

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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**PROVINCE OF QUÉBEC**

2nd SESSION

35th LEGISLATURE

QUÉBEC, 13 JUNE 1996

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 13 June 1996*

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

- |     |  |     |  |
|-----|--|-----|--|
| 5   | An Act to amend the Mining Duties Act  | 129 | An Act to amend the Act respecting lotteries, publicity contests and amusement machines in respect of international cruise ships |
| 7   | An Act to amend the Code of Civil Procedure, the Act respecting the Régie du logement, the Jurors Act and other legislative provisions | 132 | An Act to amend the Act respecting beer and soft drink distributors' permits   |
| 51  | An Act respecting the implementation of international trade agreements   | 133 | An Act to amend the Charter of human rights and freedoms and other legislative provisions  |
| 118 | An Act to amend the Act respecting government services to departments and public bodies  |     | To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.   |



**PROVINCE OF QUÉBEC**

2nd SESSION

35th LEGISLATURE

QUÉBEC, 19 JUNE 1996

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 19 June 1996*

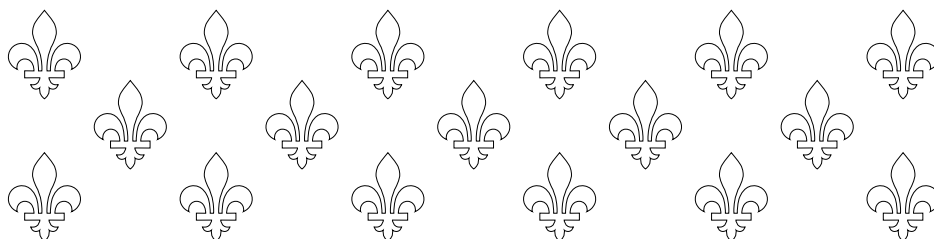
This day, at twenty minutes past three o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

37 An Act to foster labour agreements in the education sector

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







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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 5  
(1996, chapter 4)

## **An Act to amend the Mining Duties Act**

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**Introduced 17 April 1996**  
**Passage in principle 1 May 1996**  
**Passage 10 June 1996**  
**Assented to 13 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTE

*This bill amends the Mining Duties Act to give effect to changes announced in the Budget Speech of 9 May 1995. The new measures include*

- the introduction of a credit on duties for the cost of bringing an orebody into production;*
- the introduction of an additional allowance for a northern mine;*
- the clarification of the definition of mining operation;*
- the harmonization of the vocabulary used in the Act with that of the Civil Code of Québec.*

## Bill 5

### **An Act to amend the Mining Duties Act**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Mining Duties Act (R.S.Q., chapter D-15), replaced by section 1 of chapter 47 of the statutes of 1994, is amended

(1) by inserting the word “advance,” after the word “deduction,” in the third line of the definition of “government assistance”;

(2) by replacing the definition of “processing asset” by the following definition:

““processing asset” means a depreciable asset of an operator, used in Québec, other than property used in the operation of a mine tailings site, that is

(1) the whole or a part of a building in which only processing is carried out by the operator;

(2) equipment used by the operator almost exclusively for processing; or

(3) property used by the operator to supply water or electricity to an ore processing plant;”;

(3) by replacing the definition of “mining operation” by the following definition:

““mining operation” means all work related to the various phases in the mineral development process, namely exploration, mineral deposit evaluation, mine development, the reclamation or rehabilitation of land situated in Québec, the extraction, processing, transportation, handling, storage and marketing of a mineral

substance extracted from Québec soil up to the time of its alienation or use by the operator, and the processing of mine tailings from Québec, but does not include work

(1) performed for others;

(2) relating to the extraction of a mineral substance the well head value of which is subject to the royalty referred to in section 204 of the Mining Act (chapter M-13.1);

(3) carried out after 17 October 1990 in respect of surface mineral substances as defined in section 1 of the Mining Act, or of mineral substances the rights in or over which have been surrendered to the owner of the soil under section 5 of that Act;”;

(4) by replacing the definition of “amalgamation” by the following definition:

“ “amalgamation” means a merger of several legal persons, hereinafter called “predecessor legal persons”, which are replaced to form one legal person hereinafter referred to as the “new legal person”, which is formed otherwise than by the acquisition of property of another legal person or by the distribution of property of another legal person being wound up;”;

(5) by inserting, after the definition of “mining operation”, the following definition:

“ “northern mine” means a mine situated north of the fifty-fifth parallel of north latitude;”;

(6) by inserting, after the definition of “processing asset”, the following definition:

“ “processing product” means a product, by-product or derivative obtained as a result of the processing of a mineral substance;”;

(7) by adding, after the definition of “orebody”, the following definition:

“ “processing” means, with the exception of the primary crushing of a mineral substance and its transportation to an appropriate place for the purpose of processing, any activity involving the crushing, grinding, concentration, smelting or refining of a mineral substance as well as stockpiling activities prior thereto, and includes pelletization, the production of steel powder or steel billets, or any other activity prescribed by regulation;”.

**2.** Section 6 of the said Act, replaced by section 6 of chapter 47 of the statutes of 1994, is again replaced by the following section :

**“6.** The gross value of the annual output for a fiscal year is the actual value of the mineral substances and, where applicable, of the processing products, derived from the operator’s mining operation that are alienated or used by him, in the fiscal year, at the market price at the time of their alienation or use. However, the actual value of the mineral substances and processing products does not include a gain or loss resulting from a hedging or speculative transaction.”

**3.** Section 7 of the said Act, amended by section 7 of chapter 47 of the statutes of 1994, is replaced by the following section :

**“7.** In case of doubt, the Minister may value the mineral substances and, where applicable, the processing products, alienated or used by an operator, and such valuation shall constitute the gross value of the annual output for the purposes of this Act.”

**4.** Section 8 of the said Act, replaced by section 8 of chapter 47 of the statutes of 1994, is amended

(1) by replacing the words “*f to h*” in the seventh line of subparagraph *c* of paragraph 2 by the words “*f to h and j*”;

(2) by replacing subparagraphs *d* to *h* of paragraph 2 by the following subparagraphs :

“(d) subject to sections 8.6 and 10, the amount deducted by the operator, for the fiscal year, as a depreciation allowance ;

“(e) subject to section 16, the amount deducted by the operator, for the fiscal year, as an exploration, mineral deposit evaluation or mine development allowance ;

“(f) subject to section 17, the amount deducted by the operator, for the fiscal year, as an investment allowance ;

“(g) subject to section 19.1, the amount deducted by the operator, for the fiscal year, as an additional exploration allowance ;

“(h) subject to section 21, the amount deducted by the operator, for the fiscal year, as a processing allowance ;” ;

(3) by adding, after subparagraph *i* of paragraph 2, the following subparagraph :

“(j) subject to section 26.1, the amount deducted by the operator, for the fiscal year, as an additional allowance for a northern mine.”

**5.** Section 19 of the said Act, replaced by section 18 of chapter 47 of the statutes of 1994, is again replaced by the following section:

“**19.** The allowance referred to in section 17 for a fiscal year shall not exceed 33 1/3% of the annual profit for that fiscal year, determined without reference to that allowance, the additional exploration allowance, the processing allowance and the additional allowance for a northern mine referred to in subparagraphs *f* to *h* and *j* of paragraph 2 of section 8.”

**6.** Section 19.3 of the said Act, enacted by section 19 of chapter 47 of the statutes of 1994, is replaced by the following section:

“**19.3** The annual ceiling on exploration expenses for a fiscal year is the amount corresponding to the annual profit for that fiscal year computed without reference to the additional exploration allowance, the processing allowance and the additional allowance for a northern mine referred to in subparagraphs *g*, *h* and *j* of paragraph 2 of section 8.”

**7.** Section 21 of the said Act, replaced by section 22 of chapter 47 of the statutes of 1994, is amended by replacing paragraph 2 by the following paragraph:

“(2) an amount that is 65% of the annual profit, for that fiscal year, determined before deduction of the processing allowance and the additional allowance for a northern mine referred to in subparagraphs *h* and *j* of paragraph 2 of section 8.”

**8.** The said Act is amended by inserting, after Division v of Chapter III, the following:

“DIVISION V.1

“ADDITIONAL ALLOWANCE FOR A NORTHERN MINE

“**26.1** The amount that an operator may deduct as an additional allowance for a northern mine in computing his annual profit for a particular fiscal year, under subparagraph *j* of paragraph 2 of section 8, shall not exceed the lesser of the following amounts:

(1) the operator’s annual profit, for the particular fiscal year, determined without reference to subparagraph *j* of paragraph 2 of section 8;

(2) the cumulative northern mine expenses at the end of the particular fiscal year.

Notwithstanding the first paragraph, where the particular fiscal year ends after the ninth fiscal year following the fiscal year during which the operator begins processing ore from the northern mine, the operator may not deduct any amount for the particular fiscal year under subparagraph *j* of paragraph 2 of section 8.

**“26.2** Cumulative northern mine expenses, at any time, are the amount by which

(1) the aggregate of all amounts each of which is 166 2/3% of the capital cost to the northern mine operator of each asset situated in Québec that is used immediately before that time in processing ore from the mine, and that is acquired after 9 May 1995 and before that time,

exceeds

(2) the aggregate of all amounts each of which is an amount granted to the operator, for a fiscal year ending before that time, as an additional allowance for a northern mine under subparagraph *j* of paragraph 2 of section 8.

**“26.3** For the purposes of sections 26.1 and 26.2, where an operator, hereinafter called the “new operator”, obtains as a result of a distribution or acquires, at a particular time, an asset situated in Québec that is used in processing ore from a northern mine of a particular operator, and where such operator has deducted an amount under subparagraph *j* of paragraph 2 of section 8,

(1) each fiscal year ending after the fiscal year during which the particular operator begins processing ore from the northern mine and before the particular time is deemed to be a fiscal year of the new operator, and the new operator is deemed to have begun processing ore from the northern mine at the same time as the particular operator began processing ore;

(2) the capital cost of the asset to the particular operator, immediately before the particular time, is deemed to be, at the particular time, the capital cost of that asset to the new operator;

(3) the part of each of the amounts that may reasonably be considered to relate to the asset distributed to or acquired by the new operator, and that is deducted by the particular operator under

subparagraph *j* of paragraph 2 of section 8 for a fiscal year ending before the particular time as an additional allowance for a northern mine, is deemed to be an amount granted for that fiscal year to the new operator under the said subparagraph *j*.”

**9.** The said Act is amended by inserting, after Division II of Chapter V, the following:

“DIVISION II.1

“CREDIT ON DUTIES FOR THE COST OF BRINGING AN OREBODY INTO PRODUCTION

“**32.2** In this division,

“plan to bring an orebody into production” means a plan submitted by a qualified operator, describing all the property and work necessary to bring an orebody situated in Québec into production;

“prior ministerial approval” means a written confirmation by the Minister, sent to a qualified operator not later than 13 June 2001 subject to the availability of sums appropriated for the purposes of this division, that the operator’s plan to bring an orebody into production and the related feasibility study have been found to be consistent with the objectives of this division, following examination of the plan and study and of any additional study or information considered necessary by the Minister for granting his approval;

“qualified expense” means the cost of a qualified operator’s property that is a road, a building, or equipment other than service property, and that is property

(1) described in the operator’s plan to bring an orebody into production that has received prior ministerial approval;

(2) acquired and used by the operator after the prior ministerial approval and before the third fiscal year following the fiscal year during which the operator has received, as a result of a qualified investment, the sums necessary to finance the work and property described in the operator’s plan to bring an orebody into production;

(3) used by the operator in the exploitation of the orebody that has been brought into production, and that is in regular use for a period of 730 consecutive days beginning on the day after the day on which its utilization begins or, if exploitation of the orebody ceases for economic reasons, for such shorter period as is reasonable in the circumstances;



“qualified investment” means the acquisition of a qualified security issued by a qualified operator by a qualified investor as first purchaser if, as a result of such acquisition, the investor does not exercise control over more than 50% of the voting rights attached to the operator’s outstanding securities;

“qualified investor” means a specified financial institution within the meaning of section 1 of the Taxation Act (chapter I-3) or an institution or body incorporated under one of the following Acts:

(1) the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2);

(2) the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (chapter F-3.2.1);

(3) the Supplemental Pension Plans Act (chapter R-15.1);

(4) the Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l’emploi (1995, chapter 48);

“qualified operator” means an operator who is a legal person if, during the fiscal year preceding the fiscal year during which prior ministerial approval is granted to the operator or, in the event of the operator’s first fiscal year, at the beginning of the operator’s first fiscal year,

(1) the aggregate of the assets of the operator and of a legal person related to the operator, or the aggregate of the net shareholders’ equity and the net shareholders’ equity of a legal person related to the operator, as shown in the financial statements presented to the shareholders, is less than \$50,000,000 or \$40,000,000, respectively;

(2) the operator’s activities are principally carried on in Québec or the operator’s head office is in Québec;

“qualified security” means a security recognized as such in the trade, the rights attached to which do not include the right to redeem the security less than four years after its issue, but does not include an instrument evidencing a loan of money other than an unsecured bond that is convertible into a security that is a share.

**“32.3** The department shall pay, to a qualified operator, the amount determined under section 32.4 as an advance on the credit on duties for the cost of bringing an orebody into production if the operator

(1) has submitted a plan to bring an orebody into production, supported by a feasibility study prepared by a person who is not related to the operator;

(2) has submitted, with his plan to bring an orebody into production, a prescribed form, duly completed;

(3) has obtained the capital from a qualified investment within six months from the date of the prior ministerial approval, or within such longer period as the Minister considers reasonable.

**“32.4** The amount paid under section 32.3 to a qualified operator as an advance on the credit on duties for the cost of bringing an orebody into production is the lesser of the following amounts:

(1) 12% of the aggregate of all amounts each of which is the estimated cost of a property that is a road, a building, or equipment, other than service property, described in the operator's plan to bring an orebody into production;

(2) 12% of the capital from the qualified investment;

(3) \$3,000,000.

**“32.5** The Minister shall determine, after the fourth fiscal year following the fiscal year during which a qualified operator has received an amount under section 32.3, the amount of the credit on duties for the cost of bringing an orebody into production to which the operator is entitled, which is the lesser of the following amounts:

(1) 12% of the aggregate of all amounts each of which is a qualified expense of the operator;

(2) 12% of the capital from the qualified investment;

(3) \$3,000,000.

**“32.6** A qualified operator must reimburse any amount by which the amount received as an advance, under section 32.3, exceeds the lesser of the following amounts:

(1) the amount determined under section 32.5;

(2) zero, if, during the period beginning after the day preceding the date of the prior ministerial approval and ending before the fifth fiscal year following the fiscal year during which the operator has received an amount under section 32.3,

(a) the operator has made a substantial disbursement in favour of his shareholders, a legal person related to him, the qualified investor or the shareholders of the qualified investor that effected the qualified investment, or in favour of persons related to such shareholders, qualified investor or qualified operator, except a disbursement previously authorized by the Minister;

(b) the operator has purchased by agreement or redeemed a qualified security issued by him as part of the qualified investment;

(c) the operator did not adhere to the plan to bring an orebody into production;

(d) the operator's interest in a property referred to in the definition of "qualified expense" in section 32.2 is less than 30%;

(e) the qualified investor controls more than 50% of the voting rights attached to the outstanding securities of the operator;

(f) a legal person that does not otherwise qualify as a qualified operator acquires control of the operator;

(3) zero, if the operator obtained prior ministerial approval on the basis of false or deceiving information that misled the Minister."

**10.** The said Act is amended by inserting, after section 43, the following section:

**"43.0.1** The Minister may re-determine the credit on duties for the cost of bringing an orebody into production and make a reassessment

(1) at any time, if the operator who obtained, under section 32.3, an advance on the credit on duties for the cost of bringing an orebody into production

(a) has made a misrepresentation that is attributable to negligence or wilful default or has committed any fraud in supplying any information required under Division II.1 of Chapter V; or

(b) has filed a waiver with the Minister using the form prescribed by the Minister;

(2) within four years from the day of mailing of the statement determining, in accordance with section 32.5, the amount of the credit on duties for the cost of bringing an orebody into production, in all other cases.”

**11.** The said Act, amended by chapter 47 of the statutes of 1994, is again amended

(1) by replacing the word “corporation”, wherever it appears in sections 16.4 to 16.6, paragraphs *a* and *b* of section 18.1, sections 19.5 to 19.7, section 35.2, paragraphs 1 to 7 of section 35.3, sections 46.0.4 to 46.0.6, and section 92, by the words “legal person”;

(2) by replacing the word “corporations”, wherever it appears in section 35.2 and in that part of paragraph 1 of section 35.3 preceding subparagraph *a*, by the words “legal persons”.

**12.** Section 37 of the said Act, amended by section 40 of chapter 47 of the statutes of 1994, is again amended by striking out the words “trustee in bankruptcy, assignee, liquidator, curator, tutor, sequestrator and every agent or other” in the first and second lines.

**13.** Section 67 of the said Act is amended by inserting the words “or in which his establishment is situated” after the word “resides” in the second line.

**14.** Section 71 of the said Act, amended by section 59 of chapter 47 of the statutes of 1994, is again amended by replacing the words “place of business, his residence” in the second and third lines by the words “residence, at his establishment”.

**15.** Section 83 of the said Act, amended by section 63 of chapter 47 of the statutes of 1994, is again amended

(1) by replacing the words “court of competent jurisdiction” in the first line of the first paragraph by the words “competent court”;

(2) by replacing the words “the prothonotary or the clerk, as the case may be,” in the second and third lines of the first paragraph by the words “the clerk”;

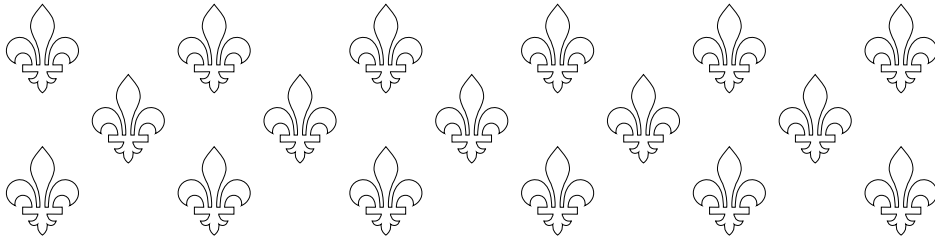
(3) by replacing the words “Her Majesty in right of Québec” in the fourth line of the first paragraph by the words “the Attorney General”.

**16.** Paragraphs 2, 3, 6 and 7 of section 1 and sections 2 and 3 apply to a fiscal year ending after 12 May 1994.

**17.** Paragraph 5 of section 1, paragraphs 1 and 3 of section 4 and sections 5 to 8 apply to a fiscal year beginning after 9 May 1995.

**18.** This Act comes into force on 13 June 1996.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 7

(1996, chapter 5)

**An Act to amend the Code of Civil  
Procedure, the Act respecting the  
Régie du logement, the Jurors Act  
and other legislative provisions**

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**Introduced 25 April 1996**

**Passage in principle 2 May 1996**

**Passage 12 June 1996**

**Assented to 13 June 1996**

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## EXPLANATORY NOTES

*This bill proposes to amend the Code of Civil Procedure principally to establish a simplified procedure by way of a declaration to govern all proceedings in which the amount claimed or the value of the object of the dispute does not exceed \$50,000.*

*Under the bill, the simplified procedure would also govern the recovery of a claim, irrespective of the amount involved, where the matter concerns*

*(a) the sale price of movable property;*

*(b) the price in a contract for services or of enterprise, a contract of leasing or a contract of carriage;*

*(c) claims related to a contract of employment, of lease, of deposit or of loan of money;*

*(d) the remuneration of a mandatary, a surety or an office holder for services rendered;*

*(e) bills of exchange, cheques, promissory notes or acknowledgements of debt;*

*(f) taxes, rates and assessments imposed by or under any law of Québec.*

*Moreover, the general rules governing the institution of proceedings by way of a motion contained in articles 762 to 773 of the Code of Civil Procedure would apply to a greater number of judicial proceedings, and in particular to proceedings in respect of rights and obligations under a lease and of the divided co-ownership of an immovable and to suits for slander.*

*The bill proposes that the general rules governing the institution of proceedings by way of a motion also apply to certain proceedings*



*under particular statutes, for instance to proceedings to contest school board elections or to quash by-laws, resolutions or other proceedings in the municipal sector.*

*In addition, the bill abolishes the writ of summons, which commences proceedings in first instance, and replaces it by a notice accompanying the declaration. The bill proposes to empower the courts to split proceedings in matters of civil liability and determine the liability before determining the quantum of damages to compensate the plaintiff for the injury suffered.*

*Other measures contained in the bill tighten certain rules of the Code of Civil Procedure, in particular as regards forced intervention, peremption of suit, seizure before judgment, sale under judicial authority and revocation of judgment in matters of small claims.*

*Lastly, the bill replaces the right to appeal pleno jure from decisions of the Régie du logement by a right to appeal on leave, and changes the mode of service under the Jurors Act from the use of certified or registered mail to the use of ordinary mail. The bill also contains consequential amendments.*

**LEGISLATION AMENDED BY THIS BILL:**

- Cities and Towns Act (R.S.Q., chapter C-19);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Jurors Act (R.S.Q., chapter J-2);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Loan and Investment Societies Act (R.S.Q., chapter S-30).



## Bill 7

### **An Act to amend the Code of Civil Procedure, the Act respecting the Régie du logement, the Jurors Act and other legislative provisions**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Article 32 of the Code of Civil Procedure (R.S.Q., chapter C-25) is repealed.

**2.** Article 35 of the said Code is amended by replacing the words “Saving the right of evocation provided for in article 32, and subject” in the first line by the word “Subject”.

**3.** Article 39 of the said Code is replaced by the following article:

**“39.** Where in a district there is no judge or the judge is unable to act, the matters provided for in articles 211, 485, 489, 733, 734.0.1, 734.1, 753 and 834.1 may be presented to a judge of another district by any means of communication available to the judge.”

**4.** The said Code is amended by inserting, after article 93, the following article:

**“93.1** Where a provision of this Code requires that the parties’ proof be adduced by means of affidavits sufficiently detailed to establish all the facts necessary to support their pretensions, such affidavits may contain only relevant evidence that the affiant may swear to and that has not already been alleged and sworn to in the motion and the accompanying affidavit .”

**5.** Article 94.5 of the said Code is amended by adding, at the end, the following: “He shall have 10 days to appear if the action is introduced according to the simplified procedure provided for in Title VIII of Book II.”

**6.** The heading of Section I of Chapter I of Title I of Book II of the said Code and articles 110 to 114 of the said Code are replaced by the following:

“SECTION I

“DECLARATION

“**110.** Unless otherwise provided, every judicial proceeding is introduced by a declaration.

“**111.** The declaration is prepared and signed by the plaintiff or his attorney.

The declaration must state the name, domicile and place of residence of the plaintiff and the name and last known place of residence of the defendant. It must also indicate in what capacity a party is named in the declaration if not in his personal capacity.

The object and causes of the proceeding must be stated in the declaration.

“**112.** The plaintiff prepares an original and at least two copies of his declaration and notice. On request and after payment of the court costs, the original is numbered by the clerk; the copies are certified true by the plaintiff or his attorney, and one copy is filed in the office of the court, opening the court record.

The attorney must enter his name, address, telephone number and fax number, if any, on the original and on all the copies.

“**113.** In case of emergency, the original of the declaration may be filed with the clerk outside office hours even on a non-judicial day, provided that the court costs are paid forthwith to the clerk, or to the person designated by him under the third paragraph of article 44, who must as soon as possible affix the seal to the copy left with him for the court record, after having entered thereon the date of payment and amount of the costs.

“**114.** The clerk, upon proof that the original of a declaration has been lost or destroyed, may certify a copy to replace the original.”

**7.** Article 115 of the said Code is amended by replacing the word “writ” in the second line of the third paragraph by the word “declaration”, and by replacing, in the French text, the word “signifié” in the third line of the third paragraph by the word “signifiée”.

**8.** Article 117 of the said Code, amended by section 4 of chapter 28 of the statutes of 1994, is again amended

(1) by striking out the first paragraph;

(2) by striking out the words “writ or” in the third line of the second paragraph;

(3) by replacing the word “writ” in the last line of the second paragraph by the word “declaration”.

**9.** Articles 119 and 119.1 of the said Code are replaced by the following article:

**“119.** The declaration must be accompanied with a notice to the defendant to appear within the time indicated to answer to the demand. The time limit is 10 days except where otherwise provided in this Code.

The notice must be set out in easily legible type, and contain the text appearing in Schedule I.”

**10.** Article 123 of the said Code is amended by replacing the word “writ” in the first line of the first paragraph by the word “declaration”.

**11.** Article 139 of the said Code is amended

(1) by replacing the words “writ of summons” in the first line of the first paragraph by the word “declaration”;

(2) by striking out the words “writ and” in the fourth line of the first paragraph;

(3) by replacing the words “writ of summons” in the third line of the fifth paragraph by the word “declaration”.

**12.** Article 143 of the said Code is amended

(1) by replacing the words “writ of summons” in the first and second lines by the word “declaration”;

(2) by replacing the words “a delay fixed, under penalty of the nullity of the writ” in the second and third lines by the words “the time fixed under pain of annulment of the declaration”.

**13.** The heading of Chapter II of Title I of Book II of the said Code, amended by section 5 of chapter 28 of the statutes of 1994, is replaced by the following heading:

“CHAPTER II

“FILING OF DECLARATION”.

**14.** Article 148 of the said Code is amended

(1) by striking out the words “writ and” in the second line of the first paragraph, and by replacing the word “their” in the same line by the word “its”;

(2) by striking out the words “writ and” in the second line of the second paragraph, and by replacing the word “their” in the third line of the same paragraph by the word “its”.

**15.** The heading of Chapter II of Title II of Book II of the said Code and articles 155 to 158 of the said Code are repealed.

**16.** Article 161 of the said Code is amended by striking out the words “or, if there has been a motion in evocation, from the date of the judgment thereon” in the third and fourth lines of the first paragraph.

**17.** Article 162 of the said Code is amended by striking out the words “or, if there has been a demand for evocation, the date of the judgment thereon” in the second and third lines of paragraph 1.

**18.** Article 173 of the said Code is amended by striking out the words “or, if there has been a demand for evocation, from the date of the judgment thereon” in the third and fourth lines.

**19.** Article 199 of the said Code is amended by replacing the word “writ” in the first line by the word “declaration”.

**20.** Article 206 of the said Code is amended by striking out the words “the writ of summons and” in the second line.

**21.** Article 207 of the said Code is amended by striking out the words “the writ and” in the second line.

**22.** Article 217 of the said Code is amended by striking out the words “attached to the writ of summons” in the first line of the second paragraph.

**23.** Article 222 of the said Code is amended by adding, at the end, the following paragraph:

“The plaintiff in the principal action or any other party has an interest to make any useful application to ensure that the action in warranty does not cause undue delay in the principal action.”

**24.** Article 265 of the said Code is replaced by the following article:

“**265.** Any proceeding will be declared perempted, upon the application of the defendant, six months after the last useful written proceeding is filed.”

**25.** Article 269 of the said Code is amended by replacing the word “year” in the second line of the first paragraph by the words “six months”.

**26.** The said Code is amended by inserting, after Chapter XI of Title IV of Book II, the following chapter:

## “CHAPTER XII

### “SPLIT PROCEEDINGS IN MATTERS OF CIVIL LIABILITY

“**273.1** In matters of civil liability, the court may, by way of exception and on the application of a party, split the proceedings in order to determine liability before determining the quantum of damages necessary to compensate the injury suffered, if any.

The court takes into account, in particular, the relative complexity of the proof with respect to liability and the quantum of damages.

“**273.2** No appeal lies from the judgment on an application for split proceedings; an immediate appeal lies from the judgment on liability only where the judgment terminates the proceedings.”

**27.** Article 297 of the said Code is replaced by the following article:

“**297.** The bailiff who served the summons cannot testify to any facts or admissions which came to his knowledge after his being charged with service of the summons, except in relation to the service itself.”

**28.** The heading of Subsection 1 of Section I of Chapter I.1 of Title V of Book II of the said Code is amended by striking out the words “writ or”.

**29.** Article 331.2 of the said Code is amended by striking out the words “writ or” in the first line of the first paragraph.

**30.** Article 331.8 of the said Code is amended by striking out the words “writ or” in the first line of the first paragraph.

**31.** Article 406 of the said Code is amended by replacing the words “a writ, obtained in the same manner as a writ of summons” in the second line by the words “an order of the clerk, obtained upon oral request” and by replacing the word “writ” in the fourth line by the word “order”.

**32.** Article 408 of the said Code is amended by replacing the word “writ” in the second line of the first paragraph by the word “order”.

**33.** Article 437.1 of the said Code is amended by inserting, after the word “judge” in the first line of the first paragraph, the words “or the judge designated by him”.

**34.** The heading of Title VI of Book II of the said Code is amended by replacing, in the French text, the word “ADJUDICATION” by the word “DÉCISION”.

**35.** The heading of Chapter I of Title VI of Book II of the said Code is amended by replacing, in the French text, the word “ADJUDICATION” by the word “DÉCISION”.

**36.** Article 448 of the said Code is amended by replacing the words “it for the decision of the court” in the third line by the words “the dispute to the court for decision”, and by replacing the word “factum” in the fourth line by the word “motion”.

**37.** Article 449 of the said Code is replaced by the following article:

**“449.** The motion must be accompanied by an affidavit of each of the parties stating that the dispute is real and that the facts which give rise to it are true.”

**38.** Article 450 of the said Code is replaced by the following article:



**“450.** The rules of Title II of Book V concerning certain proceedings relating to persons and property, adapted as required, apply to an application for a decision on a question of law.”

**39.** Article 451 of the said Code is replaced by the following article:

**“451.** A judgment rendered under this chapter has the same effects and is subject to the same remedies as any other final judgment.”

**40.** The said Code is amended by inserting, after article 481, the following Title:

“TITLE VIII

“SIMPLIFIED PROCEDURE BY WAY OF A DECLARATION

“CHAPTER I

“GENERAL PROVISIONS

**“481.1** Unless otherwise provided, the special rules contained in this Title apply to all proceedings in which the amount claimed or the value of the object of the dispute is equal to or less than \$50,000, excluding the interest accrued up to the date of the introduction of the proceeding and the indemnity referred to in article 1619 of the Civil Code of Québec.

These special rules also apply to the recovery of a claim, irrespective of the amount in issue, in any matter concerning

(a) the sale price of movable property;

(b) the price in a contract for services or of enterprise, other than a contract pertaining to an immovable work, if the value of the object of the dispute is more than \$50,000, or in a contract of leasing or a contract of carriage;

(c) claims related to a contract of employment, of lease, of deposit or of loan of money;

(d) the remuneration of a mandatary, a surety or an office holder for services rendered;

(e) bills of exchange, cheques, promissory notes or acknowledgements of debt;

(f) taxes, rates and assessments imposed by or under any law of Québec.

**“481.2** Either party to a proceeding introduced according to the provisions of this Title may request that the contestation and the proof and hearing be governed by the general rules of the ordinary procedure in first instance.

The court, on a motion, may order that the proceedings be continued according to the ordinary procedure if the complexity of the matter or special circumstances warrant it, or if there is a high risk that continuing the proceedings according to the simplified procedure would cause serious injury to one of the parties.

**“481.3** Except as provided in this Title, such proceedings are governed by the general rules applicable to other proceedings under the provisions of Book II as they relate to the ordinary procedure in courts of first instance.

## “CHAPTER II

### “INTRODUCTION OF PROCEEDING

**“481.4** A proceeding is introduced by a declaration prepared and signed by the plaintiff or his attorney; the content of the declaration, including the description of the parties, must conform to the provisions of articles 110 to 119.

The heading of the declaration must indicate that the proceeding is introduced according to the simplified procedure.

Copies of the exhibits presented in support of the demand, including expert reports, are attached to the declaration and served with it; any other exhibit a party wished to refer to at the hearing must be communicated and filed in the record in accordance with the provisions of Chapter I.1 of Title V of Book II.

**“481.5** The plaintiff is required to file the original of the declaration and proof of its service in the office of the court within 30 days of the service.

**“481.6** The defendant must appear within 10 days after service of the declaration, by filing in the office of the court a written appearance signed by him or by his attorney.

### “CHAPTER III

#### “CONTESTATION

“**481.7** Within 10 days after expiry of the time for appearance, the defendant must present together any demand for security, dilatory or declinatory exception or exception to dismiss the action which he intends to urge against the declaration.

The defendant must file his defence within 10 days of the judgment on such demand and preliminary exception; no appeal lies from such decisions, unless they terminate the proceedings or pertain to a question of jurisdiction.

“**481.8** At any stage of the proceedings, special proceedings relating to production of evidence provided for in Chapter III of Title V of Book II must take place within the time limit prescribed in article 481.11, on pain of foreclosure.

“**481.9** In all cases, the defendant must file his defence within 90 days after service of the declaration and notice.

“**481.10** Issue is joined by the demand and the defence as well as the answer, if any.

A cross demand forms part of the defence and is subject to the same rules as the principal demand, unless the court decides that the proceeding is one which must be continued according to the general rules of the ordinary procedure in first instance.

### “CHAPTER IV

#### “INSCRIPTION

“**481.11** Inscription for proof and hearing must be effected not later than 180 days after service of the declaration and notice. Failing inscription within that time, the plaintiff is deemed to have discontinued his suit. Such time limit is imperative; it can be extended only if the party shows that it was impossible for him to act.

The clerk must refuse to receive or file in the record any inscription after expiry of such time limit.

“**481.12** In the event of failure to appear or to plead to the merits within the time fixed, the case is inscribed forthwith for judgment by the clerk, or for proof and hearing before the court or the special clerk in accordance with articles 193, 194 and 195.

**“481.13** As soon as issue is joined, inscription for proof and hearing before the court is effected forthwith by one of the parties and notice of such inscription must be served on the other parties.

## “CHAPTER V

### “PROOF AND HEARING

**“481.14** The clerk, in cooperation with the chief justice or chief judge, keeps a roll for proceedings introduced according to the simplified procedure by way of a declaration.

Where the rules of practice provide for the issue of a certificate of readiness, a declaration of inscription on the roll for hearing must be filed not later than 30 days after the inscription for proof and hearing. The party to whom the declaration of inscription on the roll is served has 30 days in which to serve and file a declaration of inscription on the roll to the same effect, on pain of foreclosure.

The time within which exhibits must be communicated under article 331.8 is reduced from 60 to 30 days.

**“481.15** The clerk fixes forthwith a date for proof and hearing in accordance with the rules of practice or according to the instructions of the chief justice or chief judge; he gives notice to the parties at least 30 days before the date fixed for the hearing.

**“481.16** The time limit prescribed in article 465 for rendering judgment after the matter has been taken under advisement is reduced to four months.

The clerk must forward to the chief justice or chief judge a list of the matters that have been under advisement for more than three months.

**“481.17** The Government establishes, by regulation, a tariff of court costs that may prescribe different costs from those presently in force according to the class of action, or that may provide that court costs are established as a percentage of the amount involved in the proceeding.”

**41.** Article 553.2 of the said Code is amended by adding the words “other than a legal hypothec securing a claim arising out of a judgment” at the end of subparagraph 1 of the first paragraph.

**42.** Article 696 of the said Code is amended by inserting the words “legal hypothec securing the” after the words “affect the” in the first line of the second paragraph.

**43.** Article 724 of the said Code is amended by replacing the words “registered or certified” in the first line of the second paragraph by the word “ordinary”.

**44.** Article 738 of the said Code is amended by replacing the second paragraph by the following paragraph:

“The demand is presented to a judge who quashes the seizure if the allegations contained in the affidavit are insufficient. In the opposite case, the judge refers the motion to the court and, if expedient, revises the extent of the seizure and makes any other useful order for safeguarding the rights of the parties.”

**45.** Article 753.1 of the said Code is amended

(1) by replacing the words “writ has been issued” in the second line of the first paragraph by the words “declaration has been filed in the office of the court”;

(2) by striking out the words “the writ and” in the first line of the second paragraph;

(3) by replacing the words “writ if the writ has not been issued” in the first and second lines of the third paragraph by the words “declaration if the declaration has not been filed”, and by replacing the words “without the writ” in the third line of the same paragraph by the words “without the declaration”;

(4) by striking out the words “the writ and” in the third line of the third paragraph.

**46.** Article 756 of the said Code is amended by replacing the words “writ of summons” in the second line by the word “declaration”.

**47.** Article 762 of the said Code is amended

(1) by adding the words “, including suits for slander” at the end of subparagraph *b* of the second paragraph;

(2) by adding, at the end of the second paragraph, the following subparagraph:

“(f) applications relating to rights and obligations resulting from a lease.”

**48.** Article 763 of the said Code, amended by section 29 of chapter 28 of the statutes of 1994, is again amended by replacing the words “writ of summons” in the second paragraph by the word “declaration”.

**49.** Article 809 of the said Code is amended by replacing the words “are introduced by writ of summons; other applications relating to the partition of a succession or of other undivided property and those” in the first, second and third lines of the first paragraph by the words “, other applications relating to the partition of a succession or of other undivided property and applications”.

**50.** Article 812 of the said Code is replaced by the following article:

“**812.** All applications relating to the divided co-ownership of an immovable are introduced by way of a motion.”

**51.** Article 813 of the said Code is amended by replacing the words “writs of summons” in the fourth line of the second paragraph by the word “declarations”.

**52.** Article 813.6 of the said Code is amended

(1) by replacing the words “, where such is the case, state together a motion in evocation and the” in the first and second lines of the first paragraph by the words “present together any”;

(2) by replacing the words “such motion and” in the first and second lines of the second paragraph by the word “the”.

**53.** Article 829 of the said Code is amended by striking out the words “; in that case, the clerk may issue the writ of summons only upon the filing of the authorization” in the second and third lines of the second paragraph.

**54.** Article 832 of the said Code is amended by replacing the words “writ of summons” in the second paragraph by the words “a declaration”.

**55.** Article 900 of the said Code is amended by adding the following sentence at the end of the second paragraph: “A sale under judicial authority is considered voluntary for the purposes of article 1758.”

**56.** Article 910 of the said Code is amended

- (1) by adding the words “, if any” after the word “clerk” in the second line of the first paragraph;
- (2) by striking out the second paragraph.

**57.** The said Code is amended by inserting, after Section III of Chapter X of Book VI, the following section:

“SECTION IV

“SPECIAL RULES GOVERNING SALES UNDER JUDICIAL AUTHORITY

**“910.1** The person designated by the court to proceed with a sale under judicial authority prepares a scheme of collocation in accordance with articles 712 to 723. The person must notify the proposed scheme to the debtor, to the creditors whose names appear on the statement certified by the registrar and to the municipality and school board concerned.

**“910.2** The designated person, on his own initiative or at the request of an interested person, may correct the proposed scheme of collocation upon determining that it contains an error. In that case, notification is repeated, and the time for contesting the proposed scheme begins to run anew from the date of such notification.

Any interested person may, by motion, contest the proposed scheme of collocation and ask that the court determine to whom the proceeds of the sale must be distributed. Such a remedy may be exercised within 15 days after the date of notification of the proposed scheme. The motion must be served on the person having prepared the proposed scheme, on the debtor and on every creditor whose name appears in the proposed scheme.

**“910.3** If there has been no contestation within 30 days after notification of the proposed scheme of collocation, the person having prepared the proposed scheme must distribute the proceeds of the sale as provided in the proposed scheme.

Until the distribution, the proceeds of the sale must be conserved as provided in article 1341 of the Civil Code of Québec.”

**58.** Article 965 of the said Code is amended by inserting the words “or the special clerk, as the case may be,” after the word “judge” in the first line of the first paragraph.

**59.** Article 983 of the said Code is amended by replacing the words “from which the writ was issued” in the sixth line of the first paragraph by the words “where the declaration was filed”.

**60.** Article 984.1 of the said Code is amended by replacing the words “from which the writ was issued” in the fourth line of the first paragraph by the words “where the declaration was filed”.

**61.** Article 987 of the said Code is replaced by the following article:

**“987.** A motion in revocation must be made in writing and be supported by an affidavit; it must be filed in the office of the court within 10 days of knowledge of the judgment.

Upon inspection of the motion, the judge or the clerk decides whether it is admissible; if he decides to admit it, compulsory execution is suspended, and the clerk gives notice to the person who obtained the judgment, in accordance with the procedure governing service of a copy of the motion, and indicates the date on which the motion will be referred to court for a decision on the merits, regarding both the motion in revocation and the dispute itself.”

**62.** Schedule 1 to Book X of the said Code is replaced by the following schedule:

*“Schedule 1 (Articles 119 and 813.5)*

**“NOTICE TO DEFENDANT**

TAKE NOTICE that the plaintiff has filed this action in the office of the ..... (*Name of court*) of the judicial district of .....

To contest the plaintiff’s allegations, you must first appear by filling out an appearance form at the office of the Court House of ..... . You may mandate a lawyer to represent you and act in your name.

*(Proper box to be checked off by plaintiff or plaintiff’s attorney.)*

Civil matters

If you wish to contest the plaintiff’s allegations, you must first appear at the office of the court within the following time limit: .....



Thereafter, you may contest the plaintiff's allegations within the legal time limits.

Family matters

If you wish to contest the plaintiff's allegations, you must do so within the same time limit within which you must appear, which is: .....

You will be given no extension beyond the time given for appearing.

TAKE FURTHER NOTICE that if you fail to appear or to contest the plaintiff's allegations within the time limit(s) fixed, the plaintiff may obtain a judgment in default against you. Moreover, if you do not appear, the plaintiff will not be required to inform you of any further proceedings."

**63.** Section 82 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), amended by section 20 of the Act to amend the Code of Civil Procedure and the Act respecting the Régie du logement (1995, chapter 39), is again amended by replacing the words "for appeal" in the second line of the first paragraph by the words "to apply for leave to appeal".

**64.** Section 91 of the said Act is amended

(1) by inserting, at the beginning, the following paragraph:

"**91.** An appeal lies, on leave of a judge of the Court of Québec, from decisions of the Régie du logement when the matter at issue is one which ought to be submitted to the Court of Québec.";

(2) by replacing the words that precede paragraph 1 by the following words: "However, no appeal lies from decisions of the board concerning an application";

(3) by replacing the words "article 1656 of the Civil Code of Lower Canada" in the first and second lines of paragraph 4 by the words "articles 1907 and 1908 of the Civil Code of Québec".

**65.** Section 92 of the said Act is replaced by the following section:

**“92.** The application for leave to appeal must be made at the office of the Court of Québec of the place where the dwelling is situated, and is presented by motion accompanied with a copy of the decision and of the documents of the contestation, if they are not reproduced in the decision.

The motion together with a notice of presentation must be served on the adverse party and filed in the office of the court within 30 days after the date of the decision. The motion must state the conclusions sought, and contain a brief statement by the applicant of the grounds he intends to rely on.

If the application is granted, the judgment authorizing the appeal shall serve as an inscription in appeal. The clerk of the Court of Québec shall transmit a copy of this judgment without delay to the board and to the parties and their attorneys.

The respondent may bring an appeal or an incidental appeal in the same manner and within the same time limit.”

**66.** Section 93 of the said Act is replaced by the following section:

**“93.** Such time limit is imperative and its expiry entails forfeiture of the right of appeal.

However, if a party dies before the expiry of the time limit and without having brought an appeal, the time allowed to apply for leave to appeal does not run against the party’s legal representatives until the date on which the decision is served on them in accordance with article 133 of the Code of Civil Procedure (chapter C-25).

The time allowed to apply for leave to appeal begins to run against a party condemned in default only once the time for applying for revocation of the decision has expired.”

**67.** Section 94 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“An application for leave to appeal does not suspend execution of the decision. However, where the decision of the board entails the eviction of the lessee or of the occupants, a motion may be filed with a judge of the Court of Québec for the suspension of execution of the decision if the applicant shows that execution would cause him serious prejudice and that he has filed an application for leave to appeal.”

**68.** Section 95 of the said Act is repealed.

**69.** Section 98 of the said Act is amended by replacing the words “the application again” in the first line by the words “evidence and representations only in relation to matters authorized by the leave to appeal”.

**70.** Section 26 of the Jurors Act (R.S.Q., chapter J-2) is replaced by the following sections:

**“26.** A prospective juror is summoned by means of a summons sent to his last known residential or business address by ordinary mail or, if he may be reached in this manner, by fax machine or other electronic means.

**“26.1** A judge before whom a prospective juror is called to appear who finds that the prospective juror has failed to appear before him or has left the place of the hearing without having been released from the obligation of remaining in attendance may order that a new summons be served on the prospective juror by a peace officer or a bailiff or by registered mail, certified mail or priority post.”

**71.** Section 31 of the said Act is replaced by the following section:

**“31.** The sheriff shall rule on an application under section 29 and communicate his decision as soon as possible to the person concerned by the means he considers most appropriate.”

**72.** Section 32 of the said Act is amended by striking out the words “or 31” in the second line.

**73.** Article 690 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by replacing the words “an ordinary action, and the proceedings are the same as in summary matters” in the first and second lines of the first paragraph by the words “motion according to the special rules of articles 763 to 773 of the Code of Civil Procedure”;

(2) by striking out the words “for the writ of summons” in the second line of the third paragraph.

**74.** Section 397 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 146 of chapter 2 of the statutes of 1996, is again amended by replacing the words “petition presented in his name” in the first line by the words “motion presented according to the particular rules of articles 763 to 773 of the Code of Civil Procedure (chapter C-25)”.

**75.** Section 178 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by replacing the words “way of a writ to which is attached, to stand in lieu of a declaration,” in the first and second lines by the words “service of”.

**76.** Section 179 of the said Act is amended by replacing the words “ordinary rules” in the first line by the words “rules of Chapter I of Title II of Book V”.

**77.** Section 171 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing the words “an action or” in the first and second lines of the first paragraph by the word “a”.

**78.** Section 6 of the Loan and Investment Societies Act (R.S.Q., chapter S-30) is amended

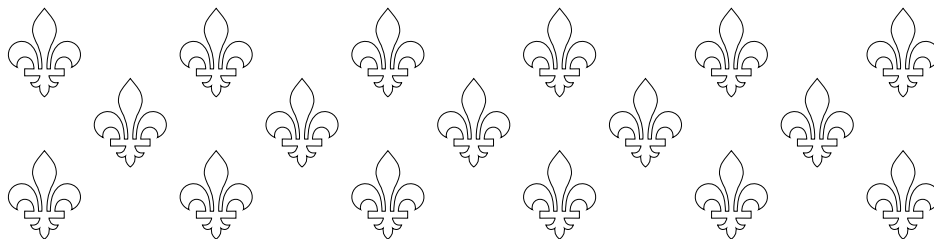
(1) by replacing the word “process” in the second line of the second paragraph by the words “any written proceeding”;

(2) by replacing the word “process” in the fourth line of the said paragraph by the words “any written proceeding”.

**79.** Proceedings in progress on 31 December 1996 remain governed by the ordinary procedure.

However, a party may request that a proceeding in progress on 1 January 1997 be continued, by declaration, according to the simplified procedure. The judge or clerk, after having ascertained the consent of the parties, shall grant the request provided no inscription has been filed in the record.

**80.** This Act comes into force on 1 January 1997.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 37  
(1996, chapter 11)

## **An Act to foster labour agreements in the education sector**

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**Introduced 28 May 1996**  
**Passage in principle 17 June 1996**  
**Passage 18 June 1996**  
**Assented to 19 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTE

*This bill enables the Government to authorize the Minister of Education to accept, on behalf of a management negotiating committee, amendments to existing collective agreements as regards the teachers of a school board if a joint position cannot be reached within that committee.*

## Bill 37

### **An Act to foster labour agreements in the education sector**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

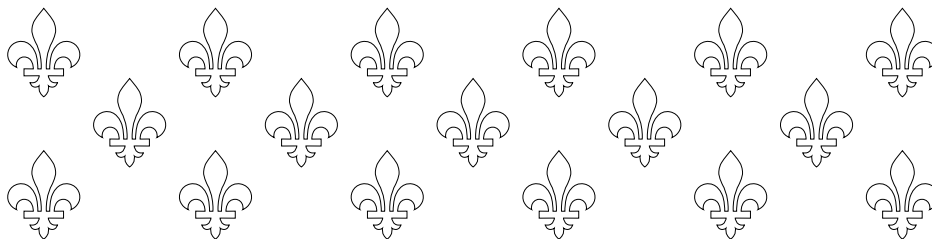
**1.** Notwithstanding sections 32, 33 and 34 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2), the Government may, if it considers that discussions within a management negotiating committee referred to in paragraph 1 or 2 of section 30 of the said Act do not allow a joint position to be reached, authorize the Minister of Education to accept, on behalf of the said committee, amendments to a collective agreement in force on 19 June 1996 as regards clauses referred to in section 33 of that Act that are applicable to the teachers of the school boards.

The clauses so accepted by the Minister have the same effect as clauses agreed and signed in accordance with sections 33 and 34 of the said Act and are binding on the school boards without further formality.

**2.** This Act comes into force on 19 June 1996.







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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 51  
(1996, chapter 6)

**An Act respecting the  
implementation of international  
trade agreements**

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**Introduced 19 December 1994  
Passage in principle 26 January 1995  
Passage 12 June 1996  
Assented to 13 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTE

*This bill provides for the approval of certain international trade agreements. It also brings Québec internal law into harmony with international obligations to which Québec subscribes, and thus ensures the implementation of those agreements.*

## Bill 51

### **An Act respecting the implementation of international trade agreements**

WHEREAS Québec subscribes to the principles and rules established by the North American Free Trade Agreement, the North American Agreement on Environmental Cooperation, the North American Agreement on Labor Cooperation and the Agreement Establishing the World Trade Organization; and

Whereas the aforesaid agreements contain certain provisions falling within the constitutional jurisdiction of Québec and whereas Québec alone is competent to implement those agreements in each field coming under its jurisdiction;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** In this Act,

“Agreement Establishing the World Trade Organization” means the Agreement Establishing the World Trade Organization, including the agreements set out in the annexes to that Agreement to which Canada is a party, all forming an integral part of the Final Act Embodying The Results Of The Uruguay Round Of Multilateral Trade Negotiations, signed at Marrakesh on 15 April 1994;

“Environmental Cooperation Agreement” means the North American Agreement on Environmental Cooperation entered into by the Government of Canada, the Government of the United States of America and the Government of the United Mexican States, and signed on 14 September 1993;

“Labor Cooperation Agreement” means the North American Agreement on Labor Cooperation entered into by the Government

of Canada, the Government of the United States of America and the Government of the United Mexican States, and signed on 14 September 1993;

“North American Free Trade Agreement” means the North American Free Trade Agreement entered into by the Government of Canada, the Government of the United States of America and the Government of the United Mexican States, and signed on 17 December 1992;

“Secretariat of Labor” means the Secretariat of the Commission for Labor Cooperation established under Article 8 of the Labor Cooperation Agreement;

“Secretariat of the Environment” means the Secretariat of the Commission for Environmental Cooperation established under Article 8 of the Environmental Cooperation Agreement.

**2.** The following agreements are hereby approved:

- the North American Free Trade Agreement;
- the Environmental Cooperation Agreement;
- the Labor Cooperation Agreement;
- the Agreement Establishing the World Trade Organization.

**3.** The commitments and reservations of Québec which are to appear in the Schedules of Canada annexed to the North American Free Trade Agreement shall be the commitments and reservations set out in the list established by the Gouvernement du Québec.

The list is transmitted to the authorities concerned by the Minister.

**4.** The commitments, reservations, measures and programs of Québec which are to appear in the Schedules of Canada annexed to the agreements forming part of the Agreement Establishing the World Trade Organization shall be the commitments, reservations, measures and programs set out in the list established by the Gouvernement du Québec.

The list is transmitted to the authorities concerned by the Minister.

**5.** The Minister may propose that the Government take any compensatory measure he considers necessary for the purpose of implementing the measures taken by Canada under the agreements listed in section 2.

**6.** Except for the dispute settlement mechanisms available to investors under Section B of Chapter Eleven of the North American Free Trade Agreement, no person has any cause of action based on the application of any of sections 2 to 5 of this Act or any order made thereunder.

**7.** Only the Minister or the Deputy Minister, jointly with the Minister or Deputy Minister of Industry, Trade, Science and Technology, may appoint a person to be the representative of the Gouvernement du Québec on the committees and working groups established under the North American Free Trade Agreement and the Agreement Establishing the World Trade Organization. The representative shall be appointed after consultation, where applicable, with the minister concerned.

In the case of the Environmental Cooperation Agreement and the Labor Cooperation Agreement, the Minister or Deputy Minister, jointly with the Minister or Deputy Minister of the Environment and Wildlife, or the Minister or Deputy Minister of Labor, as the case may be, may appoint a person to be the representative of the Gouvernement du Québec on the committees and working groups established under the said Agreements.

**8.** The Commission for Environmental Cooperation or the Commission for Labor Cooperation, as the case may be, may file at the office of the Superior Court a certified copy of any determination by an arbitral panel that is a panel determination described in Annex 36A of the Environmental Cooperation Agreement or in Annex 41A of the Labor Cooperation Agreement which imposes on Québec, upon failure by Québec to fully implement an action plan in such matters, full implementation of the action plan or a monetary enforcement assessment. The filing shall be made in the circumstances provided for in the aforesaid annexes.

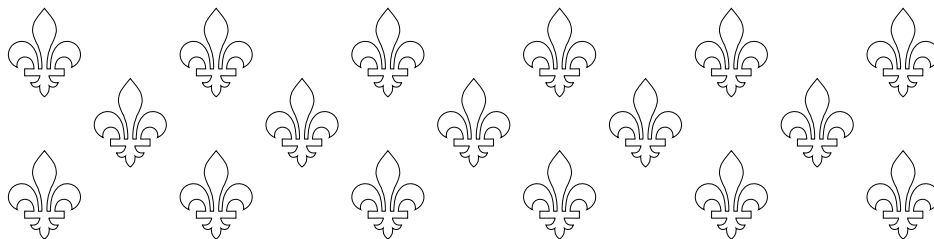
When filed, a panel determination has all the effects of a final judgment of the Superior Court against the Gouvernement du Québec, and is not subject to appeal.

**9.** No civil, administrative or penal proceedings may be instituted against an employee or the Executive Director of the Secretariat of the Environment or the Secretariat of Labor by reason of any act performed in the exercise of his functions.

Such immunity cannot be waived except in the circumstances provided for in the rules of international law.

**10.** The Minister of International Relations is responsible for the administration of this Act.

**11.** The provisions of this Act will come into force on the date or dates to be fixed by the Government.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 118  
(1996, chapter 7)

**An Act to amend the Act  
respecting government services  
to departments and public bodies**

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**Introduced 6 December 1995  
Passage in principle 15 December 1995  
Passage 5 June 1996  
Assented to 13 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*This bill amends the Act respecting government services to departments and public bodies to authorize the minister responsible for the administration of that Act to borrow from the Minister of Finance sums taken out of the financing fund established under the Financial Administration Act.*

*The bill also enables the minister responsible for the administration of the Act respecting government services to departments and public bodies, with the authorization of the Government and subject to the conditions it determines, to create a sinking fund out of the sums constituting a special fund for the purposes of the government air service. The object of the sinking fund will be to pay the principal and interest of any loan repayable out of the special fund and to discharge any other obligation provided for in a contract relating to the goods or services financed by the special fund.*



## Bill 118

### **An Act to amend the Act respecting government services to departments and public bodies**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 14 of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) is amended by replacing paragraph 2 by the following paragraph:

“(2) the sums paid by the Minister of Finance pursuant to the first paragraph of section 16 and the first paragraph of section 16.1;”.

**2.** The said Act is amended by inserting, after section 16, the following section:

“**16.1** The minister responsible for the administration of this Act may, as manager of a special fund, borrow from the Minister of Finance sums taken out of the financing fund established under section 69.1 of the Financial Administration Act (chapter A-6).

Any amount paid into a fund under the terms of such a loan shall be repayable out of that fund.”

**3.** The said Act is amended by inserting, after section 21, the following sections:

“**21.1** The minister responsible for the administration of this Act may, for the purposes of the government air service, with the authorization of the Government and subject to the conditions it determines, deposit with the Minister of Finance sums, to be managed by him, taken out of the sums constituting a special fund, in order to create a sinking fund. The object of the sinking fund is to pay, out of the sums constituting such fund and out of the revenue therefrom, on the appointed maturity dates, the principal and interest of any

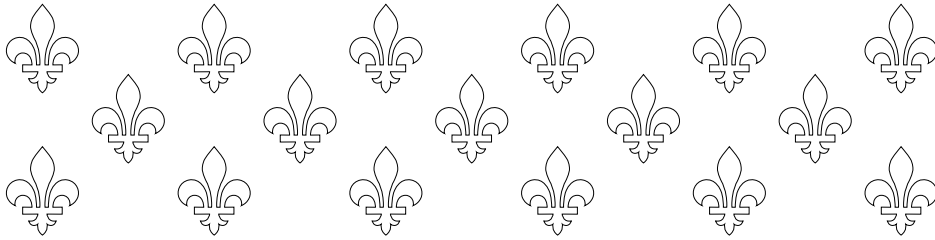
loan repayable out of the special fund and to discharge any obligation provided for in a contract relating to the goods or services financed by the special fund, including an obligation arising out of the exercise of a right or an option.

**“21.2** Where he considers it appropriate for the proper management of the sums constituting a special fund established under section 11, the Minister of Finance may carry out any transaction referred to in section 36.1 of the Financial Administration Act.

Sections 36.1 and 36.2 of the Financial Administration Act, adapted as required, apply to such a transaction.

**“21.3** The sums accumulated in a sinking fund, other than sums necessary for the purpose of paying the loans or discharging the obligations referred to in section 21.1, shall also be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.”

**4.** This Act comes into force on 13 June 1996.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 129  
(1996, chapter 8)

**An Act to amend the Act  
respecting lotteries, publicity  
contests and amusement machines  
in respect of international  
cruise ships**

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**Introduced 14 December 1995  
Passage in principle 8 May 1996  
Passage 12 June 1996  
Assented to 13 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*This bill amends the Act respecting lotteries, publicity contests and amusement machines to provide that the said Act does not apply to the operation of lottery schemes on international cruise ships.*

*However, the bill enables the Government to make regulations to establish a permit system and rules of operation for cruise ship lotteries.*

*These amendments will take effect on the date to be fixed by the Government, which cannot be prior to the date of coming into force of the legislation amending the Criminal Code to allow the operation of lotteries on international cruise ships.*

## Bill 129

### **An Act to amend the Act respecting lotteries, publicity contests and amusement machines in respect of international cruise ships**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

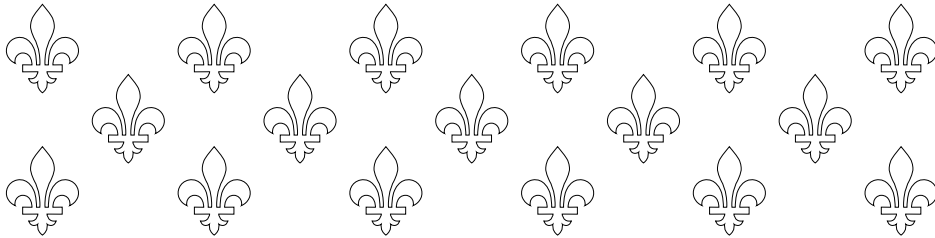
**1.** The Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by inserting, after section 136.1, the following section:

**“136.2** This Act does not apply to the operation of lottery schemes on international cruise ships other than ships engaged in the coasting trade within the meaning of the Coasting Trade Act (Statutes of Canada, 1992, chapter 31).

However, the Government may, by regulation, subject such activity to a permit system and to rules governing the practice of such activity. Where such is the case, the penal provisions of sections 121 and 123 apply, with the necessary modifications.”

**2.** This Act comes into force on the date to be fixed by the Government, which shall not be prior to the date of coming into force of the legislation amending the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) in order to permit the operation of lotteries on international cruise ships.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 132  
(1996, chapter 9)

**An Act to amend the Act  
respecting beer and soft drink  
distributors' permits**

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**Introduced 15 December 1995  
Passage in principle 8 May 1996  
Passage 10 June 1996  
Assented to 13 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*The purpose of this bill is to provide that retailers who sell beer or soft drinks in non-returnable containers will have to accept the return of empty containers and refund the refundable portion of the deposit paid. The bill also specifies that such sales are only permitted if the containers are marked as required by an agreement or regulation.*

*The bill also makes consequential and technical amendments to the Act respecting beer and soft drink distributors' permits.*



## Bill 132

### **An Act to amend the Act respecting beer and soft drink distributors' permits**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The title of the Act respecting beer and soft drink distributors' permits (R.S.Q., chapter P-9.2) is replaced by the following title:

“Act respecting the sale and distribution of beer and soft drinks in non-returnable containers”.

**2.** Section 2 of the said Act is amended by replacing the words “Industry, Trade, Science and Technology” in the third and fourth lines by the words “the Environment and Wildlife”.

**3.** Section 3 of the said Act, amended by section 30 of chapter 41 of the statutes of 1994, is again amended by striking out the words “of the Environment and Wildlife” in the third line.

**4.** Section 4 of the said Act, amended by section 30 of chapter 41 of the statutes of 1994, is again amended

(1) by striking out the words “of Industry, Trade, Science and Technology” in the first line;

(2) by replacing the words “refuses or neglects to respect the terms of the agreement he has entered into with the Minister of the Environment and Wildlife and the Société québécoise de récupération et de recyclage” in the third and fourth lines by the words “fails to comply with the provisions of an agreement entered into under section 3”.

**5.** The said Act is amended by inserting, after section 4, the following sections:

**“4.1** No person may, as part of a retail sales operation, offer for sale or sell beer or soft drinks in non-returnable containers, or distribute beer or soft drinks free of charge in non-returnable containers, unless the containers are marked as required under an agreement or the regulations referred to in section 3.

**“4.2** Every person who, as part of a retail sales operation, offers for sale or sells beer or soft drinks in non-returnable containers, or distributes beer or soft drinks free of charge in non-returnable containers, must accept the return of empty containers that are marked as required under an agreement or the regulations referred to in section 3, and refund the refundable portion of the deposit.

The first paragraph does not apply where the beer or soft drinks are sold, offered for sale or distributed free of charge for consumption on the premises, or by means of an automatic vending machine.”

**6.** Section 6 of the said Act is amended

(1) by replacing that part of the first paragraph preceding subparagraph 1 by the following:

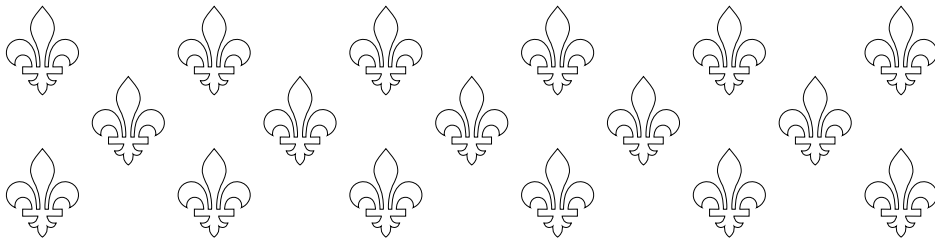
**“6.** Every person who contravenes any of sections 2, 4.1 or 4.2 is liable to a fine”;

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

“Every person who contravenes the provisions of an agreement entered into under section 3 is liable to the same penalties.”

**7.** Section 10 of the said Act is amended by replacing the words “Industry, Trade, Science and Technology” in the first line by the words “the Environment and Wildlife”.

**8.** This Act comes into force on 13 June 1996.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 133  
(1996, chapter 10)

**An Act to amend the Charter of  
human rights and freedoms and  
other legislative provisions**

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**Introduced 15 December 1995  
Passage in principle 2 May 1996  
Passage 12 June 1996  
Assented to 13 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*The object of this bill is to secure the right to equality recognized in section 10 of the Charter of human rights and freedoms as regards the establishment of contracts and plans relating to insurance, retirement pensions or other social benefits.*

*Under the bill, provisions of exception to the Charter are introduced in the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan, and the declaration of exception to section 15 of the Charter of Human Rights and Freedoms is re-enacted in the following Acts: the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Government and Public Employees Retirement Plan.*

**LEGISLATION AMENDED BY THIS BILL:**

- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12).

## Bill 133

### **An Act to amend the Charter of human rights and freedoms and other legislative provisions**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 20 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by striking out the second paragraph.

**2.** The said Charter is amended by inserting, after section 20, the following section:

**“20.1** In an insurance or pension contract, a social benefits plan, a retirement, pension or insurance plan, or a public pension or public insurance plan, a distinction, exclusion or preference based on age, sex or civil status is deemed non-discriminatory where the use thereof is warranted and the basis therefor is a risk determination factor based on actuarial data.

In such contracts or plans, the use of health as a risk determination factor does not constitute discrimination within the meaning of section 10.”

**3.** Section 97 of the said Charter is amended by striking out subparagraph 1 of the first paragraph.

**4.** Section 137 of the said Charter is repealed.

**5.** The second paragraph of section 62 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is re-enacted and shall consequently read as follows:

“The provisions of this Act have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to

the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

**6.** The second paragraph of section 223.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is re-enacted and shall consequently read as follows:

“They have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

**7.** Section 78.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the words “Section 28 applies” in the first line of the first paragraph by the words “Sections 28, 32 and 51 apply”.

The second paragraph of the said section is re-enacted and shall consequently read as follows:

“Sections 28, 32 and 51 have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

**8.** Section 114.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the word “The” in the first line of the first paragraph by the words “Sections 56 and 84, the”.

The second paragraph of the said section is re-enacted and shall consequently read as follows:

“Sections 56 and 84, the first paragraph of section 90 and the ninth paragraph of section 96 have effect notwithstanding the provisions of section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

**9.** The Act to amend the Charter of human rights and freedoms (1976, chapter 5) is repealed.

**10.** Sections 25 and 33 of the Act to amend the Charter of human rights and freedoms (1982, chapter 61) are repealed.

**11.** This Act comes into force on 13 June 1996.

## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 760-96, 19 June 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 came into force on 1 March 1996 and sections 3 to 7, 9, 17, 23 and 25 of that Act came into force on 1 April 1996;

WHEREAS under Order in Council 265-96 dated 28 February 1996, paragraph 2 of section 1, paragraphs 2 and 6 of section 20 and section 24 of that Act came 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 18 July 1996 be fixed as the date of coming into force of section 11 and paragraphs 4 and 7 of section 20 of the Act to amend the Act respecting income security and other legislative provisions but solely in regard of subparagraph 24.1 of the first paragraph of section 91 of the Act respecting income security;

THAT 1 August 1996 be fixed as the date of coming into force of paragraph 1 of section 1 and of paragraph 1 of section 20 of the Act to amend the Act respecting income security and other legislative provisions;

THAT 1 October 1996 be fixed as the date of coming into force of section 18 and of paragraph 4 of section 20 of the Act to amend the Act respecting income security and other legislative provisions but solely in respect of subparagraph 24.2 of the first paragraph of section 91 of the Act respecting income security;

THAT 1 January 1997 be fixed as the date of coming into force of sections 12 and 13 and paragraphs 5, 8 and 9 of section 20 of the Act to amend the Act respecting income security and other legislative provisions.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

9815





## Regulations and other acts

Gouvernement du Québec

### O.C. 724-96, 18 June 1996

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

#### Exemption and financial assistance

##### — Amendments

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 a 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;

which regulation of the Bureau shall be submitted to the Government which may approve it with or without amendment;

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

WHEREAS on 18 April 1996, the Bureau made a Regulation to amend the Regulation respecting exemption and financial assistance for a child in day care;

WHEREAS in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), the text of

that Regulation was published in the *Gazette officielle du Québec* of 1 May 1996 with a notice that it could be submitted to the Government for approval upon the expiry of 20 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education and Minister responsible for the Office des services de garde à l'enfance:

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. 69 and 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, 1020-95 dated 2 August 1995 and 252-96 dated 28 February 1996, is amended by substituting “50 %” for “60 %” in paragraphs 1 and 2 of section 27.

**2.** Section 28 is amended by substituting “50 %” for “60 %” in the first paragraph.

**3.** Section 31 is amended by substituting “\$0.50” for “\$0.40” in the first paragraph.

**4.** Section 63 is revoked.

**5.** This Regulation comes into force on 22 July 1996, except section 4 which comes into force on 1 April 1997.

Gouvernement du Québec

## O.C. 735-96, 19 June 1996

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

### Pension plan for federal employees — Amendments

Amendments to the Pension plan for federal employees transferred to employment with the gouvernement du Québec

WHEREAS under the first paragraph of section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), employees of the federal government who transfer to an employment that is pensionable employment under that plan within the framework of an agreement between the government of Canada and the government of Québec may elect, in accordance with the rules and conditions fixed by the Government, to become members of that plan or of a pension plan established by the Government in respect of those employees or of each group of employees affected by such an agreement and similar to the plan to which they formerly belonged;

WHEREAS under the second paragraph of that section, no order made under the first paragraph may have effect more than 6 months before its adoption;

WHEREAS by Order in Council 430-93 dated 31 March 1993, the Government made the Pension plan for federal employees transferred to employment with the gouvernement du Québec;

WHEREAS under section 9 of the Plan, where an employee ceases to hold full-time employment in order to hold part-time employment, he shall cease to contribute to the Plan but remains subject thereto. If he takes up full-time employment thereafter, he shall resume contributing to the Plan;

WHEREAS it is expedient to amend the Plan, in particular, in order to allow part-time employees to contribute thereto and to render applicable to employees participating therein measures respecting sabbaticals with deferred salary and progressive retirement;

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 Amendments to the Pension plan for federal employees transferred to employment with the gouvernement du Québec, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Amendments to the Pension plan for federal employees transferred to employment with the gouvernement du Québec

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 10.0.1)

**1.** The Pension plan for federal employees transferred to employment with the gouvernement du Québec, made by Order in Council 430-93 dated 31 March 1993, is amended by striking out the second and third paragraphs of section 9.

**2.** The plan is amended by inserting the following after section 35:

#### “DIVISION III.1 SABBATICAL WITH DEFERRED SALARY

**35.1** Sections 193 to 197 and 215 of the Act respecting the Government and Public Employees Retirement Plan apply, *mutatis mutandis*, to the employees governed by this Plan.

**35.2** In the case of the second paragraph of section 7 of the Regulation respecting certain temporary measures prescribed by Title IV of the Act respecting the Government and Public Employees Retirement Plan (R-10, r. 1.2), the employee may redeem the year of leave or part of a year of leave in accordance with section 27.

#### DIVISION III.2 PROGRESSIVE RETIREMENT

**35.3** Sections 85.5.1 to 85.5.5 of the Act respecting the Government and Public Employees Retirement Plan apply, *mutatis mutandis*, to the employees referred to in this Plan.”.

**3.** The Plan is amended by inserting the following after section 55:

“55.1 For the purposes of section 55, the average annual salary shall be obtained by carrying out the following operations in order:

(1) by dividing each year’s salary by the service credited;

(2) by carrying over, from among the salaries resulting from the division, as many salaries as necessary to make the sum of the employee’s consecutive periods of contribution corresponding to each year for which the salaries are carried over equal to six or, where that sum is less than six, by carrying over all the salaries;

(3) by multiplying each salary thus carried over for each year by the employee’s corresponding period of contribution; and

(4) by dividing the sum of the salaries resulting from the multiplication by the sum of the employee’s corresponding periods of contribution.

A period of contribution shall be the number of contributory days comprised in the period during which the employee has participated in the plan in a given year or in the period for which days and parts of a day have otherwise been credited to him with contributions on the number of contributory days in the year concerned, that is, 260 days. The first period of contribution of a new employee covered by the plan shall begin on the first day on which he contributes and the last period shall terminate on the last day on which he contributes.”.

55.2 For the purposes of section 55.1, section 36.0.1 of the provincial Act applies, *mutatis mutandis*.”.

4. This Order in Council comes into force 6 months before the date on which it is made by the Government.

9813

Gouvernement du Québec

## O.C. 757-96, 19 June 1996

Forest Act  
(R.S.Q., c. F-4.1)

### Forest royalties — Amendments

Regulation to amend the Regulation respecting forest royalties

WHEREAS under paragraph 1 of section 172 of the Forest Act (R.S.Q., c. F-4.1), the Government may, by

regulation, determine for each species, group of species and quality of timber, the unit rate or the rules of calculation of the unit rate at which the Minister is to determine, for any class of forest management permit, the dues payable by the permit holder;

WHEREAS under paragraph 8 of section 172 of the Act, the Government may, by regulation, establish the rules of calculation of the stumpage value to which the unit rate of the dues prescribed by the Minister for the carrying out of a timber supply and forest management agreement corresponds;

WHEREAS under Order in Council 372-87 dated 18 March 1987, the Government made the Regulation respecting forest royalties;

WHEREAS it is expedient to further amend the Regulation;

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 as provided for in 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 that has made 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 due to the following circumstances justifies the absence of prior publication and such coming into force:

— considering that the unit rates of the stumpage value of standing timber apply to the volume of wood harvested by the beneficiaries of timber supply and forest management agreements and that several beneficiaries have already started their harvest, it is necessary to establish as soon as possible the new rates applicable to the volume thus harvested by replacing those in force since 1 April 1996, so that the beneficiaries in question may comply with those new rates;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Natural Resources:

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

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting forest royalties

Forest Act  
(R.S.Q., c. F-4.1, s. 172, pars. 1 and 8)

**1.** The Regulation respecting forest royalties, made by Order in Council 372-87 dated 18 March 1987 and amended by the Regulations made by Orders in Council 352-89 dated 8 March 1989, 1198-90 dated 15 August 1990, 398-93 dated 24 March 1993 and 1594-95 dated 6 December 1995, is further amended by adding the following paragraph at the end of section 2:

“Notwithstanding the foregoing, for the 1996-1997 fiscal year, the value shall be adjusted, where applicable, not later than on 1 December 1996.”.

**2.** Section 5 is amended by adding the following at the end of the first paragraph: “and for the year 1997”.

**3.** This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

9814

Gouvernement du Québec

## O.C. 761-96, 19 June 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 made the Regulation respecting income security, by Order in Council 922-89 dated 14 June 1989;

WHEREAS it is expedient to further amend the Regulation;

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 6 March 1996 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting income security, attached hereto, 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. 4 to 6, 8, 16, 23, 24, 27, 31.1.1, 33, 39, and 2<sup>nd</sup> and 3<sup>rd</sup> par.; 1995, c. 69, s. 20, pars. 1, 4, 5 and 7 to 9)

**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, 202-96 dated 14 February 1996 and 266-96 dated 28 February 1996, is further amended by inserting the following after section 5:

“**5.1** For the purposes of section 7 of the Act, attendance in vocational education at a secondary-level institution means, in the case of an adult, full-time attendance.”.

**2.** Section 7 is amended in the first paragraph by substituting the amounts “\$676”, “\$908”, “\$1 032”, “\$1 010”, “\$1 135” and “\$1 233” for the amounts “\$661”, “\$888”, “\$1 009”, “\$987”, “\$1 109” and “\$1 205”, respectively.

**3.** The first paragraph of sections 8, 9, 14 and 15 is amended by substituting the amount “\$143” for the amount “\$140”.

**4.** Section 8.1 is amended by substituting the amount “\$303” for the amount “\$296”.

**5.** Section 11 is amended:

(1) by inserting the words “, except in full-time vocational education” after the word “institution” in the first paragraph; and

(2) by substituting the words “in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university,” for the words “attending an educational institution of college or university level on a full-time basis” in the third paragraph.

**6.** Section 17 is amended:

(1) by inserting the words “, except in full-time vocational education” after the word “institution” in the first paragraph; and

(2) by substituting the words “in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university” for the words “attending an educational institution of college or university level on a full-time basis” in the third paragraph.

**7.** Section 42 is amended by inserting the words “except in full-time vocational education,” after the word “institution,” in paragraph 2.

**8.** Section 45 is amended by inserting the words “, except in full-time vocational education,” after the word “institution” in the first paragraph.

**9.** Section 52 is amended in paragraph 3 by substituting “Regulation respecting financial assistance to facilitate the adoption of a child, made by Order in Council 1178-95 dated 30 August 1995” for “Regulation respecting financial assistance to facilitate adoptions, made by Order in Council 963-86 dated 25 June 1986”.

**10.** Section 68 is amended by inserting the words “, except in full-time vocational education” after the word “institution” in the second paragraph.

**11.** Section 75 is amended:

(1) by substituting the words “is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university” for the words “attends an educational institution of college or university level on a full-time basis” in subparagraph *b* of paragraph 1; and

(2) by substituting the words “is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university” for the words “attends an educational institution of college or university level on a full-time basis” in subparagraph *b* of paragraph 2.

**12.** Section 87 is amended by substituting “2 of subparagraph *i*” for “*i*” in the first paragraph.

**13.** Section 99 is amended by inserting the words “, except in full-time vocational education,” after the word “institution” in the first paragraph.

**14.** The following is inserted after section 100:

“**100.1** The amount of the last resort assistance benefits that is considered as being received pursuant to the third paragraph of section 48.2 of the Act and the fourth paragraph of section 49 of the Act shall be calculated by adding, for each month of the year, the amount by which the amount applicable according to the non-participation scale provided for in section 13 exceeds the estimated total income of the family for the month, excluding the last resort assistance benefits received during the month.”.

**15.** Section 106 is amended by substituting the following for the fourth paragraph:

“In the case of a beneficiary admitted to the financial support program, a short statement need be submitted only where his situation has changed. In the case of a beneficiary admitted to the parental wage assistance program, a short statement shall be submitted each year, in May and September if no change of situation occurs or, if there is a change, on the date thereof and, thereafter, every 4 months from that date until the end of the year, except in December.”.

**16.** The following is inserted after section 111:

“**111.1** In the case of a last resort assistance program, the Minister is bound to pay interest on the amount of the benefit or of the refused increase, pursuant to section 81.1 of the Act, from the date of his initial decision or from the date on which the decision takes effect, if the latter date occurs at a later time.

Where the decision pertains to a special benefit other than that provided for in section 34, 38 or 43, the interest is payable if the beneficiary provides written proof that he bought, before the date of the reviewed decision or the decision in appeal, the goods or services for the need covered by the special benefit applied for. The interest shall be calculated from the date on which the beneficiary bought the goods or services. Notwithstanding the foregoing, the Minister is not required to pay interest where the decision pertains to a special benefit referred to in section 29, 49 or 50.

The interest rate is that fixed under the second paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

Such interest is part of the benefit.

The Minister is not required to pay interest where the amount owing as such is less than \$1 or where the adult or family has received benefits under section 111 or under section 25 of the Act or following a decision rendered under the second paragraph of section 22 of the Act respecting the Commission des affaires sociales (R.S.Q., c. C-34)."

**17.** Section 119 is amended by substituting the following for the words "one of the cases provided for in paragraph 2 of section 123, in which case they shall not be less than \$112 per month": "the following cases:

(1) in the case of an independent adult referred to in section 8 or 14 or an independent adult placed in a foster home within the meaning of the second paragraph of section 312 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the payments shall not be less than \$22 per month;

(2) in the case of a person who made a statement containing false information or who sent a document containing false information with a view to making himself or his family eligible for a last resort assistance program, or with a view to receiving or causing his family to receive more benefits than would otherwise have been granted, the payments may not be less than \$112 per month."

**18.** The following is substituted for section 124:

"**124.** A recoverable amount shall bear interest at the rate fixed under the first paragraph of section 28 of the Act respecting the Ministère du Revenu:

(1) where the Minister's decision is reviewed or appealed, from the date on which a formal notice is sent to the debtor by the Minister in accordance with section 41

of the Act until the date on which the Minister may issue the certificate provided for in section 43 of the Act; or

(2) from the latter date, if the case is provided for in subparagraph 1 or, if not, from the date on which the Minister may issue the certificate.

Notwithstanding the foregoing, subparagraph 2 of the first paragraph ceases to apply in respect of that amount:

(1) where the Minister effects compensation under section 44 of the Act or allocates an advance payment to the payment of that amount under section 55 of the Act;

(2) where the debtor makes the reimbursement agreed upon with the Minister under section 42 of the Act; or

(3) where the debtor is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university, for all the time of that attendance."

**19.** The following is inserted after section 124:

"**124.1** A debtor of a recoverable amount shall pay the following recovery charge:

(1) \$50 for depositing the certificate pursuant to section 45 of the Act; and

(2) \$175 for any measure intended to guarantee a claim under Title III of Book VI of the Civil Code of Québec and for any execution measure taken under Title II of Book IV of the Code of Civil Procedure of Québec (R.S.Q., c. C-25), where such measure is taken after the certificate is deposited.

A debtor who fails to pay the recovery charge shall pay interest thereon, at the rate fixed under the first paragraph of section 28 of the Act respecting the Ministère du Revenu. That charge and the interest are part of the recoverable amount."

**20.** The interest provided for in section 111.1 of the Regulation respecting income security, made by section 16 of this Regulation, shall be calculated from 1 October 1996, including in respect of a decision rendered before that date and not yet implemented by the Minister and in respect of a decision rendered after that date but pertaining to a period prior to that date.

**21.** The adjustments provided for in sections 2 to 4 stand in lieu of the adjustment provided for in the second paragraph of section 7 and in sections 9.1 and 15.1 of the Regulation respecting income security.

**22.** Section 12 has effect from 1 January 1995.

**23.** This Regulation will come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 1, 5 to 8, 10, 11 and 13 which will come into force on 1 August 1996, sections 16 and 20 which will come into force on 1 October 1996 and sections 14 and 15 which will come into force on 1 January 1997.

9812

Gouvernement du Québec

## O.C. 765-96, 19 June 1996

Automobile Insurance Act  
(R.S.Q., c. A-25)

### Reimbursement of certain expenses — Amendments

CONCERNANT Regulation to amend the Regulation respecting the reimbursement of certain expenses

WHEREAS under paragraphs 15, 16, 17 and 19 of section 195 of the Automobile Insurance Act (R.S.Q., c. A-25) the Société de l'assurance automobile du Québec may make regulations:

— to determine the cases and conditions entitling a person to the reimbursement of the expenses referred to in section 83.2 and to fix the maximum amount thereof;

— to determine what expenses may be reimbursed to a victim under the second paragraph of section 83.2;

— to fix the amounts paid to reimburse the cost of a medical expert's report to a person whose petition for review or appeal is allowed;

— to prescribe the standards, conditions and maximum amounts according to which the reimbursement of expenses described in section 79 may be made and the cases in which the Société may replace reimbursements by an equivalent weekly allowance;

WHEREAS the Société made the Regulation to amend the Regulation respecting the reimbursement of certain expenses;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 27 March 1996 with a notice

that it could be submitted to the Government for approval after forty-five days had elapsed from the date of its publication;

WHEREAS it is expedient that the Regulation be approved with certain changes;

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

THAT the "Regulation to amend the Regulation respecting the reimbursement of certain expenses", the text of which appears below, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the reimbursement of certain expenses

Automobile Insurance Act  
(R.S.Q., c. A-25, s. 195, pars. 15, 16, 17 and 19)

**1.** The Regulation respecting the reimbursement of certain expenses, approved by Order in Council 1925-89 dated 13 December 1989 and amended by the regulation approved by O.C. 789-93 dated 2 June 1993, is further amended by substituting the following for section 9:

"**9.** Expenses incurred for the purpose of receiving acupuncture treatment qualify for reimbursement, at a rate of up to fifteen treatment sessions per prescription and a maximum fee of \$26 for a session."

**2.** The following is substituted for section 13 of the Regulation:

"**13.** Expenses incurred for the correcting of a scar qualify for reimbursement to:

(1) a maximum amount of \$240 for a scar of less than 4 cm<sup>2</sup>;

(2) a maximum amount of \$360 for a scar of 4 cm<sup>2</sup> to 10 cm<sup>2</sup>;

(3) a maximum amount of \$540 for a scar of more than 10 cm<sup>2</sup> to 20 cm<sup>2</sup>;

(4) a maximum amount of \$720 for a scar of more than 20 cm<sup>2</sup>.

**13.1** Expenses incurred for the correction of a deformity qualify for reimbursement to:

(1) a maximum amount of \$800 for liposuction in the case of a single lesion;

(2) a maximum amount of \$400 per liposuction to treat each additional lesion;

(3) a maximum amount of \$800 for an injection of fat in the case of a single lesion;

(4) a maximum amount of \$400 per fat injection to treat each additional lesion.

In cases where liposuction or fat injection requires contralateral action or multiple sessions, a treatment plan must be given prior approval by the Société.”.

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

“**26.** Expenses incurred for transportation by private automobile qualify for reimbursement up to the maximum amount provide in Schedule III.”.

**4.** The following is substituted for section 27:

“**27.** Taxi fare qualifies for reimbursement in the following instances:

(1) when the victim’s state of health precludes the use of public transit;

(2) where public transit does not serve the itinerary that must be travelled;

(3) when taking a taxi is more economical than using public transit.”.

**5.** Section 28 is amended by striking the words “the first paragraph of” in paragraph 1.

**6.** Section 29 is amended by striking the words “the first paragraph of” in paragraphs 1 and 2.

**7.** The following is substituted for section 51:

“**51.** In the case of a mentally incompetent victim whose interests are not already protected, expenses incurred for the appointment of a guardian, trustee or legal counsel, or for sanction of the assignment of proxy by a person of age in expectation of incompetence qualify for reimbursement to a maximum of \$350.”.

**8.** The following is substituted for section 54.22:

“**54.22** Expenses incurred for the purchase of urological supplies qualify for reimbursement when the following conditions are met:

(1) they are incurred for a medical reason resulting from the accident and are prescribed by a physician;

(2) at the Société’s request, the victim provides an evaluation of needs conducted by a nurse specialized in the field.”.

**9.** Section 56 is amended:

(1) by substituting “\$35” for “\$50”;

(2) by substituting “\$70” for “\$100”.

**10.** Section 57 is amended:

(1) by substituting “\$600” for “\$250” in paragraph 1;

(2) by substituting “\$600” for “\$250” and “\$1 800” for “\$750” in paragraph 2.

**11.** Schedule III is amended by substituting “\$0.125” for “\$0.34” in the line concerning section 26.

**12.** This Regulation comes into force on August 1, 1996.

9811

Gouvernement du Québec

**O.C. 766-96, 19 June 1996**

Automobile Insurance Act  
(R.S.Q., c. A-25)

**Permanent impairments  
— Amendments**

CONCERNING the Regulation to amend the Regulation respecting permanent impairments

WHEREAS under paragraphs 12 and 13 of section 195 of the Automobile Insurance Act (R.S.Q., c. A-25) the Société de l’assurance automobile du Québec may make regulations:

— to establish a schedule of permanent impairments and fix the percentage attributed to each impairment;

— to fix or provide for the determination of an additional percentage where the permanent impairment affects symmetrical organs or an organ that is symmetrical to an already impaired organ, taking into account the nature of the impaired organs and the anatomical or functional nature of the impairments;



WHEREAS the Société made the Regulation to amend the Regulation respecting permanent impairments;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 27 March 1996 with a notice that it could be submitted to the Government for approval after forty-five days had elapsed from the date of its publication;

WHEREAS it is expedient that the Regulation be approved with certain changes;

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

THAT the "Regulation to amend the Regulation respecting permanent impairments", the text of which appears below, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting permanent impairments

Automobile Insurance Act  
(R.S.Q., c. A-25, s. 195, pars. 12, 13 and 14)

**1.** The Regulation respecting permanent impairments, made by Order in Council 1921-89 dated 13 December 1989, is amended by inserting the following sections after the heading of Division II:

"**1.1** Where permanent anatomicophysiological deficits affect internal organs or organs controlling vision, balance and hearing, an enhancement factor taking bilaterality into account is already included in the percentages set forth in Appendix I.

**1.2** Where permanent impairment of organs or symmetrical limbs is the result of damage to the central nervous system, an enhancement factor taking inherent bilaterality into account is already included in the percentages set forth in Appendix I."

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

"**2.** Where permanent anatomicophysiological deficits affect symmetrical limbs or a limb symmetrical to one that is already impaired, the average of the percentages of the anatomicophysiological deficits for both limbs is multiplied by an enhancement factor of one-quarter, up to the sum of percentages of the lesser damaged limb.

The average is obtained by adding together the percentage of anatomicophysiological deficit of each of the two symmetrical limbs and dividing the sum by 2.

The percentage so obtained is added to the percentages of anatomicophysiological deficits resulting from the accident.

Symmetrical deficits are established on a limb-to-limb basis: the upper right limb with the upper left limb and the lower right limb with the lower left limb. The upper limb includes the scapula and clavicle. The lower limb includes the pelvis."

**3.** Section 3 is revoked.

**4.** Part I of Schedule I to the Regulation is amended:

(1) by striking out "and discoidectomies, if applicable" from paragraph 3 of section 18 in Division III of Title I;

(2) by substituting "axis" for "odontoid" in paragraph 7 of section 18 in Division III of Title I;

(3) by striking out "and discoidectomies, if applicable" from paragraph 3 of section 19 in Division III of Title I;

(4) by striking out "and discoidectomies, if applicable" from paragraph 3 of section 20 in Division III of Title I;

(5) by striking out the words "following the herniation of" in paragraph 1 of section 21 in Division III of Title I;

(6) by inserting the following after subparagraph *c* of paragraph 4 of section 9 in Division II of Title II:

"(d) affecting the sub-orbital area: 1 %;"

(7) by substituting the following for Title V:

### "TITLE V RESPIRATORY APPARATUS

1. Absence of spontaneous respiration: 100 %

2. Restrictive functional alteration, with regard to vital capacity, respiratory volume and other pulmonary volumes, the percentage of functional alteration corresponding to the percentage of the deficit, a percentage of alteration of 60 % or more corresponding, however, to a deficit of 80 %: 20 to 80 %

3. Stenosis of the trachea:	
(1) requiring a permanent tracheostomy, depending on phonetic alterations:	10 to 20 %
(2) without permanent tracheostomy:	1 to 3 %
4. Loss of a lung:	20 %
5. Paralysis of the phrenic nerve:	
(1) with restrictive functional alteration:	depending on the restrictive functional alteration
(2) without restrictive functional alteration:	15 %
6. Pleural impairment:	
(1) with restrictive functional alteration:	depending on the restrictive functional alteration
(2) without restrictive functional alteration:	according to Table 10
7. Loss of two pulmonary lobes:	6 %
8. Loss of a pulmonary lobe:	3 %
9. Alteration of tissue following a thoracotomy:	2 %
10. Alteration of tissue following thoracic drainage:	0.5 %

11. Alteration of tissue following a tracheotomy: 1 %”.

(8) by substituting the following for section 2 of Title VI:

“2. Alteration of tissue

(1) alteration of tissue following a first laparotomy: 2 %

(2) alteration of tissue following a laparotomy other than the first:

*a)* through a route previously used: 1 %  
*b)* through a new route: 2 %

(3) alteration of tissue following a first laparoscopy: 0.5 %

(4) alteration of tissue following a laparoscopy other than the first:

*a)* through a route previously used: 0.25 %  
*b)* through a new route: 0.5 %

(5) Alteration of tissue following abdominal drainage: 0.5 %”.

**5.** Part II of Appendix I to the Regulation is amended:

(1) by substituting the following for Table 15:

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**Evaluation of physiognomy impairments**


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<b>Class of physiognomy impairments</b>	<b>Changes in the form and symmetry</b>	<b>Cicatricial impairment</b>	<b>Max. Disfig.</b>
Class 1 No impairment	No conspicuous change	No conspicuous impairment	—
Class 2 Very minor impairment	Very minor change affecting one anatomical element: 1 %	Conspicuous impairment: 1 %/cm <sup>2</sup>	3 %
Class 3 Minor impairment	Conspicuous change: a) affecting one anatomical element: 3 % b) affecting two anatomical elements: 4 % c) affecting more than two anatomical elements: 7 %	Conspicuous impairment: a) flat scar: 1 %/cm <sup>2</sup> b) faulty scar: 2 %/cm <sup>2</sup>	7 %
Class 4 Moderate impairment	Conspicuous change that holds one's attention: a) affecting one anatomical element: 10 % b) affecting two anatomical elements: 12 % c) affecting more than two anatomical elements: 15 %	Conspicuous impairment: a) flat scar: 1 %/cm <sup>2</sup> b) faulty scar: 3 %/cm <sup>2</sup>	15 %

(2) by substituting the following for Table 17:

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**Evaluation of impairments to other parts of the body**


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<b>Parts of the body</b>	<b>Change of form and symmetry</b>	<b>Cicatricial impairment</b>	
		<b>damage to full thickness of the skin (dermis and epidermis)</b>	<b>damage to partial thickness of the skin (epidermis)*</b>
Scalp and skull	Minor or moderate change: 1 to 3 % Severe change: 5 %	Conspicuous impairment: 0.5 %/cm <sup>2</sup>	Conspicuous impairment: 0.05 %/cm <sup>2</sup>
<b>The maximum percentage of impairment for the skull and scalp together is 5 %</b>			
Neck	Minor or moderate change: 1 to 5 % Severe change: 8 %	Conspicuous impairment: 1 %/cm <sup>2</sup>	Conspicuous impairment: 0.1 %/cm <sup>2</sup>
<b>The maximum percentage of impairment for the neck is 8 %</b>			

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**Evaluation of impairments to other parts of the body**


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Parts of the body	Change of form and symmetry	Cicatricial impairment	
		damage to full thickness of the skin (dermis and epidermis)	damage to partial thickness of the skin (epidermis)*
Shoulders, arms and elbows	Minor or moderate change: 0.05 to 2 % Severe change: 4 %	Conspicuous impairment: 0.5 %/cm <sup>2</sup>	Conspicuous impairment: 0.05 %/cm <sup>2</sup>

**The maximum percentage of impairment for the shoulder, arm and elbow together is 4 % on the right side and 4 % on the left side**

Forearms and wrists	Minor or moderate change: 0.5 to 2 % Severe change: 5 %	Conspicuous impairment: 1 %/cm <sup>2</sup>	Conspicuous impairment: 0.1 %/cm <sup>2</sup>
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**The maximum percentage of impairment for the forearm and wrist together is 5 % on the right side and 5 % on the left side**

Hand	Minor or moderate change: 1 to 3 % Severe change: 6 %	Conspicuous impairment: 1 %/cm <sup>2</sup>	Conspicuous impairment: 0.1 %/cm <sup>2</sup>
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**The maximum percentage of impairment for a hand is 6 % on the right side and 6 % on the left side.**

Trunk	Minor or moderate change: 1 to 3 % Severe change: 6 %	Conspicuous impairment: 0.5 %/cm <sup>2</sup>	Conspicuous impairment: 0.05 %/cm <sup>2</sup>
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**The maximum percentage of impairment for the trunk is 6 % in front and 6 % in the rear**

Lower limbs	Minor or moderate change: 1 to 4 % Severe change: 8 %	Conspicuous impairment: 1 %/cm <sup>2</sup>	Conspicuous impairment: 0.1 %/cm <sup>2</sup>
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**The maximum percentage of impairment for a lower limb is 8 % on the right side and 8 % on the left side**

\* Example: surface that is hypo- or hyperpigmented.

**6.** This Regulation comes into force on August 1, 1996.

Gouvernement du Québec

## O.C. 770-96, 19 June 1996

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

### Installation of petroleum equipment — Amendments

Decree to amend the Decree respecting the installation of petroleum equipment

WHEREAS the Government made the Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33);

WHEREAS under section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may amend the decree upon the recommendation of the Minister of Labour;

WHEREAS the contracting parties within the meaning of the Decree have petitioned the Minister of Labour for amendments to the Decree to be submitted to the Government for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft amending decree 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 a 45-day period following that publication;

WHEREAS it is expedient to approve that petition with amendments and for that purpose to make the Decree attached hereto;

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

THAT the Decree to amend the Decree respecting the installation of petroleum equipment, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Decree to amend the Decree respecting the installation of petroleum equipment

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

**1.** The Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33), amended

by Orders in Council 366-82 dated 17 February 1982 (Suppl. p. 437), 1436-82 dated 9 June 1982 (Suppl. p. 439), 2178-83 dated 19 October 1983, 1258-84 dated 30 May 1984, 767-85 dated 17 April 1985, 1636-88 dated 26 October 1988, 553-89 dated 12 April 1989, 1577-90 dated 7 November 1990, 769-92 dated 20 May 1992, 1296-93 dated 8 September 1993, and 425-95 dated 29 March 1995, is further amended in section 1.01:

1. by inserting the words “or of a filling centre” after the words “of an establishment” in subparagraph *ii* of paragraph 1;

2. by inserting the words “or by-products” after the words “petroleum products” in subparagraph *iii* of paragraph 1.

**2.** The following is substituted for section 5.02:

“**5.02.** The following are general holidays with pay and are paid according to the provisions of section 6.03: 1 and 2 January, Good Friday, Dollard Day, 1 July, Labour Day, Thanksgiving, 24, 26 and 31 December.”.

**3.** Sections 5.03, 5.05, 5.06 and 5.07 are revoked.

**4.** The following is substituted for sections 6.02 and 6.03:

“**6.02.** According to the period of uninterrupted service accumulated on 30 April of the qualifying year, an employee is entitled to the following annual vacation:

Uninterrupted service	Annual vacation
Less than 1 year	1 day per month up to a maximum of 10 days
at least 1 year but less than 5 years	2 weeks
at least 5 years but less than 15 years	3 weeks
15 years or more	4 weeks.

#### 6.03.

**1. Amount of compensation:** At the end of each week, the employer credits each of his employees with an amount equal to 10.36 % of the wages earned for work during that week as vacation pay and general holiday pay, that is 6.36 % for the annual vacation and 4 % for general holidays with pay.

**2. Employer's obligation:** The employer remits the amounts credited to each of his employees with his monthly report to the Parity Committee.

**3. Payment of compensation:** There are two qualifying periods for payment of the vacation and general holiday pay:

- (a) the first is from January 1 to April 30;
- (b) the second is from May 1 to December 31.

The Parity Committee pays the employee the compensation it has collected for the second qualifying period, in one payment, by cheque mailed to the last known address of the person concerned before July 15 following that qualifying period.

The Parity Committee pays the employee the compensation it has collected during the first qualifying period, in one payment, by cheque mailed to the last known address of the person concerned before the end of November following that qualifying period.

**4. Exception:** On the death of an employee, the liquidator of the succession may, at any time, claim the vacation and holiday pay due to the employee.”.

**5.** Sections 6.07 and 6.08 are revoked.

**6.** Section 9.01 is amended by substituting the following for subsection 1:

“(1) Employees receive at least the following hourly rates for each job classification provided below:

<b>Job Classification</b>	<b>As of 96-07-18</b>	<b>As of 96-12-31</b>
(a) service mechanic, installation mechanic (site), shop mechanic, tank-truck mechanic:		
A	\$20.95	\$21.47
B.	\$17.32	\$17.75
C.	\$14.53	\$14.89
(b) labourer	\$12.07	\$12.37
(c) student	\$9.09	\$9.09.”.

**7.** The following is added after section 11.07:

**“11.08. Pension plan**

(1) The employer pays into the employees’ pension plan an amount of \$0.20 for each hour worked by his employees.

The employer deducts from the pay of each of his employees the amount that each of them elects to pay each year as contribution. Such contribution may not be lower than \$0.20 for each hour worked.

(2) Before the 15<sup>th</sup> of each month, the employer remits to the Parity Committee his contribution and that of his employees for the preceding month.

(3) The employee’s participation in the pension plan ends where no contribution has been paid into the plan for a complete calendar year.”.

(4) Participation in the pension plan is voluntary for any enterprise the employer and employees of which have, on 20 December 1995, agreed on a pension plan comparable as to the benefits granted.

(5) The Parity Committee chooses the financial institution which will administer the simplified pension plan.

(6) The administrative fees charged by the financial institution, other than investment fees, shall be paid by the participants.

(7) The operation of the pension plan provided for in this part is governed by the provisions of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pensions Plan Act, made by Order in Council 1160-90 dated 8 August 1990, as amended.

**8.** The following is substituted for section 12.01:

**“12.01.** The Decree remains in force until 31 December 1996. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes it by a written notice sent to the Minister and to any other contracting parties during the month of October of the year 1996 or during the month of October of any subsequent year.”.

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

9816

## Draft Regulations

### Draft Regulation

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

#### Automotive services — Lanaudière-Laurentides — 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 “Decree to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides region”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft regulation is to render the scheduling of the standard work week and work day more flexible.

To that end, it proposes to extend the standard work week to Saturdays and Sundays, to eliminate fixed daily working hours and to amend the provisions respecting overtime, weekly wage guarantee and shift bonuses.

The proposed amendments will remedy problems that have been observed for some years, during several consultations held with various actors in the automotive sector. They will allow employers to adjust the opening and closing hours of their businesses to their consumers’ needs, while making the organization of work more flexible. The consultation period will serve to clarify the impact of the amendments being sought. The Decree in question governs 1 262 employers, 299 artisans and 5 997 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1; tel.: (418) 643-4415; fax: (418) 528-0559.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

### Decree to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides 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 Lanaudière-Laurentides region (R.R.Q., 1981, c. D-2, r. 44), amended by Orders in Council 2573-82 dated 10 November 1982, 1025-83 dated 18 May 1983, 556-89 dated 12 April 1989 and 762-89 dated 17 May 1989, extended by Orders in Council 1630-90 dated 21 November 1990 and 1559-91 dated 13 November 1991, amended by Order in Council 619-92 dated 15 April 1992, extended by Orders in Council 649-93 dated 5 May 1993, 632-94 dated 4 May 1994 and 514-95 dated 12 April 1995, amended by Order in Council 353-96 dated 21 March 1996 and extended by Order in Council 469-96 dated 17 April 1996, is further amended in section 1.01 by adding the following after paragraph *r*:

“(s) “week”: a period of seven consecutive days scheduled from midnight at the beginning of a given day to midnight at the end of the seventh day.”.

**2.** Section 3.01 of the Decree is amended by substituting “over not more than 6 continuous days. The standard workday is not to exceed 9 hours, scheduled over no more than 10 hours” for “over 5 or 6 continuous days. The standard workday is 9 hours, scheduled over a maximum of 10 hours”.

**3.** Section 3.01.1 of the Decree is amended by substituting “not to exceed 9 hours” for “9 hours”.

**4.** Section 3.02 of the Decree is amended by substituting “over not more than 6 continuous days. The standard workday is not to exceed 9 hours, scheduled over no more than 10 hours” for “from Monday to Friday. The standard workday is 9 hours, scheduled over a maximum of 10 hours”.

**5.** Section 3.02.1 of the Decree is amended by substituting “over not more than 6 continuous days. The standard workday is not to exceed 9 hours, scheduled over no more than 10 hours” for “from Monday to Friday. The standard workday is 9 hours, scheduled over a maximum of 10 hours”.

**6.** The following is substituted for section 3.03 of the Decree:

“**3.03.** For the employee subject to section 3.02, a night shift differential of \$0.35 per hour is paid for hours worked between 11:00 p.m. and 7:00 a.m.”.

**7.** Section 5.02 of the Decree is revoked.

**8.** Section 10.05 of the Decree is amended by deleting “,5.02”.

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

9803

## Draft Regulation

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

### Automotive services

#### — Montréal

#### — 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 “Decree to amend the Decree respecting the automotive services industry in the Montréal region”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft regulation is to render the scheduling of the standard work week and work day more flexible.

To that end, it proposes to extend the standard work week to Saturdays and Sundays, to eliminate fixed daily working hours and to amend the provisions respecting overtime and shift bonuses.

The proposed amendments will remedy problems that have been observed for some years, during several consultations held with various actors in the automotive sector. They will allow employers to adjust the opening and closing hours of their businesses to their consumers’ needs, while making the organization of work more flexible. The consultation period will serve to clarify the impact of the amendments being sought. The Decree in question governs 3 749 employers, 1 049 artisans and 18 917 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1; tel.: (418) 643-4415; fax: (418) 528-0559.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY

*Deputy Minister of Labour*

## Decree to amend 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) and 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, extended by Orders in Council 235-95 dated 22 February 1995 and 272-96 dated 28 February 1996 and amended by Order in Council 355-96 dated 21 March 1996, is further amended in section 1.01, by adding the following after paragraph v:

“(w) “week”: a period of seven consecutive days scheduled from midnight at the beginning of a given day to midnight at the end of the seventh day.”.

**2.** Sections 3.02 and 3.03 of the Decree are amended by substituting “over not more than 6 continuous days” for the words “from Monday to Friday”.

**3.** Section 3.04 of the Decree is amended by substituting “over not more than 6 continuous days” for the words “from Monday to Saturday”.

**4.** Section 3.05 of the Decree is amended by substituting “over not more than 6 continuous days” for “over 6 days”.

**5.** Section 3.06 of the Decree is revoked.



**6.** The following is substituted for sections 3.09 to 3.11 of the Decree:

“**3.09.** The employee who is called to work at the express request of the employer or during the course of his regular work period and who works less than 3 consecutive hours is entitled, except in case of a fortuitous event, to a compensation corresponding to 3 hours at his regular hourly rate, except if he is entitled to a higher amount under Division 4.00.

**3.10.** A night shift differential of \$0.25 per hour is paid for hours worked between 11:00 p.m. and 7:00 a.m.

**3.11.** The employee is entitled to time off each week of a minimum duration of 24 consecutive hours.”.

**7.** The following is substituted for section 4.01 of the Decree:

“**4.01.** Hours worked over and above the standard workday or workweek are paid at time and a half the regular hourly rate.”.

**8.** Section 4.02 of the Decree is revoked.

**9.** Sections 4.04 and 4.05 of the Decree are amended by deleting the first paragraph.

**10.** Section 4.06 of the Decree is amended by deleting in the first paragraph, “or 100 % as the case may be”.

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

9808

## Draft Regulation

Code of Penal Procedure  
(R.S.Q., c. C-25.1)

### Certain court costs

#### — Persons under 18 years of age

#### — 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 certain court costs in penal matters applicable to persons under 18 years of age, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

The purpose of the draft regulation is to increase the costs mentioned in the statement of offence, the costs that may be awarded against a party for a judgment of guilty rendered by default, the costs that may be awarded against a party for a judgment of guilty and the costs payable upon an order to reduce costs.

The purpose of the draft regulation is also to fix supplementary costs payable by a defendant who enters a plea of guilty or pays the total amount of the fine and costs requested in the statement of offence before trial.

Additional information may be obtained by contacting Mr. Rosaire Vallières, Director, Direction des affaires pénales, ministère de la Justice, 1200, route de l'Église, Sainte-Foy (Québec), G1V 4M1; telephone: (418) 644-2330, extension 243; fax: (418) 644-4597.

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 the undersigned, 1200, route de l'Église, Sainte-Foy (Québec), G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

## Regulation to amend the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age

Code of Penal Procedure  
(R.S.Q., c. C-25.1, s. 166.2, 261 and 367,  
pars. 2, 3, 4, 8 to 11; 1995, c. 51, s. 22)

**1.** The Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age, made by Order in Council 40-94 dated 10 January 1994, is amended by substituting the following for paragraph 6 of section 2:

“(6) for the sending of a plea of guilty or the sending of the total amount of the fine and costs without a plea:

(a) where the fine requested is equal to or less than \$10.00 ..... \$5.00;

(b) where the fine requested is greater than \$10.00 but less than \$50.00 ..... \$12.00;

(c) where the fine requested is equal to or greater than \$50.00 without exceeding \$100.00 ..... \$25.00;

(7) for the amount of supplementary costs payable by a defendant who enters a plea of guilty or pays the total amount of the fine and costs requested in the statement of offence before trial:

(a) where the fine requested is equal to or less than \$10.00 ..... \$15.00;

(b) where the fine requested is greater than \$10.00 but less than \$50.00 ..... \$18.00;

(c) where the fine requested is equal to or greater than \$50.00 without exceeding \$100.00 ..... \$25.00.”.

**2.** The following is substituted for paragraphs 1 and 2 of section 3:

“(1) for a judgment of guilty rendered by default:

(a) where the fine requested is equal to or less than \$10.00 ..... \$23.00;

(b) where the fine requested is greater than \$10.00 but less than \$50.00 ..... \$27.00;

(c) where the fine requested is equal to or greater than \$50.00 without exceeding \$100.00 ..... \$33.00;

(2) for a judgment of guilty rendered during the contested trial or for the contestation of the greater sentence requested:

(a) where the fine requested is equal to or less than \$10.00 ..... \$35.00;

(b) where the fine requested is greater than \$10.00 but less than \$50.00 ..... \$39.00;

(c) where the fine requested is equal to or greater than \$50.00 without exceeding \$100.00 ..... \$45.00;”.

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

“7. The minimum amount of the costs payable upon an order to reduce costs is the amount of the costs provided for in paragraph 6 of section 2.”.

**4.** Paragraph 1 of section 11 is amended in its English version by substituting the word “requested” for the word “claimed”.

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

“13. The costs and fees shall be increased on 1 April 1999 and thereafter every 3 years on 1 April, in the manner provided for in section 16 of the Tariff of court

costs in penal matters, made by Order in Council 1412-93 dated 6 October 1993.”.

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

“14. The total amount of the costs and fees payable by a person under 18 years of age shall not exceed \$100.00.”.

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

9819

## Draft Regulation

Code of Penal Procedure  
(R.S.Q., c. C-25.1)

### Tariff of court costs in penal matters — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Tariff of court costs in penal matters, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

The purpose of the draft regulation is to increase the costs mentioned in the statement of offence, the costs that may be awarded against a party for a judgment of guilty rendered by default, the costs that may be awarded against a party for a judgment of guilty and the costs payable upon an order to reduce costs.

The purpose of the draft regulation is also to fix supplementary costs payable by a defendant who enters a plea of guilty or pays the total amount of the fine and costs requested in the statement of offence before trial.

Additional information may be obtained by contacting Mr. Rosaire Vallières, Director, Direction des affaires pénales, ministère de la Justice, 1200, route de l'Église, Sainte-Foy (Québec), G1V 4M1; telephone: (418) 644-2330, extension 243; fax: (418) 644-4597.

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 the undersigned, 1200, route de l'Église, Sainte-Foy (Québec), G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

## Regulation to amend the Tariff of court costs in penal matters

Code of Penal Procedure

(R.S.Q., c. C-25.1, s. 166.2, 261 and 367, pars. 2 to 13; 1995, c. 51, s. 22)

**1.** The Tariff of court costs in penal matters, made by Order in Council 1412-93 dated 6 October 1993, is amended

(1) by substituting the following for paragraph 7 of section 1:

“(7) for the sending of a plea of guilty or the sending of the total amount of the fine and costs without a plea:

(a) where the fine requested is equal to or less than \$10.00 ..... \$5.00;

(b) where the fine requested is greater than \$10.00 but less than \$50.00 ..... \$12.00;

(c) where the fine requested is equal to or greater than \$50.00 but less than \$100.00 ..... \$25.00;

(d) where the fine requested is equal to or greater than \$100.00 but less than \$150.00 ..... \$35.00;

(e) where the fine requested is equal to or greater than \$150.00 but less than \$300.00 ..... \$50.00;

(f) where the fine requested is equal to or greater than \$300.00 but less than \$600.00 ..... \$100.00;

(g) where the fine requested is equal to or greater than \$600.00 but less than \$1 000.00 ..... \$200.00;

(h) where the fine requested is equal to or greater than \$1 000.00 without exceeding \$10 000.00, the amount corresponding to 25 % of the fine;

(i) where the fine requested is greater than \$10 000.00, the sum obtained by adding \$2 500.00 to the amount corresponding to 1 % of the part of the fine exceeding \$10 000.00;

(8) for the amount of supplementary costs payable by a defendant who enters a plea of guilty or pays the total amount of the fine and costs requested in the statement of offence before trial, the sum obtained by adding \$25.00 to the amount of the costs provided for in paragraph 7.”; and

(2) by adding the following paragraph at the end of section 1:

“For the purposes of clauses *h* and *i* of subparagraph 7 of the first paragraph, the sum obtained shall be reduced to the nearest dollar where it contains a fraction of a dollar less than \$0.50; it shall be increased to the nearest dollar where it contains a fraction of a dollar equal to or greater than \$0.50.”.

**2.** The following is substituted for paragraphs 1 and 2 of section 2:

“(1) for a judgment of guilty rendered by default, the sum obtained by adding \$41.00 to the amount of the costs provided for in subparagraph 7 of the first paragraph of section 1;

(2) for a judgment of guilty rendered during the contested trial or for the contestation of the greater sentence requested, the sum obtained by adding \$66.00 to the amount of the costs provided for in subparagraph 7 of the first paragraph of section 1;”.

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

“**9.** The minimum amount of the costs payable upon an order to reduce costs is the amount of the costs provided for in paragraph 7 of section 1.”.

**4.** Paragraph 1 of section 13 is amended in its English version by substituting the word “requested” for the word “claimed”.

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

9820

## Draft Regulation

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

### Garage employees

— Arthabaska, Thetford-Mines, Granby and Sherbrooke  
— 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 “Decree to amend the Decree respecting garage employees in the Arthabaska, Thetford-Mines, Granby and Sherbrooke regions”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft regulation is to render the scheduling of the standard work week and work day more flexible.

To that end, it proposes to extend the standard work week to Saturdays and Sundays, to eliminate fixed daily working hours and to amend the provisions respecting overtime and shift bonuses.

The proposed amendments will remedy problems that have been observed for some years, during several consultations held with various actors in the automotive sector. They will allow employers to adjust the opening and closing hours of their businesses to their consumers' needs, while making the organization of work more flexible. The consultation period will serve to clarify the impact of the amendments being sought. The Decree in question governs 1 153 employers, 722 artisans and 4 758 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1; tel.: (418) 643-4415; fax: (418) 528-0559.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

## **Decree to amend the Decree respecting garage employees in the Arthabaska, Thetford-Mines, Granby and Sherbrooke regions**

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

**1.** The Decree respecting garage employees in the Arthabaska, Thetford-Mines, Granby and Sherbrooke regions (R.R.Q., 1981, c. D-2, r. 42), amended by Orders in Council 1106-82 dated 5 May 1982 (Suppl., p. 454), 1359-84 dated 6 June 1984, 1797-84 dated 8 August 1984, 555-89 dated 12 April 1989 and 351-96 dated 21 March 1996, is further amended in section 1.01 by adding the following after paragraph *u*:

“(v) “week”: a period of seven consecutive days scheduled from midnight at the beginning of a given day to midnight at the end of the seventh day.”.

**2.** Section 3.01 of the Decree is amended by substituting “scheduled over not more than 6 continuous days. The standard workday is not to exceed 9 hours, scheduled over no more than 10 hours” for “scheduled from Monday to Friday. The standard workday is 8½ hours, scheduled from 7 h to 18 h”.

**3.** Section 3.02 of the Decree is revoked.

**4.** The following is substituted for sections 3.03 to 3.05 of the Decree:

“**3.03.** Parts clerk: The standard workweek is 42½ hours, scheduled over not more than 6 consecutive days. The standard workday is not to exceed 9 hours, scheduled over no more than 10 hours.

**3.04.** Serviceman, pump attendant and yardman: The standard workweek is 44 hours, scheduled over not more than 6 consecutive days. The standard workday may not be scheduled over a period in excess of 12 consecutive hours.

**3.05.** Tire specialist and remoulded tire specialist: The standard workweek is 44 hours, scheduled over not more than 6 consecutive days. The standard workday is not to exceed 10 hours, scheduled over no more than 11 hours.”.

**5.** Division 3.00 of the Decree is amended by adding the following after section 3.07:

“**3.08.** For the employee mentioned in sections 3.01 and 3.03 to 3.05, a night shift differential equal to 10 % of his regular rate is paid for hours worked between 11:00 p.m. and 7:00 a.m.; however, such differential may not exceed \$0.75 per hour.”.

**3.09.** The employee is entitled to a weekly rest period of a minimum duration of 24 consecutive hours.”.

**6.** Section 4.02 of the Decree is revoked.

**7.** Section 4.04 of the Decree is revoked.

**8.** Section 4.05 of the Decree is amended by substituting “The premium provided for in section 3.08 is” for the words “The premiums mentioned in the Decree are”.

**9.** Section 9.03 of the Decree is amended by substituting “the premium provided in section 3.08” for “the premiums provided in sections 3.02 to 3.05, if applicable”.

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

9804

## Draft Regulation

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

### Garage employees — Drummond — 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 “Decree to amend the Decree respecting garage employees in the Drummond region”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft regulation is to render the scheduling of the standard work week and work day more flexible.

To that end, it proposes to extend the standard work week to Saturdays and Sundays, to eliminate fixed daily working hours and to amend the provisions respecting overtime and shift bonuses.

The proposed amendments will remedy problems that have been observed for some years, during several consultations held with various actors in the automotive sector. They will allow employers to adjust the opening and closing hours of their businesses to their consumers’ needs, while making the organization of work more flexible. The consultation period will serve to clarify the impact of the amendments being sought. The Decree in question governs 186 employers, 75 artisans and 946 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1; tel.: (418) 643-4415; fax: (418) 528-0559.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

## Decree to amend the Decree respecting garage employees in the Drummond region

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

**1.** The Decree respecting garage employees in the Drummond region (R.R.Q., 1981, c. D-2, r. 43), amended by Orders in Council 361-83 dated 2 March 1983, 1166-89 dated 12 July 1989, 1194-89 dated 19 July 1989, 1067-91 dated 24 July 1991 and 352-96 dated 21 March 1996, is further amended in section 1.01, by adding the following after paragraph *n*:

“(o) “week”: a period of seven consecutive days scheduled from midnight at the beginning of a given day to midnight at the end of the seventh day.”.

**2.** Section 3.01 of the Decree is amended by substituting “over not more than 6 continuous days. The standard workday is not to exceed 10 hours, scheduled over no more than 11 hours” for “from Monday through Friday. Daily working hours are scheduled between 7 h and 18 h”.

**3.** Section 3.02 of the Decree is amended by substituting “over not more than 6 continuous days” for the words “from Monday through Friday”.

**4.** Section 3.03 of the Decree is revoked.

**5.** The following is substituted for section 3.04 of the Decree:

“**3.04.** The standard workweek for the car washer, pump attendant or serviceman is 44 hours, scheduled over not more than 6 continuous days. The standard workday is not to exceed 9 hours, scheduled over no more than 10 hours”.

**6.** Section 3.05 is amended by substituting “over not more than 6 continuous days. The standard workday is not to exceed 10 hours, scheduled over no more than 11 hours” for “from Monday through Friday. The standard workday is scheduled between 7 h and 18 h”.

**7.** Section 3.06 of the Decree is amended by deleting the second sentence of the first paragraph.

**8.** Division 3.00 of the Decree is amended by adding the following after section 3.07:

“**3.08.** In the case of an employee governed by sections 3.01 and 3.04, a night shift differential of \$0.50 is paid for hours worked between 11.00 p.m. and 7.00 a.m.

**3.09.** An employee is entitled to time off each week of a minimum duration of 24 consecutive hours.”.

**9.** Section 4.02 of the Decree is revoked.

**10.** Section 4.03 of the Decree is amended by deleting the words “on Sundays or”.

**11.** Section 6.03 of the Decree is amended by substituting the words “night shift differential” for the words “shift differential”.

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

9805

## Draft Regulation

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

### Garage employees — Mauricie — 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 “Decree to amend the Decree respecting garage employees in the Mauricie region”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft regulation is to render the scheduling of the standard work week and work day more flexible.

To that end, it proposes to extend the standard work week to Saturdays and Sundays, to eliminate fixed daily working hours and to amend the provisions respecting overtime and shift bonuses.

The proposed amendments will remedy problems that have been observed for some years, during several consultations held with various actors in the automotive sector. They will allow employers to adjust the opening and closing hours of their businesses to their consumers’ needs, while making the organization of work more flexible. The consultation period will serve to clarify the impact of the amendments being sought. The Decree in question governs 599 employers, 216 artisans and 2 697 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du

Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1; tel.: (418) 643-4415; fax: (418) 528-0559.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

## Decree to amend the Decree respecting garage employees in the Mauricie region

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

**1.** The Decree respecting garage employees in the Mauricie region (R.R.Q., 1981, c. D-2, r. 45), amended by Orders in Council 2489-83 dated 30 November 1983, 491-89 dated 29 March 1989, 229-90 dated 21 February 1990, 148-91 dated 6 February 1991, 1124-92 dated 29 July 1992, extended by Orders in Council 1367-93 dated 22 September 1993, 1495-94 dated 5 October 1994 and 1169-95 dated 30 August 1995 and amended by Order in Council 354-96 dated 21 March 1996, is further amended in section 1.01, by adding the following after paragraph *x*:

“(y) “week”: a period of seven consecutive days scheduled from midnight at the beginning of a given day to midnight at the end of the seventh day.”.

**2.** Section 3.01 of the Decree is amended by substituting “scheduled over not more than 6 continuous days. The standard workday is not to exceed 10 hours, scheduled over no more than 11 hours” for “,scheduled from Monday through Friday, between 7 h 30 to 18 h”.

**3.** Section 3.02 of the Decree is amended by substituting “scheduled over not more than 6 continuous days. The standard workday is not to exceed 9 hours, scheduled over no more than 10 hours” for “scheduled over a maximum of 5 days not exceeding 9 consecutive hours”.

**4.** The following is substituted for section 3.03 of the Decree:

“**3.03.** A night shift differential of \$0.25 per hour is paid for hours worked between 11:00 p.m. and 7:00 a.m.”.

**5.** Section 3.04 of the Decree is revoked.

**6.** Section 3.05 of the Decree is amended by substituting “scheduled over not more than 6 continuous days” for “scheduled over a maximum of 5 days”.

**7.** Section 3.08 of the Decree is revoked.

**8.** Division 3.00 of the Decree is amended by adding the following after section 3.08:

“**3.09.** The employee is entitled to a weekly rest period of a minimum duration of 24 consecutive hours.”.

**9.** Section 4.01 of the Decree is amended by substituting the words “of the night shift differential” for the word “increase”.

**10.** Section 4.02 of the Decree is amended:

1° by deleting the words “Sunday or”;

2° by substituting the words “of the night shift differential” for the word “increase”.

**11.** Section 10.02 of the Decree is amended by substituting “, 3.07” in paragraph *b* for “to 3.08”.

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

9806

## Draft Regulation

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

### Garage employees

#### — Québec

#### — 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 “Decree to amend the Decree respecting garage employees in the Québec region”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft regulation is to render the scheduling of the standard work week and work day more flexible.

To that end, it proposes to extend the standard work week to Saturdays and Sundays, to eliminate fixed daily working hours and to amend the provisions respecting overtime and shift bonuses.

The proposed amendments will remedy problems that have been observed for some years, during several consultations held with various actors in the automotive sector. They will allow employers to adjust the opening and closing hours of their businesses to their consumers’ needs, while making the organization of work more flexible. The consultation period will serve to clarify the impact of the amendments being sought. The Decree in question governs 978 employers, 286 artisans and 7 540 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1; tel.: (418) 643-4415; fax: (418) 528-0559.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

## Decree to amend the Decree respecting garage employees in the Québec region

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

**1.** The Decree respecting garage employees in the Québec region (R.R.Q., 1981, c. D-2, r. 48), amended by Orders in Council 88-82 dated 13 January 1982 (Suppl., p. 459), 805-82 dated 31 March 1982 (Suppl., p. 464), 1843-82 dated 12 August 1982, 2711-82 dated 24 November 1982, 1026-83 dated 18 May 1983, 2574-83 dated 6 December 1983, 1099-84 dated 9 May 1984, 2589-84 dated 21 November 1984, 1034-85 dated 29 May 1985, extended by Order in Council 2615-85 dated 4 December 1985, amended by Orders in Council 1309-89 dated 9 August 1989 and 619-90 dated 2 May 1990, extended by Orders in Council 1746-90 of 12 December 1990, 1739-91 dated 11 December 1991, 877-92 dated 10 June 1992, 1563-92 dated 28 October 1992, 97-93 dated 27 January 1993, 957-93 dated 30 June 1993, 1078-94 dated 13 July 1994 and 945-95 dated 5 July 1995 and amended by Order in Council 356-96 of 21 March 1996, is further amended in section 1.01 by adding the following after paragraph 32:

“(33) “week”: a period of seven consecutive days scheduled from midnight at the beginning of a given day to midnight at the end of the seventh day.”.

**2.** Section 7.01 of the Decree is amended:

1° by substituting, in the first paragraph, “over not more than 6 continuous days” for the words “from Monday to Friday”;

2° by substituting, in the second paragraph, “is not to exceed 9 hours, scheduled over no more than 10 hours” for “consists of 8 hours scheduled between 8:00 and 17:30”.

**3.** Section 7.02 of the Decree is amended:

1° by substituting, in the first paragraph, “over not more than 6 continuous days” for the words “from Monday to Saturday”;

2° by substituting, in the second paragraph, “is not to exceed 9 hours, scheduled over no more than 10 hours” for “consists of 8 hours scheduled between 7 hours and 19 hours”.

**4.** Section 7.03 of the Decree is amended:

1° by substituting, in the first paragraph, “over not more than 6 continuous days” for “over a maximum of 6 days”;

2° by substituting, in the second paragraph, “is not to exceed 9 hours, scheduled over no more than 10 hours” for “consists of 8 ½ hours”.

**5.** Section 7.04 of the Decree is amended:

1° by substituting, in the first paragraph, “over not more than 6 continuous days” for the words “from Monday to Friday”;

2° by substituting, in the second paragraph, “is not to exceed 9 hours, scheduled over no more than 10 hours” for “consists of 8 hours scheduled between 8 hours and 18 hours”.

**6.** Section 7.05 of the Decree is amended:

1° by substituting, in the first paragraph, “over not more than 6 continuous days” for the words “from Monday to Friday”;

2° by substituting, in the second paragraph, “is not to exceed 9 hours, scheduled over no more than 11 hours” for “consists of 8 hours scheduled between 7 h 45 and 17 h 45”.

**7.** Section 7.05.1 of the Decree is amended:

1° by substituting, in the first paragraph, “over not more than 6 continuous days” for the words “from Monday to Friday”;

2° by substituting, in the second paragraph, “is not to exceed 9 hours, scheduled over no more than 11 hours” for “consists of 7 ½ hours scheduled between 8:30 and 17:30”.

**8.** The following is substituted for sections 7.07 and 7.08 of the Decree:

“**7.07.** A night shift differential of 11 % of the regular wage rate is paid for hours worked between 11:00 p.m. and 7:00 a.m.”.

**9.** Section 7.09 of the Decree is amended by substituting “Section 7.07 does not apply” for “Sections 7.07 and 7.08 do not apply”.

**10.** Division 7.00 of the Decree is amended by adding the following after section 7.11:

“**7.12.** The employee is entitled to a weekly rest period of a minimum duration of 24 consecutive hours.”.

**11.** Section 8.02 of the Decree is amended by deleting the words “Sundays and”.

**12.** Section 8.03 of the Decree is revoked.

**13.** Section 9.08 of the Decree is revoked.

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

9821

**Draft Regulation**

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

**Garage employees**

— **Rimouski**

— **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 “Decree to amend the Decree respecting garage employees in the Rimouski region”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.



The main purpose of the draft regulation is to render the scheduling of the standard work week and work day more flexible.

To that end, it proposes to extend the standard work week to Saturdays and Sundays, to eliminate fixed daily working hours and to amend the provisions respecting overtime.

The proposed amendments will remedy problems that have been observed for some years, during several consultations held with various actors in the automotive sector. They will allow employers to adjust the opening and closing hours of their businesses to their consumers' needs, while making the organization of work more flexible. The consultation period will serve to clarify the impact of the amendments being sought. The Decree in question governs 94 employers, 19 artisans and 518 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1; tel.: (418) 643-4415; fax: (418) 528-0559.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

## Decree to amend the Decree respecting garage employees in the Rimouski region

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

**1.** The Decree respecting garage employees in the Rimouski region (R.R.Q., 1981, c. D-2, r. 49), amended by Orders in Council 1844-82 dated 12 August 1982, 1104-83 dated 25 May 1983, 2780-84 dated 12 December 1984, 1167-89 dated 12 July 1989 and 357-96 dated 21 March 1996, is further amended in section 1.01, by adding the following paragraph at the end:

“week”: a period of seven consecutive days scheduled from midnight at the beginning of a given day to midnight at the end of the seventh day.”.

**2.** Section 3.02 of the Decree is amended by substituting “is not to exceed 9 hours, scheduled over no more than 10 hours” for “consists of a maximum of 8 hours”.

**3.** Section 3.03 of the Decree is amended by substituting “over not more than 6 continuous days” for “from Monday through Friday between 8 h and 17 h”.

**4.** The following is substituted for section 3.06 of the Decree:

“**3.06.** The employee is entitled to a weekly rest period of a minimum duration of 24 consecutive hours.”.

**5.** Section 4.01 of the Decree is amended by substituting the second paragraph by the following:

“Hours worked on a general holiday are paid at double the normal rate.”.

**6.** Section 4.03 of the Decree is amended by substituting the words “hours worked over and above the hours of the standard workday” for “hours worked in excess of 8 hours per day”.

**7.** Section 4.04 of the Decree is amended by deleting the second paragraph.

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

9809

## Draft Regulation

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

### Garage employees — Saguenay–Lac-Saint-Jean — 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 “Decree to amend the Decree respecting garage employees in the Saguenay–Lac-Saint-Jean region”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to render the scheduling of the standard work week and work day more flexible.

To that end, it proposes to extend the standard work week to Saturdays and Sundays, to eliminate fixed daily working hours and to amend the provisions respecting overtime and shift bonuses.

The proposed amendments will remedy problems that have been observed for some years, during several consultations held with various actors in the automotive sector. They will allow employers to adjust the opening and closing hours of their businesses to their consumers' needs, while making the organization of work more flexible. The consultation period will serve to clarify the impact of the amendments being sought. The Decree in question governs 669 employers, 120 artisans and 3 061 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1; tel.: (418) 643-4415; fax: (418) 528-0559.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

## Decree to amend the Decree respecting garage employees in the Saguenay–Lac-Saint-Jean region

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

**1.** The Decree respecting garage employees in the Saguenay–Lac Saint-Jean region (R.R.Q., 1981, c. D-2, r.50), amended by Orders in Council 1216-82 dated 19 May 1982 (Suppl., p. 465), 751-83 dated 13 April 1983, 2548-84 dated 14 November 1984, 1558-86 dated 15 October 1986, 1168-89 dated 12 July 1989, extended by Orders in Council 149-91 dated 6 February 1991, 73-92 dated 22 January 1992, 1100-92 dated 22 July 1992, 98-93 dated 27 January 1993, 1032-93 dated 14 July 1993, 1079-94 dated 13 July 1994 and 992-95 dated 19 July 1995 and amended by Order in Council 358-96 dated 21 March 1996, is further amended in section 1.01, by adding the following after paragraph *q*:

“(r) “week”: a period of seven consecutive days scheduled from midnight at the beginning of a given day to midnight at the end of the seventh day.”.

**2.** Section 3.01 of the Decree is amended:

1° by substituting, in the first paragraph, “over not more than 6 continuous days” for “from Monday to Friday”;

2° by substituting, in the second paragraph, “not to exceed 9 hours, scheduled over no more than 10 hours” for “8 hours, scheduled between 8 h and 17 h 30”.

**3.** Section 3.02 of the Decree is amended:

1° by substituting, in the first paragraph, “over not more than 6 continuous days” for “over 6 days at the most”;

2° by substituting, in the second paragraph, “not to exceed 9 heures, scheduled over no more than 10 hours” for “8° hours”.

**4.** The following is substituted for section 3.03 of the Decree:

“**3.03.** A night shift differential equal to 10 % of the employee’s regular hourly rate is paid for hours worked between 11:00 p.m. and 7:00 a.m.”.

**5.** Section 4.01 of the Decree is amended by deleting “or determined under section 3.03”.

**6.** Section 4.02 of the Decree is amended by deleting the words “on Sunday or”.

**7.** Section 4.03 of the Decree is revoked.

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

9807

## Draft Regulation

Health Insurance Act  
(R.S.Q., c. A-29)

### Forms and Statements of fees — 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 forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2), the text of which appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to amend section 31 of the Regulation mentioned above, so that a billing statement identically reproducing the content of statements of fees forwarded to the Régie de l’assurance-maladie du Québec by means of telecommunication be

produced, signed and kept by health professionals. This amendment is due to the fact that the Board will be able to receive, by electronic means, statements of fees from health professionals remunerated by way of fixed fees, whether by the salary, fees or fees for a fixed price method of remuneration.

Study of the matter has revealed no impact on the content of the statement of fees forwarded in that way. The only new element introduced is the obligation to produce, sign and keep the billing statement, which is an identical reproduction of the data forwarded electronically, for those methods of remuneration, in the same manner as professionals with fee-for-service remuneration.

Further information may be obtained by contacting Mr. Jean-L. Lefebvre, advocate, tel.: (418) 682-5172, fax: (418) 643-7312, Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, Sillery (Québec), G1S 1E7.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, 8<sup>e</sup> étage, Sillery (Québec), G1S 1E7.

ANDRÉ DICAIRE,  
*President and Director General of  
the Régie de l'assurance-maladie du Québec*

## **Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act**

Health Insurance Act  
(R.S.Q., c. A-29, s. 72, 1<sup>st</sup> par., subpars. *a* and *b*)

**1.** The Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2), amended by the Regulations approved by Orders in Council 56-82 dated 13 January 1982 (Suppl., p. 123), 1126-82 dated 12 May 1982 (Suppl., p. 126), 3017-82 dated 20 December 1982, 2284-83 dated 16 November 1983, 794-84 dated 4 April 1984, 413-85 dated 6 March 1985, 2331-85 dated 7 November 1985, 655-86 dated 14 May 1986, 1178-86 dated 30 July 1986, 553-87 dated 8 April 1987, 761-88 dated 18 May 1988, 859-90 dated 20 June 1990, 1471-92 and 1472-92 dated 30 September 1992, 1756-92 dated 2 December 1992, 68-94 dated 10 January 1994, 1040-94 dated 6 July 1994 and 1218-95 dated 6 September 1995, is further amended by adding the following after the first paragraph of section 31:

“Notwithstanding the foregoing, for physicians and dentists remunerated by way of fixed fees or salary, and for physicians and dentists remunerated by way of fees for a fixed price or fees, the billing statement produced manually or by computer equipment or hardware must contain the signature of the physician or dentist, as the case may be, or the signature of his duly authorized mandatary, in addition to the signature of the person duly authorized by the institution at which the professional provided the service for which he is submitting the statement of fees, as well as, if they are forwarded, the elements referred to in section 9.2 or 9.3, as the case may be, and the following elements:

in accordance with the technical specifications in the computerized billing instructions forwarded to the physician or dentist, the data corresponding to the following identification or forwarding coordinates:

(1) a reference number for the sending of information forwarded to the Board by means of magnetic recording media or telecommunications media, which must appear on each page;

(2) the number of the data processing agency, where applicable;

(3) the system code and the record code used for forwarding data;

(4) the attestation number for the consignment of requests for payment;

(5) indications of the beginning and end of the forwarding of data.”.

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

9823

## **Draft Regulation**

Hospital Insurance Act  
(R.S.Q., c. A-28)

### **Regulation — 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 the application of the Hospital Insurance Act, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to amend the maximum amounts that may be reimbursed to a resident who receives, in a hospital centre situated outside Canada, insured health-care services that become necessary because of a sudden illness or an emergency.

Thus, the draft regulation limits to \$100.00 per day the amount that may be reimbursed in the case of hospitalization, and to \$50.00 per day the amount that may be reimbursed in the case of out-patient treatment.

The amount that may be reimbursed for hemodialysis treatments would be \$220.00 per treatment.

The impact that these measures are expected to have on the public is to increase hospital insurance premiums for stays abroad.

Further information may be obtained from Marie-Andrée Pelletier, Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, Sillery (Québec), G1S 1E7, tel.: (418) 682-5172, fax: (418) 643-7312.

Any interested person having comments to make on the draft regulation is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec), G1S 2M1.

JEAN ROCHON,  
*Minister of Health  
and Social Services*

## Regulation to amend the Regulation respecting the application of the Hospital Insurance Act

Hospital Insurance Act  
(R.S.Q., c. A-28, s. 8)

**1.** The Regulation respecting the application of the Hospital Insurance Act (R.S.Q., 1981, c. A-28, r. 1), amended by the Regulations made by Orders in Council 1036-82 dated 28 April 1982 (Suppl., p. 80), 1180-82 dated 19 May 1982 (Suppl., p. 81), 1490-82 dated 23 June 1982 (Suppl., p. 82), 1314-83 dated 22 June 1983, 1523-83 dated 2 August 1983, 1321-84 dated 6 June 1984, 1768-84 dated 8 August 1984, 197-86 dated 26 February 1985, 1257-87 dated 12 August 1987, 1981-88 dated 21 December 1988, 113-90 dated 31 January 1990, 1100-90 dated 1 August 1990, 668-91 dated 15 May 1991, 696-91 dated 22 May 1991, 744-91 dated 29 May 1991, 498-92 dated 1 April 1992, 315-93 dated 10 March 1993 and 1379-95 dated 18 October

1995, and amended by the indexation applied pursuant to the second paragraph of section 15 of that Regulation, is further amended, in section 15:

(1) by substituting the amount "\$100.00" for the amount "\$509.00" and by substituting "\$50.00 per day" for "\$61.00 per visit" in subparagraph *a* of the first paragraph;

(2) by inserting the following after subparagraph *a* of the first paragraph:

"(a.1) for a hemodialysis treatment, the price of the service, up to the amount of \$220.00 per treatment including medications;" and

(3) by striking out the second paragraph.

**2.** Any resident who left Canada before 1 September 1996 and claims a reimbursement for insured services received during his stay outside Canada in a hospital centre situated outside Canada is governed by section 15 of the Regulation respecting the application of the Hospital Insurance Act as it read before that date.

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

9822

## Draft Regulation

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

### Men's Clothing — Amendments

Notice is hereby given, in accordance with the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Men's Clothing Parity Committee, following its meeting of 25 March 1996, has petitioned the Minister of Labour to recommend to the Government that it approve the Regulation to amend the Levy Regulation of the Men's Clothing Parity Committee. In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation, the text of which appears below, may be made by the Government at the expiry of the 45 days from this publication.

The purpose of this draft regulation is to reduce the rate of the levy now in effect for employers and employees governed by the Decree respecting the men's clothing industry.

To achieve that purpose, the draft regulation proposes to reduce the rate of the levy from 0.25 % to 0.20 %.

To date, a study of this matter has revealed that the reduction in the levy will help to lower the surplus amount accumulated over the years, while allowing the Parity Committee sufficient funds to fulfil its obligations under the Act respecting collective agreement decrees. Consultation will serve to clarify the impact of the proposed amendments. According to the statistics in the 1995 Annual Report of the Parity Committee, the Decree respecting the men's clothing industry governs 256 employers and 11,619 employees.

Further information may be obtained by contacting Mr. Gilles Fleury, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1 (telephone: (418) 643-4415; Fax: (418) 528-0559).

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 the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

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## **Regulation to amend the Levy Regulation of the Men's Clothing Parity Committee**

Act respecting collective agreement decrees  
(R.S.Q., c. D-2, s. 22, par. *i*)

**1.** The Levy Regulation of the Men's Clothing Parity Committee, approved by Order in Council 2626-85 dated 11 December 1985 and amended by the regulations approved by Orders in Council 1228-87 dated 5 August 1987 and 795-89 dated 24 May 1989, is further amended by substituting the following for sections 2 and 3:

“**2.** Professional employers shall remit to the Men's Clothing Parity Committee an amount equal to 0.20 % of the gross wages they pay to their employees governed by the Decree.

**3.** Employees shall remit to the Parity Committee an amount equal to 0.20 % of their gross wages.”.

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

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Forest Act — Forest royalties . . . . .	2879	M
(R.S.Q., c. F-4.1)		
Forest royalties . . . . .	2879	M
(Forest Act, R.S.Q., c. F-4.1)		
Forms and Statements of fees . . . . .	2902	Draft
(Health Insurance Act, R.S.Q., c. A-29)		
Garage employees — Arthabaska, Thetford Mines, Granby and Sherbrooke . . .	2895	Draft
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Garage employees — Drummond . . . . .	2897	Draft
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Garage employees — Mauricie . . . . .	2898	Draft
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Garage employees — Québec . . . . .	2899	Draft
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Garage employees — Rimouski . . . . .	2900	Draft
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Garage employees — Saguenay — Lac Saint-Jean . . . . .	2901	Draft
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Government and Public Employees Retirement Plan, An Act respecting the..., amended . . . . .	2871	
(1996, Bill 133)		



Government and Public Employees Retirement Plan, An Act respecting... — Pension plan for federal employees . . . . . (R.S.Q., c. R-10)	2878	M
Government services to departments and public bodies, An Act to amend the Act respecting... . . . . . (1996, Bill 118)	2859	
Health Insurance Act — Forms and Statements of fees . . . . . (R.S.Q., c. A-29)	2902	Draft
Hospital Insurance Act — Regulation . . . . . (R.S.Q., c. A-28)	2903	Draft
Implementation of international trade agreements, An Act respecting the... . . . . (1996, Bill 51)	2853	
Income security . . . . . (An Act respecting income security, R.S.Q., c. S-3.1.1)	2880	M
Income security and other legislative provisions, An Act to amend the Act respecting... — Coming into force of certain provisions . . . . . (1995, c. 69)	2875	
Income security, An Act respecting... — Income security . . . . . (R.S.Q., c. S-3.1.1)	2880	M
Installation of petroleum equipment . . . . . (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	2889	M
Jurors Act, amended . . . . . (1996, Bill 7)	2827	
Labour agreements in the education sector, An Act to foster... . . . . . (1996, Bill 37)	2849	
List of Bills sanctioned . . . . .	2809	
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Loan and Investment Societies Act, amended . . . . . (1996, Bill 7)	2827	
Lotteries, publicity contests and amusement machines in respect of international cruise ships, An Act to amend the Act respecting... . . . . . (1996, Bill 129)	2863	
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Mining Duties Act, An Act to amend the... . . . . . (1996, Bill 5)	2813	
Municipal Code of Québec, amended . . . . . (1996, Bill 7)	2827	
Municipal taxation, An Act respecting..., amended . . . . . (1996, Bill 7)	2827	
Pension plan for federal employees . . . . . (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)	2878	M
Pension Plan of Certain Teachers, An Act respecting the..., amended . . . . . (1996, Bill 133)	2871	

Permanent impairments . . . . . (Automobile Insurance Act, R.S.Q., c. A-25)	2884	M
Régie du logement, An Act respecting the..., amended . . . . . (1996, Bill 7)	2827	
Reimbursement of certain expenses . . . . . (Automobile Insurance Act, R.S.Q., c. A-25)	2883	M
School elections, An Act respecting..., amended . . . . . (1996, Bill 7)	2827	
Tariff of court costs in penal matters . . . . . (Code of Penal Procedure, R.S.Q., c. C-25.1)	2894	Draft
Teachers Pension Plan, An Act respecting the..., amended . . . . . (1996, Bill 133)	2871	