 times the amount prescribed for a day of use, for each room or terrace where the permit will be used.”.

**3.** The amount “\$100” is substituted for the amount “\$86” in section 5.

**4.** Section 7 is amended

(1) by substituting the amount “\$200” for the amount “\$166”; and

(2) by substituting the amount “\$100” for the amount “\$83”.

**5.** The following is inserted after section 7:

“**7.1** The duties payable for the issue of a certificate of compliance of an advertisement under the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages, made by Order in Council 1529-91 dated 6 November 1991 and amended by Order in Council 610-94 dated 27 April 1994, are \$100 per audio or video commercial and \$25 for any other type of advertising.”.

**6.** The following is substituted for section 9:

“**9.** The duties and costs prescribed in sections 1, 2, 4 and 6 shall be indexed at 1 April of each year according to changes in the All-Items Consumer Price Index for Canada for the preceding year. Those changes shall be calculated on the basis of the ratio between the index for the preceding year and the index for the year preceding that year. The index for a given year is the average of the monthly indexes published by Statistics Canada.

The duties and costs indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.”.

**7.** The following is inserted after section 9:

“**9.1** The duties and costs prescribed in sections 3, 5, 7 and 7.1 shall be indexed at 1 April 2000 and, subsequently, at 1 April every five years, according to changes in the All-Items Consumer Price Index for Canada for the five preceding years. Those changes shall be calculated on the basis of the ratio between the index for the preceding year and the index for the year five years prior to that preceding year. The index for a given year is the average of the monthly indexes published by Statistics Canada.

The duties and costs indexed in the prescribed manner shall be reduced to the nearest five dollars where they contain a fraction of five dollars less than \$2.50; they shall be increased to the nearest five dollars where they contain a fraction of five dollars equal to or greater than \$2.50.

**9.2** For the purposes of this Regulation, the Board shall publish the table of the new duties and costs in

Part 1 of the *Gazette officielle du Québec* as soon as possible after they are determined.”.

**8.** 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. 270-96, 28 February 1996**

An Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6)

#### **Lottery Schemes — Amendments**

Regulation to amend the Lottery Schemes Regulation

WHEREAS under subparagraph *c* of the first paragraph of section 119 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the Government may, by regulation, determine the amount of duties for the issue of a licence and the terms and conditions of payment of duties;

WHEREAS the Lottery Schemes Regulation was made by Order in Council 2704-84 dated 5 December 1984;

WHEREAS it is expedient to amend certain sections of the Regulation in order to review the amount of the duties payable for the issue of licences for drawings;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 20 December 1995 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation, without amendment, as it appears attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Lottery Schemes Regulation, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Lottery Schemes Regulation**

An Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6, s. 119, 1<sup>st</sup> par., subpar. *c*)

**1.** The Lottery Schemes Regulation, made by Order in Council 2704-84 dated 5 December 1984 and amended by Order in Council 1241-85 dated 19 June 1985 and by Order in Council 593-91 dated 1 May 1991, is further amended in section 4.1 by substituting:

(1) “3 %” for “2 %” in paragraph 2; and

(2) “6 %” for “5 %” in paragraph 3.

**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. 272-96, 28 February 1996**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

#### **Automotive services — Montréal — Extention**

Decree to extend the Decree respecting the automotive services industry in the Montréal region

WHEREAS the Government made the Decree respecting the automotive services industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 46);

WHEREAS the Automobile Industries Association of Canada, a contracting party to the Decree, is opposed to the automatic renewal thereof;

WHEREAS in accordance with section 11.01 of the Decree, it remains in force until 31 March 1996;

WHEREAS under section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may extend the Decree;

WHEREAS it is expedient to extend the Decree until 31 March 1997;



WHEREAS under section 11 of the Regulations Act (R.S.Q., c. R-18.1), no proposed regulation may be made before the expiry of 45 days from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which it may be made, where the notice or the Act provides for a longer period;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made notwithstanding the publication requirement in section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

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 making it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS in the opinion of the Government, the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force:

— the Decree respecting the automotive services industry in the Montréal region is in force until 31 March 1996; after that date, the working conditions of certain employees covered by that Decree might be unfavourably changed;

— it is essential to extend the Decree to allow all the contracting parties sufficient time to see the results of the steps undertaken by the Société québécoise du développement de la main-d'oeuvre and representatives of the automobile sector, on the setting up of a sector-based committee to evaluate the training and manpower qualification needs in that sector and to develop a new plan in that respect;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Decree to extend the Decree respecting the automobile services industry in the Montréal region, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Decree to extend the Decree respecting the automotive services industry in the Montréal region

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

**1.** The Decree respecting the automotive services industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 46), amended by Orders in Council 1283-82 dated 26 May 1982 (Suppl., p. 455), 1693-82 dated 7 July 1982 (Suppl., p. 456), extended by Orders in Council 1501-90 dated 17 October 1990 and 1426-91 dated 16 October 1991, amended by Order in Council 296-92 dated 26 February 1992, extended by Orders in Council 426-93 dated 24 March 1993 and 305-94 dated 2 March 1994, amended by Order in Council 1714-94 dated 7 December 1994 and extended by Order in Council 235-95 dated 22 February 1995, is further extended to 31 March 1997.

**2.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

9627

Gouvernement du Québec

## O.C. 273-96, 28 February 1996

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

### Woodworking — Extension

Decree to extend the Decree respecting the woodworking industry

WHEREAS the Government made the Decree respecting the woodworking industry (R.R.Q., 1981, c. D-2, r. 3);

WHEREAS the Association des industries de portes et fenêtres du Québec, a contracting party to the Decree, is opposed to its automatic renewal;

WHEREAS in accordance with section 10.01 of the Decree, it remains in force until 31 March 1996;

WHEREAS under section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may extend that Decree;

WHEREAS it is expedient to extend the Decree until 31 March 1997;

WHEREAS under section 11 of the Regulations Act (R.S.Q., c. R-18.1), no proposed regulation may be made before the expiry of 45 days from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which it may be made, where the notice or the Act provides for a longer period;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published pursuant to section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

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 making it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS in the opinion of the Government, the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force:

— it is essential to extend the Decree so that it remains in force for the time required to make a decision on its industrial jurisdiction, taking into account that a committee will analyse new alternatives to the inclusion of the manufacturing of doors and windows in the industrial jurisdiction of the Decree;

— the Decree respecting the woodworking industry is in force until 31 March 1996; after that date, employers now governed by the Decree will no longer be required to grant the working conditions provided for in the Decree and employees not governed by a collective agreement could have some of their working conditions changed to their disadvantage;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Decree to extend the Decree respecting the woodworking industry, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Decree to extend the Decree respecting the woodworking industry

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

**1.** The Decree respecting the woodworking industry (R.R.Q., 1981, c. D-2, r. 3), amended by Orders in Council 1103-83 dated 25 May 1983, 1124-87 dated 22 July 1987 and 1029-90 dated 11 July 1990, extended by Orders in Council 393-92 dated 18 March 1992, 1411-92 dated 23 September 1992, 1886-92 dated 16 December 1992, 874-93 dated 16 June 1993, 1719-93 dated 1 December 1993, amended by Order in Council 306-94 dated 2 March 1994, extended by Order in Council 319-95 dated 15 March 1995, amended by Orders in Council 605-95 dated 3 May 1995 and 989-95 dated 19 July 1995, extended by Order in Council 1168-95 dated 30 August 1995, is further extended to 31 March 1997.

**2.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

9626

Gouvernement du Québec

## O.C. 295-96, 6 March 1996

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

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

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

WHEREAS under paragraph 1 of section 624 of the Highway Safety Code (R.S.Q., c. C-24.2), the Société de l'assurance automobile du Québec may, by regulation, determine the amount of the fee exigible for obtaining the registration of a road vehicle and the amount of the fee exigible on payment of the duties and insurance contribution referred to in section 31.1 of that Code and establish the terms and conditions of payment of such fees;

WHEREAS under paragraph 1.1 of section 624 of that Code, the Société may, by regulation, fix the amount of any additional fee exigible on payment of the duties and insurance contribution prescribed under section 31.1 of

that Code, in cases of failure to pay within the period determined by a regulation made under paragraph 8.8 of section 618 of that Code;

WHEREAS under paragraph 3.1 of section 624 of that Code, the Société may, by regulation, fix the amount of any additional fee exigible on payment of the duties and insurance contribution prescribed under section 93.1, in cases of failure to pay during the period determined by a regulation made under paragraph 4.2 of section 619 of that Code;

WHEREAS under paragraph 15 of section 624 of that Code, the Société may, by regulation, fix the amount of the administrative fee exigible in respect of a cheque without sufficient funds or returned by a financial institution for any other reason;

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

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

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as prescribed in section 8 of that Act where the authority approving 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 prior publication shall be published with the regulation;

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication:

— the Société must present a balanced budget for its 1996 fiscal year;

— among the measures chosen to reach that goal, it must revise, by 1 April 1996, the receipts from fees exigible from its clients who are more than 30 days late paying the amount prescribed to retain their driver's licence or their vehicle registration and the receipts from fees applicable for cheques without sufficient funds;

WHEREAS it is expedient to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects;

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

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

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 624, 1<sup>st</sup> par.,  
subpars 1, 1.1, 3.1 and 15)

**1.** The Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, approved by Order in Council 646-91 dated 8 May 1991 and amended by regulations approved by O.C. 1423-91 dated 16 October 1991, 1877-92 dated 16 December 1992, and 532-95 dated 12 April 1995, is further amended by substituting the following for section 2.1:

“**2.1** The owner of road vehicles who makes payment by two instalments of the sums covered by the first paragraph of section 31.1 of the Highway Safety Code in application of section 25 of the Regulation respecting road vehicle registration, shall, in addition to the fees fixed in paragraph 3 of section 2, pay the fee exigible at the time of the second instalment calculated according to the following formula:

$$F = s \times i \times \frac{n}{365}$$

where:

F: is the fee;

s: one-half of the sum of the following amounts:

(1) the fees payable to retain the right to operate each of the owner's vehicles, covered by Chapter IV of the Regulation respecting road vehicle registration;

(2) the insurance contribution payable to retain the right to operate each of the owner's vehicles, covered by Division V of Chapter IV of the Regulation insurance contributions, approved by Order in Council 1422-91 dated 16 October 1991;

(3) the tax on the insurance contribution covered by section 512 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1);

(4) the fees payable to retain the right to operate each of the owner's vehicles, covered by paragraph 3 of section 2;

i: the rate of interest equal to the rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31);

n: the number of days comprising the period of five months following the date on which the first instalment is payable.”.

**2.** The following is substituted for section 3 of the Regulation:

“**3.** The additional fee exigible in case of failure, during more than thirty days, to pay the fees and insurance contribution prescribed by sections 68, 69, 72, 74, 76 and 77 of the Regulation respecting road vehicle registration, corresponds to the greater of the following amounts:

(1) \$10;

(2) the amount arrived at using the following formula:

$$F = s \times i \times \frac{n}{365}$$

where

F: is the additional fee;

s: the total of unpaid fees and insurance contributions that are prescribed by sections 68, 69, 72, 74, 76 and 77 of the Regulation respecting road vehicle registration, and unpaid fees set by paragraph 3 of section 2;

i: the rate of interest equal to the rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu;

n: the number of days during which the owner of a road vehicle is prohibited from putting it back into operation under the third paragraph of section 31.1 of the Highway Safety Code. For calculation purposes, the first 30 days of prohibition for the owner are not counted but the day on which the Société autorizes the owner to again operate the vehicle enters into the calculation, as does the day on which the owner notifies the Société that he renounces the operation of his vehicle.”.

**3.** The following is substituted for section 4.2 of the Regulation:

“**4.2** The additional fee exigible in case of failure, during more than thirty days, to pay the fees and insurance contribution prescribed by sections 63, 64, 66, 67, 69 and 71 to 73 of the Regulation respecting licences, corresponds to the greater of the following amounts:

(1) \$10;

(2) the amount arrived at using the following formula:

$$F = s \times i \times \frac{n}{365}$$

where:

F: is the additional fee;

s: the total of unpaid fees prescribed by sections 63, 64, 66, 67, 69 and 71 to 73 of the Regulation respecting licences, the unpaid insurance contribution prescribed by sections 86 to 88, 90, 106 to 110, 113, 120 to 122 and 124 of the Regulation respecting insurance contributions made by Order in Council 1422-91 dated 16 October 1991, and unpaid fees set by paragraph 3 of section 4;

i: the rate of interest equal to the rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu;

n: the number of days during which the licence holder is prohibited from driving a road vehicle under the third paragraph of section 93.1 of the Highway Safety Code. For calculation purposes, the first 30 days of prohibition for the holder are not counted but the day on which the Société autorizes the owner to again drive a vehicle enters into the calculation, as does the day on which the owner notifies the Société that he renounces the operation of a vehicle.”.

**4.** The following is substituted for section 10 of the Regulation:

“**10.** Whoever pays by means of a cheque that the financial institution on which it is drawn refuses to honour, because of insufficient funds or for any other reason, shall pay the fees set by the first paragraph of section 12.2 of the Act respecting the Ministère du Revenu.”.

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

Gouvernement du Québec

**O.C. 297-96, 6 March 1996**

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

**Driver's licences**

**— Exchange of letter with the Government of Japan**

Reciprocal Agreement in the form of an exchange of letters between the Gouvernement du Québec and the Government of Japan concerning driver's licences and Regulation respecting the implementation of the Agreement

WHEREAS in a letter dated 17 March 1993, the Government of Japan specified that any person holding a Québec driver's licence and staying in Japan may obtain a "regular" driver's licence, provided he passes an eye test and pays the fees prescribed by regulation;

WHEREAS under section 91 of the Highway Safety Code (R.S.Q., c. C-24.2), a person holding a valid driver's licence issued outside Canada may, if he settles in Québec, exchange that licence for a driver's licence issued by the Société d'assurance automobile du Québec provided he passes the proficiency examination and pays the duties and fee fixed by regulation;

WHEREAS the Government of Japan would like to see reciprocity applied by the Gouvernement du Québec in respect of Japanese nationals who hold Japanese driver's licences;

WHEREAS it is expedient to allow that the Japanese driver's licences required to drive a passenger vehicle and recognized as valid by the Consulate General or the Embassy of Japan be exchanged for Québec driver's licences for a passenger vehicle (Class 5), on the condition that the licence holder applies therefor within 90 days of his settlement in Québec and that he pays the prescribed duties and the insurance contribution;

WHEREAS under section 629 of the Highway Safety Code, the Minister of Transport may, according to law, enter into an agreement with any government, department, or body respecting any matter referred to in the Code;

WHEREAS under the same section, an agreement may exempt any person from the application of part of the Code and the Société de l'assurance automobile du Québec shall be responsible for the implementation of such an agreement;

WHEREAS under section 631 of the Code, the Government may, by regulation, adopt the necessary measures to give effect to an agreement under section 629 of the Code;

WHEREAS the letter of the Government of Japan, dated 17 March 1993, and the reply of the Gouvernement du Québec constitute an international agreement within the meaning of section 19 of the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles (R.S.Q., c. M-21.1);

WHEREAS under section 20 of the same Act, international agreements must be approved by the Government and signed by the Minister of International Relations in order to be valid;

WHEREAS under section 22 of that Act, the Government may authorize the Minister to be the sole signatory to an international agreement which the law empowers another person to sign and, in such a case, the signature of the Minister has the same effect as the signature of the empowered person;

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

THAT the Reciprocal Agreement in the form of an exchange of letters between the Gouvernement du Québec and the Government of Japan concerning driver's licences, the text of which will substantially comply with the text attached to the Regulation mentioned below, be approved;

THAT the Minister of International Relations be authorized to sign the reply letter of the Government alone;

THAT the Regulation respecting a Reciprocal Agreement in the form of an exchange of letters between the Gouvernement du Québec and the Government of Japan concerning driver's licences, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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**Regulation respecting a Reciprocal Agreement in the form of an exchange of letters between the Gouvernement du Québec and the Government of Japan concerning the exchange of driver's licences**

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 631)

**1.** The application of the Highway Safety Code (R.S.Q., c. C-24.2) to a person holding a driver's licence issued by the Government of Japan is subject to the provisions in the Reciprocal Agreement in the form of an exchange of letters between the Gouvernement du Québec and the Government of Japan concerning the exchange of driver's licences, the text of which is attached hereto.

**2.** This Regulation comes into force on 1 April 1996.

Gouvernement du Québec

LE MINISTRE DES  
RELATIONS INTERNATIONALES

Québec, March 6<sup>th</sup>, 1996

Dear Consulate General:

I am honoured to quote the letter of the Consulate General of Japan in Montréal, dated 17 March 1993, pertaining to the obtention of a Québec driver's licence.

The letter of your Consulate General read as follows:

“Dear Deputy Minister:

Because of the considerable number of Japanese staying in Québec, we have looked into the difficulty for them to obtain a Québec driver's licence.

As you may well know, any person holding a Québec driver's licence and staying in Japan may obtain a “regular” Japanese driver's licence, provided that he passes an eye test and pays the fees prescribed by regulation.

We would like to see reciprocity applied by the Gouvernement du Québec in respect of Japanese nationals holding Japanese driver's licences. Presently, a Japanese residing in Québec must pass a written examination, a road test and an eye test in order to obtain a Québec driver's licence.

That situation causes a lot of inconvenience to Japanese residing here with their family, whose adaptation to Québec should be made as easy as possible.

The Consulate General of Japan in Montréal would be very grateful if the Gouvernement du Québec took the measures required to simplify the procedures for obtaining a driver's licence.

Mr. Blouin, I would be extremely grateful if you would take action with the competent authorities of the Gouvernement du Québec.

Yours truly,

SHUNICHI SATOH  
*Consulate General of Japan*”

I am also honoured to provide you with the following answers to the requests made in the said letter.

The Ministère des Relations internationales has taken note of the fact that any person holding a Québec driver's licence and staying in Japan may obtain a Japanese driver's licence, provided he passes an eye test and pays the fees prescribed by regulation.

The Gouvernement du Québec accepts that reciprocity be applied in respect of Japanese nationals holding Japanese driver's licences and residing in Québec, in accordance with the following terms and conditions.

The Japanese driver's licences recognized as valid by the Consulate General or the Embassy of Japan and authorizing to drive a passenger vehicle will be considered valid in Québec and it will be possible to exchange them for a Québec driver's licence for passenger vehicles (Class 5) without undergoing a road test or a theoretical examination, provided that the person applies therefor within 90 days of his settlement in Québec and that he pays the prescribed duties and insurance premium.

In the case of an international driver's licence issued in Japan, non-resident Japanese nationals who hold one may drive in Québec road vehicles in the category for which such permit was issued, for the period of validity of the permit.

The terms and conditions for exchanging a Japanese driver's licence for a Québec driver's licence will come into force on 1 April 1996.

Yours sincerely,

SYLVAIN SIMARD,  
*Minister*

Mr. Yuji Kurokawa, Consulate General  
Consulate General of Japan  
600, rue de la Gauchetière Ouest  
Bureau 2120  
Montréal (Québec)  
H3B 4L8

Gouvernement du Québec

## O.C. 298-96, 6 March 1996

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

### Agreement with Florida concerning Driver Licenses and Traffic Offenses

Implementation of an Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses

WHEREAS in accordance with Order in Council 779-95 dated 7 June 1995, the Minister of International Affairs, Immigration and Cultural Communities was authorized to sign alone a Reciprocal Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses;

WHEREAS under that Order in Council, the Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses was approved by the Government;

WHEREAS under section 20 of the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles (R.S.Q., c. M-21.1), the Minister may, in writing, authorize a person to sign an international agreement on his behalf;

WHEREAS Mr. Jean-Yves Gagnon, Chairman of the Société de l'assurance automobile du Québec was authorized by the Minister to sign on his behalf the Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses and that the Agreement was signed on 21 July 1995;

WHEREAS under section 19 of the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles, the Minister shall see to the implementation of international agreements;

WHEREAS under section 629 of the Highway Safety Code (R.S.Q., c. C-24.2), the Minister of Transport may, according to law, enter into an agreement with any government, department or body respecting any matter referred to in this Code;

WHEREAS that section also specifies that an agreement may exempt any person from the application of part of this Code and that the Société de l'assurance automobile du Québec shall be responsible for the implementation of such an agreement;

WHEREAS under section 631 of the Code, the Government may, by regulation, adopt the necessary measures to give effect to an agreement respecting a matter referred to in section 629 of the Code and that the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1), does not apply to such a regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport and of the Minister of International Relations:

THAT the Regulation respecting a Reciprocal Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation respecting a Reciprocal Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 631)

**1.** The application of the Highway Safety Code (R.S.Q., c. C-24.2) to a holder of a driver's licence issued by the Société de l'assurance automobile du Québec or by the Department of Highway Safety and Motor Vehicles of the State of Florida is subject to the provisions contained in the Reciprocal Agreement between the State of Florida and the Government of Québec concerning Driver Licenses and Traffic Offenses, the text of which appears attached hereto.

**2.** This Regulation comes into force on 1 April 1996.

#### RECIPROCAL AGREEMENT BETWEEN THE STATE OF FLORIDA AND THE GOVERNMENT OF QUÉBEC CONCERNING DRIVER LICENSES AND TRAFFIC OFFENSES

WHEREAS the State of Florida and the government of Québec wish to:

1. Promote compliance with traffic laws and improve highway safety within their own borders;
2. Facilitate, for their respective residents who hold a valid driver license, the issuance of a license from the other jurisdiction to which they are moving;

3. Further highway safety by treating offenses for which their residents have been declared guilty in the other jurisdiction as if they had been committed in the home jurisdiction, for purposes of updating and maintaining driver license records;

4. Strengthen cooperation between the two jurisdictions so that residents satisfy fines imposed as a result of offenses committed within the other jurisdiction;

5. Allow drivers to accept traffic citations for certain offenses and proceed on their way without delay.

THEREFORE, the State of Florida and the government of Québec agree to the measures set forth in this Agreement.

## ARTICLE 1 DEFINITIONS

For the purposes of this Agreement:

1.1 “Jurisdiction” refers to the State of Florida or to the government of Québec.

1.2 “Home jurisdiction” means:

the jurisdiction that issues a driver license and has the authority to suspend or revoke it.

1.3 “Jurisdiction of origin” means:

the jurisdiction which has issued the driver license that the holder wants to exchange for a license of the jurisdiction where he now resides.

1.4 “Declaration of guilt” means:

an admission of guilt entered by or on behalf of the driver or a finding of guilt after trial and, where applicable, an adjudication of guilt in a competent court, or payment of a fine for an offense mentioned under paragraph 3.1 committed in either jurisdiction.

1.5 “Florida driver license” means:

a class E regular operator’s license issued by the Department of Highway Safety and Motor Vehicles to a person who does not operate a commercial vehicle and who is not required to hold a commercial driver’s license.

1.6 “Québec driver license” means:

a class 5 driver license issued by the Société de l’assurance automobile du Québec authorizing its holder

to drive a two-axle motor vehicle whose net weight is less than 4 500 kg, a motor vehicle permanently converted into living quarters, a service vehicle and special mobile equipment.

1.7 “Valid driver license” means:

a driver license that at the time of exchange has not expired and is not revoked or suspended in accordance with the laws of the issuing jurisdiction.

1.8 “Points” means:

demerit points or violation points assessed by a jurisdiction for certain offenses.

## ARTICLE 2 DRIVER LICENSE EXCHANGE

2.1 A resident of Florida who holds a valid Florida driver license may upon becoming a resident of Québec, exchange such license without examination other than a vision test, for a Québec driver license upon payment of the prescribed fees and the insurance contribution fixed by section 151 and 151.2 of the Automobile Insurance Act (R.S.Q., c. A-25) and revalorized where such is the case, in accordance with section 151.4 of the Act.

2.2 A resident of Québec who holds a valid Québec driver license may upon becoming a resident of Florida, exchange such license, without an examination other than a vision test, for a Florida driver license upon compliance with Chapter 322 of the Florida Statutes.

2.3 The exchanged license shall either be returned to the jurisdiction of origin or destroyed and notification sent to the jurisdiction of origin.

2.4 The jurisdiction of origin will verify the validity of the license by disclosing to the home jurisdiction the following information, if available:

- the holder’s name and address;
- the holder’s height and sex;
- the holder’s driving record;
- the driver’s license number;
- the period of validity of the license;
- any restrictions to which the holder is subject;
- any suspensions or revocations of record, including:
  - the reason for such suspension or revocation;
  - the period of closed suspensions or revocations;
- the date of disclosure.

2.5 Information obtained by the new jurisdiction of residence pursuant to paragraph 2.4, becomes part of the driver record.



2.6 A driver license issued pursuant to paragraphs 2.1 or 2.2 may be subsequently suspended, revoked, canceled or restricted, or additional examination may be required based upon information received pursuant to paragraph 2.4.

### ARTICLE 3

#### REPORTS AND EFFECTS OF CONVICTION

3.1 Declarations of guilt concerning the following offenses shall be reported to the home jurisdiction by the jurisdiction in which the offense was committed:

##### 3.1.1 Major offenses

— Offenses relating to the operation of a motor vehicle while under the influence of alcohol or drugs, under sections 316.193(1) and 316.1932 of the Florida Statutes and under sections 253 and 254 of the Criminal Code of Canada (hereinafter referred to as the “Criminal Code”);

— Offenses resulting in death or serious bodily injury relating to the operation of a motor vehicle, under sections 782.07 and 782.071 of the Florida Statutes and under sections 220 and 236 of the Criminal Code;

— Offenses relating to reckless driving, under 316.192(1) of the Florida Statutes and under section 249(1)(a) of the Criminal Code;

— Offenses relating to the failure to stop at the scene of a fatal or personal injury accident or leaving without reporting, under sections 316.027(1), 316.062(1), 316.063(1) and 316.065(1) of the Florida Statutes and under section 252(1)(a) of the Criminal Code and sections 168 and 170 of the Highway Safety Code of Québec (hereinafter referred to as the “Highway Safety Code”).

— Offenses relating to school bus traffic safety, under section 316.172 of the Florida Statutes and under section 460 of the Highway Safety Code.

##### 3.1.2 Other offenses

— Offenses relating to driving over a prescribed or posted speed limit or at a speed in excess of that required for the safe operation of a motor vehicle under sections 316.183(1) and (2), 316.187(1) and (2) and under sections 327 to 329 of the Highway Safety Code;

— Offenses relating to the failure to obey a traffic control device under section 316.123(2) and under sections 368 and 370 of the Highway Safety Code.

##### 3.1.3 County or municipal offenses

— Offenses relating to the operation of a motor vehicle under county or municipal by-laws or ordinances, substantially similar to those offenses concerning the Highway Safety Code listed in subparagraph 3.1.1 and 3.1.2.

3.2 For the purposes of driver license records, the home jurisdiction shall recognize a declaration of guilt in the other jurisdiction concerning one of its residents as if the violation were committed in the home jurisdiction. Points shall be assessed and suspensions or revocations imposed in accordance with the appendix to this Agreement.

### ARTICLE 4

#### ISSUANCE OF CITATION

4.1 A law enforcement officer issuing a citation to a driver who is a resident of the other jurisdiction, shall not require the posting of collateral or take the driver into custody except as provided under paragraph 4.2.

4.2 A law enforcement officer may, for an offense included in subparagraph 3.1.1, require the posting of collateral or take the driver into custody.

### ARTICLE 5

#### COMPLIANCE WITH TRAFFIC CITATIONS

5.1 Whenever a driver has failed following a declaration of guilt to pay an imposed fine within 30 days, for an offense mentioned under subparagraph 3.1.2 or 3.1.3, the jurisdiction in which the citation was issued shall notify the home jurisdiction of such failure.

5.2 Upon receipt of the notification prescribed in paragraph 5.1, the home jurisdiction shall inform the driver that his driving privilege is or will be suspended pending compliance with the terms of the citation and related requirements.

5.3 No report shall be transmitted under paragraph 5.1 if the date of transmission is more than six (6) months from the date of the declaration of guilt.

### ARTICLE 6

#### ADMINISTRATION OF THE AGREEMENT

6.1 The Société de l'assurance automobile du Québec and the Department of Highway Safety and Motor Vehicles of the State of Florida shall be the administrators of this Agreement and shall be empowered to develop the forms and procedures necessary to administer this Agreement.

6.2 The administrator in each jurisdiction shall provide the other with any information or documents necessary to facilitate the administration of this Agreement. Such information shall include notification of any legislative or regulatory changes which may affect the terms of this Agreement.

6.3 The provisions of this Agreement shall remain in force, with appropriate changes, when any amendment to the laws or regulations of either jurisdiction does not substantially affect these provisions.

6.4 The parties shall conform to any statutory provisions applicable to the access to documents held by governmental institutions and to the protection of personal information.

6.5 Information reported under paragraphs 2.4 and 3.1 shall be transmitted in manner mutually agreeable to both parties.

**ARTICLE 7**  
VALIDITY OF OTHER LAWS

This Agreement does not invalidate any provision of a law or a regulation relating to driver licenses in effect in either jurisdiction, nor does it affect other reciprocal agreements.

**ARTICLE 8**  
EFFECTIVE DATES AND WITHDRAWAL

The provisions of this Agreement will be effective upon formal notice on a date or dates acceptable to both jurisdictions. Either jurisdiction may withdraw from this Agreement by written notice to the other jurisdiction, but no such withdrawal shall take effect until 90 days after receipt of such notice.

**ARTICLE 9**  
SEVERABILITY

The provisions of this Agreement are severable.

Signed at \_\_\_\_\_ Signed at Québec

this \_\_\_ day of \_\_\_\_\_ this 21<sup>st</sup> day of July

1995.

1995.

In duplicate in the English and French languages, each text being equally authentic.

STATE OF FLORIDA      THE GOVERNMENT  
OF QUÉBEC

FRED DICKINSON <i>Executive Director</i> of the Department of Highway Safety and Motor Vehicles	JEAN-YVES GAGNON <i>Président-directeur général</i> Société de l'assurance automobile du Québec
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RECIPROCAL AGREEMENT BETWEEN THE STATE OF FLORIDA AND THE GOVERNMENT  
OF QUÉBEC CONCERNING DRIVER LICENSES AND TRAFFIC OFFENSES

**APPENDIX**

**ARTICLE I**  
PENALTIES APPLIED BY THE GOVERNMENT OF QUÉBEC

In accordance with article 3 of the Agreement, the government of Québec will apply the following penalties to its residents convicted of offenses in Florida.

<b>OFFENSE PURSUANT TO THE LEGISLATION OF FLORIDA</b>	<b>APPLICABLE PENALTY IN QUÉBEC</b>
<b>I- MAJOR OFFENSES</b>	
1.1 Section 316.027 (1) of the Florida Statutes	1.1 License revocation or suspension of the right to obtain a license: at least one year
1.2 Section 316.062 (1) of the Florida Statutes	1.2 Assessment of at least nine (9) demerit points on the driver's record
1.3 Section 316.063 (1) of the Florida Statutes	1.3 Assessment of at least nine (9) demerit points on the driver's record
1.4 Section 316.065 (1) of the Florida Statutes	1.4 Assessment of at least nine (9) demerit points on the driver's record
1.5 Section 316.172 of the Florida Statutes	1.5 Assessment of at least nine (9) demerit points on the driver's record
1.6 Section 316.192 (1) of the Florida Statutes	1.6 License revocation or suspension of the right to obtain a license: at the least one year
1.7 Section 316.193 (1)(a) and (b) of the Florida Statutes	1.7 License revocation or suspension of the right to obtain a license: at least one year
1.8 Section 316.1932 of the Florida Statutes	1.8 License revocation or suspension of the right to obtain a license: at least one year
1.9 Section 782.07 of the Florida Statutes	1.9 License revocation or suspension of the right to obtain a license: at least one year
1.10 Section 782.071 of the Florida Statutes	1.10 License revocation or suspension of the right to obtain a license: at least one year
<b>II- OTHER OFFENSES</b>	
2.1 Section 316.123 (2)(a) of the Florida Statutes	2.1 Assessment of at least three (3) demerit points on the driver's record
2.2 Section 316.123 (2)(b) of the Florida Statutes	2.2 Assessment of at least three (3) demerit points on the driver's record
2.3 Section 316.183 (1) of the Florida Statutes	2.3 Assessment of at least four (4) demerit points on the driver's record

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**OFFENSE PURSUANT TO THE  
LEGISLATION OF FLORIDA**
**APPLICABLE PENALTY IN QUÉBEC**


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**II- OTHER OFFENSES**


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2.4 Section 316.183 (2) of the Florida Statutes	2.4 Assessment of at least one (1) demerit points on the driver's record
2.5 Section 316.187 (1) of the Florida Statutes	2.5 Assessment of at least one (1) demerit points on the driver's record
2.6 Section 316.187 (2) of the Florida Statutes	2.6 Assessment of at least one (1) demerit points on the driver's record

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**ARTICLE II**
**PENALTIES APPLIED BY THE STATE OF FLORIDA**

In accordance with Article 3 of the Agreement, the State of Florida will apply the following penalties to its residents convicted of offenses in Québec.

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**OFFENSE PURSUANT TO THE LEGISLATION  
IN QUÉBEC**
**APPLICABLE PENALTY IN FLORIDA**


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**I- MAJOR OFFENSES**


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1.1 Section 220 of the Criminal Code	1.1 License revocation or suspension of the right to obtain a license: at least three years.
1.2 Section 236 of the Criminal Code	1.2 License revocation or suspension of the right to obtain a license: at least three years.
1.3 Section 249 (1)(a) of the Criminal Code	1.3 Assessment of four points on the driver's record.
1.4 Section 252 (1)(a) of the Criminal Code or section 168 of the Highway Safety Code	1.4 License revocation or suspension of the right to obtain a license: at least one year.
1.5 Section 253 of the Criminal Code	1.5 License revocation or suspension of the right to obtain a license: at least 180 days.
1.6 Section 254 of the Criminal Code	1.6 License revocation or suspension of the right to obtain a license: at least six months.
1.7 Section 170 of the Highway Safety Code	1.7 License revocation or suspension of the right to obtain a license: at least one year.
1.8 Section 171 of the Highway Safety Code	1.8 Assessment of six points on the driver's record.
1.9 Section 460 of the Highway Safety Code	1.9 Assessment of four points on the driver's record.

OFFENSE PURSUANT TO THE LEGISLATION IN QUÉBEC	APPLICABLE PENALTY IN FLORIDA
<b>II- OTHER OFFENSES</b>	
2.1 Section 327 of the Highway Safety Code or like section of a municipal traffic by-law	2.1 Assessment of at least three points on the driver's record.
2.2 Section 328 of the Highway Safety Code or like section of a municipal traffic by-law	2.2 Assessment of at least three points on the driver's record.
2.3 Section 329 of the Highway Safety Code or like section of a municipal by-law	2.3 Assessment of at least three points on the driver's record.
2.4 Section 368 of the Highway Safety Code or like 2.4 section of a municipal traffic by-law	Assessment of three points on the driver's record.
2.5 Section 370 of the Highway Safety Code or like section of a municipal traffic by-law	2.5 Assessment of three points on the driver's record.

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**M.O., 1996****Order of the Minister of Transport respecting the approval of weigh scales dated 19 February 1996**

Highway Safety Code  
(R.S.Q., c. C-24.2, a. 467)

**I.** The Minister of Transport approves the following wheel-load scales:

Make	Model	Serial No.	Make	Model	Serial No.
HAENNI	WL-101	16475	HAENNI	WL-101	16495
HAENNI	WL-101	15476	HAENNI	WL-101	16496
HAENNI	WL-101	15477	HAENNI	WL-101	16497
HAENNI	WL-101	16478	HAENNI	WL-101	16498
HAENNI	WL-101	16479	HAENNI	WL-101	16499
HAENNI	WL-101	16480	HAENNI	WL-101	16500
HAENNI	WL-101	16481	HAENNI	WL-101	16501
HAENNI	WL-101	16482	HAENNI	WL-101	16502
HAENNI	WL-101	16483	HAENNI	WL-101	16503
HAENNI	WL-101	16484	HAENNI	WL-101	16504
HAENNI	WL-101	16485	HAENNI	WL-101	16505
HAENNI	WL-101	16486	HAENNI	WL-101	16506
HAENNI	WL-101	16487	HAENNI	WL-101	16507
HAENNI	WL-101	16488	HAENNI	WL-101	16508
HAENNI	WL-101	16489	HAENNI	WL-101	16509
HAENNI	WL-101	16490	HAENNI	WL-101	16510
HAENNI	WL-101	16491	HAENNI	WL-101	16511
HAENNI	WL-101	16492	HAENNI	WL-101	16512
HAENNI	WL-101	16493	HAENNI	WL-101	16513
HAENNI	WL-101	16494	HAENNI	WL-101	16514
			HAENNI	WL-101	16515
			HAENNI	WL-101	16516
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			HAENNI	WL-101	16519
			HAENNI	WL-101	16520
			HAENNI	WL-101	16521
			HAENNI	WL-101	16522

**2.** Schedule V, published on March 29, 1995 in the *Gazette officielle du Québec*, amended by the Orders published on April 26, 1995 and November 22, 1995 in the *Gazette officielle du Québec*, is further amended by inserting, after HAENNI wheel-load scale, model WL-101, serial number 16295 the following:

Make	Model	Serial No.
HAENNI	WL-101	16475
HAENNI	WL-101	15476
HAENNI	WL-101	15477
HAENNI	WL-101	16478
HAENNI	WL-101	16479
HAENNI	WL-101	16480
HAENNI	WL-101	16481
HAENNI	WL-101	16482
HAENNI	WL-101	16483
HAENNI	WL-101	16484
HAENNI	WL-101	16485
HAENNI	WL-101	16486
HAENNI	WL-101	16487
HAENNI	WL-101	16488
HAENNI	WL-101	16489
HAENNI	WL-101	16490
HAENNI	WL-101	16491
HAENNI	WL-101	16492
HAENNI	WL-101	16493
HAENNI	WL-101	16494
HAENNI	WL-101	16495
HAENNI	WL-101	16496
HAENNI	WL-101	16497
HAENNI	WL-101	16498
HAENNI	WL-101	16499
HAENNI	WL-101	16500
HAENNI	WL-101	16501
HAENNI	WL-101	16502
HAENNI	WL-101	16503
HAENNI	WL-101	16504
HAENNI	WL-101	16505
HAENNI	WL-101	16506
HAENNI	WL-101	16507
HAENNI	WL-101	16508
HAENNI	WL-101	16509
HAENNI	WL-101	16510
HAENNI	WL-101	16511
HAENNI	WL-101	16512
HAENNI	WL-101	16513
HAENNI	WL-101	16514
HAENNI	WL-101	16515
HAENNI	WL-101	16516
HAENNI	WL-101	16517
HAENNI	WL-101	16518
HAENNI	WL-101	16519
HAENNI	WL-101	16520
HAENNI	WL-101	16521
HAENNI	WL-101	16522

**3.** This Order takes effect on the date of its signature.

Québec, 19 February 1996

JACQUES BRASSARD,  
*Minister of Transport*

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An Act to foster the development of manpower training (1995, c. 43)

### Fees exigible

Decision dated 22 February 1996 of the Société québécoise de développement de la main-d'oeuvre concerning the Regulation respecting the fees payable under section 23 of the Act to foster the development of manpower training

CONSIDERING section 23 of the Act to foster the development of manpower training (1995, c. 43);

CONSIDERING the adoption by its board of directors, on 23 November 1995, of the draft of the Regulation respecting the fees payable under the section 23 of the Act to foster the development of manpower training;

CONSIDERING the publication of that draft regulation in Part 2 of the *Gazette officielle du Québec* of 20 December 1995, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the comments received;

The Société québécoise de développement de la main-d'oeuvre makes the Regulation respecting the fees payable under section 23 of the Act to foster the development of manpower training, the text of which is attached hereto.

DIANE BELLEMARE,  
*Chairman and Chief Executive Officer*

### Regulation respecting fees exigible under section 23 of the Act to foster the development of manpower training

An Act to foster the development of manpower training (1995, c. 43. s. 23)

**1.** An employer shall pay to the Société québécoise de développement de la main-d'oeuvre fees of \$150 for the issue of a certificate attesting the eligibility of an initiative, action or activity as a training expenditure.

Notwithstanding the foregoing, those fees shall be \$75 for the issue of such certificate if it is related to a colloquium, a convention or a seminar organized by a recognized institution, training body accredited by the Société or a professional order governed by the Professional Code (R.S.Q., c. C-26).

**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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## Draft Regulations

### Draft Regulation

Mining Act  
(R.S.Q., c. M-13.1)

#### Mineral substances, other than petroleum, natural gas and brine — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting mineral substances, other than petroleum, natural gas and brine, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Raymond Boutin, director of royalties and mining titles, ministère des Ressources naturelles, 5700, 4<sup>e</sup> Avenue Ouest, Charlesbourg (Québec), G1H 6R1.

GUY CHEVRETTE,  
*Minister of State for Natural Resources*

### Regulation to amend the Regulation respecting mineral substances, other than petroleum, natural gas and brine

Mining Act  
(R.S.Q., c. M-13.1, s. 306, pars. 2, 3, 10, 14,  
ss. 308, 309 and 312)

**1.** The Regulation to amend the Regulation respecting mineral substances, other than petroleum, natural gas and brine, made by Order in Council 1443-88 dated 21 September 1988 and amended by Orders in Council 1217-91 dated 4 September 1991 and 186-95 dated 8 February 1995 is further amended by substituting the following for section 20:

“**20.** The amount of the annual rental shall be \$35/ha if the parcel of land is situated in the public domain, \$72/ha for that portion of the land also in the public domain used for stockpiling tailings or \$17.50/ha if the parcel is situated on lands granted or alienated by the Crown for purposes other than mining.”

**2.** Section 25 is amended by substituting the words “\$35/ha” for the words “\$25/ha”.

**3.** Section 32 is amended by substituting “\$200” for “\$165”.

**4.** Section 35 is amended by substituting “\$2 200” for “\$1 100”.

**5.** Section 39 is amended by substituting “\$0.05” for “\$0.02”.

**6.** Section 41 is amended by substituting the words “\$1.32/m<sup>3</sup> of extracted substances” for the words “\$4.40/m<sup>3</sup> of alienated substances”.

**7.** The following is inserted after section 41:

“**41.1** The holder of a lease to mine surface mineral substances who extracts or removes crushed stone shall pay to the Minister a royalty of \$0.38/m<sup>3</sup> (or \$0.21 per metric ton).

**41.2** The holder of a lease to mine surface mineral substances who extracts or removes stone used as silica ore shall pay to the Minister a royalty of \$0.73/m<sup>3</sup> (or \$0.40 per metric ton).”

**8.** Section 42 is amended by substituting the words “\$0.73/m<sup>3</sup> (or \$0.40 per metric ton)” for the words “\$0.31/m<sup>3</sup> (or \$0.17 per metric ton)”.

**9.** Section 43 is amended by substituting “\$0.19” for “\$0.17”.

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

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

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