

# Gazette officielle du Québec

## Part 2 Laws and Regulations

Volume 128  
17 July 1996  
No. 29

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Legal deposit — 1<sup>st</sup> Quarterly 1968  
Bibliothèque nationale du Québec  
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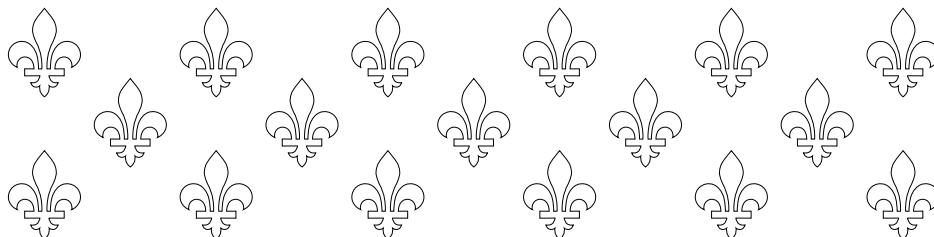
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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 1  
(1996, chapter 13)

## **An Act respecting the Ministère de la Métropole**

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**Introduced 30 April 1996**  
**Passage in principle 8 May 1996**  
**Passage 13 June 1996**  
**Assented to 20 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*This bill provides for the creation of a government department, the Ministère de la Métropole, to be under the direction of the minister designated as Minister of State for Greater Montréal.*

*The mission of the Minister is to promote and support the economic, cultural and social development of Greater Montréal, and to ensure its continued advancement, dynamism and influence. The Minister will act as a catalyst and consensus-maker for the promotion of the interests of Greater Montréal, will advise the Government in all matters relating to Greater Montréal, and, in particular, will be responsible for drawing up guidelines and policies designed to further the development of Greater Montréal and proposing them to the Government.*

*The bill also contains a description of the territory comprising Greater Montréal, assigns specific powers to the Minister, provides for the organization of a government department for Greater Montréal and sets out amending, transitional and final provisions.*

**LEGISLATION AMENDED BY THIS BILL:**

- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7);
- Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1);
- Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2);
- Act respecting the Olympic Village (1976, chapter 43);
- Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65).

## Bill 1

### **An Act respecting the Ministère de la Métropole**

WHEREAS Montréal, by reason of its strategic location on the St. Lawrence River that made it a meeting-point of Europe and North America, was destined to play a role of paramount importance in the economic, cultural and social development of Québec;

WHEREAS Montréal and the metropolitan region are a natural forum for economic and cultural production and exchange;

WHEREAS the economic growth and cultural development of Québec are indissociably linked to its chief city, and whereas the economic, cultural and social sectors must be rallied to provide Greater Montréal with renewed impetus;

WHEREAS the contribution of Greater Montréal is essential to the advancement of Québec in every aspect of its specificity, and whereas appropriate action must be undertaken to accelerate and sustain its development;

WHEREAS it appears that a government department for Greater Montréal would constitute an efficient instrument for channelling and harmonizing such action;

## THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

## DIVISION I

## RESPONSIBILITIES OF THE MINISTER

**1.** The Ministère de la Métropole shall be under the direction of a minister appointed under the Executive Power Act (R.S.Q., chapter E-18), to be known as the Minister of State for Greater Montréal.

**2.** The mission of the Minister shall be to promote and support the economic, cultural and social development of Greater Montréal, and to ensure its continued advancement, dynamism and influence.

The Minister's action, undertaken in consultation with the ministers concerned, shall focus, in particular, on the promotion of economic development and tourism, land use planning and development, and the organization of transportation and transportation systems in Greater Montréal.

By such action, the Minister shall promote, within the framework of government guidelines and policies, job creation in Greater Montréal.

**3.** The Minister shall act as a catalyst and consensus-maker for the promotion of the interests of Greater Montréal, by facilitating dialogue between

(1) the State and the private sector, so that their interventions may complement each other;

(2) private partners, so that their participation in the development of Greater Montréal may intensify and be effected harmoniously;

(3) the Government of Québec, the Communauté urbaine de Montréal and the municipalities, so as to foster a unified line of action;

(4) the Government of Québec and the Government of Canada.

In addition, the Minister shall seek to increase the convergence and effectiveness of the actions taken by local and regional authorities within Greater Montréal. He shall, in collaboration with such authorities, develop mechanisms to simplify the decision-making process for decisions involving the whole of the metropolitan area.



**4.** The Minister is, by virtue of his office, the advisor of the Government in all matters relating to Greater Montréal. He shall provide the ministers of the various government departments with such advice as he considers appropriate to promote the interests of Greater Montréal, and shall coordinate and ensure the coherence of government activities involving Greater Montréal. In his capacity as advisor of the Government,

(1) the Minister shall participate in the preparation of departmental measures and decisions having a significant impact on Greater Montréal;

(2) the Minister's opinion must be sought for any measure having a significant impact on Greater Montréal, before it is submitted to the Conseil du trésor or the Government for a decision.

It is the responsibility of the government departments and bodies concerned to forward to the Minister the information necessary for the exercise of these responsibilities.

**5.** The Minister shall draw up guidelines and policies designed to further the development of Greater Montréal, propose them to the Government, and supervise their implementation.

More specifically, the Minister

(1) may, together with the government departments and bodies concerned, agree on cooperative arrangements to facilitate the development and implementation of the guidelines and policies;

(2) shall provide financial support, on the conditions he determines, for actions undertaken to develop and promote Greater Montréal;

(3) shall provide the services he considers necessary to any person, association, partnership or body;

(4) may conduct or commission research, inventories, studies and surveys, and make them public.

**6.** The responsibilities of the Minister shall be exercised in respect of the territory of Greater Montréal, as described in the schedule. The Government shall amend the schedule as required so that the territory it describes continues to correspond to the metropolitan census area.

**7.** The Minister may, in the interest of Greater Montréal, enter into an agreement in accordance with the law with a government other than the Government of Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization.

**8.** The Minister may also enter into an agreement with any person, association, partnership or body, concerning any matter coming under his authority.

**9.** The Minister and the Communauté urbaine de Montréal or the municipalities whose territories are included in the territory described in the schedule may enter into agreements. Such agreements may derogate from the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

**10.** The Minister shall table before the National Assembly a report on the activities of the Ministère de la Métropole for each fiscal year within six months of the end of the fiscal year or, if the Assembly is not sitting, within 30 days of resumption.

## DIVISION II

### DEPARTMENTAL ORGANIZATION

**11.** The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as deputy minister of the Ministère de la Métropole.

**12.** Under the direction of the Minister, the Deputy Minister shall administer the department.

He shall, in addition, exercise any other function assigned to him by the Government or the Minister.

**13.** In the exercise of his functions, the Deputy Minister has the authority of the Minister.

**14.** The Deputy Minister may, in writing and to the extent he indicates, delegate the exercise of his functions under this Act to a public servant or the holder of a position.

He may, in the instrument of delegation, authorize the subdelegation of the functions he indicates, and in that case shall specify the title of the public servant or holder of a position to whom the functions may be subdelegated.

**15.** The personnel of the department shall consist of the public servants required for the performance of the functions of the Minister; they shall be appointed and remunerated in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants where they are not determined by law or by the Government.

**16.** The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

No deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government.

**17.** The Government may, on the conditions it determines, allow the signature of the Minister or Deputy Minister to be affixed by means of an automatic device to the documents it determines.

The Government may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents it determines. The facsimile must be countersigned by a person authorized by the Minister.

**18.** Any document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 16, is authentic.

### DIVISION III

#### AMENDING, TRANSITIONAL AND FINAL PROVISIONS

**19.** Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended by adding, at the end, the following paragraph:

“(31) The Ministère de la Métropole.”

**20.** Section 1 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7) is amended by replacing paragraph *c* by the following paragraph:

“(c) “Minister” means the Minister of State for Greater Montréal.”

**21.** Section 30 of the Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1) is amended by replacing the words “minister designated by the Government” in the first line by the words “Minister of State for Greater Montréal”.

**22.** Section 4 of the Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2), amended by section 49 of chapter 19 of the statutes of 1995, is replaced by the following section:

“**4.** Three persons shall be delegated to the board of directors, two by the Minister of Industry, Trade, Science and Technology and the Minister of Education from among the personnel members of their respective departments, and one by the Minister of State for Greater Montréal.”

**23.** Section 46 of the said Act, amended by section 58 of chapter 19 of the statutes of 1995, is again amended by replacing the words “Minister of Industry, Trade, Science and Technology” in the first line by the words “Minister of State for Greater Montréal”.

**24.** Section 1 of the Act respecting the Olympic Village (1976, chapter 43) is amended by replacing paragraph *e* by the following paragraph:

“(e) “Minister” means the Minister of State for Greater Montréal.”

**25.** Section 24 of the Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65) is amended by striking out the words “of Transport” after the word “Minister” in the fourth line of subparagraph 2 of the first paragraph.

**26.** Section 83 of the said Act is amended

(1) by inserting the words “of Transport” after the word “Minister” in the second line of subparagraph 4 of the second paragraph;

(2) by inserting, after the second paragraph, the following paragraph:

“Where the agreement involves a matter referred to in subparagraph 4 or 5 of the second paragraph, the assent of the Minister of Transport is required.”

**27.** Section 171 of the said Act is amended by inserting the words “of Transport” after the word “Minister” in the first line of the first paragraph and the first line of the second paragraph.

**28.** Section 173 of the said Act is amended by replacing the words “of Transport” in the first line by the words “of State for Greater Montréal”.

**29.** The members of the personnel of a government department who perform functions devolving upon the Minister of State for Greater Montréal within the division of the Ministère du Conseil exécutif known as the Secrétariat à la métropole shall become, with no further formality, members of the personnel of the Ministère de la Métropole.

**30.** Appropriations granted to a government department or body for the fiscal year 1996-97 in relation to a matter devolving upon the Minister of State for Greater Montréal shall be transferred to the Ministère de la Métropole to the extent determined by the Government.

**31.** This Act comes into force on 20 June 1996.

## SCHEDULE

### TERRITORY OF GREATER MONTRÉAL

The territories of the following entities:

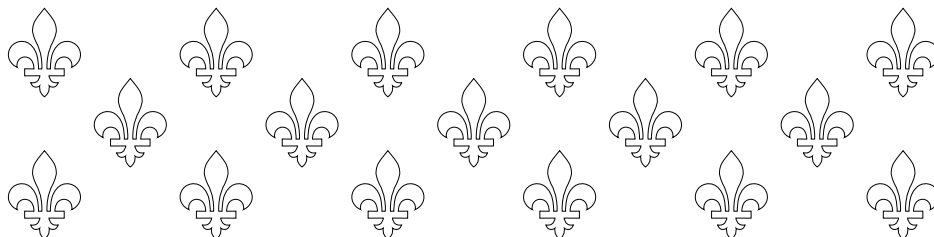
Ville d'Anjou  
Ville de Baie-d'Urfé  
Ville de Beaconsfield  
Ville de Beauharnois  
Paroisse de Bellefeuille  
Ville de Beloeil  
Ville de Blainville  
Ville de Boisbriand  
Ville de Bois-des-Filion  
Ville de Boucherville  
Ville de Brossard  
Ville de Candiac  
Ville de Carignan

Ville de Chambly  
Ville de Charlemagne  
Ville de Châteauguay  
Cité de Côte-Saint-Luc  
Ville de Delson  
Ville de Deux-Montagnes  
Ville de Dollard-des-Ormeaux  
Cité de Dorval  
Canton de Gore  
Ville de Greenfield Park  
Ville de Hampstead  
Ville de Hudson  
Indian Reserve of Kahnawake  
Ville de Kirkland  
Ville de Lachenaie  
Ville de Lachine  
Village de Lafontaine  
Ville de La Plaine  
Ville de La Prairie  
Ville de LaSalle  
Ville de L'Assomption  
Ville de Laval  
Village de Lavaltrie  
Ville de Le Gardeur  
Ville de LeMoyne  
Ville de Léry  
Municipalité des Cèdres  
Ville de L'Île-Bizard  
Ville de L'Île-Cadieux  
Ville de L'Île-Dorval  
Ville de L'Île-Perrot  
Ville de Longueuil  
Ville de Lorraine  
Ville de Maple Grove  
Ville de Mascouche  
Municipalité de McMasterville  
Village de Melocheville  
Ville de Mercier  
Ville de Mirabel  
Ville de Montréal  
Ville de Montréal-Est  
Ville de Montréal-Nord  
Ville de Montréal-Ouest  
Ville de Mont-Royal  
Ville de Mont-Saint-Hilaire

Municipalité de Notre-Dame-de-Bon-Secours  
Paroisse de Notre-Dame-de-l'Île-Perrot  
Municipalité d'Oka  
Paroisse d'Oka  
Ville d'Otterburn Park  
Ville d'Outremont  
Ville de Pierrefonds  
Ville de Pincourt  
Village de Pointe-Calumet  
Ville de Pointe-Claire  
Village de Pointe-des-Cascades  
Ville de Repentigny  
Ville de Richelieu  
Ville de Rosemère  
Ville de Roxboro  
Municipalité de Saint-Amable  
Ville de Saint-Antoine  
Paroisse de Saint-Antoine-de-Lavaltrie  
Ville de Saint-Basile-le-Grand  
Ville de Saint-Bruno-de-Montarville  
Paroisse de Saint-Colomban  
Ville de Saint-Constant  
Ville de Sainte-Anne-de-Bellevue  
Ville de Sainte-Anne-des-Plaines  
Ville de Sainte-Catherine  
Ville de Sainte-Geneviève  
Ville de Sainte-Julie  
Ville de Sainte-Marthe-sur-le-Lac  
Ville de Sainte-Thérèse  
Ville de Saint-Eustache  
Paroisse de Saint-Gérard-Majella  
Ville de Saint-Hubert  
Paroisse de Saint-Isidore  
Ville de Saint-Jérôme  
Paroisse de Saint-Joseph-du-Lac  
Ville de Saint-Lambert  
Ville de Saint-Laurent  
Paroisse de Saint-Lazare  
Ville de Saint-Léonard  
Municipalité de Saint-Mathias-sur-Richelieu  
Municipalité de Saint-Mathieu  
Municipalité de Saint-Mathieu-de-Beloeil  
Paroisse de Saint-Philippe  
Ville de Saint-Pierre  
Municipalité de Saint-Placide

Paroisse de Saint-Sulpice  
Village de Senneville  
Municipalité de Terrasse-Vaudreuil  
Ville de Terrebonne  
Ville de Varennes  
Ville de Vaudreuil-Dorion  
Village de Vaudreuil-sur-le-Lac  
Ville de Verdun  
Ville de Westmount





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 4  
(1996, chapter 14)

## **An Act to amend the Forest Act and other legislative provisions**

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**Introduced 4 April 1996**  
**Passage in principle 1 May 1996**  
**Passage 19 June 1996**  
**Assented to 20 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*The main purpose of this bill is to amend the Forest Act in order to revise the provisions relating to private forests, in particular as regards the status of certified forest producer and the rules governing government assistance.*

*The bill provides for the establishment of regional agencies for private forest development. To that end, one or more regional or local municipalities, may associate with groups of forest producers and holders of a wood processing plant operating permit to apply to the Minister for the creation of an agency in their territory. In a regional county municipality, however, initiative for the association is taken by the regional municipality. The role of an agency will be to guide and promote the development of private forests, in particular through the preparation of a protection and development plan and the provision of financial and technical support. Regional agencies will be funded, in part, out of contributions paid by permit holders who purchase the timber harvested in the private forests in the territories of the agencies.*

*The bill also provides for the introduction of a forest management funding program to encourage the establishment, maintenance and development of forest production units of 80 hectares or more and the establishment and development of forest service enterprises.*

*In addition, the bill provides for the establishment of a forestry fund for the purpose of financing activities related to seedling production, forest inventory data and forest research. The holders of timber supply and forest management agreements will contribute to the financing of those activities by paying annual contributions to the forestry fund on the basis of a rate applicable to the volume of timber allotted in their agreement.*

*The bill enables the Minister of Natural Resources to review, while management permits are effective, the annual volume of timber from forests in the public domain allocated to holders of timber supply and forest management agreements.*

*Lastly, the bill introduces in the Forest Act a preliminary provision specifying that the purpose of the Act is to foster recognition of the forest as common heritage and promote sustainable forest development and setting out the objectives that can be better achieved by the effect of sustainable forest development.*

*The bill also contains transitional provisions and consequential amendments to allow for the implementation of the new private forest development regime.*

**LEGISLATION AMENDED BY THIS BILL:**

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1);
- Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2);
- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1).

**LEGISLATION REPEALED BY THIS BILL:**

- Forestry Merit Act (R.S.Q., chapter M-11.1)



## Bill 4

### **An Act to amend the Forest Act and other legislative provisions**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Forest Act (R.S.Q., chapter F-4.1) is amended by adding, before Title I, the following:

#### “PRELIMINARY PROVISION

“The purpose of this Act is to foster recognition of the forest as a common heritage and promote sustainable forest development in order to meet the economic, environmental and social needs of present and future generations while giving proper consideration to other potential uses of the territory.

Sustainable forest development is, more particularly, to the extent provided for by this Act and the regulations, forest development that is conducive to

- the preservation of biological diversity;
- the maintenance and improvement of the condition and productivity of forest ecosystems;
- the conservation of soil and water resources;
- the maintenance of the function of forest ecosystems as a component of global ecological cycles;
- the maintenance of the multiple socioeconomic benefits society derives from forests;

— the giving of proper consideration, in selecting forms of development, to the values and needs expressed by the populations concerned.”

**2.** The French text of section 9 of the said Act is amended by replacing the words “alors censé” in the seventh line of the third paragraph by the word “réputé”.

**3.** Section 46.1 of the said Act is amended

(1) by replacing the words “second and third” in the sixth line of the first paragraph by the words “third and fourth”;

(2) by adding, after the first paragraph, the following paragraph:

“The Minister may, in addition, in September of the year concerned, take either of those measures, or change or terminate any measure taken pursuant to the first paragraph.”;

(3) by replacing the word “third” in the first line of the fourth paragraph by the word “fourth”.

**4.** Section 73.1 of the said Act, amended by section 8 of chapter 37 of the statutes of 1995, is again amended by adding, at the end, the following paragraph:

“However, contributions paid by an agreement holder to a regional agency for private forest development pursuant to section 124.29 or contributions paid pursuant to section 73.4 are not admitted as payment of dues.”

**5.** The said Act is amended by inserting, after section 73.3, the following:

“iv. CONTRIBUTIONS TO THE FORESTRY FUND

“**73.4** Every agreement holder must, at such intervals as are determined by regulation of the Government, pay to the Minister a contribution for the financing of activities related to seedling production, forest inventory data and forest research.

The contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber allotted to the agreement holder in his agreement and is determined on the date or dates fixed by the regulation.

**“73.5** The Minister shall collect the contributions of the agreement holders and pay them into the forestry fund established under section 170.2.

**“73.6** The Minister may refuse to issue a forest management permit if the agreement holder does not pay his contribution.”

**6.** Section 86 of the said Act, amended by section 11 of chapter 37 of the statutes of 1995, is again amended by inserting the words “, subject to any decision of the Minister made pursuant to section 46.1”, after the word “year” in the second line of the first paragraph.

**7.** The French text of section 87 of the said Act is amended

(1) by replacing the word “enregistrement” in the first line of the second paragraph by the word “inscription”;

(2) by replacing the words “alors censé” in the fifth line of the second paragraph by the word “réputé”.

**8.** Section 118 of the said Act is amended

(1) by striking out the words “plans and” in the first line;

(2) by replacing the second sentence by the following sentence :  
“To that end, the Minister may, on the conditions he determines, grant financial assistance to any person or organization, including a regional agency for private forest development.”

**9.** The said Act is amended by inserting, after section 118, the following section :

**“118.1** Every person or organization that obtains financial assistance without entitlement, fails to comply with the conditions applicable or uses the proceeds of such assistance for purposes other than those for which it was granted forfeits the assistance by operation of law and must return the amounts received, unless the Minister decides otherwise.

Any balance remaining on amounts to be returned under the first paragraph bears interest, at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (chapter M-31), from the thirtieth day following the date of the Minister’s claim. The interest is capitalized monthly.”

**10.** Sections 120 and 121 of the said Act are replaced by the following section:

**“120.** A certified forest producer is a person or an organization that satisfies the following requirements:

(1) ownership of a forest area of not less than four hectares in a single block, for which a forest management plan has been certified by a forest engineer as being consistent with the by-laws of the competent regional agency for private forest development;

(2) registration with the Minister, or with any person or organization designated for such purpose by the Minister, of a forest area that meets the requirements set out in subparagraph 1 and of any change thereto which modifies its forested area or causes any change thereto.

The Minister or the person or organization having effected the registration shall issue to a certified forest producer, upon payment of the dues prescribed by regulation, a certificate attesting his status as regards the forest area in question. No certificate may be valid for more than five years.”

**11.** Section 122 of the said Act is amended by replacing the figure “121” in the fifth line by the figure “120”.

**12.** Section 123 of the said Act, amended by section 15 of chapter 37 of the statutes of 1995, is again amended

(1) by replacing the figure “121” in paragraph 1 by the figure “120”;

(2) by replacing the words “in writing each year” in paragraph 2 by the words “in accordance with section 220.3 of the Act respecting municipal taxation”;

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

“(3) be in possession of a report the form and content of which are determined by government regulation, prepared by a forest engineer and containing a statement of the eligible development work expenses, within the meaning of the regulations of the Government, that are applicable to the last calendar year where the producer is a natural person or, in other cases, that are applicable to the last fiscal year of the producer and represent an amount equal to or greater than the amount of real estate taxes that may be the



subject of an application for reimbursement under section 220.3 of the Act respecting municipal taxation. Such expenses shall not include any expenses financed under section 73.1.”

**13.** Sections 123.1 to 124.1 of the said Act are repealed.

**14.** The said Act is amended by inserting, after section 124.1, the following:

### “CHAPTER III

#### “REGIONAL AGENCIES FOR PRIVATE FOREST DEVELOPMENT

##### “DIVISION I

###### “ESTABLISHMENT AND ORGANIZATION

**“124.02** For the purposes of this division, the Minister may certify organizations composed of forest producers that provide forest producers with private forest development services or forest product marketing services.

**“124.2** One or more municipalities may associate with organizations certified pursuant to section 124.02 and holders of a wood processing plant operating permit to apply to the Minister for the creation of a regional agency for private forest development in their territories.

In the territory of a regional county municipality, initiative for the founding of an association shall be taken by the regional county municipality; however, any local municipality whose territory is comprised in that of a regional county municipality that is participating in such an association may join the association.

For the purposes of this division, an urban community shall be regarded as a regional county municipality.

**“124.3** The application of the association must include

- (1) the name of the agency to be established;
- (2) a description of the territory of the agency;
- (3) a list of the members of the association and an indication of their capacity;

(4) the designation of the persons who will act as representatives of the municipalities, the organizations certified pursuant to section 124.02 and the holders of a wood processing plant operating permit on the agency's first board of directors;

(5) the designation of the person who will act as chairman of the agency's board of directors.

The application shall be accompanied with the internal by-laws that will govern the new agency.

**“124.4** The Minister may, after ascertaining that the internal by-laws are consistent with section 124.10, grant the application and establish the agency.

The Minister shall give notice of the establishment in the *Gazette officielle du Québec*.

The members of the founding association become, without further formality and without ratification, members of the agency. The same applies to the members of the board of directors, including the chairman, and to the internal by-laws proposed for the agency in the application.

**“124.5** The agency is a non-profit legal person; its operation is governed by articles 335 to 354 of the Civil Code, subject to any inconsistent provisions of this chapter or of the internal by-laws of the agency.

**“124.6** An agency shall have its head office in its territory, at the place it determines. Notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

**“124.7** Subject to such admission requirements as may be prescribed by the internal by-laws of the agency, the municipalities whose territory is comprised in that of the agency as well as organizations certified pursuant to section 124.02 and holders of a wood processing plant operating permit may become members of the agency.

The right to vote at meetings of the members is limited to the representatives of the categories of members mentioned above; each category shall have the same number of votes.

“**124.8** An agency may, in its internal by-laws, create a category of associate members who do not vote and do not participate in the administration of the agency, and determine the conditions governing their admission and their rights and obligations.

“**124.9** The board of directors of an agency is composed of representatives of each category of members mentioned in section 124.7 and of persons appointed by the Minister for the time he fixes; each of such four groups shall have the same number of votes on the board.

“**124.10** The internal by-laws of an agency shall

(1) prescribe, subject to the requirements of section 124.7, the mode of designation of the representatives of each category of members at the meeting of the members, the conditions to be met by each representative, the number of representatives authorized and their term of office, and the number of votes that may be cast by each representative;

(2) prescribe, subject to the requirements of section 124.9, the mode of designation of the members of the board of directors except those appointed by the Minister, the conditions to be met by each board member, the number of board members and their term of office, and the number of votes that may be cast by each board member;

(3) determine the standards of ethics and professional conduct applicable to the members of the board of directors; such standards must provide mechanisms for their implementation, including any applicable penalties;

(4) determine the minimum amount of liability insurance which an agency must take out to cover any liability incurred by its officers and other representatives as a result of faults or negligence committed in the exercise of their functions;

(5) establish a decision-making process for the board of directors and a mechanism for the resolution of conflicts among board members, without, however, setting aside article 341 of the Civil Code;

(6) ensure that every person or organization that satisfies the admission requirements is permitted to join the agency.

Any amendment to the internal by-laws of an agency requires approval by the Minister after ratification by the general meeting.

“**124.11** An agency shall call a general meeting of its members at least once a year.

The general meeting shall adopt the annual report of the agency, approve the financial statements for the preceding fiscal year and, where necessary, elect directors. In addition, the general meeting shall appoint an auditor for the current fiscal year and examine any other question on the agenda.

“**124.12** The Minister may change the name of an agency that applies therefor.

The Minister shall give notice of such change in the *Gazette officielle du Québec*.

“**124.13** The Minister may, on an application by an agency and a municipality, extend the boundaries of the territory of the agency in order to include therein the territory of the municipality.

The Minister shall give notice thereof in the *Gazette officielle du Québec*.

In the territory of a regional county municipality, initiative for the filing of the application shall be taken by the regional county municipality.

“**124.14** The Minister may, on an application by interested agencies whose territories are adjacent, join their territories and form a new agency; the application must include

- (1) the name of the new agency ;
- (2) the designation of the persons who will act as representatives of the municipalities, the organizations certified pursuant to section 124.02 and the holders of a wood processing plant operating permit on the new agency's first board of directors ;
- (3) the designation of the person who will act as chairman of the board of directors of the new agency.

The application shall be accompanied with the internal by-laws that will govern the new agency.

The Minister shall give notice of the creation of the new agency in the *Gazette officielle du Québec*.

The agencies whose territories are joined cease to exist and their members, rights and obligations become the members, rights and obligations of the new agency.

**“124.15** The Minister may, following an application by an agency, divide the territory of the agency and form new agencies; the application must include

(1) the names of the new agencies;

(2) the designation of the persons who will act as representatives of the municipalities, the organizations certified pursuant to section 124.02 and the holders of a wood processing plant operating permit on the first boards of directors of the new agencies;

(3) the designation of the persons who will act as chairmen of the boards of directors of the new agencies;

(4) a plan for the allocation of the rights and obligations of the agency whose territory is divided.

The application shall be accompanied with the internal by-laws that will govern the new agencies.

The Minister shall give notice of the formation of the new agencies in the *Gazette officielle du Québec*.

The agency whose territory has been divided ceases to exist and its rights and obligations become the rights and obligations of the new agencies in accordance with the allocation plan.

**“124.16** The members and the chairman of the board of directors of a new agency resulting from an amalgamation or division of territory who are proposed in the application that gave rise to the new agency become, without further formality and without ratification, the members and chairman of the board of directors of the new agency. The same applies to the internal by-laws proposed for the new agency.

The protection and development plan of a former agency remains in force in the territory to which it applied until it is amended or replaced by the new agency having jurisdiction in that territory.

## “DIVISION II

## “OBJECTS

“**124.17** The objects of an agency are to guide and promote the development of the private forests in its territory in order to foster sustainability, in particular through

- (1) the preparation of a protection and development plan ;
- (2) the provision of financial and technical support for protection or development.

To that end, the agency shall encourage concerted action between the persons and organizations concerned by such activities.

“**124.18** The protection and development plan shall include a survey of forest capability in the territory of the agency and indicate production objectives and recommended management methods, in particular, management methods capable of ensuring a sustainable supply of timber.

The plan shall come into force in the territory of every regional county municipality if it is consistent with the objectives of the development plan, within the meaning of the Act respecting land use planning and development (chapter A-19.1).

For the purposes of this section and sections 124.19 to 124.23, an urban community, Ville de Laval and Ville de Mirabel shall be regarded as a regional county municipality.

“**124.19** The agency shall send a copy of its protection and development plan to every regional county municipality whose territory is comprised in that of the agency.

“**124.20** Within 90 days after receiving the agency’s plan, the council of the regional county municipality concerned shall give its opinion on whether or not such plan is consistent with the objectives of the development plan.

The secretary-treasurer shall serve on the agency, within the time limit provided for in the first paragraph, a certified copy of the resolution stating this opinion.

If the council of the regional county municipality fails to send its opinion to the agency within the time limit provided for in the first paragraph, the agency's plan is deemed to be consistent with the objectives of the development plan.

The agency's plan is also deemed to be consistent with those objectives from the date on which the regional county municipality, in accordance with the first paragraph, issues an opinion to the effect that the agency's plan is consistent with the development plan of the regional county municipality.

**“124.21** An opinion to the effect that the agency's plan is not consistent with the objectives of a development plan must include reasons and may contain the suggestions of the regional county municipality as to how consistency may be ensured.

The agency shall, within 90 days after receiving the opinion, amend its protection and development plan to ensure that it is consistent with the objectives of the development plan.

**“124.22** The agency shall, within 90 days after the coming into force of an original or revised development plan that is applicable in its territory, revise its protection and development plan so as to ensure that it is consistent with the objectives of the development plan.

**“124.23** In the case of an amendment to a development plan that is applicable in the territory of a regional county municipality, the agency shall, within 90 days after receiving the application of the regional county municipality, amend its protection and development plan to ensure that it is consistent with the objectives of the amended development plan. The application may contain suggestions as to how consistency may be ensured.

**“124.24** The agency shall determine, by by-law, the form and content of the forest management plan referred to in section 120. A plan applicable to a forest area of 800 hectares or more in a single block must provide, in particular, a method for calculating the annual allowable cut.

**“124.25** An agency may, within the scope of its programs and subject to the conditions it determines, participate financially in the implementation of its protection and development plan and in particular in

(1) the preparation of forest management plans and the carrying out of forest development work;

(2) the carrying out of training and information activities for forest producers.

However, financial participation in the carrying out of forest development work shall be limited to forest areas registered in accordance with section 120.

The agency may also give prizes or awards for excellence in the protection and development of private forests.

**“124.26** Every financial participation program proposed by an agency shall include the eligibility requirements, the nature of the participation as well as the scales and limits and the terms and conditions governing the allotment procedures.

**“124.27** An agency may, in addition,

(1) receive gifts, legacies, grants or other contributions, provided the conditions that may be attached thereto are not incompatible with the exercise of its powers and duties;

(2) establish and administer any fund required for the exercise of its powers and duties;

(3) inspect the work carried out under a financial participation program.

**“124.28** An agency may, by way of an agreement and subject to the conditions set out therein, entrust the exercise of certain of its powers and duties to any person or organization.

### “DIVISION III

#### “FINANCIAL PROVISIONS AND REPORTS

**“124.29** Every holder of a wood processing plant operating permit who acquires a volume of timber originating from the territory of an agency shall pay a contribution to the agency. The contribution shall be established each year by the agency on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber from private forests purchased by a permit holder in a year.



**“124.30** Each holder of a wood processing plant operating permit must state, on the form and subject to the conditions determined by by-law of the agency, the volume of timber from private forests that he purchased in the period preceding his report. He shall file his report according to the schedule fixed by regulation of the Government and pay his contribution in accordance with such schedule and on the basis of the volume declared.

**“124.31** The Minister may suspend or revoke a wood processing plant operating permit if the holder fails to file with the agency the report referred to in section 124.30, gives false or misleading information in his statement or fails to pay his contribution in accordance with the said section.

**“124.32** Every agency must obtain the authorization of the Minister before

(1) granting a loan or a guarantee for total or partial repayment of a financial commitment ;

(2) making an investment in exchange for a share of the profits, royalties or any other form of compensation ;

(3) acquiring assets of an enterprise ;

(4) making any other financial commitment that the Minister may determine by regulation.

The Minister may subordinate his authorization to the conditions he determines.

**“124.33** The fiscal year of the agency ends on 31 March.

**“124.34** An agency shall not, in any fiscal year, make payments or assume obligations in excess of the sums at its disposal for that fiscal year.

Nothing in this section shall prevent an agency from making a commitment for a term that exceeds one fiscal year.

**“124.35** The Minister may require an agency to file progress reports on its financial situation on the dates and in the form he determines.

The Minister may also require from the agency any information concerning the application of this chapter.

“**124.36** Each agency shall send to the Minister, at the time he determines, its financial statements and its annual report for the preceding fiscal year.

Such documents must contain all the information required by the Minister and be accompanied with the auditor's report.

#### “CHAPTER IV

##### “FOREST MANAGEMENT FUNDING PROGRAM

“**124.37** The Government shall establish, by regulation, a forest management funding program to encourage the establishment, maintenance or development of forest production units of 80 hectares or more and the establishment or development of forest service enterprises.

“**124.38** Financial assistance under the forest management funding program shall be granted by the Société de financement agricole. The program may include

(1) loans;

(2) security for total or partial repayment of financial commitments, furnished by the Fonds d'assurance-prêts agricoles et forestiers set up under the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1).

“**124.39** The provisions of the Act respecting the Société de financement agricole (chapter S-11.0101), except subparagraphs 1 to 4 of the first paragraph of section 34, adapted as required, apply in respect of the forest management funding program.

“**124.40** The Société de financement agricole shall, not later than 30 June each year, send to the Minister of Natural Resources a report on the administration of the program for the preceding fiscal year.

The Minister shall table the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

The Société shall, in addition, provide the Minister with any information he requires on its activities under this Act.”

**15.** Section 127.2 of the said Act is replaced by the following section:

**“127.2** The Minister, or the person or organization designated pursuant to section 120, may refuse to issue a forest producer’s certificate to the owner of a private forest of 800 hectares or more in a single block, if such owner is not a member of the forest protection organization or does not pay the assessment fixed by the organization. The Minister may, for the same reasons, revoke such a certificate.”

**16.** The French text of section 129 of the said Act is amended by replacing the word “jurisdiction” in the second line of the first paragraph by the word “compétence”.

**17.** The said Act is amended by inserting, after section 170.1, the following:

“TITLE IV.1

“FORESTRY FUND

**“170.2** A fund to be known as the forestry fund is hereby established for the purpose of financing activities related to seedling production, forest inventory data and forest research.

The fund may, in addition, to the extent and subject to the conditions determined by the Government and except as concerns the sums referred to in paragraph 1 of section 170.4 and any related interest or surplus, provide for the financing of forest management activities designed to maintain and improve the protection or development of forest resources.

**“170.3** The Government shall determine the date on which the fund begins to operate, its assets and liabilities and the nature of the expenses chargeable to it.

**“170.4** The fund shall be made up of the following sums:

(1) the sums paid into the fund by the Minister pursuant to section 73.5;

(2) the advances paid into the fund by the Minister of Finance under the first paragraph of section 170.6;

(3) the sums paid into the fund by the Minister out of the appropriations granted for that purpose by the Parliament;

(4) interest on bank balances in proportion to the sums referred to in paragraphs 1 and 5;

(5) the gifts, legacies and other contributions paid into the fund to further the achievement of the objectives of the fund.

**“170.5** The management of the sums constituting the fund shall be entrusted to the Minister of Finance. The sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions he designates.

Notwithstanding section 13 of the Financial Administration Act (chapter A-6), the Minister shall keep the books of account for and record the financial commitments chargeable to the fund. The Minister shall also certify that such commitments and the payments arising therefrom do not exceed, and are consistent with, the available balances.

**“170.6** The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

The Minister of Finance may conversely advance to the consolidated revenue fund, on a short-term basis and subject to the conditions he determines, any part of the sums paid into the forestry fund that is not required for its operation.

Any advance paid into a fund is repayable out of that fund.

**“170.7** Surpluses accumulated by the forestry fund shall be paid to the consolidated revenue fund on the dates and to the extent determined by the Government, in the proportion representing the sums referred to in paragraph 3 of section 170.4.

**“170.8** The sums required for the remuneration and expenses pertaining to social benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to activities related to the fund shall be paid out of the fund.

**“170.9** Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 49.6, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the fund.

**“170.10** The fiscal year of the fund ends on 31 March.

**“170.11** Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the forestry fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.”

**18.** Section 172 of the said Act, amended by section 16 of chapter 37 of the statutes of 1995, is again amended by inserting, after paragraph 18.1, the following paragraphs:

“(18.2) fix the rate referred to in section 73.4, the date or dates on which the volume allotted to an agreement holder under an agreement must be determined for the purposes of the contribution, and determine the intervals, dates and methods of payment of the contribution;

“(18.3) prescribe the payment to the Minister, or to the person or organization designated for the purposes of section 120, for his or its own account, of fees for the issue or renewal of a forest producer’s certificate, for changes made to a forest producer’s certificate or for the issue of duplicates or copies;

“(18.4) fix the rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, and determine the schedule according to which permit holders are required to file their statements with the agencies; such a regulation may vary depending on the regional agencies;”.

**19.** The said Act is amended by inserting, after section 172, the following sections:

**“172.1** The Government may, by regulation,

(1) define “eligible development expenses” for the purposes of section 123, and prescribe exclusions, ceilings and deductions;

(2) establish rules for the calculation and substantiation of eligible development expenses applicable to a calendar year where a producer is a natural person or, in other cases, to the fiscal year of a producer, and authorize the carrying forward of such expenses, even expenses incurred before the coming into force of the regulations;

(3) determine the form and content of the report referred to in paragraph 3 of section 123.

The content of the regulations may vary depending on the class of expenses.

Before recommending the adoption of regulations by the Government under this section, the Minister must obtain the advice of the Minister of Revenue, which he shall submit together with his recommendation.

**“172.2** The Government may, by regulation, prescribe any measure necessary for the establishment and implementation of the forest management funding program provided for in section 124.37 and in particular

(1) determine the conditions, criteria and scope of the program, which may vary, in particular, according to the nature of the activities concerned, and prescribe exclusions;

(2) establish criteria to be used to determine the persons or classes of persons who may avail themselves of the program, and prescribe exclusions;

(3) designate the persons who may act as lenders under the program;

(4) determine the financial commitments made within the scope of the program that give entitlement to insurance under section 4 of the Act respecting farm-loan insurance and forestry-loan insurance together with the extent and duration of coverage.”

**20.** Section 209 of the said Act is amended by replacing the word “first” in the first line by the word “third”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**21.** Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by adding, after subparagraph 7 of the first paragraph, the following subparagraph:

“(8) determine guidelines to promote the sustainable development of private forests within the meaning of the preliminary provision of the Forest Act (chapter F-4.1).”;

(2) by inserting, after the first paragraph, the following paragraph:

“The power provided for in subparagraph 8 of the first paragraph does not limit the generality of the obligation set out in section 5 regarding the general aims that relate to resources other than private forest resources.”;

(3) by replacing the word “second” in the first line of the third paragraph by the word “third”.

ACT RESPECTING FARM-LOAN INSURANCE  
AND FORESTRY-LOAN INSURANCE

**22.** Section 1 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) is amended by inserting the words “a financial commitment or portion thereof which, under the forest management funding program established under section 124.37 of the Forest Act (chapter F-4.1), gives entitlement to the insurance provided for in section 4 of this Act, or” after the word “means” in the first line of paragraph *d*.

**23.** Section 4 of the said Act is amended by inserting the words “or the forest management funding program established under section 124.37 of the Forest Act” after the words “(chapter S-11.0101)” in the second line of the first paragraph.

**24.** Section 25.1 of the said Act is amended

(1) by replacing the words “article 1155 of the Civil Code of Lower Canada” in the fifth line of the first paragraph by the words “articles 1653 and 1654 of the Civil Code”;

(2) by inserting the words “or under the forest management funding program established under section 124.37 of the Forest Act” after the words “(chapter S-11.0101)” in the third line of the third paragraph;

(3) by striking out the word “assistance” in the tenth line of the third paragraph.

ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

**25.** The Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended by inserting, after section 9, the following section:

**“9.1** No loan may be granted by a lender, under this Act, following an application received by the lender after 20 June 1996.”

## ACT RESPECTING MUNICIPAL TAXATION

**26.** Section 220.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing the words “timber producer’s certificate that was issued to him by the Minister of Natural Resources pursuant to sections 120 to 124” in the first, second and third lines by the words “forest producer’s certificate issued pursuant to section 120”.

**27.** Section 220.3 of the said Act, replaced by section 1 of chapter 36 of the statutes of 1995, is amended

(1) by replacing the words “entered on the certificate contemplated in section 220.2” in the third and fourth lines of the first paragraph by the words “mentioned in the report referred to in paragraph 3 of section 123 of the Forest Act (chapter F-4.1)”;

(2) by replacing the word “The” at the beginning of the third paragraph by the words “Subject to paragraph 3 of section 123 of the Forest Act, the”.

**28.** Section 236 of the said Act, amended by section 76 of chapter 2 of the statutes of 1994, section 23 of chapter 23 of the statutes of 1994, section 3 of chapter 7 of the statutes of 1995, section 123 of chapter 65 of the statutes of 1995 and section 6 of chapter 73 of the statutes of 1995, is again amended by replacing the words “under sections 120 to 124” in the second line of paragraph 12 by the words “pursuant to section 120”.

## FORESTRY MERIT ACT

**29.** The Forestry Merit Act (R.S.Q., chapter M-11.1) is repealed.

## ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES

**30.** Section 15 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2) is replaced by the following section:

“**15.** The Minister may, in the exercise of his functions, grant subsidies.

He may also, with the authorization of the Government, grant any other form of financial assistance.”



ACT RESPECTING THE MARKETING OF  
AGRICULTURAL, FOOD AND FISH PRODUCTS

**31.** Section 59 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by replacing the words “has undertaken to comply with a general forest management plan and a five-year forest management plan pursuant to the second paragraph of section 121” in the second, third and fourth lines of the third paragraph by the words “is a certified forest producer within the meaning of section 120”.

TRANSITIONAL AND FINAL PROVISIONS

**32.** In any regulation, order in council, order, proclamation, contract, agreement or other document, a reference to a “carte de producteur forestier” issued by the Minister of Natural Resources is a reference to a forest producer’s certificate issued pursuant to section 120 of the Forest Act, unless the context indicates otherwise, and except in the case of a lessee of land in the public domain and of persons or organizations certified as forest producers pursuant to section 124 of the Forest Act before on 20 June 1996.

**33.** The amendment to section 86 of the Forest Act, introduced by section 6 of this Act, is applicable in respect of any forest management permit in force on 20 June 1996.

**34.** Section 118.1 of the Forest Act, introduced by section 9 of this Act, applies in respect of any financial assistance granted by the Minister pursuant to section 118 of the Forest Act before 20 June 1996.

**35.** Every forest producer’s certificate issued by the Minister of Natural Resources under the former provisions of sections 120 and 121 of the Forest Act, except certificates issued to lessees of land in the public domain, is deemed to have been issued under the new provisions introduced by section 10 of this Act, and shall remain in force in respect of every forest area that is the subject of a simple management plan, a general forest management plan or a five-year forest management plan within the meaning of the former provisions, until 20 June 1998 or the expiration of the term for which it was granted, whichever is the latest, and subject to any revocation under section 127.2 of the Forest Act.

A forest producer is, to the same extent, considered to be a forest producer certified under the new provisions, and the plans referred to in the first paragraph are considered to be forest

management plans that are consistent with the by-laws of the competent regional agency for private forest development.

**36.** Every forest producer certified before 20 June 1996 under section 124 of the Forest Act as it read on 19 June 1996 or under section 121 of the said Act as it read on 19 June 1996 in the case of a lessee of land in the public domain remains eligible for a real estate tax refund, in accordance with the applicable rules contained in the Forest Act, in respect of forest development work completed before that date.

**37.** The new provisions governing eligibility for the reimbursement of real estate taxes, introduced by paragraphs 2 and 3 of section 12 and by section 27 of this Act or resulting from the repeal of section 123.1 of the Forest Act, are, with respect to a forest producer who is a natural person, applicable from the calendar year 1997 to eligible development work expenses within the meaning of the regulation of the Government, and, in other cases, from the first fiscal year of the producer that begins after 31 December 1996. The excess amount of expenses of a producer, referred to in the second paragraph of the said section 123.1, existing on the day preceding the day on which the producer becomes subject to the new system may, on the same conditions as those set out in that section, be carried over and become eligible development work expenses in respect of the years concerned.

**38.** The first protection and development plan of a regional agency for private forest development shall be established by the agency not later than 20 June 1999.

For the period prior to the coming into force of a plan, the agency shall establish each year a development work program; such program shall stand in lieu of a protection and development plan but is not subject to the rules set out in the second paragraph of section 124.18 and in sections 124.19 to 124.23 of the Forest Act.

The agency shall also determine, for the period referred to in the second paragraph, timber production objectives and management methods capable of ensuring a sustainable supply of timber.

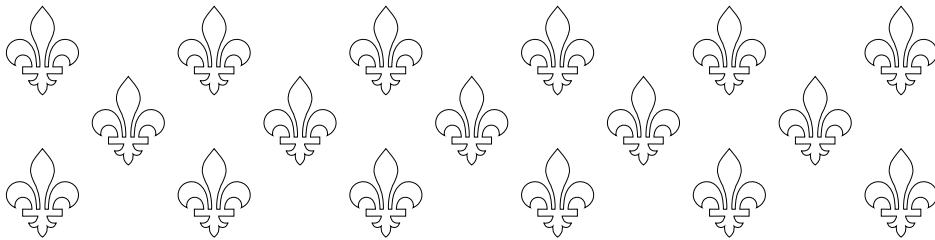
**39.** The contribution of the holders of a wood processing plant operating permit to regional agencies for private forest development shall be applicable as regards purchases of timber from private forests beginning on 1 April 1996.

**40.** The first regulations made under paragraphs 18.2 and 18.4 of section 172, introduced by section 18 of this Act, are not subject to the requirements of sections 8 and 17 of the Regulations Act (R.S.Q., chapter R-18.1) as regards publication and coming into force. The regulations come into force on the day they are published in the *Gazette officielle du Québec* or on any later date provided therein.

**41.** Section 17 of this Act has effect from 1 April 1996.

**42.** This Act comes into force on 20 June 1996.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 10  
(1996, chapter 15)

## **An Act to amend the Act respecting the Québec Pension Plan**

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**Introduced 30 April 1996**  
**Passage in principle 7 May 1996**  
**Passage 13 June 1996**  
**Assented to 20 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*This bill amends the Act respecting the Québec Pension Plan to formalize the renunciation of partition of earnings registered under the Act. To that end, there will be a requirement that the intention of setting aside partition be clearly expressed by using, for instance, the terms that are proposed in the bill. In addition, the court, as well as the notary, will be responsible for ascertaining that the consent to renunciation is given in a free and enlightened manner.*

*Under the new provisions, the court may decide that the end of the partition period will be determined in relation to the date on which the spouses ceased to live together. Moreover, the Régie will be allowed in certain situations not to effect a partition of earnings or to annul such a partition.*

*Finally, it is declared in the bill that partition of earnings can be effected even if the spouses are not subject to the provisions of the Civil Code of Québec which pertain to family patrimony or if such provisions are not applicable to them.*

## Bill 10

### **An Act to amend the Act respecting the Québec Pension Plan**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 102.1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended

(1) by replacing the words “may be partitioned between them” in the second and third lines of the first paragraph by the words “shall be partitioned between them, in case of separation from bed and board, divorce or nullity of marriage,”;

(2) by replacing the figure “102.10.1” in the fourth line of the first paragraph by the figure “102.10.2”;

(3) by replacing the words “tribunal mentions, in the judgment of separation from bed and board, divorce or annulment of marriage,” in the first and second lines of the second paragraph by the words “court indicates, in the judgment giving rise to partition”;

(4) by adding, after the second paragraph, the following paragraphs:

“The indication of the court and the renunciation referred to in the second paragraph shall have effect only if they clearly express the intention that there be no partition of earnings registered pursuant to this Act, by the use of the following or equivalent terms: “There shall be no partition of earnings registered pursuant to the Act respecting the Québec Pension Plan.”

Where partition of earnings is renounced, the court or, if renunciation is effected by notarial act, the notary shall ascertain that the consent of the renouncing spouses is given in a free and enlightened manner.”

**2.** Section 102.3 of the said Act is amended

(1) by striking out the words “or, where the tribunal mentions in the judgment of divorce, annulment or separation, or in a subsequent judgment, that the value of the family patrimony must be established as on the date on which the spouses ceased to live together, to the end of the year preceding the latter date” in the sixth, seventh, eighth and ninth lines;

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

“However, the period of partition may terminate at the end of the year preceding the year which includes the date on which the spouses ceased to live together if the court indicates, in the judgment giving rise to partition or in a subsequent judgment, either that the value of the family patrimony must be established as it stood on the date on which the spouses ceased to live together or that the end of the period of partition of earnings must be established in relation to that date.”

**3.** The said Act is amended by inserting, after section 102.4, the following section:

**“102.4.1** Notwithstanding the first paragraph of section 102.1, the Régie may, in the following situations, not effect the partition of earnings or, if a former spouse who is a beneficiary of benefits applies therefor within the time fixed by regulation, annul a partition

(a) where benefits are payable to or in respect of both former spouses and the Régie establishes that partition reduces the benefits;  
or

(b) provided the Régie obtains the consent of the former spouses, where benefits are payable to or in respect of only one former spouse and the Régie establishes that partition would cause a reduction of such benefits without causing the other former spouse to qualify for any of the benefits listed in section 105 or increasing the benefits that may become payable to the other former spouse.

The Régie shall inform the former spouses where it does not effect partition or annuls a partition.”

**4.** The said Act is amended by adding, after section 102.10.1, the following section:



**“102.10.2** Spouses in respect of whom the provisions of the Civil Code of Québec pertaining to family patrimony do not apply owing to the fact that

(1) before 1 January 1991, they expressed their wish to not be subject thereto in whole or in part,

(2) before 15 May 1989, they had ceased to live together and had settled the consequences of their separation by means of a written agreement or otherwise, or

(3) their application for separation from bed and board, divorce or annulment of marriage had been introduced before 15 May 1989

are not deprived of the right to a partition of earnings under this Act.”

**5.** Section 219 of the said Act is amended by inserting, after paragraph *c*, the following paragraph:

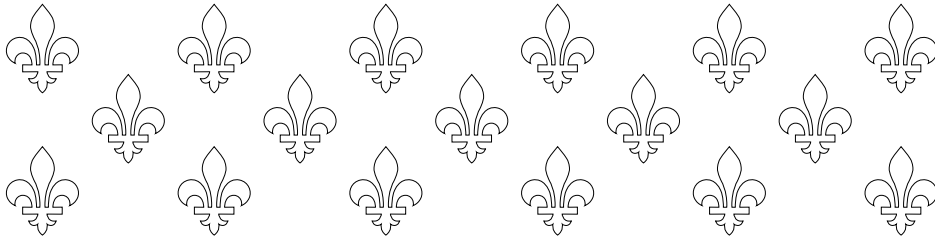
“(c.1) fixing, for the purposes of section 102.4.1, the time within which an application for the annulment of partition may be presented;”.

**6.** The provisions of paragraph 4 of section 1 do not apply to judgments pronounced before 1 January 1997 or to notarial acts made before that date.

**7.** Section 102.10.2 of the Act respecting the Québec Pension Plan, enacted by section 4, is declaratory.

**8.** This Act comes into force on 20 June 1996.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 11  
(1996, chapter 16)

**An Act to amend the Act respecting  
child day care and other legislative  
provisions**

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**Introduced 14 May 1996  
Passage in principle 4 June 1996  
Passage 19 June 1996  
Assented to 20 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*This bill amending the Act respecting child day care lays down new rules concerning, among other things, the issue of permits and the financing of day care establishments and home day care agencies.*

*Clarifications are provided as to who may be issued a permit and as to the requirements to be satisfied and undertakings to be made by applicants. Only cooperatives the majority of whose directors are patrons of the day care services and certain non-profit legal persons will qualify for home day care agency permits. Local community service centres will be allowed to obtain day care centre, nursery school and stop over centre permits. Moreover, specific provisions regulate the composition of parents committees.*

*Any individual providing day care in a private residence to seven or more children, including the individual's own children and any child of an assistant who are under nine years of age, will be required to be recognized by a home day care agency. Moreover, a person responsible for home day care will be obliged to provide the home day care agency permit holder with the information needed to obtain grants and to form the parents committee.*

*As regards financing measures, the bill provides that the number of subsidized day care places and their allotment will henceforth be determined in a different manner and specifies to whom exemption, financial assistance and grants may be awarded. In future, only home day care agencies and day care centres which are operated by a cooperative or a non-profit legal person the majority of whose directors are patrons of the day care services and day care centres operated by public institutions, school boards or municipalities will be eligible under financing programs. Furthermore, the Government is authorized to allocate sums annually for the awarding of exemptions and financial assistance for day care services provided in schools. The eligibility of permit holders receiving financial assistance will be maintained subject to certain conditions.*

*The composition and powers of the Office des services de garde à l'enfance are modified. Penal provisions and provisions regarding inspection procedures are revised and a specific time frame is established for the coming into force of the provisions concerning nursery schools and stop over centres.*

*Finally, the bill improves certain definitions and contains a number of consequential amendments and transitional provisions.*

**LEGISLATION AMENDED BY THIS BILL:**

- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Charter of the city of Québec (1929, chapter 95);
- Charter of the city of Montréal (1959-60, chapter 102).



## Bill 11

### **An Act to amend the Act respecting child day care and other legislative provisions**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Act respecting child day care (R.S.Q., chapter S-4.1) is amended

(1) by replacing the definition of the expression “day care centre” by the following definition:

““day care centre” means an establishment that provides day care in facilities where seven or more children are received on a regular basis for periods not exceeding 24 consecutive hours and are offered activities which promote their physical, intellectual, emotional, social and moral development;”;

(2) by replacing the definition of the expression “stop over centre” by the following definition:

““stop over centre” means an establishment that provides day care in facilities where seven or more children are received on a casual basis, as defined by regulation, for periods not exceeding 24 consecutive hours;”;

(3) by replacing the definition of the expression “nursery school” by the following definition:

““nursery school” means an establishment that provides day care in facilities where seven or more children from two to five years of age are received, in a stable group, on a regular basis for periods not exceeding four hours a day and are offered activities carried on over a fixed period which promote their physical, intellectual, emotional, social and moral development;”;

(4) by inserting the words “under nine years of age” after the words “person’s children” in the first line of paragraph 1 of the definition of the expression “home day care”, and by inserting the words “under nine years of age” after the word “children” in the second line of paragraph 2 of the said definition;

(5) by inserting the following definition:

““parent” means the person having parental authority or the person who has *de facto* custody of the child, except if the person having parental authority objects;”.

**2.** Section 1.1 of the said Act is amended

(1) by replacing the words “, safety and” in the second line of the first paragraph by the words “and safety and foster the development and”;

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

“It is also the object of this Act to foster the harmonious development of day care services, giving priority to the development of non-profit day care centres and home day care agencies, subject to the restrictions contained in this Act.”

**3.** Section 2 of the said Act is amended by replacing the words “person having parental authority” in the first line of the second paragraph by the word “parent”.

**4.** The said Act is amended by replacing, in the French text, the heading of Division I of Chapter II by the following heading:

“ORGANISATION DES GARDERIES, DES JARDINS D'ENFANTS, DES HALTES-GARDERIES  
ET DES SERVICES DE GARDE EN MILIEU FAMILIAL”.

**5.** Sections 3 to 7 of the said Act are replaced by the following sections:

**“3.** No person, except a person holding a day care centre permit issued by the bureau, may provide or offer to provide day care in facilities where seven or more children are received on a regular basis for periods not exceeding 24 consecutive hours.

No person, except a person holding a nursery school permit issued by the bureau, may provide or offer to provide day care in facilities where seven or more children from two to five years of age



are received, in a stable group, on a regular basis for periods not exceeding four hours a day.

**“4.** No person, except a person holding a permit issued for that purpose by the bureau, may

(1) operate a day care centre or a nursery school, or operate a stop over centre on a permanent basis in the cases and on the conditions determined by regulation;

(2) offer to provide day care in a day care centre or a nursery school, or offer to provide day care in a stop over centre on a permanent basis in the cases and on the conditions determined by regulation;

(3) act or claim to act as a home day care agency;

(4) use a name that includes the expression “day care centre”, “nursery school” or “home day care agency”.

Subparagraphs 1 and 2 of the first paragraph do not apply to a person who provides or offers to provide day care in a stop over centre where the parents of the children to whom the person provides day care are on the premises and available to respond to the need of their children.

**“5.** The bureau may issue a day care centre permit or a nursery school permit to any person who

(1) applies therefor in writing to the bureau and provides the information and documents required by regulation;

(2) undertakes to provide day care to children;

(3) undertakes to offer children a programme of activities which promote their physical, intellectual, emotional, social and moral development;

(4) pays the fees fixed by regulation; and

(5) fulfils the other conditions prescribed by this Act and the regulations.

However, the bureau may not issue a nursery school permit to a school board or to a private educational institution within the meaning of the Act respecting private education (chapter E-9.1).

A natural person, partnership or profit-seeking legal person holding a permit issued under this Act may not be issued any other permit under this Act.

**“6.** The bureau may issue a stop over centre permit to any person who satisfies the requirements of subparagraphs 1, 2, 4 and 5 of the first paragraph of section 5 and undertakes to operate the establishment on a permanent basis in the cases and on the conditions determined by regulation.

**“7.** The bureau may issue a home day care agency permit to

(1) a cooperative of which the majority of the members of the board of directors are parents who are future users of the home day care services the agency will coordinate;

(2) a non-profit legal person;

(3) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5);

(4) a municipality;

(5) a school board.

In addition, the majority of the members of the board of directors of a cooperative must be parents who are future users of the day care services but are neither persons responsible for home day care, nor their assistants, nor members of the staff of the agency.

Moreover, the majority of the members of the board of directors of a legal person referred to in subparagraph 2 of the first paragraph must be persons who are neither persons responsible for home day care, nor their assistants, nor members of the staff of the agency.

**“7.1** To obtain an agency permit, an applicant must satisfy the requirements of subparagraphs 1, 4 and 5 of the first paragraph of section 5.

The applicant may not be the holder of any other agency permit.

**“7.2** A legal person may not provide or offer to provide day care to more than six children in a private residence otherwise than in facilities designed for such purposes.

A natural person may not provide or offer to provide day care, for remuneration, to more than nine children in a private residence otherwise than in facilities designed for such purposes. The person's own children and any child of an assisting person if they are under nine years of age must be included in computing the number of children.”

**6.** Section 8 of the said Act is amended

(1) by inserting the words “under nine years of age” after the words “person's children” in the first line of subparagraph 1 of the first paragraph;

(2) by inserting the words “under nine years of age” after the word “children” in the second line of subparagraph 2 of the first paragraph;

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

“A natural person who provides day care for remuneration in a private residence for periods that may exceed 24 consecutive hours to not less than seven nor more than nine children must be assisted by another adult and be recognized, in the manner determined by regulation, by the holder of a home day care agency permit. The person may not receive more than four children under 18 months of age and must include, in computing the number of children received, the person's own children and any child of the assisting adult if they are under nine years of age.”;

(4) by replacing the word “he” in the second line of the last paragraph by the words “the person” and by adding, at the end of the same paragraph, the following sentence: “The person must also, on request, furnish the permit holder with any information required for obtaining grants under this Act.”

**7.** Section 10 of the said Act is replaced by the following sections:

**“10.** The holder of a day care centre permit or a nursery school permit shall form a parents committee composed of five persons

elected by and from among the parents of children received in the day care centre or nursery school.

In no case may the permit holder or, where applicable, a member of its board of directors, or a member of the staff of the day care centre or nursery school, be a member of the parents committee.

The permit holder must consult the parents committee on all aspects of the life of the children in the day care centre or nursery school and, in particular, on

(1) the preparation, evaluation and revision of the programme of activities which promote the physical, intellectual, emotional, social and moral development of the children;

(2) the acquisition and use of the educational materials and equipment to be used in the establishment;

(3) the location or the change of location of the establishment;

(4) the arrangement and furnishings of the facilities; and

(5) the services to be provided.

However, the permit holder is not required to form a parents committee if the majority of the members of the permit holder's board of directors are parents who are not members of the staff of the day care centre or nursery school and whose children are received in the day care centre or nursery school.

**“10.0.1** The holder of an agency permit referred to in subparagraphs 2 to 5 of the first paragraph of section 7 shall form a parents committee composed of five persons elected by and from among the parents who are users of the home day care services. In no case may a member of the staff of the agency, a person recognized by the permit holder as a person responsible for home day care or a person assisting such a person be a member of the parents committee.

However, the holder of an agency permit is not required to form a parents committee if the majority of the members of its board of directors are parents who are users of the home day care services but are neither persons responsible for home day care that are

recognized by the permit holder, nor persons assisting them, nor members of the staff of the agency.

The permit holder shall consult the parents committee on all aspects of the life of the children while they are in the care of a person recognized by the permit holder as a person responsible for home day care.”

**8.** Section 10.1 of the said Act is amended

(1) by inserting “or 10.0.1” after the figure “10” in the third line and by replacing the word “by” in the fourth line by the word “in”;

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

“For that purpose, a person responsible for home day care must, on request, furnish to the holder of an agency permit having recognized the person as such the names and addresses of the parents of the children the person receives.”

**9.** Section 10.3 of the said Act is replaced by the following section:

“**10.3** If a vacancy occurs on the parents committee, the permit holder shall call a meeting of the committee so that it may fill the vacancy by appointing a person who satisfies the requirements of section 10 or 10.0.1.”

**10.** Section 10.7 of the said Act is repealed.

**11.** Section 11 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“**11.** A day care centre, nursery school or stop over centre permit must indicate the name and address of the permit holder, the name and address of the establishment where the day care is provided and the maximum number of children that may be received in the establishment.

A day care centre permit must, in addition, indicate the maximum number of children per age class or per grouping of age classes.”

**12.** Section 11.1 of the said Act is amended

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

**“11.1** The holder of a day care centre, nursery school or stop over centre permit may not receive more children in the establishment than the maximum number appearing on the permit.”;

(2) by replacing, in the French text, the words “service de garde en garderie” in the first line of the second paragraph by the word “garderie”;

(3) by replacing, in the French text, the words “service de garde en jardin d’enfants” in the first line of the third paragraph by the words “jardin d’enfants”.

**13.** Section 12 of the said Act is amended

(1) by replacing the word “two” in the first line of the first paragraph by the word “three”;

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

“A permit shall be renewed, on the conditions prescribed by this Act or the regulations, upon a written application submitted by the permit holder together with the information, documents and fees prescribed by regulation.”

**14.** Section 13 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996, is replaced by the following sections:

**“13.** The holder of a day care centre permit or an agency permit, except a municipality or a school board, shall keep the books and accounts determined by regulation, in the manner prescribed by regulation.

**“13.1** The fiscal year of the holder of a day care centre permit or an agency permit shall end on 31 March. However, if the permit holder is a municipality or a school board, the fiscal year shall end on the same date as that of the municipality or the school board.

**“13.2** The holder of a day care centre permit or an agency permit receiving financial assistance or grants under this Act shall, not later than 30 June each year, submit a financial report for the preceding fiscal year to the bureau. In the case of a municipality, the report shall be submitted not later than 31 March each year and, in the case of a school board, not later than 30 September.

The financial report must be audited if the permit holder received from the bureau, during the preceding fiscal year, grants or financial assistance totalling \$25,000 or more.

**“13.3** Every permit holder shall, in addition, not later than 30 June each year, submit an activity report to the bureau. In the case of a municipality, the report shall be submitted not later than 31 March each year and, in the case of a school board, not later than 30 September. The activity report must contain the information the bureau determines by regulation.”

**15.** Section 14 of the said Act is amended

(1) by replacing the words “, of name or of firm name” in the second line of the first paragraph by the words “or of name”;

(2) by replacing “In the case of a corporation contemplated in subparagraph 2 of the first paragraph of section 4, a permit holder” in the first and second lines of the second paragraph by the words “A permit holder that is a legal person”.

**16.** Section 15 of the said Act is amended by striking out the words “or transferred”.

**17.** Section 17 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“17.** The holder of a day care centre, nursery school or stop over centre permit may not operate elsewhere than at the address of the establishment appearing on the permit.”

**18.** Section 17.1 of the said Act is amended

(1) by replacing, in the French text, the words “service de garde en garderie, en jardin d’enfants ou en halte-garderie” in the first and second lines of the first paragraph by the words “garderie, de jardin d’enfants ou de halte-garderie”;

(2) by replacing the words “the day care centre permanently” in the second line of subparagraph 1 of the first paragraph by the words “permanently the establishment in which the day care services are provided”.

**19.** Section 18 of the said Act is amended

(1) by replacing the words “his activities must notify the bureau of it and cease them” in the first and second lines by the words “to operate shall notify the bureau in writing and cease to operate”;

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

“The bureau shall revoke the permit as of the date indicated in the notice if the permit holder has complied with the conditions determined by regulation.”

**20.** Section 18.1 of the said Act is replaced by the following section:

“**18.1** The bureau may refuse to issue a permit where

(1) the health, safety or well-being of the children to whom the applicant proposes to provide day care in a day care centre, nursery school or stop over centre would be endangered;

(2) the applicant or an officer of the applicant has been convicted of an indictable offence or of an offence punishable on summary conviction

(a) under Part V of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), except sections 175(1) (a) and (c) and 176 to 178,

(b) under Part VIII of the Criminal Code, except sections 216, 217, 247 to 263, 264.1(1) (b) and (c) and 287 to 320,

(c) under section 210, 212, 213, 343, 346 or any of sections 463 to 465 of the Criminal Code,

(d) under section 39 or 48 of the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27),

(e) under section 4, 5 or 6 of the Narcotic Control Act (Revised Statutes of Canada, 1985, chapter N-1), or

(f) under section 50 of the Young Offenders Act (Revised Statutes of Canada, 1985, chapter Y-1),



which is connected with the aptitudes and conduct required to operate under the permit applied for, unless the applicant or officer has been pardoned;

(3) the applicant or an officer of the applicant has been convicted of an offence under section 135 of the Youth Protection Act (chapter P-34.1), unless the applicant or officer has been pardoned;

(4) the applicant or an officer of the applicant has been convicted, in the two years preceding the application, of an offence under section 3 or 4, unless the applicant or officer has been pardoned;

(5) the applicant or an officer of the applicant held a permit that was revoked or not renewed under section 19 in the three years preceding the application;

(6) the applicant made a statement containing false or misleading information or distorted a material fact when applying for the permit.”

**21.** Section 19 of the said Act is amended

(1) by replacing the word “cancel” in the first line by the word “revoke”;

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

“(3) the health, safety or well-being of children being provided day care in a day care centre, a nursery school, a stop over centre or a home is endangered;”;

(3) by adding, at the end, the following paragraph:

“(5) the permit holder ceased to operate without first complying with section 18.”

**22.** Section 20 of the said Act is amended

(1) by replacing the word “cancelling” in the first line of the first paragraph by the word “revoking”;

(2) by replacing, in the French text, the word “requérant” in the third line of the first paragraph and in the first line of the second paragraph by the word “demandeur”.

**23.** Section 21 of the said Act is replaced by the following section:

**“21.** The decision of the bureau shall be sent to the applicant or to the permit holder within 15 days after the date on which it was made.”

**24.** Section 22 of the said Act is amended

(1) by replacing the words “day care centre, nursery school or stop-over centre” in the first line of the first paragraph by the words “day care centre, nursery school or stop over centre”;

(2) by replacing the words “The information” in the first line of the second paragraph by the words “Subject to the provisions of sections 34.1 and 35, the information”;

(3) by replacing the words “person having parental authority over” in the fourth line of the second paragraph by the words “parent of”.

**25.** Section 23 of the said Act is amended

(1) by replacing the words “day care centre, nursery school, stop-over centre” in the second line by the words “day care centre, nursery school, stop over centre”;

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

“(1) if the day care centre, nursery school, stop over centre or agency permit has been suspended or revoked in accordance with this Act;”;

(3) by replacing the words “day care centre, nursery school or stop-over centre permit indulges” in the first and second lines of paragraph 2 by the words “day care centre, nursery school or stop over centre permit engages”.

**26.** Section 25 of the said Act is amended by replacing the words “day care centre, nursery school, stop-over centre” in the second line by the words “day care centre, nursery school, stop over centre”.

**27.** Section 26 of the said Act is amended by replacing the words “day care centre, nursery school, stop-over centre” in the

first and second lines by the words “day care centre, nursery school, stop over centre”.

**28.** Section 28 of the said Act is amended

(1) by replacing the words “day care centre, nursery school, stop-over centre” in the first and second lines of paragraph 1 and of paragraph 2 by the words “day care centre, nursery school, stop over centre”;

(2) by replacing the words “day care centre, nursery school, stop-over centre” in the first and second lines of paragraph 3 by the words “day care centre, nursery school, stop over centre”.

**29.** Section 30 of the said Act is amended by replacing the words “day care centre, nursery school, stop-over centre” in the third and fourth lines of the first paragraph by the words “day care centre, nursery school, stop over centre”.

**30.** Section 34 and section 35 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996, are replaced by the following sections:

**“34.** The chairman of the bureau may authorize a person to act as an inspector for the purposes of this Act.

**“34.1** An inspector may, in the performance of his duties,

(1) at any reasonable time, enter any premises where he has reasonable grounds to believe that activities for which a permit is required under this Act or activities referred to in section 32 are carried on, to ascertain whether this Act and the regulations are complied with;

(2) photograph the premises and equipment;

(3) require that extracts from any book, file, account, register, attendance card, registration card, recording, record or document be communicated for examination or reproduction, if he has reasonable grounds to believe that they contain information relating to the application of this Act or the regulations. However, in the case of a municipality or a school board, access is limited to entries respecting the day care services provided in accordance with this Act or the regulations.

Any information obtained by an inspector in the performance of his duties is confidential; it shall not be communicated or made available to any person not lawfully entitled to it, except with the written authorization of the person concerned.

**“35.** The person in charge of the premises being inspected, and any person who works there, is required to assist an inspector in the performance of his duties. In addition, the person having custody, possession or control of the documents referred to in subparagraph 3 of the first paragraph of section 34.1 must communicate them to the inspector and facilitate his examination thereof.

No person may, in any manner whatsoever, hinder an inspector in the performance of his duties, deceive him by misleading statements or refuse to provide him with any information he is entitled to obtain under this Act or the regulations.”

**31.** Section 36 of the said Act is amended

(1) by replacing the figure "34" in the first line of the first paragraph by the figure "34.1";

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

"On request, an inspector shall identify himself and produce a certificate signed by the chairman or the secretary of the bureau, attesting his capacity."

**32.** Section 37 of the said Act is repealed.

**33.** Section 38 of the said Act is amended

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

**“38.** The holder of a day care centre, nursery school or stop over centre permit, or a school board providing school day care, shall fix the amount of the contribution required in respect of each child received. The contribution shall be required from the parent or from any other person determined by regulation.”;

(2) by replacing the words “he or it” in the first line of the second paragraph by the words “the holder of a day care centre permit and a school board providing school day care”.

**34.** Section 39 of the said Act is amended by replacing the words “person having parental authority” in the third line by the word “parent”.

**35.** Sections 40 and 41 of the said Act are replaced by the following sections:

**“40.** Subject to section 41.7, the bureau, in the cases and on the conditions determined by regulation, may exempt wholly or partially a person who so requests from the payment of the contribution required under section 38 or 39 by

(1) the holder of a day care centre permit that is

(a) a cooperative of which the majority of the members of the board of directors are parents who are not members of the staff of the day care centre and whose children are or will be enrolled at that centre;

(b) a non-profit legal person of which the majority of the members of the board of directors are parents who are not members of the staff of the day care centre and whose children are or will be enrolled at that centre;

(c) a public institution within the meaning of the Act respecting health services and social services or within the meaning of the Act respecting health services and social services for Cree Native persons;

(d) a municipality; or

(e) a school board;

(2) the holder of a day care centre permit that was eligible for financial assistance on 19 June 1996;

(3) a person responsible for home day care who is recognized by an agency holding a permit;

(4) a school board that provides school day care.

However, a person responsible for home day care and any person assisting that person are not eligible for an exemption for their children who are received in a day care centre or are provided home day care.

“**41.** Where a person is exempted, the bureau shall, according to the terms and conditions determined by regulation, pay financial assistance equivalent to the amount of the exemption to the person entitled to require a contribution. In the case of home day care, however, the bureau may pay the financial assistance to the holder of the agency permit for the benefit of the person entitled to require the contribution.”

**36.** The said Act is amended by inserting, after section 41.1, the following section:

“**41.1.1** No person may require from an exempted person any fee whatever for the administration and management of his exemption file.

Moreover, the holder of a day care centre permit or the person responsible for home day care may not require from an exempted person a higher contribution than that required from a non-exempted person for day care services of the same nature and duration, or for equivalent services, offered by the permit holder.”

**37.** Section 41.6 of the said Act, amended by section 19 of chapter 23 of the statutes of 1994, and section 41.7 of the said Act are replaced by the following sections:

“**41.6** Subject to section 41.7, the bureau may, in the cases and on the conditions determined by regulation, award grants to

(1) an applicant for or holder of a day care centre permit referred to in subparagraph 1 of the first paragraph of section 40;

(2) a holder of a day care centre permit, other than a permit holder referred to in subparagraph 1, that was eligible for grants on 19 June 1996;

(3) an applicant for or holder of an agency permit, for the benefit of the applicant or holder or for the benefit of a person responsible for home day care recognized by the agency;

(4) a school board, a municipality, a public institution within the meaning of the Act respecting health services and social services or within the meaning of the Act respecting health services and social services for Cree Native persons, or any other body or person, in order to facilitate or support the development or improvement of child day care, responses to specific day care needs, or experimentation or innovation in the field of child day care.

A permit holder, notwithstanding any change of status, may not receive any grants other than the grants originally awarded to the permit holder, subject to the other provisions of this Act and the regulations.

Where the holder of a day care centre permit receiving grants because of its status as a cooperative or non-profit legal person the majority of the members of the board of directors of which are parents who are not members of the staff of the day care centre and whose children are or will be enrolled at that centre ceases to satisfy that condition, the permit holder shall be eligible only for the grants awarded to a permit holder not satisfying that condition but nevertheless eligible for grants on 19 June 1996, subject to the other provisions of this Act and the regulations.

**“41.7** The Government may fix annually a number of places for which the bureau may award an exemption, financial assistance or grants in each of the following categories:

(1) day care centres operated by

(a) a cooperative of which the majority of the members of the board of directors are parents who are not members of the staff of the day care centre and whose children are or will be enrolled at that centre;

(b) a non-profit legal person of which the majority of the members of the board of directors are parents who are not members of the staff of the day care centre and whose children are or will be enrolled at that centre;

(c) a public institution within the meaning of the Act respecting health services and social services or within the meaning of the Act respecting health services and social services for Cree Native persons;

(d) a municipality; or

(e) a school board;

(2) home day care agencies.

The Government may also allocate sums annually to allow the bureau to award exemptions and financial assistance for school day care.

The bureau shall allot the number of places fixed under the first paragraph among all of the administrative regions of Québec according to need. The bureau shall then allocate places to new day care centres and agencies in each of the regions, according in particular to the needs and priorities of the region as identified after consultation with the interested persons and bodies.

A day care centre or an agency is considered to be new as long as no exemption, financial assistance or grant has been awarded, pursuant to this section, to the day care centre, to the agency or to any person recognized by the agency.

**“41.8** The acquirer of a day care centre or agency operated by a permit holder eligible for financial assistance or grants under sections 40 and 41.6 becomes eligible for the same grants and the same financial assistance, subject to the other provisions of this Act and the regulations, on obtaining a day care permit to operate at the same address or an agency permit to operate in the same territory.

If the acquirer is a person other than a person referred to in subparagraph 1 of the first paragraph of section 40, the acquirer may claim only the financial assistance awarded to a permit holder referred to in subparagraph 2 of the first paragraph of section 40 and in subparagraph 2 of the first paragraph of section 41.6.”

**38.** Section 42 of the said Act is amended by replacing the word “cancelled” in the second line of the first paragraph by the word “revoked”.

**39.** Section 43 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line by the word “demandeur”.

**40.** Section 44 of the said Act is amended

(1) by replacing the words “person having parental authority to whom the holder of a day care centre, nursery school or stop-over” in the first and second lines of the first paragraph by the words “parent to whom the holder of a day care centre, nursery school or stop over”;

(2) by replacing the words “person having parental authority” in the first line of the second paragraph by the word “parent”.

**41.** Section 47 of the said Act is replaced by the following section:



**“47.** The bureau is a legal person.”

**42.** Section 48 of the said Act is amended by striking out, in the French text, the word “social” in the first and second lines of the first paragraph.

**43.** Section 49 of the said Act is amended by replacing the word “seventeen” in the first line by the word “nineteen”.

**44.** Section 50 of the said Act, amended by section 896 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “in a day care centre, in a nursery school, at” in the third line of paragraph 1 by the words “in a day care centre, in a nursery school, in a”;

(2) by replacing the words “in a day care centre, in a nursery school, at” in the second and third lines of paragraph 3 by the words “in a day care centre, in a nursery school, in a”, and by replacing the words “a nursery school, at” in the third line of paragraph 4 by the words “in a nursery school, in a”.

**45.** Section 51 of the said Act is replaced by the following section:

**“51.** The six other members of the bureau shall be public servants designated by the Minister of Health and Social Services, the Minister of Education, the Minister of Municipal Affairs, the Minister responsible for the Status of Women, the Minister responsible for Family Policy and the minister responsible for the administration of this Act, respectively. These members shall not have the right to vote.”

**46.** Section 57 of the said Act is amended by striking out the word “temporarily” in the first, second and third paragraphs.

**47.** Section 68 of the said Act is amended by inserting the words “the administration and” after the word “supervise” in the first line of the second paragraph.

**48.** Section 68.2 of the said Act is replaced by the following section:

**“68.2** Following a proposal by the bureau, the Government may charge the bureau with implementing new programmes, and for that purpose may appropriate to the bureau the moneys the Government considers appropriate.

The bureau shall, in addition, carry out any other function entrusted to it by the Government.”

**49.** Section 69 of the said Act, amended by section 23 of chapter 23 of the statutes of 1994, is again amended by replacing the second paragraph by the following paragraph:

“The bureau may also, in writing, authorize a person, a government department, a body or a public institution within the meaning of the Act respecting health services and social services or within the meaning of the Act respecting health services and social services for Cree Native persons to exercise all or some of the powers conferred upon the bureau by this Act or the regulations.”

**50.** Section 70 of the said Act is amended by adding the following paragraph:

“The bureau may, for the same purpose, make agreements with a government department or body.”

**51.** Section 72.1 of the said Act is repealed.

**52.** Section 73 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996, is again amended, in the first paragraph,

(1) by replacing subparagraphs 4 to 6.1 by the following subparagraphs:

“(4) establishing classes according to the age of the children received and the services to be provided in a day care centre;

“(5) determining the maximum number of children who may be received in the premises of a day care centre, nursery school or stop over centre or in the premises used for home day care or in the prescribed outdoor play area, according to the dimensions and arrangement of the premises or area, the age class of the children and the services to be provided, where applicable;

“(6) establishing standards of hygiene, salubrity and safety that must be observed in day care centres, nursery schools, stop over centres or homes where day care is provided;

“(6.1) prescribing the requirements that must be satisfied by the holder of a day care centre, nursery school or stop over centre permit applying for authorization to engage temporarily in activities

for which the permit was issued elsewhere than at the address of the establishment appearing on the permit;”;

(2) by replacing the words “a day care centre, nursery school or home” in the first and second lines of subparagraph 7 by the words “a day care centre, nursery school or home day care service”;

(3) by replacing the words “day care centre, nursery school or stop-over centre” in the second and third lines of subparagraph 8 by the words “day care centre, nursery school or stop over centre”;

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

“(9) identifying the books and accounts that the holder of a day care centre or agency permit, except a municipality or a school board, must keep, and establishing rules for the keeping and maintenance of those books and accounts;”;

(5) by inserting “or 10.0.1” after “10” in the second line of subparagraph 10.1;

(6) by replacing subparagraph 11 by the following subparagraphs :

“(11) determining the cases and conditions in or on which a stop over centre is operated on a permanent basis ;

“(11.1) determining the cases and conditions in or on which children are received on a casual basis in a stop over centre;”;

(7) by replacing, in the French text, the word “requérant” in the first line of subparagraph 12 by the word “demandeur”;

(8) by replacing subparagraph 15 by the following subparagraph :

“(15) determining the cases and conditions in or on which grants may be awarded pursuant to section 41.6, prescribing, in cases where an application for a grant is made by a permit holder that is a natural person, a partnership or a profit-seeking legal person, that it must include proof that the parents committee has approved the purposes for which application for a grant is made and determining the nature of the proof;”;

(9) by replacing, in the French text, the words “du service de garde en garderie, en jardin d’enfants, en halte-garderie” in the

second and third lines of subparagraph 16.1 by the words “de la garderie, du jardin d’enfants, de la halte-garderie”;

(10) by replacing subparagraph 17 by the following subparagraph:

“(17) establishing standards of qualification for persons working in a day care centre, in a nursery school, in a stop over centre, in a home day care service or in a school day care service, and prescribing the requirements they must satisfy;”;

(11) by replacing the word “establishment” in the second line of subparagraph 18 and of subparagraph 19 by the words “centre, a nursery school, a stop over centre, a home day care service or a school day care service”;

(12) by replacing subparagraph 20 by the following subparagraph:

“(20) determining the persons, other than the parent, from whom the amount of a contribution fixed under section 38 or 39 may be required;”;

(13) by replacing the words “, terms and conditions in or according to” in the first line of subparagraph 21 by the words “and conditions in or on”;

(14) by adding, at the end, the following subparagraph:

“(24) determining, from among the provisions of a regulation made under this section, those the infringement of which constitutes an offence punishable under section 74.9.”

**53.** The said Act is amended by inserting, after section 73, the following section:

**“73.1** Where the standards established pursuant to subparagraph 2 of the first paragraph of section 73 cannot reasonably be applied, the applicant for or holder of a permit may propose alternate measures. The bureau may accept such measures if it considers that they are adequate and would, to the same degree, safeguard the health and safety and foster the well-being of the children to be received.”

**54.** Section 74 of the said Act is replaced by the following sections:

**“74.** Every person that contravenes any provision of section 3, the first paragraph of section 4, section 7.2 or the second paragraph of section 8 is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent conviction, to a fine of \$1,000 to \$10,000.

**“74.1** Every holder of a day care centre permit that contravenes any provision of the first or second paragraph of section 11.1 or holder of a nursery school permit that contravenes any provision of the first or third paragraph of section 11.1 is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent conviction, to a fine of \$1,000 to \$10,000.

Furthermore, every holder of a stop over centre permit that contravenes any provision of the first paragraph of section 11.1 or holder of an agency permit that contravenes any provision of the fourth paragraph of section 11.1 is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent conviction, to a fine of \$1,000 to \$10,000.

**“74.2** Every holder of a day care centre or nursery school permit that contravenes any provision of section 10, 10.2 or 10.6 or holder of an agency permit that contravenes any provision of section 10.0.1, 10.2 or 10.6 is liable to a fine of \$250 to \$1,000.

**“74.3** Every permit holder that contravenes any provision of section 14, 16 or 18 is liable to a fine of \$250 to \$1,000.

**“74.4** Every holder of a day care centre, nursery school or stop over centre permit that contravenes any provision of the first paragraph of section 17 or any provision of section 17.1 or 17.3 is liable to a fine of \$250 to \$1,000.

**“74.5** Every permit holder that fails to submit the report referred to in section 13.3 or holder of a day care centre or agency permit that fails to keep the books and accounts referred to in section 13 or to submit, whenever so required, the report referred to in section 13.2 is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent conviction, to a fine of \$1,000 to \$10,000.

Furthermore, such a permit holder that includes false or inaccurate information in a report referred to in the first paragraph is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent conviction, to a fine of \$1,000 to \$10,000.

**“74.6** Every holder of a day care centre, nursery school or stop over centre permit, person responsible for home day care or school board providing day care that fails to keep the registration and attendance card referred to in the first paragraph of section 22 or enters false or misleading information on the card is liable to a fine of \$250 to \$1,000.

**“74.7** Every holder of a day care centre permit or school board providing school day care that contravenes any provision of the second paragraph of section 38, or holder of an agency permit who, after having received the notice provided for in section 39, fails to notify the bureau in the manner and within the time limit prescribed in that section, is liable to a fine of \$250 to \$1,000.

Furthermore, every holder of a day care permit or school board that, in the notice provided for in section 38, declares an inaccurate amount, or holder of an agency permit that, in the notice provided for in section 39, knowingly declares an inaccurate amount is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent conviction, to a fine of \$1,000 to \$10,000.

**“74.8** Every person that contravenes any provision of section 35 or the first paragraph of section 41.1.1 is liable to a fine of \$250 to \$1,000 and, in the case of a second or subsequent conviction, to a fine of \$500 to \$2,000.

Furthermore, every holder of a day care centre permit or person responsible for home day care that contravenes a provision of the second paragraph of section 41.1.1 is liable to a fine of \$250 to \$1,000 and, in the case of a second or subsequent conviction, to a fine of \$500 to \$2,000.

**“74.9** Every person that contravenes any regulatory provision determined under subparagraph 24 of the first paragraph of section 73 is liable to a fine of \$250 to \$1,000 and, in the case of a second or subsequent conviction, to a fine of \$500 to \$2,000.

**“74.10** Where a legal person contravenes any of sections 74 to 74.9, every director or other officer, employee or representative of the legal person who authorized or permitted the commission of the offence, or who consented thereto, is liable to the fines provided for in the said sections.”

**55.** Section 76 of the said Act is amended by replacing “section 4, 5 or 6” in the second line by “sections 3 and 4”.

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

**57.** Section 97 of the said Act is repealed.

**58.** Section 98 of the said Act, amended by section 897 of chapter 2 of the statutes of 1996, is again amended

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

**“98.** The council of a local municipality may by regulation, notwithstanding any zoning by-laws and subject to the conditions imposed by the council, authorize the granting of permits for the use of land or the construction, alteration or occupation of buildings for the purposes of day care centres within the meaning of this Act.”;

(2) by replacing the words “day care in a day care centre provided” in the first line of subparagraph 2 of the second paragraph by the words “a day care centre operated”.

**59.** Section 99 of the said Act is amended by replacing the words “the Legislature” in the last line by the word “Parliament”.

#### CITIES AND TOWNS ACT

**60.** Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 23 of chapter 23 of the statutes of 1994, by section 4 of chapter 34 of the statutes of 1995 and by section 125 of chapter 2 of the statutes of 1996, is again amended by replacing subparagraph 3 of the first paragraph by the following subparagraph :

“(3) of a person providing or offering to provide day care in a day care centre, nursery school or stop over centre within the meaning of the Act respecting child day care (chapter S-4.1), for the purpose of installing the day care centre, nursery school or stop over centre therein.”

**61.** Section 412 of the said Act, amended by section 151 of chapter 2 of the statutes of 1996, is again amended by replacing the words “day care centres, nursery schools or stop-over centres” in the first and second lines of the first paragraph of paragraph 46 by the words “day care centres, nursery schools or stop over centres”.

#### MUNICIPAL CODE OF QUÉBEC

**62.** Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 23 of chapter 23 of the statutes of 1994 ,

by section 25 of chapter 34 of the statutes of 1995 and by section 226 of chapter 2 of the statutes of 1996, is again amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) of a person providing or offering to provide day care in a day care centre, nursery school or stop over centre within the meaning of the Act respecting child day care (chapter S-4.1), for the purpose of installing the day care centre, nursery school or stop over centre therein.”

**63.** Article 552 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “day care centres, nursery schools or stop-over centres” in the second and third lines of the first paragraph by the words “day care centres, nursery schools or stop over centres”.

#### ACT RESPECTING MUNICIPAL TAXATION

**64.** Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 75 of chapter 2 of the statutes of 1994, by section 23 of chapter 23 of the statutes of 1994, by section 1 of chapter 7 of the statutes of 1995, by section 122 of chapter 65 of the statutes of 1995 and by section 2 of chapter 73 of the statutes of 1995, is again amended by replacing the words “permit, a nursery school permit or a stop-over centre permit issued under the Act respecting child day care (chapter S-4.1) and in which day care under the permits” in the second, third and fourth lines of subparagraph *c* of paragraph 14 by the words “, nursery school or stop over centre permit issued under the Act respecting child day care (chapter S-4.1) and in which day care under the permit”.

**65.** Section 236 of the said Act, amended by section 76 of chapter 2 of the statutes of 1994, by section 23 of chapter 23 of the statutes of 1994, by section 3 of chapter 7 of the statutes of 1995, by section 123 of chapter 65 of the statutes of 1995 and by section 6 of chapter 73 of the statutes of 1995, is again amended by replacing the words “day care centre permit, nursery school permit, stop-over centre permit or home day care agency” in subparagraph *g* of paragraph 1 by the words “day care centre, nursery school, stop over centre or home day care agency”.

#### EDUCATION ACT

**66.** Section 256 of the Education Act (R.S.Q., chapter I-13.3) is amended



(1) by striking out the words “and receive, for such purposes, any grant that may be made to it under the said Act” in the third and fourth lines of the first paragraph;

(2) by replacing, in the French text, the words “Elle peut aussi organiser des services de garde en” in the first line of the second paragraph by the words “Elle peut aussi tenir une”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**67.** Section 114 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing the words “day-care agency” in the first line of paragraph 1 by the words “day care agency or operate a day care centre, nursery school or stop over centre”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL  
SERVICES FOR CREE NATIVE PERSONS

**68.** Section 135.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), amended by section 20 of chapter 23 of the statutes of 1994, is again amended by replacing the word “agency,” in the first line of paragraph *a* by the words “agency or operate a day care centre, nursery school or stop over centre”.

CHARTER OF THE CITY OF QUÉBEC

**69.** Section 4 of the Charter of the city of Québec (1929, chapter 95), amended by section 1 of chapter 85 of the statutes of 1966-67, by Order in Council 3653-78 adopted on 30 November 1978 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), by section 194 of chapter 38 and section 1 of chapter 61 of the statutes of 1984, by section 134 of chapter 27 of the statutes of 1985 and by section 2 of chapter 116 of the statutes of 1986, is again amended

(1) by replacing the words “offering or proposing to offer day care in a day care centre, a stop-over centre or a nursery school” in subparagraph 4.1 of the second paragraph by the words “providing or offering to provide day care in a day care centre, nursery school or stop over centre”;

(2) by replacing the words “purposes of the installation of such services” in subparagraph 4.1 of the second paragraph by the words “purpose of installing the day care centre, nursery school or stop over centre therein”.

## CHARTER OF THE CITY OF MONTRÉAL

**70.** Article 9 of the Charter of the city of Montréal (1959-60, chapter 102), amended by section 3 of chapter 71 of the statutes of 1964, by section 210 of chapter 38 of the statutes of 1984, by section 143 of chapter 27 of the statutes of 1985 and by section 1 of chapter 74 of the statutes of 1995, is again amended by replacing the words “offering or proposing to offer day care in a day care centre, a stop-over centre or a nursery school, within the meaning of the Act respecting child day care (R.S.Q., chapter S-4.1), for the purposes of the installation of such services” in paragraph *c.2* by the words “providing or offering to provide day care in a day care centre, stop over centre or nursery school within the meaning of the Act respecting child day care (R.S.Q., chapter S-4.1), for the purpose of installing the day care centre, nursery school or stop over centre therein”.

## TRANSITIONAL AND FINAL PROVISIONS

**71.** Every cooperative holding a day care centre permit on 19 June 1996 that is required, pursuant to section 10 of the Act respecting child day care as amended by section 7 of this Act, to form a parents committee, must do so not later than 15 October 1996.

**72.** Notwithstanding paragraph 1 of section 7 of the Act respecting child day care as amended by section 5 of this Act, any cooperative that, on 19 June 1996 is the holder of a home day care agency permit may obtain the renewal of its permit subject to the other provisions of that Act or the regulations.

The cooperative must, not later than 15 October 1996, form a parents committee in the manner set out in the first paragraph of section 10.0.1 of the Act respecting child day care, as enacted by section 7 of this Act, and to comply with the other provisions of that Act and the regulations concerning parents committees.

**73.** Any non-profit legal person holding a home day care agency permit that, on 20 June 1996 has formed a parents committee which does not satisfy the requirements of the first paragraph of section 10.0.1 of the Act respecting child day care, as enacted by section 7 of this Act, must comply with that section not later than 15 October 1996.

**74.** Any non-profit legal person holding a home day care agency permit that, on 20 June 1996, has a board of directors which does not satisfy the requirements of the last paragraph of section 7 of the Act respecting child day care, as amended by section 5 of this Act, has until the date of expiry of its permit to comply with that section.

**75.** Notwithstanding the first paragraphs of sections 40 and 41.6 of the Act respecting child day care, as amended by sections 35 and 37 of this Act, an applicant for a day care centre or home day care agency permit recognized as eligible for exemption, financial assistance or grants under a development plan of the bureau or following the fixing of places and their allotment as approved by the Government for fiscal years 1989 to 1994 and those persons to whom the bureau offered equity measures after 14 May 1992 shall remain eligible for exemption, financial assistance or grants, subject to the other provisions of the Act respecting child day care and the regulations.

**76.** Any cooperative holding a day care centre permit of which the majority of the members of the board of directors are not parents who are users of the day care services and which, on 19 June 1996, was eligible for grants shall remain eligible for grants subject to the other provisions of the Act respecting child day care and the regulations.

**77.** Any natural person, partnership or profit-seeking legal person holding a day care centre permit and referred to in paragraph 2 of section 41.6 of the Act respecting child day care that applies for a grant under that section, as enacted by section 37 of this Act, must, where so required by regulation, include in the application proof, as determined by regulation, of the approval of the parents committee as regards the purposes for which the grant is applied for.

**78.** Any natural person who, on 20 June 1996, provides day care for remuneration in a private residence to at least seven but not more than nine children, including the person's children under nine years of age, has until 20 June 1997 to comply with the second paragraph of section 8 of the Act respecting child day care, as amended by section 6 of this Act.

**79.** Notwithstanding section 13.2 of the Act respecting child day care as enacted by section 14 of this Act, every permit holder having received one or more grants totalling \$25,000 or more must

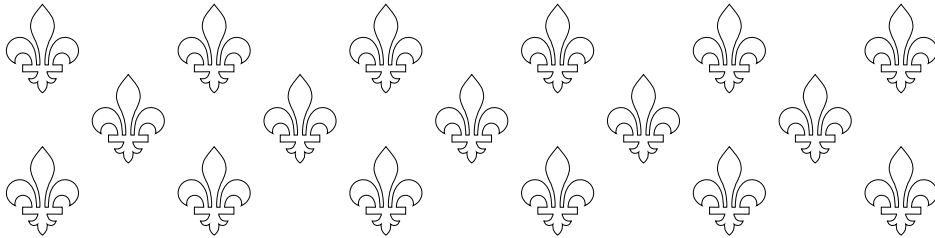
produce, for the fiscal period ending on 31 March 1996 only, an audited financial report.

**80.** Every person who operates a nursery school on 31 December 1997 must obtain in the ensuing year the permit required under the Act respecting child day care.

Every person who, on 31 December 1998, operates a stop over centre for which a permit is required under the Act respecting child day care must obtain in the ensuing year the required permit.

**81.** Every person holding a day care centre permit on 20 June 1996 shall remain the holder of a day care permit.

**82.** This Act comes into force on 20 June 1996, except the provisions of section 5 which, to the extent that they relate to nursery schools, come into force on 31 December 1997 and, to the extent that they relate to stop over centres, come into force on 31 December 1998.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 13  
(1996, chapter 17)

**An Act to amend various  
provisions relating to alcoholic  
beverages, video lottery and  
amusement machines**

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**Introduced 14 May 1996**  
**Passage in principle 29 May 1996**  
**Passage 17 June 1996**  
**Assented to 20 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*This bill proposes to amend certain rules contained in the Act respecting offences relating to alcoholic beverages, in the Act respecting lotteries, publicity contests and amusement machines and in the Act respecting the Société des alcools du Québec.*

*In particular, as regards seizure and confiscation, the bill creates new presumptions concerning the nature of beverages seized, adapts the rules applicable to certain seizures and allows the confiscation by operation of law of certain property seized.*

*The bill also proposes, in penal matters, to simplify the rules as regards proof that a person holds a permit for alcoholic beverages, and proposes other measures, in particular concerning the registration of amusement machines.*

**LEGISLATION AMENDED BY THIS BILL:**

- Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13).

## Bill 13

### **An Act to amend various provisions relating to alcoholic beverages, video lottery and amusement machines**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

**1.** Section 125.1 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended by replacing the second paragraph by the following paragraphs:

“The peace officer may, upon stopping the vehicle, proceed immediately with the seizure of any alcoholic beverages possessed or transported in contravention of this Act and of their containers.

The provisions of the Code of Penal Procedure (chapter C-25.1) that concern things seized, adapted as required, apply once they are seized, to the alcoholic beverages and their containers, subject to the provisions of this Act.”

**2.** Section 127 of the said Act is amended by inserting the words “125.1 or” after the word “section” in the second line of the first paragraph.

**3.** Section 127.1 of the said Act is amended by inserting the words “125.1 or” after the word “section” in the third line of the first paragraph.

**4.** The said Act is amended by inserting, after section 138, the following section:

**“138.1** Where the proof of an offence requires that the prosecuting party establish that the defendant is the holder of a permit, the prosecuting party may, instead of producing an

attestation to that effect signed by the person having the authority to issue the permit, establish that fact by means of a declaration recorded in the statement of offence or in the offence report.

The defendant may, however, require that the prosecuting party prove that the defendant is the holder of a permit by the production of an attestation to that effect from the proper authority, provided the defendant gives notice to the prosecuting party not less than 10 days before the date set for the beginning of the trial. The prosecuting party may waive the notice.”

**5.** Section 148 of the said Act is replaced by the following section:

“**148.** If the judge considers it necessary for the purposes of this Act, he may cause any alcoholic beverage to be analysed by the Corporation’s analyst. The costs of such analysis shall be included in the costs of the proceeding, and the amounts collected as such shall belong to the Corporation and be remitted to it.”

**6.** Section 149 of the said Act is amended

(1) by adding, at the end of the first paragraph, the words “, and the amounts collected as such shall belong to the Corporation and be remitted to the Corporation”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“Where beverages that have been seized in an establishment are in containers identified as containing alcoholic beverages, the beverages shall be presumed to be alcoholic beverages of the type indicated on the container, in the absence of any evidence to the contrary.

Where beverages that have been seized elsewhere than in an establishment are in sealed containers identified as containing alcoholic beverages, the beverages shall be presumed to be alcoholic beverages of the type indicated on the container, in the absence of any evidence to the contrary.

However, any defendant who contests that beverages seized are alcoholic beverages or are of a particular type must give prior notice to the prosecuting party of an application for analysis of the contents of a determined number of containers of such beverages



not less than 10 days before the date set for the beginning of the trial, unless the prosecuting party waives the notice. Article 172 of the Code of Penal Procedure applies to the application.”

**7.** Section 172 of the said Act is amended

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

“**172.** On the thirtieth day following a conviction for an offence under a provision of this Act, the alcoholic beverages seized by reason of the offence and their containers are confiscated by operation of law, except if a judge, on application of the defendant or of a third party, decides otherwise.

Upon a conviction for an offence under a provision of this Act, the judge may, on application of the prosecuting party, order the confiscation

(1) of any vehicle or other thing seized and having been used to transport such beverages;

(2) of movable property and equipment seized and having been used in the illegal sale of alcoholic beverages;

(3) of any amount seized that constitutes the proceeds from the illegal sale of alcoholic beverages.”;

(2) by adding, after the third paragraph, the following paragraph:

“The clerk or a person under his authority must advise the Corporation of any order for the confiscation of alcoholic beverages made under this Act.”

**8.** Section 175 of the said Act is amended

(1) by replacing the words “is unknown to the Minister of Public Security” in the third line by the words “are unknown to the Minister of Public Security or cannot be traced”;

(2) by replacing the words “two months” in the fourth line by the words “90 days”.

**9.** Section 177 of the said Act is amended

(1) by inserting the words “under section 172 or” after the word “place” in the first line of the first paragraph;

(2) by replacing the words “two months’ delay” in the second line of the first paragraph by the words “period of 90 days”.

**10.** Section 178 of the said Act is amended

(1) by striking out the words “after an application to have it declared confiscated has been filed,” in the second line of the second paragraph;

(2) by replacing the words “the judge to whom the application is made” in the third line of the second paragraph by the words “a judge”.

ACT RESPECTING LOTTERIES, PUBLICITY  
CONTESTS AND AMUSEMENT MACHINES

**11.** Section 53 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by inserting the words “have in his possession, possess or” after the words “person may” in the first line.

**12.** Section 121.0.1 of the said Act is replaced by the following sections:

**“121.0.1** If the court considers it necessary for the purposes of this Act, it may cause any machine required to be registered under this Act to be analysed. The costs of such analysis shall be included in the costs of the proceeding.

**“121.0.2** In any prosecution under this Act, the certificate relating to the analysis of any machine required to be registered under this Act signed by an analyst of the laboratory referred to in section 52.15 shall be accepted as proof, *prima facie*, of the facts set forth therein and of the authority of the person who signed such certificate, without further evidence of his appointment or of his signature. The costs of such analysis shall also be included in the costs of the proceeding.

**“121.0.3** On the thirtieth day following a conviction for an offence under a provision of this Act or the rules or regulations thereunder, any amusement machines, video lottery machines,

accessories thereof, sums of money contained in such machines or gaming materials seized by reason of the offence are confiscated by operation of law, except if a judge, on the application of the defendant or of a third party, decides otherwise.

Except as otherwise provided by this Act, upon a conviction for an offence under a provision of this Act or the regulations or rules thereunder, a judge may, on the application of the prosecuting party, order the confiscation of any sums of money collected from the public, any prizes awarded and any other things connected with the conduct of a lottery scheme or a publicity contest.

**“121.0.4** If the name and the address in Québec of the person at whose establishment or residence or in whose possession the things were seized are not known to the Minister of Public Security or cannot be traced, everything that was seized shall be considered to be confiscated after the expiry of 90 days from the seizure.”

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

**13.** Section 39.2 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended by replacing the second paragraph by the following paragraphs:

“The peace officer may, upon stopping the vehicle, proceed immediately with the seizure of any alcoholic beverages possessed or transported in contravention of this Act and of their containers.

The provisions of the Code of Penal Procedure (chapter C-25.1) that concern things seized, adapted as required, apply once they are seized, to the alcoholic beverages and their containers, subject to the provisions of this Act.”

**14.** Section 42 of the said Act is amended by inserting the words “39.2 or” after the word “section” in the second line of the first paragraph.

**15.** Section 42.1 of the said Act is amended by inserting the words “39.2 or” after the word “section” in the third line of the first paragraph.

**16.** Section 47 of the said Act is amended

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

**“47.** On the thirtieth day following a conviction for an offence under a provision of this Act, the alcoholic beverages seized by reason of the offence and their containers are confiscated by operation of law, except if a judge, on application of the defendant or of a third party, decides otherwise.

Upon a conviction for an offence under a provision of this Act, the judge may, on application of the prosecuting party, order the confiscation

(1) of any vehicle or other thing seized and having been used to transport such beverages;

(2) of movable property and equipment seized and having been used in the illegal production or sale of alcoholic beverages;

(3) of any amount seized that constitutes the proceeds from the illegal sale of alcoholic beverages.”;

(2) by adding, after the third paragraph, the following paragraph:

“The clerk or a person under his authority must advise the Corporation of any order for the confiscation of alcoholic beverages made under this Act.”

**17.** Section 50 of the said Act is amended by inserting the words “or has been carried out under section 47” after the word “court” in the first line.

**18.** Section 54 of the said Act is amended

(1) by striking out the words “after an application to have it declared confiscated has been filed” in the second line of the first paragraph;

(2) by replacing the words “the judge seized of the application,” in the third line of the first paragraph by the words “a judge”.

**19.** Section 55.6 of the said Act is replaced by the following section:

**“55.6** If the judge considers it necessary for the purposes of this Act, he may cause any alcoholic beverage to be analysed by the Corporation’s analyst. The costs of such analysis shall be included in

the costs of the proceeding, and the amounts collected as such shall belong to the Corporation and be remitted to it.”

**20.** Section 55.7 of the said Act is amended

(1) by adding, at the end of the first paragraph, the words “, and the amounts collected as such shall belong to the Corporation and be remitted to the Corporation”;

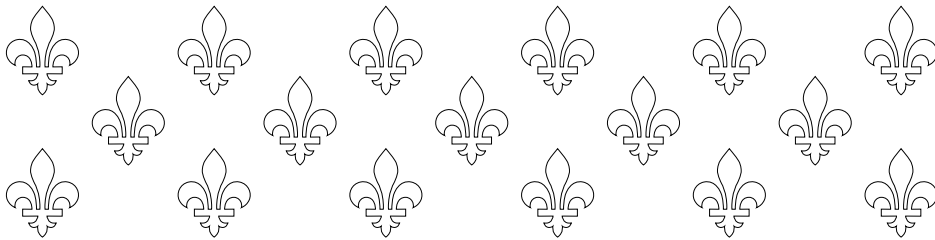
(2) by replacing the second and third paragraphs by the following paragraphs:

“Where beverages that have been seized are in sealed containers identified as containing alcoholic beverages, the beverages shall be presumed to be alcoholic beverages of the type indicated on the container, in the absence of any evidence to the contrary.

However, any defendant who contests that beverages seized are alcoholic beverages or are of a particular type must give prior notice to the prosecuting party of an application for analysis of the contents of a determined number of containers of such beverages not less than 10 days before the date set for the beginning of the trial, unless the prosecuting party waives the notice. Article 172 of the Code of Penal Procedure (chapter C-25.1) applies to the application.”

**21.** This Act comes into force on 20 June 1996.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 16  
(1996, chapter 18)

**An Act to amend the Act  
respecting the conservation  
and development of wildlife**

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**Introduced 9 May 1996  
Passage in principle 5 June 1996  
Passage 19 June 1996  
Assented to 20 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*The purpose of this bill is to amend the Act respecting the conservation and development of wildlife to facilitate its administration. The definition of the word “animal” is modified so as to expressly include any part of an animal and animal flesh and thereby prohibit the sale of certain animal parts. The inspection powers of conservation officers are expanded and the Minister of the Environment and Wildlife is empowered to issue a greater number of permits than determined by regulation and to modify or cancel a hunting or trapping period determined by regulation.*

*In addition, the Minister is authorized to acquire improvements and constructions that are useful for the management of a controlled zone or authorize a body managing a controlled zone to acquire such improvements or constructions. The Minister is further authorized to transfer the ownership of such improvements or constructions, on the conditions he determines, to such bodies or to persons, associations or bodies that provide services or organize activities in a wildlife preserve or sanctuary.*

*Moreover, the Minister is given the power to classify, by regulation, the fishing licences provided for in a federal statute respecting fisheries and to fix issuance fees.*

*Finally, the bill provides that the three-year plan of the Fondation de la faune du Québec will in future be submitted to the Minister for approval rather than to the Government.*



## Bill 16

### **An Act to amend the Act respecting the conservation and development of wildlife**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by adding, at the end of the definition of “animal”, the following: “this term also applies, wherever permitted by the context, to any part or to the flesh of such an animal;”.

**2.** Section 13.1 of the said Act is amended

(1) by inserting the word “, fish” after the word “animal” in the third line of the first paragraph;

(2) by inserting, after the first paragraph, the following paragraph:

“He may, to that end, require any person to stop the vehicle, boat or aircraft to be inspected. The person must comply forthwith.”

**3.** Section 18 of the said Act is amended by inserting the words “a live animal, fish or a” after the word “or” in the second line of the second paragraph.

**4.** Section 46 of the said Act is amended by inserting the words “determined by regulation” after the word “animal” in the first line.

**5.** Section 54.1 of the said Act is replaced by the following section:

**54.1** The Minister may, by order, for conservation or management purposes, issue fewer or more licences than the number fixed by regulation, or decide not to issue any licences.

The Minister may, notwithstanding section 11 of the Regulations Act (chapter R-18.1), make such an order upon the expiry of 15 days following the date of its publication as a draft in the *Gazette officielle du Québec*. The order comes into force, notwithstanding section 17 of the said Act, on the date of its publication in the *Gazette officielle du Québec*.”

**6.** The said Act is amended by inserting, after section 56, the following section:

“**56.1** Notwithstanding the third paragraph of section 56, the Minister may, by order, for conservation or management purposes, modify a hunting or trapping period determined by regulation, or cancel it.

The Minister may, notwithstanding section 11 of the Regulations Act, make such an order upon the expiry of 15 days following the date of its publication as a draft in the *Gazette officielle du Québec*. The order comes into force, notwithstanding section 17 of the said Act, on the date of its publication in the *Gazette officielle du Québec*.”

**7.** Section 69 of the said Act is replaced by the following section:

“**69.** No person may sell, purchase or offer to purchase an animal the sale of which is prohibited by regulation.

However, the Government may, by regulation, authorize the sale of an animal referred to in the first paragraph according to such norms and conditions as the Government may determine.”

**8.** Section 71 of the said Act is amended

(1) by replacing the word “or” in the fourth line of paragraph 3 by a comma;

(2) by adding, at the end of paragraph 3, the words “or a ministerial order issued under section 56.1”.

**9.** Section 107 of the said Act is amended by adding, at the end, the following paragraphs:

“The Minister may, without obtaining authorization under section 11, acquire improvements or constructions that are useful for the management of a controlled zone or authorize, on the conditions he determines, an agency managing a controlled zone that is a party to a memorandum of agreement to acquire improvements or constructions.

The Minister may also, on the conditions he determines, transfer the ownership of improvements or constructions to an agency managing a controlled zone that is a party to a memorandum of agreement.”

**10.** Section 118 of the said Act is amended by adding the following sentence at the end of the second paragraph: “He may, to that end and on the conditions he determines, transfer to such person, association or body the ownership of improvements or constructions.”

**11.** Section 127 of the said Act is amended by adding the following sentence at the end of the second paragraph: “He may, to that end and on the conditions he determines, transfer to such person, association or body the ownership of improvements or constructions.”

**12.** Section 146 of the said Act is replaced by the following section:

**146.** The Foundation shall each year, three months before the end of its fiscal year, submit a three-year plan of operations to the Minister for approval. The plan must include the Foundation’s intervention priorities, objectives, lines of development and budgetary policy. It must also be in keeping with any instructions given to the Foundation by the Minister.”

**13.** The said Act is amended by adding, after section 162, the following section:

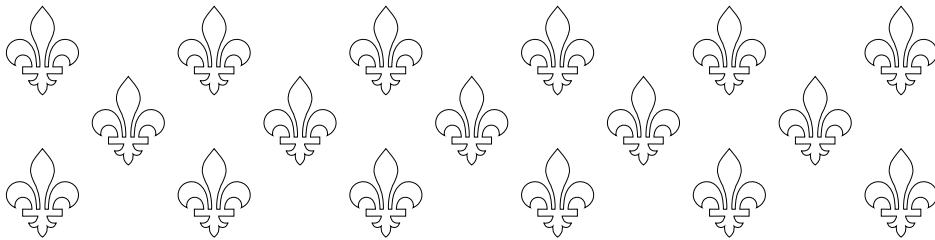
**162.1** The Minister may, to the extent provided in a federal statute respecting fisheries, make regulations classifying the fishing licences provided for therein, determining the form of such licences and the conditions attached to them, in particular as regards issuance, suspension and revocation, and determining issuance fees for such licences according to their class.”

**14.** Section 165 of the said Act is amended by inserting the words “, a ministerial order under section 56.1” after the figure “56” in the second line of subparagraph 2 of the first paragraph.

**15.** Section 167 of the said Act is amended by inserting the words “, a ministerial order under section 56.1” after the figure “56” in the second line of subparagraph 1 of the first paragraph.

**16.** Section 171 of the said Act is amended by inserting the words “the second paragraph of section 13.1, section” after the figure “12,” in the first line of paragraph 2.

**17.** This Act comes into force on 20 June 1996, except sections 4, 7 and 13, which come into force on the dates to be fixed by the Government.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 17  
(1996, chapter 19)

**An Act to repeal the Act  
respecting the neighbourhood  
of Mont Sainte-Anne park**

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**Introduced 9 May 1996  
Passage in principle 5 June 1996  
Passage 13 June 1996  
Assented to 20 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTES

*This bill repeals the Act respecting the neighbourhood of Mont Sainte-Anne park in order that the construction by-laws and zoning by-laws of the municipalities of Saint-Joachim and Saint-Ferréol-les-Neiges and of the towns of Beaupré and Sainte-Anne-de-Beaupré be applicable in the territory of Mont Sainte-Anne park.*

*In addition, the bill provides that, from the date of its introduction in the Assembly until the by-laws are amended or a notice stating that no amendment is required is published, no new uses of the land and no new structures will be authorized on the portion of the territory of the towns of Beaupré and Sainte-Anne-de-Beaupré and of the municipalities of Saint-Joachim and Saint-Ferréol-les-Neiges situated in the territory of Mont Sainte-Anne park.*

## Bill 17

### **An Act to repeal the Act respecting the neighbourhood of Mont Sainte-Anne park**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Act respecting the neighbourhood of Mont Sainte-Anne park (1971, chapter 58) is repealed.

**2.** On the portion of the territory of the municipalities of Saint-Joachim and Saint-Ferréol-les-Neiges and of the towns of Beaupré and Sainte-Anne-de-Beaupré that is included in the territory of Mont-Sainte-Anne park, as described in the schedule to the Act respecting the neighbourhood of Mont Sainte-Anne park (1971, chapter 58), any new use of the land or new structure is prohibited from 9 May 1996, except for the purposes of agriculture on land under cultivation, of the establishment of a water or sewer service in an existing public street by the municipality in execution of an order issued under the Environment Quality Act (R.S.Q., chapter Q-2), or of an electricity, gas, telecommunication or cable distribution network.

The prohibition contained in the first paragraph shall subsist until the coming into force of the by-laws amending the zoning and construction by-laws of the municipality for the territory concerned or until a notice stating that such by-laws need not be amended is published by the municipality.

The prohibition contained in the first paragraph does not apply to structures on which work is in progress on 9 May 1996.

**3.** This Act comes into force on 20 June 1996.





## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 827-96, 3 July 1996**

**An Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, c. 70)**  
— **Coming into force**

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, c. 70)

WHEREAS the Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, c. 70) was assented to on 117 December 1993;

WHEREAS under section 19 of that Act, it comes into force on 17 December 1993, except the provisions listed therein, which will come into force on the date or dates fixed by the Government;

WHEREAS section 2, paragraph 2 of section 3, sections 4, 6, 10 and paragraphs 4 and 10 of section 11 of that Act were put into force on 31 October 1994 by Order in Council 1237-94 dated 17 August 1994;

WHEREAS it is expedient to fix 1 October 1996 as the date of coming into force of paragraph 1 of section 11 and of section 12 of that Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Relations with the Citizens and of the Minister of State for Employment and Solidarity:

THAT 1 October 1996 be fixed as the date of coming into force of paragraph 1 of section 11 and of section 12 of the Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, c. 70).

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 840-96, 3 July 1996**

**An Act respecting the implementation of International Trade Agreements (1996, c. 6)**  
— **Coming into force**

COMING INTO FORCE of the Act respecting the implementation of International Trade Agreements

WHEREAS the Act respecting the implementation of International Trade Agreements (1996, c. 6) was assented to on 13 June 1996;

WHEREAS section 11 of the Act prescribes that its provisions will come into force on the date or dates fixed by the Government;

WHEREAS it is expedient to fix 10 July 1996 as the date of coming into force of all the provisions of that Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of International Relations:

THAT 10 July 1996 be fixed as the date of coming into force of all the provisions of the Act respecting the implementation of International Trade Agreements (1996, c. 6).

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 845-96, 3 July 1996**

**An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)**  
— **Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)

WHEREAS the Act respecting prescription drug insurance and amending various legislative provisions was assented to on 20 June 1996;

WHEREAS under section 119 of the Act, that Act comes into force on the date or dates to be fixed by the Government;

WHEREAS under section 118 of the Act, when ordering the coming into force of a provision of that Act, the Government may determine the date or dates on which the provision takes effect in respect of the classes of persons it determines;

WHEREAS it is expedient to fix the date of coming into force of the provisions of section 1, of section 3 except the words “, or by the insurers insuring transacting group insurance or the administrators of private-sector employee benefit plans,”, of section 5, of the first paragraph of section 8 except the words “in Québec”, of section 9, of the first and third paragraphs of section 11, of the fourth paragraph of section 11 except the words “or by an insurer or employee benefit plan, as the case may be”, of section 12, of the first sentence of section 13, which reads “The maximum contribution for a reference period of one year shall not exceed \$750 per adult;”, of section 14, of paragraph 1 of section 15 except the words “who are not members of a group insurance contract or employee benefit plan that is applicable to a group of persons determined on the basis of current or former employment status, profession or any other habitual occupation and that includes basic plan coverage, and who are not beneficiaries under such a contract or plan;”, of paragraphs 2 and 3 of section 15, of section 17, of the first paragraph of section 19, of sections 20 and 21, of the first paragraph of section 22, of the second paragraph of section 22 except the words “and, with respect to medications provided by an institution, according to the price established in that list”, of section 31, of the second paragraph of section 43, of sections 51 to 82, 87 and 88, of the third paragraph of section 3 of the Health Insurance Act, introduced by paragraph 1 of section 89, except, in the introductory sentence, the words “and, where applicable, the cost of medications provided as part of the services provided by an institution in accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions”, except, in subparagraph *a* of the third paragraph of that section, the words “and is not a member of a group insurance contract or employee benefit plan that is applicable to a group of persons determined on the basis of current or former employment status, profession or any other habitual occupation and that includes basic plan coverage, and is not a beneficiary under such a plan”, and except subparagraph *c* of the third paragraph of that section, of the fourth paragraph of section 3 of the Health Insurance Act, introduced by paragraph 2 of section 89 except the words “and, where applicable, the cost of medications provided as part of the services

provided by an institution in accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions”, of paragraph 3 of section 89, of sections 90, 92 to 94, 98 to 105, 109 to 116 and 118 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 1 August 1996 be fixed as the date of coming into force of the provisions of section 3 except the words “, or by the insurers insuring transacting group insurance or the administrators of private-sector employee benefit plans,”, of section 5, of the first paragraph of section 8 except the words “in Québec”, of section 9, of the first and third paragraphs of section 11, of the fourth paragraph of section 11 except the words “or by an insurer or employee benefit plan, as the case may be”, of section 12, of the first sentence of section 13, which reads “The maximum contribution for a reference period of one year shall not exceed \$750 per adult;”, of section 14, of paragraph 1 of section 15 except the words “who are not members of a group insurance contract or employee benefit plan that is applicable to a group of persons determined on the basis of current or former employment status, profession or any other habitual occupation and that includes basic plan coverage, and who are not beneficiaries under such a contract or plan;”, of paragraphs 2 and 3 of section 15, of the first paragraph of section 22, of the second paragraph of section 22 except the words “and, with respect to medications provided by an institution, according to the price established in that list” and of section 31 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32);

THAT the coming into force of the provisions of the sections referred to in the preceding paragraph have effect, in respect of the persons referred to in paragraphs 1 to 3 of section 15 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32), from 1 August 1996 and, in respect of the other persons eligible for the basic prescription drug insurance plan, on the date or dates determined by the Government;

THAT 1 August 1996 be fixed as the date of coming into force of the provisions of sections 1, 51 to 82, 87 and 88, of the third paragraph of section 3 of the Health Insurance Act, introduced by paragraph 1 of section 89, except, in the introductory sentence, the words “and, where applicable, the cost of medications provided as part of the services provided by an institution in accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions”, except, in subparagraph

*a* of the third paragraph of that section, the words “and is not a member of a group insurance contract or employee benefit plan that is applicable to a group of persons determined on the basis of current or former employment status, profession or any other habitual occupation and that includes basic plan coverage, and is not a beneficiary under such a plan”, and except subparagraph *c* of the third paragraph of that section, of the fourth paragraph of section 3 of the Health Insurance Act, introduced by paragraph 2 of section 89 except the words “and, where applicable, the cost of medications provided as part of the services provided by an institution in accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions”, of paragraph 3 of section 89 and of sections 90, 92 to 94, 98 to 105, 109 to 116 and 118 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32);

THAT 1 September 1996 be fixed as the date of coming into force of the provisions of section 17, of the first paragraph of section 19, of sections 20 and 21 and of the second paragraph of section 43 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32).



## Regulations and other acts

Gouvernement du Québec

### **O.C. 818-96, 3 July 1996**

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

#### **Signing of certain documents**

##### **— Personnel of the Conseil du trésor**

Signing of certain documents by certain members of the personnel of the Conseil du trésor

WHEREAS under section 28.4 of the Financial Administration Act (R.S.Q., c. A-6), no act, document or writing is binding on or may be attributed to the Chairman of the Conseil du trésor in the performance of a function assigned to him under another Act unless it is signed by the Chairman, the secretary or a member of the personnel of the Conseil du trésor, although in the latter case, only to the extent determined by the Government;

WHEREAS under section 28.6 of the Act, a document or copy of a document relating to a function assigned to him under another Act and emanating from the Conseil du trésor or forming part of its records is authentic if it is signed or certified true by a person referred to in section 28.4;

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

THAT the director general and councillors of the Direction générale de la dotation et des activités régionales, the director and regional managers of the Direction des activités régionales, the director of staffing and mobility, the director of management personnel and any person authorized in writing to temporarily replace one of those persons be authorized to sign:

— certificates of classification issued under the Public Service Act (R.S.Q., c. F-3.1.1);

— opinions on the classification and the duties and powers of a classification or new classification expressed in accordance with that Act and various statutes conferring on certain persons a right to return to the public service;

THAT the associate secretary for human resources, the assistant secretary for the personnel of the public service, the clerk and the assistant clerk of the Conseil du trésor be authorized to certify as true any document or copy thereof relating to the performance of a function referred to in section 28.1 of the Financial Administration Act and emanating from the Conseil du trésor or forming part of its records.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 821-96, 3 July 1996**

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

#### **Amendments to Schedules I and II.1 to the Act**

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under the first paragraph of section 16.1 of the Act, amended by section 5 of Chapter 46 of the Statutes of 1995, the pensionable salary of an employee who is released with pay for union activities is the salary paid to him by his employer and the salary, if any, paid to him by a body designated in Schedule II.1;

WHEREAS under the second paragraph of section 16.1, the body concerned must pay its employer's contributory amount and deduct the contributions from the pensionable salary it pays to such an employee;

WHEREAS under the first paragraph of section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

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 Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan**

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 220)

**1.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1321-94, 1322-94, 1323-94 and 1324-94 dated 7 September 1994, 1800-94 dated 21 December 1994, 538-95 dated 26 April 1995, 928-95 dated 5 July 1995, 1194-95 dated 6 September 1995, 1506-95 dated 22 November 1995, 81-96 dated 24 January 1996 and 556-96 and 557-96 dated 15 May 1996, and by sections 79 of Chapter 2 of the Statutes of 1994, 49 of Chapter 21 of the Statutes of 1994, 42 of Chapter 27 of the Statutes of 1994, 20 of Chapter 27 of the Statutes of 1995 and 20 of Chapter 46 of the Statutes of 1995, is further amended in paragraph 1 by inserting, in alphabetical order, the words “the Commission de la capitale nationale du Québec” and “the Syndicat de l’enseignement de l’Ungava et de l’Abitibi-Témiscamingue”.

**2.** Schedule II.1 to the Act, amended by Orders in Council 1323-94 dated 7 September 1994, 1639-94 dated 24 November 1994, 842-95 dated 21 June 1995, 1322-95 dated 4 October 1995, 82-96 and 83-96 dated 24 January 1996, 184-96 dated 14 February 1996 and 556-96 dated 15 May 1996 and 615-96 dated 29 May 1996, and by section 21 of Chapter 46 of the Statutes of 1995, is further amended by inserting, in alphabetical order, the words “North Island Laurentian Teachers’ Union Syndicat d’enseignants NILTU” and “The Syndicat de l’enseignement des Bois-Francis”.

**3.** This Order in Council has effect from 31 July 1995 as regards “The Syndicat de l’enseignement des Bois-Francis”, from 1 January 1996 as regards “the Syndicat de l’enseignement de l’Ungava et de l’Abitibi-Témiscamingue”, from 18 January 1996 as regards the “North Island Laurentian Teachers’ Union Syndicat d’enseignants NILTU” and from 1 April 1996 as regards “the Commission de la capitale nationale du Québec”.

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Gouvernement du Québec

### **O.C. 828-96, 3 July 1996**

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2)

#### **Selection of foreign nationals — Amendments**

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Minister shall issue a selection certificate to a foreign national who meets the conditions and criteria of selection determined by regulation;

WHEREAS under subparagraph *a* of the first paragraph of section 3.3 of the Act, the Government may make regulations determining classes of foreign nationals who have filed an application for a selection certificate referred to in section 3.1;

WHEREAS under subparagraph *b* of the first paragraph of section 3.3 of that Act, amended by section 11 of Chapter 70 of the Statutes of 1993, the Government may make regulations determining the conditions of selection applicable to each of such classes of foreign nationals, having regard, in particular, to criteria such as the vocational or professional training and experience of the foreign national, the needs of the labour market in Québec as regards his profession, the age and personal qualities, education, knowledge of languages, and financial capacity of the foreign national, the assistance he may receive from relatives or friends residing in Québec, his place of destination in Québec or the place of establishment of his enterprise; such conditions and criteria may vary within the same class, in particular by reason of the foreign national’s contribution to enriching the socio-cultural or economic heritage of Québec;

WHEREAS under subparagraph *b.1* of the first paragraph of section 3.3 of that Act, enacted by section 11 of Chapter 70 of the Statutes of 1993, the Government may make regulations determining the classes of foreign nationals which may be exempted from one or several of the conditions and criteria of selection and providing that such exemptions may vary within the same class;

WHEREAS under subparagraph *b.2* of the first paragraph of section 3.3 of that Act, enacted by section 11 of Chapter 70 of the Statutes of 1993, the Government may make regulations determining the classes of foreign nationals in respect of which the conditions and criteria of selection apply to a foreign national's dependants and providing for cases of total or partial exemption of dependants from conditions or criteria of selection; such conditions and criteria may vary according to the family situation of the foreign national and also within the same class;

WHEREAS under subparagraph *b.3* of the first paragraph of section 3.3 of that Act, enacted by section 11 of Chapter 70 of the Statutes of 1993, the Government may make regulations determining which criteria apply to a preliminary processing for selection, prescribing the classes of foreign nationals to which the criteria will apply and determining the cases of total or partial exemption of foreign nationals; the criteria may vary according to the class and also within the same class;

WHEREAS under subparagraph *b.4* of the first paragraph of section 3.3 of that Act, enacted by section 11 of Chapter 70 of the Statutes of 1993, the Government may make regulations prescribing the classes of foreign nationals in respect of which a selection interview must be held, determining the cases of total or partial exemption from this obligation and providing that the obligation may vary within the same class;

WHEREAS under subparagraph *d* of the first paragraph of section 3.3 of that Act, the Government may make regulations determining the cases where and the classes of foreign nationals to whom the Minister may issue a selection certificate where the Minister considers that the results obtained following the application of the selection criteria do not reflect whether or not the foreign national will be able to become successfully established in Québec;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2), which contains, in particular, the selection grid for foreign nationals;

WHEREAS it is expedient to amend that selection grid, taking into account the new power of the Minister, pro-

vided for in section 3.4 of that Act, enacted by section 12 of Chapter 70 of the Statutes of 1993, to establish the weighting of selection criteria and the passing score and, where expedient, the cutoff score applicable to the preliminary stage of selection and to the selection, which weighting may vary according to the family situation or the class of foreign nationals;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 December 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister for Relations with the Citizens and of the Minister of State for Employment and Solidarity:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting the selection of foreign nationals**

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, s. 3.1 and s. 3.3, 1<sup>st</sup> par., subpars. *a* to *b.4* and *d*; 1993, c. 70, s. 11)

**I.** The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2), amended by the Regulations made by Orders in Council 409-82 dated 24 February 1982 (Suppl., p. 898), 771-82 dated 31 March 1982 (Suppl., p. 899), 2057-84 dated 19 September 1984, 1080-86 dated 16 July 1986, 646-88 dated 4 May 1988, 1504-88 dated 4 October 1988, 229-89 dated 22 February 1989, 922-89 dated 14 June 1989, 1968-89 dated 20 December 1989, 1784-91 dated 18 December 1991, 425-92 dated 25 March 1992, 1109-92 dated 29 July 1992, 1725-92 dated 2 December 1992, 189-93 dated 17 February 1993, 1041-93 dated 21 July 1993, 1238-94 dated 17 August 1994, 1323-95 dated 4 October 1995 and 563-96 dated 15 May 1996, is further amended in section 1

(1) by substituting the following for paragraph *a* of subsection 1:

“(a) “National Occupational Classification”: the publication bearing such title and authorized in 1993 by the federal Minister of Employment and Immigration as it reads at the time it is applied;”;

(2) by inserting the following after paragraph *b* of subsection 1:

“(b.1) “dealer”: a dealer in securities acting as principal within the meaning of the Securities Act (R.S.Q., c. V-1.1) who has a place of business in Québec, who is registered with the Commission des valeurs mobilières du Québec and whose rights are not suspended;”;

(3) by adding the following after paragraph *e* of subsection 1:

“(e.1) “management experience”: the actual assuming on a full-time basis of responsibilities and duties related to the planning, management and control of material, financial and, where applicable, human resources, provided that such responsibilities and duties are not assumed in the context of an apprenticeship, training or specialization process attested to by a diploma;”;

(4) by substituting the following for paragraph *g* of subsection 1:

“(g) “sponsor”: a person who gives an undertaking on behalf of a foreign national;

(g.1) “Exemptions of proof of workforce scarcity”: the publication bearing such title and authorized in 1996 by the Minister as it reads at the time it is applied;

(g.2) “List of preferred educational background”: the publication bearing such title and authorized in 1996 by the Minister as it reads at the time it is applied;

(g.3) “List of occupations in demand in Québec”: the publication bearing such title and authorized in 1996 by the Minister as it reads at the time it is applied;

(g.4) “List of inadmissible occupations”: the publication bearing such title and authorized in 1996 by the Minister as it reads at the time it is applied;”;

(5) by substituting the following for paragraph *i* of subsection 1:

“(i) “Minister”: the Minister responsible for the Act respecting immigration to Québec (R.S.Q., c. I-0.2);”;

(6) by adding the following after paragraph *i* of subsection 1:

“(i.1) “nephew” or “niece”: with respect to any person, the child of the sister or brother of that person;”;

(7) by adding the following after paragraph *k* of subsection 1:

“(k.1) “Regulation respecting weighting”: the Regulation respecting the weighting applicable to the selection of foreign nationals, made by the Minister under section 3.4 of the Act;”;

(8) by substituting the following for paragraph *m* of subsection 1:

“(m) “trust company”: a trust company referred to in the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01) or in the Act respecting trust companies (R.S.C., 1985, c. T-20) and having a place of business in Québec;”;

(9) by deleting subsection 2.

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

“7. An application for a selection certificate by a foreign national belonging to the class of independent immigrants as a worker or an assisted relative is subject to preliminary processing for selection in accordance with the Employment and Occupational Experience factors provided for in sections 2 and 3.1 of the Selection Grid for Independent Immigrants in Schedule A.

An application that is awarded less points than those fixed in the Regulation respecting weighting as a cutoff score during the preliminary processing of those factors shall be rejected.

**7.1** An application for a selection certificate by a foreign national belonging to the class of independent immigrants as a self-employed person or an entrepreneur is subject to preliminary processing for selection intended to determine whether he has net assets of \$200 000 and whether he has the experience required in section 3 of the Selection Grid for Independent Immigrants provided for in Schedule A and at least equal to the cutoff score under the Regulation respecting weighting.

Failing that, the application shall be rejected.”.

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

“8. Any foreign national, other than one belonging to the family class, who applies for a selection certificate shall be called for an interview, except if his application has been rejected following the preliminary processing for selection.



The notice of interview shall indicate the place and date of the interview and the documents that the national must submit in support of his application.”.

**4.** Section 19 is amended by inserting, in paragraph *d*, the words “having lost both parents” after the word “orphan”.

**5.** Section 21 is amended

(1) by substituting the following for subparagraph *a* of the first paragraph:

“(a) is designated as a worker if

(1) he comes to Québec to hold assured employment;

(2) he is qualified to exercise an occupation mentioned in the List of occupations in demand in Québec; or

(3) he has an employability and occupational mobility level, as provided for in factor 2C of the Selection Grid for Independent Immigrants in Schedule A, that is likely to allow him to hold employment, taking into account his occupational and personal qualifications, and his principal occupation is not mentioned in the List of inadmissible occupations;”;

(2) by deleting, in subparagraph *c* of the first paragraph, the figure “(1)” and paragraph 2 of that subparagraph; and

(3) by deleting the second paragraph.

**6.** Section 22 is amended by substituting, in paragraphs *c* and *d*, the words “in accordance with the “Assured Employment” factor provided for in section 2.A of the Selection Grid for Independent Immigrants in” for the words “in accordance with factor 4 of”.

**7.** The following is inserted before section 23:

“§1. *Family class*”.

**8.** The following is inserted before section 27:

“§2. *Class of persons in distress*”.

**9.** Section 27 is amended by substituting, in paragraph *c* of subsection 1, the words “of factor 4 “Adaptability”, 6 “Knowledge of languages”, 7 “Spouse” and 8 “Children” of the Selection Grid for Independent Immigrants provided for” for the words “of factors 3, 7, 8 and 9”.

**10.** The following is inserted before section 31:

“§3. *Independent immigrants class*”.

**11.** The following is substituted for section 32:

“**32.** The assessment of an application shall be made by awarding it the points provided for in the Regulation respecting weighting for its class with respect to the factors and criteria listed in the Selection Grid for Independent Immigrants in Schedule A, without exceeding the maximum number of points fixed in that Regulation for each factor or criterion.”.

**12.** Sections 33 to 34 are revoked.

**13.** Section 34.1 is amended

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

“**34.1** A foreign national who applies for a selection certificate as an investor shall file with the Minister an investment agreement signed with a broker or a trust company that will manage in Québec the investor’s agreement and investment.

The Minister shall examine the agreement and shall award the applicant the points provided for in the Regulation respecting weighting if the agreement complies with the provisions of this Regulation.”;

(2) by inserting, in subparagraph *g* of the second paragraph, the words “that is eligible within the meaning of Schedule K and that has been in operation for less than 12 months” after the words “new corporation”;

(3) by substituting the following for the last paragraph:

“Notwithstanding subparagraph *k* of the second paragraph, the agreement may make provision for a guarantee or an assurance of full or partial reimbursement if the applicant has net assets of \$700 000 and if he undertakes to make an eligible investment of \$500 000.”.

**14.** Sections 34.2, 34.3 and 35 are revoked.

**15.** The following is substituted for sections 38 to 38.5:

“**38.** The Minister shall issue a selection certificate to a foreign national belonging to the class of independent immigrants if the foreign national is awarded, in the awarding of the points prescribed in the Regulation

respecting weighting for his class in respect of the factors and criteria of the Selection Grid for Independent Immigrants in Schedule A, the number of points required as a cutoff score, where applicable, and as a passing score.

Furthermore, an investor shall also file with the Minister a document proving that the amount mentioned in the investment agreement has been transferred to his broker or his trust company in Québec.

Notwithstanding the first paragraph, the Minister shall issue a selection certificate to an assisted relative who complies with the provisions of the 1978 Immigration Regulations (SOR 78/172)."

**16.** The following is substituted for section 40:

"**40.** The Minister may issue a selection certificate to a foreign national belonging to the class of independent immigrants if the foreign national has obtained at least 20 points for the assessment of his application in accordance with the Selection Grid for Independent Immigrants in Schedule A and with the Regulation respecting weighting and if the Minister is of the opinion that the result obtained does not reflect the foreign national's potential for successfully establishing himself in Québec."

**17.** Section 50 is amended

(1) by substituting the words "exercise the occupation" for the words "take the job" in paragraph *d* of subsection 1;

**"SCHEDULE A**

(ss. 7, 22, 27, 31, 32, 38 and 40)

SELECTION GRID FOR INDEPENDENT IMMIGRANTS

**Factors**

1. Training

**Criteria**

1.1 Schooling:

- (a) secondary school diploma
- (b) postsecondary school diploma attesting to at least 1 year of full-time studies
- (c) undergraduate university diploma attesting to 1 year of full-time studies
- (d) undergraduate university diploma attesting to 2 years of full-time studies
- (e) undergraduate university diploma attesting to 3 years of full-time studies
- (f) master's diploma
- (g) doctorate

(2) by substituting the following for paragraph *e* of subsection 1:

"(e) he meets the conditions of access to that occupation, provided for in the National Occupational Classification;"

(3) by substituting, in paragraph *f* of subsection 1, the words "where the level of qualification for such an occupation, within the meaning of the National Occupational Classification, is less than "B"" for the words "where the Specific Vocational Preparation (SVP) for a job description mentioned in that publication is less than 6";

(4) by substituting, in subparagraph *ii* of paragraph *f* of subsection 1, the words "type of occupation" for the words "type of employment";

(5) by striking out, in subparagraph *iii* of paragraph *f* of subsection 1, the words ", as may be determined by the procedure described in factor 7 of Schedule A".

**18.** Schedule A attached to this Regulation is substituted for Schedules A and J.

**19.** This Regulation comes into force on 1 October 1996.

**Factors****Criteria**

- |  |  |
|--|--|
| <p>1.2</p> <p>1.3</p> <p>2. Employment</p> <p>2.A Assured employment</p> <p>2.B Occupation entered in the List of occupations in demand in Québec</p> <p>2.C Employability and occupational mobility</p> | <p>1.2 Studies in a second specialty<br/> <i>(a)</i> diploma attesting to 1 year of schooling<br/> <i>(b)</i> diploma attesting to 2 years of schooling or more</p> <p>1.3 Training mentioned in the List of preferred educational background<br/> <i>(a)</i> field requiring university studies<br/> <i>(b)</i> other field</p> <p>Permanent full-time employment meeting the following conditions:<br/> <i>(a)</i> employment at a level of qualification higher than C within the meaning of the National Occupational Classification, and the worker meets the conditions of access to the occupation within the meaning of that classification;<br/> <i>(b)</i> the worker undertakes to hold that employment as soon as he is admitted to Canada;<br/> <i>(c)</i> an employer in good faith who has been doing business in Québec for more than 12 months undertakes in writing to reserve such employment for him;<br/> <i>(d)</i> there is no labour dispute at the place of the intended employment and his hiring is not detrimental to the employment of any person involved in such labour dispute;<br/> <i>(e)</i> his hiring in Québec is not detrimental to the application of section 109.1 of the Labour Code (R.S.Q., c. C-27);<br/> <i>(f)</i> the assured employment is mentioned in the Exemptions of proof of workforce scarcity or the employer establishes that he has made a reasonable effort to hire Québec residents who are qualified or who could be trained for that employment within a period of one year at the most.</p> <p>Meet the conditions of access to the occupation within the meaning of the National Occupational Classification, to hold employment mentioned in the List of occupations in demand in Québec</p> <p>2.C.1 Training</p> <p>2.C.1.1 Schooling:<br/> <i>(a)</i> secondary school diploma<br/> <i>(b)</i> postsecondary school diploma attesting to at least 1 year of full-time studies<br/> <i>(c)</i> undergraduate university diploma attesting to 1 year of full-time studies<br/> <i>(d)</i> undergraduate university diploma attesting to 2 years of full-time studies<br/> <i>(e)</i> undergraduate university diploma attesting to 3 years of full-time studies<br/> <i>(f)</i> master's diploma<br/> <i>(g)</i> doctorate</p> <p>2.C.1.2 Studies in a second specialty:<br/> <i>(a)</i> diploma attesting to 1 year of schooling<br/> <i>(b)</i> diploma attesting to 2 years or more of schooling</p> |
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**Factors****Criteria**

- 2.C.1.3 Training mentioned in the List of preferred educational background
    - (a) field requiring university studies
    - (b) other field
  - 2.C.2 Occupational experience
    - 2.C.2.1 6 months
    - 2.C.2.2 1 year
    - 2.C.2.3 1 year and a half
    - 2.C.2.4 2 years
    - 2.C.2.5 2 years and a half
    - 2.C.2.6 3 years
    - 2.C.2.7 3 years and a half
    - 2.C.2.8 4 years
    - 2.C.2.9 4 years and a half
    - 2.C.2.10 5 years or more
- Experience includes training periods served during apprenticeship, training or specialization attested to by a diploma, in an occupation at a level of qualification higher than D within the meaning of the National Occupational Classification, excluding experience acquired in an occupation mentioned in the List of inadmissible occupations.
- 2.C.3 Age
    - 2.C.3.1 From 23 to 30 years old
    - 2.C.3.2 31 years old
    - 2.C.3.3 32 years old
    - 2.C.3.4 33 years old
    - 2.C.3.5 34 years old
    - 2.C.3.6 35 years old
    - 2.C.3.7 36 years old
    - 2.C.3.8 37 years old
    - 2.C.3.9 38 years old
    - 2.C.3.10 39 years old
  - 2.C.4 Knowledge of languages
    - 2.C.4.1 Oral comprehension of and expression in spoken French
    - 2.C.4.2 Studies in French
      - (a) secondary level
      - (b) post-secondary level
    - 2.C.4.3 Oral comprehension and expression in spoken English
  - 2.C.5 Stay in Québec and ties in Québec:
    - 2.C.5.1 Stay in Québec
      - (a) studies or work
      - (b) other stay of at least 2 weeks

**Factors****Criteria**

- 2.C.5.2 Ties in Québec  
 (a) member of his family who is a Québec resident  
 (b) friend who is a Québec resident

## 3. Experience

## 3.1 Occupational experience

- (a) 6 months  
 (b) 1 year  
 (c) 1 year and a half  
 (d) 2 years  
 (e) 2 years and a half  
 (f) 3 years  
 (g) 3 years and a half  
 (h) 4 years  
 (i) 4 years and a half  
 (j) 5 years or more

To assess an application according to factor 2A, Assured employment, or 2B, Occupation entered in the List of occupations in demand in Québec, occupational experience is based on the duration of the actual full-time exercise of the occupation for which the applicant is assessed in respect of the employment factor, including training periods served during apprenticeship, training or specialization attested to by a diploma.

To assess an application according to factor 2C, Employability and occupational mobility, occupational experience is based on the duration of the exercise of an occupation at a level of qualification higher than D within the meaning of the National Occupational Classification, excluding experience acquired in an occupation mentioned in the List of inadmissible occupations.

## 3.2 Management experience:

- (a) 6 months  
 (b) 1 year  
 (c) 1 year and a half  
 (d) 2 years  
 (e) 2 years and a half  
 (f) 3 years  
 (g) 3 years and a half  
 (h) 4 years  
 (i) 4 years and a half  
 (j) 5 years  
 (k) 5 years and a half  
 (l) 6 years  
 (m) 6 years and a half  
 (n) 7 years  
 (o) 7 years and a half or more

## 4. Adaptability

4.1 Assessment of personal qualities, particularly of flexibility, sociability, motivation, initiative, perseverance, self-confidence, realistic outlook and maturity, in relation to the applicant's daily occupational activities

4.2 Assessment of his motives for emigrating and the reasons he puts forward for his possible coming to Québec

<b>Factors</b>	<b>Criteria</b>
	4.3 Assessment of his knowledge of Québec, particularly of the labour market, of the conditions prevailing in the occupation he wants to exercise, of the living conditions and of the climate
	4.4 Stay in Québec <ul style="list-style-type: none"><li>(a) studies or work</li><li>(b) other stay of at least 2 weeks</li></ul>
	4.5 Ties in Québec <ul style="list-style-type: none"><li>(a) member of his family who is a Québec resident</li><li>(b) friend who is a Québec resident</li></ul>
5. Age	5.1 From 23 to 30 years old 5.2 31 years old 5.3 32 years old 5.4 33 years old 5.5 34 years old 5.6 35 years old 5.7 36 years old 5.8 37 years old 5.9 38 years old 5.10 39 years old
6. Knowledge of languages	6.1 In French: <ul style="list-style-type: none"><li>(a) Oral comprehension</li><li>(b) Oral expression</li><li>(c) Reading comprehension</li><li>(d) Studies in French<ul style="list-style-type: none"><li>i. secondary level</li><li>ii. post-secondary level</li></ul></li></ul>
	6.2 In English: <ul style="list-style-type: none"><li>(a) Oral comprehension</li><li>(b) Oral expression</li></ul>
7. Spouse	7.1 Training: <ul style="list-style-type: none"><li>(a) secondary school diploma</li><li>(b) postsecondary school diploma attesting to at least 1 year of full-time studies</li><li>(c) undergraduate university diploma attesting to 3 years of full-time studies</li><li>(d) studies in a second specialty or training mentioned in the List of preferred educational background</li></ul>
	7.2 Occupational experience: <ul style="list-style-type: none"><li>(a) From 6 months to 1 year</li><li>(b) More than one year</li></ul>
	7.3 Age: <ul style="list-style-type: none"><li>(a) 30 years old or less</li><li>(b) 31 to 39 years old</li></ul>

<b>Factors</b>	<b>Criteria</b>
	7.4 Knowledge of French: (a) Oral comprehension (b) Oral expression (c) Reading comprehension
8. Children	8.1 12 years old or less 8.2 From 13 to 17 years old
9. Financial self-sufficiency	Financial resources to meet his needs and those of the dependent persons accompanying him, by applying the scales in Schedule C, for one of the following periods:  9.1 1 month 9.2 3 months 9.3 6 months 9.4 9 months 9.5 12 months
10. Financial resources	Has net assets of \$200 000
11. Aptitude for carrying out a business project in Québec	11.1 Assessment of his knowledge of the Québec business world and, more particularly: (a) of the economical structure of Québec and Canada (b) of government and financial institutions as they relate to the world of business in Québec (c) of the legislation affecting his project  11.2 Assessment of his market analysis: (a) business trips to Québec (b) visits to enterprises or businesses related to the sector of economic activities in which his project will be carried out (c) contacts with an organization of business people  11.3 Sufficient financial resources to carry out his business project.  11.4 Assessment of the feasibility and relevancy of the project in relation to Québec's needs: (a) knowledge of the economical prospects in the region where he intends to carry out his project (b) strategy for implementing his project
12. Investment agreement	In compliance with the provisions of this Regulation".

Gouvernement du Québec

## O.C. 832-96, 3 July 1996

An Act respecting the Société de développement industriel du Québec  
(R.S.Q., c. S-11.01)

### Business Start-up Support Program

#### Business Start-up Support Program

WHEREAS under section 2 of the Act respecting the Société de développement industriel du Québec (R.S.Q., c. S-11.01), the object of the Corporation is to promote economic development in Québec;

WHEREAS under section 3 of that Act, the Corporation shall grant financial assistance under a program;

WHEREAS under section 5 of that Act, the Government may establish, by regulation, financial assistance programs designed to promote economic development in Québec;

WHEREAS under section 47 of that Act, the Government may make regulations, in particular to establish criteria to determine which businesses may receive financial assistance, to determine the form of financial assistance and the conditions a business must fulfil to obtain financial assistance;

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

WHEREAS under section 13 of that Act, the reason justifying the absence of prior publication shall be published with the Regulation;

WHEREAS under section 18 of that Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* and the date applicable under section 17 of that Act, where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication of the Regulation and its coming into force on a date earlier than that applicable under section 17 of that Act;

(1) the measures in this Regulation will make it possible for several businesses that have received financial assistance under the Regulation respecting the Business Start-up Investment Program to survive and keep growing;

(2) it is important that businesses be able to take advantage of the proposed measures as soon as possible;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Industry, Trade, Science and Technology:

THAT the Business Start-up Support Program, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Business Start-up Support Program

An Act respecting the Société de développement industriel du Québec  
(R.S.Q., c. S-11.01, ss. 5 and 47)

#### DIVISION I PROGRAM OBJECTIVE

**1.** The objective of this Program is to enable the Société de développement industriel du Québec to promote the pursuing of the activities of certain businesses that have received a loan guaranteed by the Corporation under the Regulation respecting the Business Start-up Investment Program, made by Order in Council 1620-94 dated 16 November 1994 and amended by the Regulations made by Orders in Council 908-95 dated 28 June 1995 and 1490-95 dated 15 November 1995.

#### DIVISION II ELIGIBILITY CRITERIA AND AWARDED CONDITIONS

**2.** A business is eligible for this Program if its activity is referred to in the Schedule, if it has been in operation for at least one year and if it has received a loan guaranteed by the Corporation under the Regulation mentioned in section 1.

**3.** Financial assistance under this Program shall be granted to a business that meets the following conditions:



(1) it has attained or is on the way to attaining the profitability and job creation objectives it had submitted in support of the application for which a first loan guaranteed by the Corporation was granted to it;

(2) its financial forecasts evidence growth and profitability perspectives; and

(3) its financial statements evidence the need for additional financing.

### **DIVISION III FINANCIAL ASSISTANCE**

**4.** Financial assistance granted to a business by the Corporation under this Program shall take the form of a guarantee of repayment of 80 % of the net loss that may result from a loan, which loss is calculated by adding the outstanding principal at the date of the loan's recall and the arrears in interest at that date, without exceeding 3 months, and by subtracting the net proceeds of the securities.

**5.** A loan granted to a business may not exceed \$50 000; however, it may be consolidated with the first loan guaranteed by the Corporation obtained by that business under the Regulation mentioned in section 1.

**6.** A loan shall be used to purchase goods or services or to finance the working capital of the business.

It may not be used to repay another loan or a credit line or for the acquisition or financing adjustment of another business.

**7.** Interest, at a rate not exceeding the rate of the first loan guaranteed by the Corporation, is payable to the lender, a bank within the meaning of the Act respecting banks and banking (S.C., 1991, c. 46) or a savings or credit union (R.S.Q., c. C-4.1), from the first disbursement of the loan.

Repayment of principal shall be made at the same time as the first loan guaranteed by the Corporation.

**8.** The guarantee is conditional on the lender's obtention of a surety from a natural person or securities on the property of such person for an amount equivalent to 15 % of the amount obtained by adding the balance on the first loan guaranteed by the Corporation and the new loan requested.

**9.** The duration of the guarantee granted in favour of a business under this Program may not exceed the term of the first loan guaranteed by the Corporation.

### **DIVISION IV CLAIMS**

**10.** The lender shall send to the Corporation, without delay, a copy of any recall of a loan or a copy of any document served on it in respect of a borrower under the Bankruptcy and Insolvency Act (R.S.C., 1985, c. B-3).

**11.** Having exhausted its recourses and realized its securities, the lender shall establish the amount of the net loss and shall forward its claim to the Corporation.

**12.** A claim shall be paid by the Corporation within 30 days of its receipt, unless the Corporation may refuse to pay it, in which case the Corporation shall so notify the lender within the same time.

**13.** Upon payment of the claim, the lender shall discharge the Corporation for the amount paid and the Corporation shall be subrogated to the rights of the lender.

### **DIVISION V FINAL**

**14.** This Program replaces the Regulation respecting the Business Start-up Investment Program, made by Order in Council 1620-94 dated 16 November 1994; however, it does not cancel any obligations validly created under the former Regulation.

**15.** This Program will come into force on 22 July 1996 and will have effect until the budget allocated to the Business Start-up Investment Program is totally spent, which budget is transferred to the administration of this Program according to the same terms and conditions.

### **SCHEDULE (s. 2)**

#### **ACTIVITIES TO WHICH THE FINANCIAL ASSISTANCE MUST BE RELATED**

Pursuant to section 2 of this Program, the projects for which financial assistance may be granted shall be related to the following activities:

(1) manufacturing;

(2) environmental restoration;

(3) computer, software or package services or other high added-value services related to information technologies;

- (4) operation of a laboratory;
- (5) any activity related to technological innovation and design and exportation;
- (6) centralized call services;
- (7) recycling:
  - (a) of rubber;
  - (b) of paper;
  - (c) of metal scrap;
  - (d) of mechanical or electrical automobile units;
  - (e) of glass;
  - (f) of plastic;
  - (g) of barks, sawdust and wood shavings;
- (8) recovery of waste or scrap, their separation and processing or their conditioning with a view to making a product or raw materials to be used in manufacturing products;
- (9) tourism in respect of the products described below and offered as a priority to holiday or convention tourists, who are persons travelling for recreation, vacation, convention, symposia or seminar purposes and requiring accommodations for those purposes outside the location of their principal residence:
  - (a) accommodations, provided that the project pertains to:
    - i. the modernization of existing accommodation units; or
    - ii. the addition of accommodation units, in the context of tourist projects requiring a local accommodation capacity;
  - (b) camping, where 40 % of the sites or a minimum of 150 sites, whichever is lower, are available exclusively to campers other than seasonal campers;
  - (c) boat excursions on watercourses in Québec, including animation and interpretation;
  - (d) hunting and fishing, adventure and wildlife, recreational, artistic and scientific activities and craft work where those activities are offered as part of package trip arrangements including accommodations;
  - (e) alpine skiing in a centre already developed and that has a vertical drop of at least 250 metres or located near a minimum of 100 commercial accommodation units or frequented by clients from outside Québec at a

ratio of 50 % where the project does not entail an enlargement of the skiable area or an increase in its accommodation capacity;

(f) a cultural, natural, scientific, recreational attraction or other attraction offered to those tourists on a continuous basis, at least 4 months each year.

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Gouvernement du Québec

### **O.C. 846-96, 3 July 1996**

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)

#### **Application of the Act**

Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions

WHEREAS under section 112 of the Act respecting prescription drug insurance and amending various legislative provisions, the Government may, not later than 31 December 1996, make a regulation under section 78 or section 113 of the Act even if the regulation has not been published as required by section 8 of the Regulations Act (R.S.Q., c. R-18.1). Such a regulation shall come into force, notwithstanding section 17 of that Act, on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation. Such a regulation may, if it so provides, apply to any class of eligible persons it determines and from any date not prior to 20 June 1996;

WHEREAS under section 113 of the Act respecting prescription drug insurance and amending various legislative provisions, the Government may make any transitional provision to prescribe, with regard to the persons or classes of persons referred to in Division I of Chapter III of the Act, for the reference period it determines,

(1) what is to be done with the contributions referred to in section 14.3 of the Health Insurance Act (R.S.Q., c. A-29), as it read before being repealed by section 92 of the Act respecting prescription drug insurance and amending various legislative provisions, paid by a beneficiary from a date determined in the regulation;

(2) the date of the expiry of a proof of exemption issued by the Board during a period determined in the regulation in accordance with sections 14.7 and 14.8 of the Health Insurance Act, as they read before being repealed by section 92 of the Act respecting prescription drug insurance and amending various legislative provisions;

(3) the cases in which the Board shall issue proof of exemption and the validity period of such proof;

(4) the amount of and cases in which the Board shall effect a reimbursement to an eligible person referred to in section 15;

(5) the conditions to be met by a pharmacist to be entitled to remuneration from the Board for the pharmaceutical services and medications referred to in section 8 supplied by the pharmacist;

(6) the percentage of the cost of pharmaceutical services and medications that remains chargeable to an eligible person and the amount of the maximum contribution payable by the person, and to provide for cases of exemption with or without conditions; the coinsurance percentage and the maximum contribution for a reference period may vary according to classes of persons and within classes of persons;

WHEREAS under section 116 of the Act respecting prescription drug insurance and amending various legislative provisions, the Government may, by regulation, not later than 1 August 1997, make any other transitional provision to remedy any omission and ensure the implementation of the basic prescription drug insurance plan as soon as possible after the plan is established by the Act;

WHEREAS under section 116 of the Act respecting prescription drug insurance and amending various legislative provisions, a regulation made under that section is not subject to the publication requirements set out in section 8 of the Regulations Act. It shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation, notwithstanding section 17 of that Act. A regulation may, once published and where it so provides, apply from any date not prior to 1 August 1996;

WHEREAS under section 118 of the Act respecting prescription drug insurance and amending various legislative provisions, when ordering the coming into force of a provision of the Act, the Government may determine the date or dates on which the provision takes effect in respect of the classes of persons it determines;

WHEREAS it is expedient to make the Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions**

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32, ss. 112, 113, 116 and 118)

#### **CONTRIBUTION REQUIRED OF ELIGIBLE PERSONS COVERED BY THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC**

1. For the reference period extending from 1 August 1996 to 31 December 1996, an eligible person referred to in paragraphs 1 to 3 of section 15 of the Act shall contribute to paying the cost of pharmaceutical services and medications covered under the basic prescription drug insurance plan and paid for by the Régie de l'assurance-maladie du Québec pursuant to section 22 of the Act, at the time of each filling or renewal of a prescription, by making a coinsurance payment equal to 25 % of the cost of those services and medications, up to the amount of a maximum contribution fixed at:

(1) \$83.33, in the case of:

(a) a person 65 years of age or over who receives the maximum amount of the monthly guaranteed income supplement under the Old Age Security Act (R.S.C., 1985, c. O-9);

(b) a person referred to in paragraph 2 or 3 section 15 of the Act;

(2) \$208.33, in the case of a person 65 years of age or over who receives a fraction of the maximum amount of the monthly guaranteed income supplement under the Old Age Security Act;

(3) \$312.50, in the case of any other person.

Notwithstanding the foregoing, a dependent child referred to in section 3 of the Act respecting income security (R.S.Q., c. S-3.1.1) and belonging to a family that receives benefits under a last resort assistance program provided for in that Act is exempted from paying the contribution referred to in subparagraph 1 of the first paragraph.

**2.** Where the maximum contribution required of a person for the reference period extending from 1 August 1996 to 31 December 1996 has been paid in full, that person is exempted, for the remainder of the period, from any payment to a pharmacist for pharmaceutical services and medications covered under the basic plan, unless the maximum contribution applicable to him at the time he obtains the pharmaceutical services and medications is higher than the contribution he has already paid, as a result of a change having occurred in his situation.

**3.** To be entitled to remuneration from the Board, a pharmacist shall indicate to the Board, on his statement of fees or on his claim for payment, that he has collected from an eligible person referred to in section 1 the contribution referred to in that section, or that the eligible person presented a valid proof of exemption.

**4.** Where a person referred to in paragraphs 1 to 3 of section 15 of the Act exacts from the Board, pursuant to section 12 of the Health Insurance Act (R.S.Q., c. A-29), payment of the cost of insured pharmaceutical services and medications furnished by a non-participating pharmacist referred to in section 30 of that Act, or exacts from the Board a reimbursement of the cost of insured pharmaceutical services and medications that he obtained without having presented his health insurance card or claim booklet pursuant to section 13.1 of that Act, the Board shall deduct from that payment or reimbursement, in the form of a coinsurance payment, the percentage of those costs that remains chargeable to that person for those services and medications, up to the amount of the maximum contribution fixed for the reference period.

**5.** During the reference period extending from 1 August 1996 to 31 December 1996, the Board shall issue, to a person referred to in section 1, a valid proof of exemption for the period indicated thereon, where the maximum contribution required of that person has been paid in full.

A proof of exemption becomes null and void where the maximum contribution applicable to a person referred to in section 1 at the time he obtains pharmaceuti-

cal services and medications is higher than the contribution he has already paid, as a result of a change having occurred in his situation, and that person shall then cease to present the proof of exemption.

**6.** During the reference period extending from 1 August 1996 to 31 December 1996, the Board shall reimburse the full amount of the contributions that a person referred to in section 1 pays in excess of the maximum contribution applicable to him.

**7.** A proof of exemption issued by the Board during the period extending from 1 January 1996 to 31 July 1996 in accordance with sections 14.7 and 14.8 of the Health Insurance Act, as they read before being repealed by section 92 of the Act, becomes null and void from 1 August 1996.

**8.** The contributions paid by an eligible person referred to in paragraph 1 of section 15 of the Act in accordance with section 14.3 of the Health Insurance Act, as it read before being repealed by section 92 of the Act, during the period extending from 1 January 1996 to 31 July 1996, are not taken into account in the amount of the maximum contribution applicable to him under section 1.

**9.** This Regulation comes into force on 1 August 1996.

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Gouvernement du Québec

### **O.C. 847-96, 3 July 1996**

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5)

An Act respecting health services and social services (R.S.Q., c. S-4.2)

#### **Application of the Act — Amendments**

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services

WHEREAS under section 20 of the Act to amend the Act respecting health services and social services and other legislative provisions (1994, c. 23), the title "Act respecting health services and social services for Cree Native persons" was substituted for the title of the Act respecting health services and social services for Cree and Inuit Native persons;

WHEREAS under sections 159, 160 and 161.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), the Government shall determine, by regulation, the contribution that may be required for the beneficiaries who are sheltered in an institution or taken in charge by a foster family, prescribe the terms and conditions and cases in which a person may be exempted from paying that contribution and may, in such a regulation, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, in accordance with the Pension Index established in conformity with section 117 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

WHEREAS under sections 512, 514 and 515 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government shall determine, by regulation, the contribution that may be required of users lodged in a facility maintained by a public or private institution under agreement, including any intermediate resource of a public institution, or taken in charge by a family-type resource, prescribe the terms and conditions and the circumstances under which a person may be exempted from paying the contribution and may, in such a regulation, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, according to the index provided therein;

WHEREAS the first paragraph of section 619.41 of the Act respecting health services and social services (R.S.Q., c. S-4.2) states that subject to any special provisions enacted by that Act, all orders in council, orders or regulations made or decisions rendered by the Government, the Minister, or by another competent authority, pursuant to any provision of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), which are applicable to persons and bodies subject to the Act respecting health services and social services (R.S.Q., c. 4-2), shall remain applicable to those persons and bodies to the extent that they are compatible with that Act or until new orders in council, orders or regulations are made or new decisions are rendered pursuant to the corresponding provisions of that Act;

WHEREAS the Government made regulatory provisions concerning the contribution of beneficiaries in the Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r. 1);

WHEREAS in accordance with sections 10, 11 and 12 of the Regulations Act (R.S.Q., c. R-18.1) and with the third paragraph of section 173 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), the Regulation to amend the Regulation respecting the application of the Act respecting

health services and social services was published in Part 2 of the *Gazette officielle du Québec* of 15 May 1996, page 2243, 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 make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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### **Regulation to amend the Regulation respecting the application of the Act respecting health services and social services**

An Act respecting health services and social services for Cree Native persons  
(R.S.Q., c. S-5, ss. 159, 160 and 161.1; 1994, c. 23, s. 20)

An Act respecting health services and social services  
(R.S.Q., c. S-4.2, ss. 512, 514, 515 and 619.41)

■. The Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r. 1), amended by the Regulations made by Orders in Council 3411-81 dated 9 December 1981 (Suppl., p. 1183), 456-82 dated 3 March 1982 (Suppl., p. 1184), 613-82 dated 17 March 1982 (Suppl., p. 1188), 614-82 dated 17 March 1982 (Suppl., p. 1189), 685-82 dated 24 March 1982 (Suppl., p. 1191), 2076-82 dated 15 September 1982, 128-83 dated 26 January 1983, 476-83 dated 17 March 1983, 883-83 and 884-83 dated 4 May 1983, 1315-83 dated 22 June 1983, 1879-83 dated 21 September 1983, 2593-83 dated 14 December 1983, 642-84 dated 21 March 1984, 1127-84 dated 16 May 1984, 1320-84 dated 6 June 1984, 1373-84 dated 13 June 1984, 1426-84 dated 20 June 1984, 1632-84 dated 11 July 1984, 2050-84 dated 19 September 1984, 2809-84 dated 19 December 1984, 1039-89 dated 28 June 1989, 967-90 dated 4 July 1990, 1800-90 dated 19 December 1990, 1728-91 dated 11 December 1991, 288-92 dated 26 February 1992, 1757-92 dated 2 December 1992, 21-93 and 22-93 dated 13 January 1993, is further amended, in section 360,

(1) by substituting “\$41.72”, “\$34.88” and “\$25.92” for “\$36.40”, “\$30.43” and “\$22.61”, respectively, in the first paragraph; and

(2) by substituting “1 January 1998” for “1 January 1993” in the second paragraph.

**2.** Section 372 is amended

(1) by substituting “\$715.50” and “\$863.70” for “\$645.90” and “\$779.70”, respectively, in the second paragraph;

(2) by substituting “\$715.50” and “\$863.70” for “\$645.90” and “\$779.70”, respectively, in the third paragraph; and

(3) by substituting “1 January 1998” for “1 January 1993” in the third paragraph.

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

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Gouvernement du Québec

**O.C. 852-96, 3 July 1996**

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

**Garage employees  
— Québec**

Decree to extend Part II of the Decree respecting garage employees in the Québec region

WHEREAS the Government made the Decree respecting garage employees in the Québec region (R.R.Q., 1981, c. D-2, r. 48);

WHEREAS the Association des industries de l'automobile du Canada, section de Québec Inc., a contracting party to the Decree, is opposed to the automatic renewal of Part II of the Decree;

WHEREAS in accordance with section 12.01 of the Decree, Part II remains in force until 31 July 1996;

WHEREAS under section 8 of the Act respecting collective agreement decrees, the Government may extend Part II of the Decree;

WHEREAS it is expedient to extend Part II of the Decree until 31 July 1997;

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

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

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority 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 :

— Part II of the Decree respecting garage employees in the Québec region is in force until 31 July 1996; after that date, the working conditions of certain employees covered by the Decree may be adversely affected;

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

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

THAT the Decree to extend Part II of the Decree respecting garage employees in the Québec region, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Decree to extend Part II of 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, Part II of which was extended by Orders in Council 2574-83 dated 6 December 1983, 1099-84 dated 9 May 1984, 2589-84 dated 21 November 1984, 1034-85 dated 29 May 1985 and 2615-85 dated 4 December 1985, amended by Orders in Council 1309-89 dated 9 August 1989 and 619-90 dated 2 May 1990, Part II of which was extended by Orders in Council 1746-90 dated 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, amended by Order in Council 356-96 dated 21 March 1996, is further amended by the extension of Part II until 31 July 1997.

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

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Gouvernement du Québec

### O.C. 853-96, 3 July 1996

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

#### Garage employees — Saguenay–Lac Saint-Jean

Decree to extend the Decree respecting garage employees in the Saguenay–Lac Saint-Jean region

WHEREAS the Government made the Decree respecting garage employees in the Saguenay–Lac Saint-Jean region (R.R.Q., 1981, c. D-2, r. 50);

WHEREAS the Association des industries de l'automobile du Canada, Saguenay–Lac Saint-Jean region, a contracting party to the Decree, is opposed to the automatic renewal of the Decree;

WHEREAS in accordance with section 13.01 of the Decree, it remains in force until 10 August 1996;

WHEREAS under section 8 of the Act respecting collective agreement decrees, the Government may extend the Decree;

WHEREAS it is expedient to extend the Decree until 10 August 1997;

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

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

WHEREAS under section 18 of the Regulations 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 the Regulations Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

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

— the Decree respecting garage employees in the Saguenay–Lac Saint-Jean region is in force until 10 August 1996; after that date, the working conditions of certain employees covered by the Decree might be unfavourably changed;

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

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

THAT the Decree to extend the Decree respecting garage employees in the Saguenay–Lac Saint-Jean region, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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### **Decree to extend 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 and 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, 992-95 dated 19 July 1995 and amended by Order in Council 358-96 dated 21 March 1996, is further extended until 10 August 1997.

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

9867

**M.O., 1996**

### **Order of the Minister of Income Security dated 29 June 1996**

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

Regulation fixing the limits to the expenses for a transfer of benefits between spouses

CONSIDERING the first paragraph of section 108 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1; 1994, c. 24, s. 7), which provides that, upon presentation of an application for separation from bed and board, divorce,

annulment of marriage or payment of a compensatory allowance, the member and his spouse are entitled, upon application in writing to the pension committee, to obtain a statement of the benefits accumulated by the member under the plan and the value thereof at the date of the institution of the action;

CONSIDERING the first paragraph of section 110 of the above-mentioned Act, which provides that, in the event of cessation of conjugal relationship between a *de facto* spouse and a member of the plan, the member and spouse may, within 6 months, agree in writing to a partition of the benefits accumulated by the member under the pension plan;

CONSIDERING the second paragraph of section 110 of the above-mentioned Act, which provides that the member and the *de facto* spouse shall be entitled to obtain, upon application in writing to the pension committee, the statement described in section 108 and established at the date on which they ceased to live together in a conjugal relationship;

CONSIDERING the first paragraph of section 110.1 of the above-mentioned Act, which provides that the cost of producing the statement referred to in section 108 of the above-mentioned Act and the expenses incurred for effecting the transfer of benefits between spouses may be claimed from the spouses only up to the limit fixed by the Minister, after consultation with the Régie, and published in the *Gazette officielle du Québec*;

CONSIDERING the first paragraph of section 110.1 of the above-mentioned Act, which provides that the limit may vary according to the type of pension plan;

CONSIDERING that it is expedient to fix limits to those expenses, according to the type of pension plan;

CONSIDERING that the Minister has consulted the Régie des rentes du Québec;

THEREFORE, the Minister of Income Security makes the Regulation attached hereto.

Québec, 29 June 1996

LOUISE HAREL,  
*Minister of Income Security*

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## Limits to the expenses for a transfer of benefits between spouses

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, s. 110.1; 1994, c. 24, s. 7)

**1.** The limit to the costs for producing the statement of benefits that a member and his spouse are entitled to obtain in the cases mentioned in sections 108 and 110 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) and the limit to the expenses incurred for effecting a transfer of benefits between spouses are fixed as follows:

Act	Pension plan	Limit
(1) for the first application for a statement of benefits	defined contribution plan	\$150
	combination plan	\$325
	any other plan	\$250
(2) for any subsequent application for a statement of benefits	defined contribution plan	\$100
	combination plan	\$200
	any other plan	\$150
(3) for effecting the transfer of benefits	defined contribution plan	\$100
	combination plan	\$200
	any other plan	\$150.

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



## Draft Regulations

### Draft Regulation

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

#### Form of offence reports

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the form of offence reports, 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 adapt the Regulation respecting the form of offence reports to the present state of computer technology. It updates the current Regulation so as to allow for different methods of generating offence reports, either in paper form or in electronic form, or by transferring offence reports drawn up in paper form into electronic form by means of digitization.

To accomplish this, the draft regulation proposes

— to provide for the different methods of generating an offence report, to identify their characteristics and to define, for each method, what will constitute the original of the offence report; and

— to adapt the two types of offence reports to electronic form, particularly in respect of the additional pages that form the supplement to an offence report.

To date, study of the matter has shown that the draft regulation would have the following effects:

— it is an initiative that is consistent with the process of computerizing the statement of offence; the draft regulation would make it possible to process in electronic form one of the principal pieces of evidence in penal proceedings, namely, the offence report; thus, with the statement of offence also in electronic form, a penal file could be processed in its entirety without resort to paper; and

— it would make it possible to process a greater number of penal proceedings more swiftly and more accurately, especially in matters of highway safety and in cases tried by default.

Further information may be obtained by contacting Ms. Jeanne Proulx, 1200, route de l'Église, 4<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1; telephone: (418) 646-8242; fax: (418) 643-9749; internet: mricard@riq.qc.ca (Michel Ricard).

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 Minister of Justice, 1200, route de l'Église, Sainte-Foy (Québec), G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

### Regulation respecting the form of offence reports

Code of Penal Procedure  
(R.S.Q., c. C-25.1, s. 367, par. 1; 1995, c. 51, s. 46, par. 1)

#### CHAPTER I METHODS OF GENERATING AN OFFENCE REPORT

##### DIVISION I GENERAL

**1.** An offence report form is a document, either in paper form or in electronic form, containing headings, key words and pre-printed or pre-programmed texts in which spaces are provided for entering, by hand, mechanically or by computer, the compulsory and optional particulars prescribed by this Regulation.

An offence report form may also contain computer codes, marks or particulars, either underlying or visible, that are specific to the electronic form or are designed to ensure the security of electronic data and documentation in penal matters.

**2.** The expression “offence report” refers to the document in paper or electronic form comprised of the offence report form and the particulars that may be recorded therein.

An offence report may comprise as many pages as necessary to enable the persons responsible for enforcing the law or peace officers to describe the relevant facts that they have observed.

**3.** This Regulation governs the form of the offence report, where it is used to disclose or to submit evidence in a penal proceeding or where it is conserved and filed in the court record.

**4.** The two types of offence reports provided for in section 16 may be generated in paper form or in electronic form. They may also be drawn up in paper form, then transferred into electronic form by means of digitization, and may then be converted into hard copy.

Thus an offence report may be in paper form, either originally or after conversion from electronic form into hard copy; an offence report may also be in electronic form, either originally or after digitization from the paper form.

Where an offence report is converted into hard copy, it results from the combination of a virtual part and a material part. The virtual part is comprised of the particulars and the pre-programmed form contained in the offence report generated in electronic form; in case of digitization, the virtual part is comprised of the digitized form and particulars. The material part is comprised of the offence report form in paper form, which may be pre-printed or pre-programmed; in case of digitization, the material part is comprised of either a pre-printed or pre-programmed form or the reconstitution in paper form of the digitized form and particulars in the offence report.

**5.** An offence report in paper form is composed of pages, whereas an offence report in electronic form is composed of computer data displayed on page screens.

The form and the particulars displayed on the page screens in an offence report may be electronically attached or referenced. However, the page screens in an offence report or the sections they contain shall be intelligible and shall be accessible on a display surface, either in whole or in part, sequentially or thematically.

## **DIVISION II** **OFFENCE REPORT ORIGINALLY IN PAPER FORM**

**6.** The general offence report provided for in subparagraph 1 of the first paragraph of section 16 and originally drawn up in paper form shall be on sheets measuring not less than 10 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

The abridged offence report provided for in subparagraph 2 of the first paragraph of section 16 and originally drawn up in paper form shall be on detachable sheets of the same dimensions as the statement of offence to which it may be attached.

**7.** The offence report form may be pre-printed or pre-programmed. The type size of the printer or the printing press, as the case may be, shall be no smaller than 6 point.

The rules respecting an offence report originally in paper form apply to an offence report that contains computer entries and is signed by hand.

## **DIVISION III** **OFFENCE REPORT ORIGINALLY IN ELECTRONIC FORM**

**8.** An offence report originally generated entirely in electronic form is displayed on page screens containing computer data and corresponding to the form and the particulars contained in the pages of an offence report in paper form.

An offence report so generated may either remain in electronic form and be so used on a display surface, or be converted into hard copy on a pre-printed or pre-programmed offence report form.

**9.** Where an offence report generated in electronic form remains in that form, the computer data that constitute the form and the particulars contained in the offence report and that make it possible to display that form and those particulars or to convert them into hard copy are the virtual original thereof. Those data have the same force as an original when they are transmitted electronically.

Where an offence report generated in electronic form is converted into hard copy on a pre-printed or pre-programmed form, the hard-copy offence report has the same force as an original.

## **DIVISION IV** **DIGITIZED OFFENCE REPORT**

**10.** An offence report originally drawn up in paper form may be digitized. Furthermore, the form and the particulars contained in that offence report may be digitized either simultaneously or separately. In the latter case, the digitized offence report is composed of super-imposed page screens.

**11.** A digitized offence report may either remain in electronic form and be so used on a display surface, or be converted into hard copy on a pre-printed or pre-programmed form or in paper form bearing the reconstitution of the digitized offence report.

**12.** Where an offence report that is entirely digitized remains in electronic form, the computer data that constitute the digitized form and particulars contained in the offence report and that make it possible to display that form and those particulars or to convert them into hard copy become the virtual original thereof. Those data have the same force as an original when they are transmitted electronically.

In addition, where a digitized offence report is converted into hard copy, the hard-copy offence report stands in lieu of the original.

#### **DIVISION V** **HARD-COPY OFFENCE REPORT**

**13.** An offence report generated in electronic form and a digitized offence report may be converted into hard copy on sheets measuring not less than 9 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

**14.** The paper used to convert the offence report into hard copy shall be such that the offence report can be recognized an original, either by use of paper of a special grain, or by means of a seal, an acronym, a code, a number, a mark or a distinctive indication.

**15.** The type size of the printer or the printing press, as the case may be, used to convert the offence report into hard copy shall be no smaller than 6 point.

#### **CHAPTER II** **TYPES OF OFFENCE REPORTS**

**16.** The two types of offence reports that may be used are the following:

(1) a general offence report, a model for which appears in Schedule I, applies to all offences and may be submitted as evidence with any statement of offence referred to in the Regulation respecting the form of statements of offence; and

(2) an abridged offence report, a model for which appears in Schedule II, applies to all offences and may be attached to the statement of offence referred to in subparagraph 2 of the first paragraph of section 23 of the Regulation respecting the form of statements of offence or to the statement of offence referred to in subparagraph 3 of the first paragraph of section 23 of that Regulation.

A model for the offence report bearing an attestation of hard-copy conversion appears in Schedule III.

#### **DIVISION I** **GENERAL OFFENCE REPORT**

**17.** The first page or the corresponding page screens in the general offence report shall comprise at least seven sections containing the headings, key words, texts and spaces allowing the following particulars to be indicated:

(1) in respect of the origin of the report:

(a) the name of the department, public body, municipality or authority having jurisdiction over the peace officer or person responsible for enforcing the law who prepares the offence report;

(b) the investigation file number of the department, public body, municipality or authority;

(c) the name and address of the person responsible for the investigation; and

(d) optionally, the event code number used for statistical purposes;

(2) in respect of the defendant's identity:

(a) his or its name, address and telephone number;

(b) whether the defendant is a legal or natural person and, in the latter case, whether male or female;

(c) the type of document or file and the items in the document or file confirming his identity; and

(d) optionally, his birthdate, his distinguishing features, his occupation or the type of activity performed by the enterprise;

(3) in respect of the offence in question:

(a) the reference to the legislative provisions creating the offence to which the offence report pertains;

(b) a description of the offence; and

(c) the date and the time when the offence was committed;

(4) in respect of the place where the offence was committed:

(a) the place where the offence is alleged to have been committed;

(b) the address and description of the place;

- (c) the location code, if relevant; and
- (d) the judicial district in which the place is located;
- (5) in respect of the property seized and related documents or events, in particular:
  - (a) mention of the fact that property was seized, a description of the property and mention of the existence of a record of the seizure;
  - (b) mention of the existence of any other document added to the offence report and, if that document is in electronic form, the computer codes, marks or particulars making it possible to locate the document electronically attached or referenced to the offence report;
  - (c) the type of intervention by the peace officer or person responsible for enforcing the law; and
  - (d) where applicable, the type of documents from which particulars were obtained;
  - (6) in respect of the facts: both the relevant facts observed in regard to the essential aspects of the offence and the actions taken by the peace officer or person responsible for enforcing the law, who shall present them in one or more of the following ways, as appropriate for paper form or electronic form:
    - (a) a lined space in which the facts are to be typed or written by hand, as provided for in model 1 in Schedule IV;
    - (b) a blank space in which a statement of the facts may be typed or a graphic representation of a fact may be drawn, as provided for in model 2 in Schedule V;
    - (c) pre-printed or pre-programmed texts within which blanks are provided for the purpose of entering the particular facts of the case, as provided for in model 3 in Schedule VI; and
    - (d) multiple-choice pre-printed or pre-programmed texts describing the observable facts in respect of the offence to which the offence report pertains, among which a selection is to be made by checking off the appropriate boxes, as provided for in model 4 in Schedule VII; and
  - (7) in respect of the attestation of the facts:
    - (a) the attestation of the facts, with mention of the facts to which the attestation pertains;
    - (b) the name, quality and signature of each person responsible for enforcing the law or each peace officer

who attests to those facts or, as the case may be, their respective signatures affixed electronically or the validation code for their signatures so affixed, and the peace officer's number; and

(c) the date and, where the signature is affixed electronically, the time when the attestation is signed.

**18.** Where a general offence report originally generated in electronic form is converted into hard copy, the hard-copy page of the offence report shall also contain the following particulars:

(1) in the section concerning the conversion of the statement into hard copy:

(a) the attestation of hard-copy conversion;

(b) the name and quality of the person attesting to the hard-copy conversion, and the date and exact time of conversion; and

(c) the signature of the person attesting to the hard-copy conversion or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

(2) the computer codes, marks or particulars making it possible to locate the documents electronically attached or referenced to the offence report; and

(3) the computer codes, marks or particulars making it possible to ensure the security of the data contained in the offence report.

## DIVISION II ABRIDGED OFFENCE REPORT

**19.** The first page or the corresponding page screens in the abridged offence report shall comprise at least three sections containing the headings, key words, texts and spaces allowing the following particulars to be indicated:

(1) in respect of the origin of the report:

(a) the number of the statement of offence to which it may be attached;

(b) the investigation file number of the department, public body, municipality or authority having jurisdiction over the peace officer or person responsible for enforcing the law who prepares the offence report; and

(c) optionally, the event code number used for statistical purposes;

(2) in respect of the facts: both the relevant facts observed in regard to the essential aspects of the offence and the actions taken by the peace officer or person responsible for enforcing the law, who shall present them in one or more of the following ways provided for in paragraph 6 of section 17; and

(3) in respect of the attestation of the facts, the particulars provided for in paragraph 7 of section 17.

Where an abridged offence report originally generated in electronic form is converted into hard copy, the hard-copy page of the offence report shall also contain the particulars provided for in section 18.

### DIVISION III SUPPLEMENT TO AN OFFENCE REPORT

**20.** Each additional page in an offence report originally drawn up in paper form shall allow at least the following particulars to be indicated:

(1) in the section concerning the origin:

(a) the origin of the offence report, that is, the name and address of the department, public body, municipality or authority having jurisdiction over the peace officer or person responsible for enforcing the law who prepares the offence report; and

(b) the investigation file number of the department, public body, municipality or authority;

(2) in the section concerning the facts:

(a) a selection of texts, one of which is to be checked off in order to indicate that the facts are:

— the continuation of the statement of facts presented on the first page of the report;

— an additional statement of facts by peace officers or persons who did not present a report on the first page; and

— the continuation of the additional statement of facts; and

(b) the description of the facts, which shall be presented in one or more of the ways provided for in paragraph 6 of section 17; and

(3) in the section concerning the attestation of the facts:

(a) the attestation of the facts, with mention of the facts to which the attestation pertains;

(b) the name, quality and signature of each person responsible for enforcing the law or each peace officer who attests to those facts or, as the case may be, their respective signatures affixed electronically or the validation code for their signatures so affixed, and the peace officer's number; and

(c) the date and, where the signature is affixed electronically, the time when the attestation is signed.

**21.** Where the offence report is originally generated in electronic form, it requires additional pages only if it is converted into hard copy. In such case, each additional page shall reproduce the sections provided for in section 20 and shall contain the particulars provided for in section 18.

Notwithstanding the foregoing, the section provided for in paragraph 3 of section 20 shall allow a signature affixed electronically or the validation code for a signature so affixed to be entered therein. That signature shall be affixed at the end of the statement of the facts by the person who observed them and shall be reproduced on each of the additional pages in the hard-copy offence report containing the statement of the facts made by that person.

A model for a supplement to an offence report bearing an attestation of hard-copy conversion appears in Schedule VIII.

### CHAPTER III TRANSITIONAL AND FINAL

**22.** This Regulation replaces the Regulation respecting the form of offence reports, made by Order in Council 1411-93 dated 6 October 1993.

**23.** Offence report forms pre-printed in accordance with the provisions of the Regulation respecting the form of offence reports, made by Order in Council 1411-93 dated 6 October 1993, may continue to be used to generate offence reports originally in paper form.

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

SCHEDULE 1  
(s.16, 1st par., subpar. 1)

**General Offence Report**  
(Code of Penal Procedure)  
(a. 367, par. 1)

ORIGIN	
Department, municipality, public body or other authority	Record No.
Name and address of person responsible	Event code
A DEFENDANT	
Surname, given name or legal person	
Date of birth Y M D	Minor <input type="checkbox"/> <input type="checkbox"/> F <input type="checkbox"/> M
Height m	Weight kg
Eyes	Hair
Other features	
Address (No., street, apt., city, province)	
Postal code	
Telephone (residence)	Telephone (work)
Occupation of person or activity of enterprise	
Identification paper <input type="checkbox"/> Permit <input type="checkbox"/> Licence <input type="checkbox"/> No.	Social insurance No.
<input type="checkbox"/> Certificate <input type="checkbox"/> Other	
B OFFENCE	
Date and time of offence Y M D H M	Title of Statute or Regulation
R.S.Q. chapter or regulation	Section No.
Description of offence	
C PLACE OF OFFENCE	
Place	Code
<input type="checkbox"/> Permit <input type="checkbox"/> Licence <input type="checkbox"/> Certificate <input type="checkbox"/> Other	
Address (No., street, apt., city, province)	
Municipal code	Judicial district
Description of the place	
D PROPERTY SEIZED, RELATED DOCUMENTS OR EVENTS	
<input type="checkbox"/> Property seized	Description
<input type="checkbox"/> Documents	Description
<input type="checkbox"/> Attached	
E RELEVANT FACTS AND ACTIONS	
<input type="checkbox"/> Continued on another page	
SIGNATURES	
I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F	I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F
<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law	<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law
Surname and given name (in block letters)	Surname and given name (in block letters)
Officer's No.	Officer's No.
Date Y M D	Date Y M D
Signature	Signature

\* CR-89A (93-10)

(Form prescribed by regulation to be used as documentary evidence)



SCHEDULE 11  
 (s. 16, 1st par., subpar. 2)

**ABRIDGED OFFENCE REPORT FOR  
 STATEMENT OF OFFENCE NO.**

Record No.

Event code

<b>A</b>	<b>RELEVANT FACTS AND ACTIONS</b>

<b>B</b>	
----------	--

SIGNATURES			
I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B		I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B	
<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law		<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law	
Surname and given name (in block letters)		Surname and given name (in block letters)	
Officer's No.	Date Y     M     D	Officer's No.	Date Y     M     D
Signature		Signature	

SCHEDULE III  
(s. 16, 2nd par.)

Abridged offence report for  
statement of offence No.

(Indicate the origin of the report in this space)

Event code	Record No.
------------	------------

**A Identification of defendant**

**B Vehicle**

V.R.N.	Number of occupants	Colour of vehicle
--------	---------------------	-------------------

C Lighting		Weather		Zone		Roadway		
Day		Night		Type	Condition	Configuration		
1 <input type="checkbox"/> Daylight	5 <input type="checkbox"/> Clear	11 <input type="checkbox"/> School	17 <input type="checkbox"/> Concrete	21 <input type="checkbox"/> Dry	70 <input type="checkbox"/> Flat/straight	73 <input type="checkbox"/> Downhill/curve		
2 <input type="checkbox"/> Semi-darkness	6 <input type="checkbox"/> Cloudy	12 <input type="checkbox"/> Residential	18 <input type="checkbox"/> Asphalt	22 <input type="checkbox"/> Wet	71 <input type="checkbox"/> Flat/curve	74 <input type="checkbox"/> Uphill/straight		
3 <input type="checkbox"/> Lighted highway	8 <input type="checkbox"/> Fog	13 <input type="checkbox"/> Commercial	19 <input type="checkbox"/> Gravel	23 <input type="checkbox"/> Snow	72 <input type="checkbox"/> Downhill/straight	75 <input type="checkbox"/> Uphill/curve		
4 <input type="checkbox"/> Unlighted highway	9 <input type="checkbox"/> Sleet	14 <input type="checkbox"/> Industrial	20 <input type="checkbox"/> Dirt	24 <input type="checkbox"/> Ice				
	10 <input type="checkbox"/> Snow	15 <input type="checkbox"/> Rural		25 <input type="checkbox"/> Mud				
		16 <input type="checkbox"/> Park		26 <input type="checkbox"/> Construction				

Presence on road		Type of vehicle					
27 <input type="checkbox"/> None	31 <input type="checkbox"/> Pedestrian(s)	41 <input type="checkbox"/> Automobile	45 <input type="checkbox"/> Vehicle transporting hazardous materials	48 <input type="checkbox"/> Bus	52 <input type="checkbox"/> Emergency veh.	58 <input type="checkbox"/> Snowmobile	
28 <input type="checkbox"/> Veh. same direction	32 <input type="checkbox"/> Worker(s)	42 <input type="checkbox"/> Light truck	46 <input type="checkbox"/> Specialised mobile equipment	49 <input type="checkbox"/> School bus	53 <input type="checkbox"/> Motorcycle	59 <input type="checkbox"/> Bicycle	
29 <input type="checkbox"/> Veh. opp direction	33 <input type="checkbox"/> Cyclist(s)	43 <input type="checkbox"/> Truck	47 <input type="checkbox"/> Specialized vehicle	50 <input type="checkbox"/> Minibus	54 <input type="checkbox"/> Moped	99 <input type="checkbox"/> Other	
30 <input type="checkbox"/> Veh. enters road		44 <input type="checkbox"/> Truck tractor		51 <input type="checkbox"/> Taxi	55 <input type="checkbox"/> Recreational veh.		

**D Radar**

Speed recorded	km/h	Speed zone	km/h	Radar device	<input type="checkbox"/> moving <input type="checkbox"/> stationary
Make		Model		Series	
1 <sup>st</sup> radar check			2 <sup>nd</sup> radar check		
<input type="checkbox"/> Electronic	<input type="checkbox"/> Tuning fork	<input type="checkbox"/> Electronic	<input type="checkbox"/> Tuning fork		
time	time	time	time	time	time
	km/h	km/h	km/h	km/h	km/h
<input type="checkbox"/> In proper working order	<input type="checkbox"/> Other vehicles present in radar beam	Distance at which the radar device clocked vehicle speed		<input type="checkbox"/> Certified operator	
<input type="checkbox"/> No source of interference with operation	<input type="checkbox"/> Visual estimate	metres			

**E Relevant facts, details or particulars**

Continued on another page

**F Relevant facts, details or particulars**

Continued on another page

**Attestation of the facts**

I have personally observed the facts mentioned in

Name	Officer's No.	Unit	Date (Y-M-D)
1- Peace officer <input type="checkbox"/>	Validation code		
2- Other Quality			

I have personally observed the facts mentioned in

Name	Officer's No.	Unit	Date (Y-M-D)
1- Peace officer <input type="checkbox"/>	Validation code		
2- Other Quality			

**Attestation of hard-copy conversion**

I attest that this document is true to its duplicate in electronic form.

Authorized person	Date (Y-M-D)	Time (H-M-S)
Surname	Validation code	
Given name		
Quality		

(Référence)



**Supplement to an  
offence report**  
(additional page)

This page may be used for:

- The continuation of E.
- An additional statement of facts (section F) by officers or persons different from those who presented a report on the preceding page.
- The continuation of F.

**MODEL 2**

SCHEDULE V  
(s. 17, par. 6b)

ORIGIN	
Department, municipality, public body or other authority	Record No.
Name and address of person responsible	Event code

**RELEVANT FACTS AND ACTIONS**

<p><b>Check off the appropriate box</b></p> <p><input type="checkbox"/> Continuation of <b>E</b></p> <p><input type="checkbox"/> New section <b>F</b></p> <p><input type="checkbox"/> Continuation of <b>F</b></p>	
<input type="checkbox"/> Continued on another page	

**SIGNATURES**

I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F		I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F	
<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law		<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law	
Surname and given name (in block letters)		Surname and given name (in block letters)	
Officer's No.	Date Y   M   D	Officer's No.	Date Y   M   D
Signature		Signature	

\* CR-89A-2 (93-10)

**Supplement to an  
offence report**  
(additional page)

This page may be used for: • The continuation of E.  
• An additional statement of facts (section F) by officers  
or persons different from those who presented a report  
on the preceding page.  
• The continuation of F.

**MODEL 3**

SCHEDULE VI  
(s. 17, par. 6c)

ORIGIN	
Department, municipality, public body or other authority	Record No.
Name and address of person responsible	Event code

**RELEVANT FACTS AND ACTIONS**

<p><b>Check off the appropriate box</b></p> <p><input type="checkbox"/> Continuation of E</p> <p><input type="checkbox"/> New section F</p> <p><input type="checkbox"/> Continuation of F</p>	<p style="text-align: center;"><b>Weighing report</b></p> <p>Vehicle class <input type="text" value="A-"/> Check off in thaw or rain period <input type="checkbox"/></p> <p>Check off if dump, garbage or maintenance truck <input type="checkbox"/> Check off if modified or without GAWR <input type="checkbox"/> Check off if special travel permit (overload) <input type="checkbox"/></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Axle class</td> <td style="width: 10%;">A</td> <td style="width: 10%;"></td> <td style="width: 10%;">kg</td> <td style="width: 10%;">*</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td>B</td> <td></td> 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Surname and given name (in block letters)	Surname and given name (in block letters)
Officer's No.	Officer's No.
Date Y   M   D	Date Y   M   D
Signature	Signature

**Supplement to an offence report**  
(additional page)

This page may be used for: • The continuation of E.  
• An additional statement of facts (section F) by officers or persons different from those who presented a report on the preceding page.  
• The continuation of F.

**MODEL 4**

SCHEDULE VII  
(s. 17, par. 6d)

ORIGIN	
Department, municipality, public body or other authority	Record No.
Name and address of person responsible	Event code

**RELEVANT FACTS AND ACTIONS**

**Check off the appropriate box**

Continuation of E  
 New section F  
 Continuation of F

LIGHTING	WEATHER	ZONE	ROADWAY
<b>Day</b> 1 <input type="checkbox"/> Daylight 2 <input type="checkbox"/> Semi-darkness <b>Night</b> 3 <input type="checkbox"/> Lighted highway 4 <input type="checkbox"/> Unlighted highway	5 <input type="checkbox"/> Clear 6 <input type="checkbox"/> Cloudy 7 <input type="checkbox"/> Fog 8 <input type="checkbox"/> Rain 9 <input type="checkbox"/> Sleet 10 <input type="checkbox"/> Snow	11 <input type="checkbox"/> School 12 <input type="checkbox"/> Residential 13 <input type="checkbox"/> Commercial 14 <input type="checkbox"/> Industrial 15 <input type="checkbox"/> Rural 16 <input type="checkbox"/> Park	<b>Type</b> 17 <input type="checkbox"/> Concrete 18 <input type="checkbox"/> Asphalt 19 <input type="checkbox"/> Gravel 20 <input type="checkbox"/> Dirt <b>Condition</b> 21 <input type="checkbox"/> Dry 22 <input type="checkbox"/> Wet 23 <input type="checkbox"/> Snow 24 <input type="checkbox"/> Ice 25 <input type="checkbox"/> Mud 26 <input type="checkbox"/> Construc.

PRESENCE ON ROAD	TYPE OF VEHICLE
27 <input type="checkbox"/> None 28 <input type="checkbox"/> Veh. same direction 29 <input type="checkbox"/> Veh. opp. direction 30 <input type="checkbox"/> Veh. inters. road 31 <input type="checkbox"/> Pedestrian(s) 32 <input type="checkbox"/> Cyclist(s)	41 <input type="checkbox"/> Automobile 42 <input type="checkbox"/> Light truck 43 <input type="checkbox"/> Truck 44 <input type="checkbox"/> Truck tractor 45 <input type="checkbox"/> Vehicle transporting hazardous materials 46 <input type="checkbox"/> Specialized mobile equipment 47 <input type="checkbox"/> Specialized vehicle 48 <input type="checkbox"/> Bus 49 <input type="checkbox"/> School bus 50 <input type="checkbox"/> Minibus 51 <input type="checkbox"/> Taxi 52 <input type="checkbox"/> Emergency veh. 53 <input type="checkbox"/> Motorcycle 54 <input type="checkbox"/> Moped 55 <input type="checkbox"/> Recreational veh. 56 <input type="checkbox"/> Snowmobile 57 <input type="checkbox"/> Bicycle 99 <input type="checkbox"/> Other

RADAR DEVICE  Moving      Make \_\_\_\_\_  
 Stationary      Model \_\_\_\_\_

**1st RADAR CHECK**      **2nd RADAR CHECK**

Electronic       Tuning fork       Electronic       Tuning fork

Time \_\_\_\_\_ km/h      Time \_\_\_\_\_ km/h

\_\_\_\_\_ km/h      \_\_\_\_\_ km/h

In proper working order       Certified operator      Other vehicles present in radar beam  Yes  No

Visual estimate       No source of interference      Distance at which the radar device clocked vehicle speed \_\_\_\_\_ metres

Continued on another page

SIGNATURES			
I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F	I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F		
<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law	<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law		
Sumame and given name (in block letters)	Sumame and given name (in block letters)		
Officer's No.      Date Y   M   D	Officer's No.      Date Y   M   D		
Signature	Signature		

- This page may be used for:
- The continuation of E.
  - An additional statement of facts (section F) by officers or persons different from those who presented a report on the preceding page.
  - The continuation of F.

**Supplement to an offence report for statement of offence No.**  
(additional page)

SCHEDULE VIII  
(s. 21, 3rd par.)

MODEL 5

<b>Origin</b>		Event code	Record No.
Department, municipality, public body or other authority			
Name of person responsible	Address of person responsible		

**Relevant facts, details or particulars**

Continuation of E     New section F     Continuation of F

Continued on another page

**Attestation of the facts**

I have personally observed the facts mentioned in

1- Peace officer <input type="checkbox"/>	Name	Officer's No.	Unit	Date (Y-M-D)
2- Other <input type="checkbox"/>	Quality	Validation code		

I have personally observed the facts mentioned in

1- Peace officer <input type="checkbox"/>	Name	Officer's No.	Unit	Date (Y-M-D)
2- Other <input type="checkbox"/>	Quality	Validation code		

**Attestation of hard-copy conversion**

I attest that this document is true to its duplicate in electronic form.

Authorized person	Surname Given name Quality	Date (Y-M-D)	Time (H-M-S)
		Validation code	

(Référence)

(Model prescribed by regulation to be used as documentary evidence)

## Draft Regulation

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

### Form of statements of offence

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the form of statements of offence, 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 adapt the Regulation respecting the form of statements of offence to the present state of computer technology. It updates the current Regulation so as to allow for different methods of generating statements of offence, either entirely in paper form or in electronic form, or in both paper and electronic form, or by transferring statements of offence drawn up in paper form into electronic form by means of digitization.

To accomplish this, the Draft Regulation proposes

— to provide for the different methods of generating a statement of offence, to identify their characteristics and to define, for each method, what will constitute the original of the statement of offence; and

— to specify the particulars contained in each of the four types of statements of offence or to adapt them to electronic form, particularly in respect of the affixing of a signature electronically.

To date, study of the matter has shown that the Draft Regulation would have the following effects:

— it would mark the beginning of computerization in penal proceedings;

— it would enable persons with cases before the court to have easier and more rapid access to their files and to communicate more rapidly and efficiently with the justice system; and

— it would reduce the risk of error in identifying defendants, offences and applicable sentences.

Further information may be obtained by contacting Ms. Jeanne Proulx, 1200, route de l'Église, 4<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1; telephone: (418) 646-8242; fax: (418) 643-9749; internet: mricard@riq.qc.ca (Michel Ricard).

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 Minister of Justice, 1200, route de l'Église, Sainte-Foy (Québec), G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

## Regulation respecting the form of statements of offence

Code of Penal Procedure  
(R.S.Q., c. C-25.1, s. 367, par. 1; 1995, c. 51, s. 46, par. 1)

### CHAPTER I METHODS OF GENERATING A STATEMENT OF OFFENCE

#### DIVISION I GENERAL

**1.** A statement of offence form is a document, either in paper form or in electronic form, containing headings, key words and pre-printed or pre-programmed texts in which spaces are provided for entering, by hand, mechanically or by computer, the compulsory and optional particulars prescribed by the Act or by this Regulation in respect of a penal proceeding.

A statement of offence form may also contain computer codes, marks or particulars, either underlying or visible, that are specific to the electronic form or are designed to ensure the security of electronic data and documentation in penal matters.

**2.** Depending on the context, the expression "statement of offence" refers both to the document in paper or electronic form comprised of the statement of offence form and the particulars that may be recorded therein, and to each or all of the duplicates of that document in paper or electronic form, intended respectively for the defendant, the prosecutor or the judicial authority.

**3.** Unless specially provided for by an act or by this Regulation, the defendant, the prosecutor and the judicial authority shall have at their disposal the same information recorded in the statement of offence in respect of a penal proceeding.



**4.** A return document, in paper or in electronic form, shall be attached to the defendant's statement of offence. It shall contain headings, key words and pre-printed or pre-programmed texts allowing the particulars relative to the penal proceeding, including the defendant's response, to be entered by hand, mechanically or by computer.

The return document or any other additional document in paper form bearing the defendant's response may be digitized and electronically attached or referenced to a statement of offence in electronic form.

The originals of the document bearing the defendant's response shall comply with the rules for creating the originals of statements of offence set forth in this Regulation according to the method by which they are generated.

**5.** Where a statement of offence contains more than one count against a single defendant, the statement of offence shall be constituted by using a separate statement of offence form of the appropriate type for each count.

Where a statement of offence contains two or more separate counts, the statement of offence forms, in paper or in electronic form, shall be cross-referenced by a designation that refers to the entire statement, and each form bearing one of those counts shall be distinguished by a specific designation.

**6.** Where a single charge is brought against two or more defendants in a statement of offence, a separate statement of offence form of the appropriate type shall be used for each defendant.

Where a statement of offence names two or more defendants, the statement of offence forms, in paper or in electronic form, shall be cross-referenced by a designation that refers to the entire statement, and each form for an individual defendant shall be distinguished by a specific designation.

**7.** The four types of statements of offence provided for in section 23 may be generated entirely in paper form or in electronic form, or partly in paper form and partly in electronic form. They may also be drawn up in paper form, then transferred into electronic form by means of digitization, and may then be converted into hard copy.

Thus a statement of offence may be in paper form, either originally or after conversion from electronic form into hard copy; a statement of offence may also be in electronic form, either originally or after digitization from the paper form.

Where a statement of offence is converted into hard copy, it results from the combination of a virtual part and a material part. The virtual part is comprised of the particulars and the pre-programmed form contained in the statement of offence or in the part of the statement of offence generated in electronic form; in case of digitization, the virtual part is comprised of the digitized form and particulars. The material part is comprised of the statement of offence form in paper form, which may be pre-printed or pre-programmed; in case of digitization, the material part is comprised of either a pre-printed or pre-programmed form or the reconstitution in paper form of the digitized form and particulars in the statement of offence.

**8.** A statement of offence in paper form is composed of pages, whereas a statement of offence or part thereof in electronic form is composed of computer data displayed on page screens.

The form and the particulars displayed on the page screens in a statement of offence may be electronically attached or referenced. However, the page screens in a statement of offence or the sections they contain shall be intelligible and shall be accessible on a display surface, either in whole or in part, sequentially or thematically.

## **DIVISION II** **STATEMENT OF OFFENCE ORIGINALLY IN PAPER FORM**

**9.** A statement of offence originally drawn up in paper form shall contain at least two pages intended respectively for the defendant and the judicial authority. It may also contain additional pages intended for the prosecutor. A return document in a page format shall be attached to the statement of offence intended for the defendant.

The rules respecting a statement of offence originally in paper form apply to a statement of offence that contains computer entries and is signed by hand.

**10.** The statement of offence in paper form referred to in subparagraph 1 of the first paragraph of section 23 shall be in a format measuring 21.5 cm wide by 35.5 cm high. The statements of offence in paper form referred to in subparagraphs 2 and 3 of the first paragraph of section 23 may be in a smaller format, but may not be less than 10 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high. The statement of offence in paper form referred to in subparagraph 4 of the first paragraph of section 23 shall not be less than 9 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

The paper or the reproduction process used shall be such that the handwritten, mechanical or computer entries made on the front of the first page can be accurately reproduced on the front of each page in the statement of offence. However, the pages of the statement of offence may be signed one by one.

The headings, key words and general particulars may be pre-printed or pre-programmed. The type size of the printer or the printing press, as the case may be, shall be no smaller than 6 point.

### **DIVISION III** STATEMENT OF OFFENCE ORIGINALLY IN ELECTRONIC FORM

**11.** A statement of offence may be originally generated entirely in electronic form. In such case, it is displayed on page screens containing computer data and corresponding to the front and the back of a page in a statement of offence. The same is true of the return document in a statement of offence, which in such case is displayed on page screens containing computer data and corresponding to the front and the back of a return document on a page attached to a statement of offence.

A statement of offence or a return document so generated may either remain in electronic form and be so used on a display surface, or be converted into hard copy on a pre-printed or pre-programmed statement of offence form.

**12.** Where a statement of offence generated in electronic form remains in that form, the computer data that constitute the form and the particulars contained in the statement of offence and that make it possible to display that form and those particulars or to convert them into hard copy are the virtual original thereof. Those data have the same force as an original when they are transmitted electronically to the defendant, the prosecutor or the judicial authority.

Where a statement of offence generated in electronic form is converted into hard copy on a pre-printed or pre-programmed form, the first hard-copy statement of offence intended for the defendant, the hard-copy statement of offence that the prosecutor may submit as evidence and the hard-copy statement of offence intended for the judicial authority have the same force as an original.

**13.** A part of a statement of offence may be originally generated in electronic form. The part so generated is displayed on page screens. The computer data contained on those page screens may either remain in electronic form and be so used on a display surface, or be converted into hard copy.

Where only the data contained on the page screens and corresponding to the front of a statement of offence are generated in electronic form, they shall be converted into hard copy on a statement of offence form whose front or back may be either pre-printed or pre-programmed.

A return document in the statement of offence that is generated partly in electronic form may be generated on a pre-printed or pre-programmed form.

**14.** Where the part of a statement of offence referred to in section 13 and generated in electronic form remains in that form, the computer data that constitute the particulars and the pre-programmed form contained in the statement of offence and that make it possible to display those particulars and that form are the virtual original thereof. Those data have the same force as an original when they are transmitted electronically to the defendant, the prosecutor or the judicial authority.

Where the part of a statement of offence generated in electronic form is converted into hard copy on a pre-printed or pre-programmed form, the first hard-copy statement of offence intended for the defendant, the hard-copy statement of offence that the prosecutor may submit as evidence and the hard-copy statement of offence intended for the judicial authority have the same force as an original.

### **DIVISION IV** DIGITIZED STATEMENT OF OFFENCE

**15.** A statement of offence intended for the judicial authority and originally drawn up in paper form may be digitized. The front and the back of the form as well as the particulars contained in that statement of offence may be digitized either simultaneously or separately. In the latter case, the front of the digitized statement of offence is displayed on superimposed page screens and the back may be electronically attached or referenced to it.

Where the front of the statement of offence is digitized separately, the statement of offence may be converted into hard copy on a page that is intended to bear the reconstitution of the front of the statement and whose back may be pre-printed or pre-programmed. Where the particulars contained on the front of the statement of offence are digitized separately, the statement may likewise be converted into hard copy on a pre-printed or pre-programmed form.

The return document or any other additional document bearing the defendant's response may be entirely digitized and electronically attached or referenced to the digitized statement of offence.

**16.** The digitized statement of offence is intended for the prosecutor and the judicial authority. It may either remain in electronic form and be so used on a display surface, or be converted into hard copy.

**17.** Where a statement of offence whose form and particulars are digitized simultaneously or separately remains in electronic form, the computer data that constitute the form and the particulars contained in the statement of offence and that make it possible to display that form and those particulars or to convert them into hard copy become the virtual original thereof. Those data have the same force as an original when they are transmitted electronically to the prosecutor or the judicial authority.

In addition, where a digitized statement of offence or the digitized particulars it contains are converted into hard copy, the hard-copy statement of offence that the prosecutor may submit as evidence and the statement of offence intended for the judicial authority stand in lieu of the original.

#### DIVISION V HARD-COPY STATEMENT OF OFFENCE

**18.** Statements of offence generated entirely or partly in electronic form and digitized statements of offence may be converted into hard copy.

A hard-copy statement of offence is comprised of a virtual part, i.e., the particulars and the pre-programmed form, which may be digitized and which, if so digitized, constitute the part of the statement of offence in electronic form, and a material part, i.e., the part of the statement of offence form in paper form, which may be pre-printed or pre-programmed.

The same is true of the return document or the other additional documents bearing the defendant's response. In such case, the hard-copy document shall bear an attestation of hard-copy conversion like that provided for in paragraph 5 of section 25.

**19.** A prosecutor wishing to submit as evidence a hard-copy statement of offence may submit only the hard-copy of the front of the pages or of the computer data in the corresponding page screens in the statement. However, the prosecutor shall, if need be, make the back of the pages or the data in the corresponding page screens of the statement of offence available to the judicial authority either in paper form or in electronic form.

**20.** The hard-copy statement of offence intended for the defendant shall be generated in accordance with the first and third paragraphs of section 10, whether it is

converted into hard copy on a pre-printed or on a pre-programmed statement of offence form.

The hard-copy statement of offence intended for the prosecutor or for the judicial authority may be generated on pages not less than 9 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

**21.** The paper used to convert into hard copy the statement of offence intended for the defendant, the statement of offence intended for the judicial authority to be kept in the court record or the statement of offence intended for the prosecutor to be used as documentary evidence shall be such that the statement can be recognized an original, either by use of paper of a special grain, or by means of a seal, an acronym, a code, a number, a mark or a distinctive indication.

**22.** The type size of the printer or the printing press, as the case may be, used to convert the statement of offence into hard copy shall be no smaller than 6 point.

#### CHAPTER II TYPES OF STATEMENTS OF OFFENCE

**23.** Four types of statement of offence may be used for proceedings in respect of offences against the provisions of statutes and regulations enacted or made in Québec:

(1) a general statement of offence with a request for sentence allowing for a greater sentence than the minimum sentence, a model for which appears in Schedule I, applies to all offences and allows a request for a greater sentence than the minimum sentence; it is intended to be remitted at the time of the offence or following a summary investigation, where the prosecutor requests a greater sentence than the minimum sentence, or to be served after an offence is committed, where a detailed investigation or special inquiry is required in respect of the offence or the sentence;

(2) a general statement of offence with a request for sentence for the minimum sentence, a model for which appears in Schedule II, applies to all offences and allows only a request for the minimum sentence; it is intended to be remitted at the time of the offence or to be served following a summary investigation;

(3) a statement of offence issued for an offence relating to the control of highway transportation, highway safety or parking violations or for an offence which a municipality is responsible for prosecuting, a model for which appears in Schedule III, is intended to be remitted at the time of the offence or to be served following the offence, in cases where the prosecutor requests the minimum sentence only; and

(4) a statement of offence issued for a parking violation, a model for which appears in Schedule IV, is intended to be remitted at the time of the offence or following it, in cases where the prosecutor requests the minimum sentence only.

A model for the front and back of the type of statement of offence provided for in subparagraph 3 of the first paragraph and bearing an attestation of hard-copy conversion appears in Schedule V.

## DIVISION I

### GENERAL STATEMENT OF OFFENCE WITH A REQUEST FOR SENTENCE ALLOWING FOR A GREATER SENTENCE THAN THE MINIMUM SENTENCE

**24.** The front of the pages or the data on the corresponding page screens in the general statement of offence with a request for sentence allowing for a greater sentence than the minimum sentence shall contain the headings, key words, texts and spaces allowing all the following particulars to be entered:

- (1) the title "Statement of Offence" and the number of the statement of offence;
- (2) the judicial district in which the proceedings are instituted;
- (3) if the statement of offence is in paper form, the court office record number; if the statement of offence is in electronic form, that number may be entered in another document electronically attached or referenced to the statement of offence;
- (4) the prosecutor's name and address;
- (5) the defendant's name and address;
- (6) a description of the offence and the minimum sentence prescribed for a first offence against the legislative provision violated;
- (7) the name, quality and signature of the issuer of the statement of offence or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, and the date on which the statement is issued;
- (8) the date and time of service of the statement of offence or the reference to the document stating that date and time;
- (9) if the statement of offence is served other than by mail, the name, quality and signature of the person who

served the statement of offence or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

(10) a request for sentence stating the sentence and the costs requested and, where the prosecutor requests a greater sentence than the minimum sentence, the sentence requested and the reasons for the request;

(11) the defendant's plea and, in the case of a plea of guilty, mention of the fact that the greater sentence requested may be contested;

(12) the defendant's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, the quality of the signatory if the defendant is a legal person, and the date of the signature; and

(13) a notice or an order relating to the offence described and provided for in the statute creating the offence.

**25.** The front of the pages or the data on the corresponding page screens in the statement of offence may also contain the following particulars:

- (1) the prosecutor's file number;
- (2) the defendant's birthdate;
- (3) the type of document or file and the items in the document or file that make it possible to confirm the defendant's identity;
- (4) space to indicate a change of address;
- (5) in the section concerning the conversion of the statement into hard copy:
  - (a) an attestation of hard-copy conversion;
  - (b) the name and quality of the person attesting to the hard-copy conversion and the date and exact time of conversion; and
  - (c) the signature of the person attesting to the hard-copy conversion or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;
- (6) the computer codes, marks or particulars making it possible to locate the documents electronically attached or referenced to the statement of offence; and

(7) the computer codes, marks or particulars making it possible to ensure the security of the data contained in the statement of offence.

**26.** The statement of offence in paper form intended for the defendant shall consist of a stub and a detachable portion. Where the statement is in electronic form, the detachable portion may be transmitted electronically, displayed or converted into hard copy separately, and it shall contain the particulars prescribed in paragraphs 11 and 12 of section 24 and, where applicable, an attestation of hard-copy conversion complying with that prescribed in paragraph 5 of section 25 and the number of the statement of offence from which that part was converted.

**27.** The statement of offence in paper form intended for the judicial authority shall also consist of a stub and a detachable portion. Where the statement is in electronic form, the detachable portion may be transmitted electronically, displayed or converted into hard copy separately, and it shall contain the particulars prescribed in paragraphs 10, 11 and 12 of section 24 and, where applicable, an attestation of hard-copy conversion and the number of the statement of offence from which that part was converted.

Notwithstanding the foregoing, the particulars in paper form prescribed in paragraphs 11 and 12 of section 24 may be replaced in the detachable portion by a statement of offence service report, which shall also be detachable. Where that portion is in electronic form, it may be transmitted electronically, displayed or converted into hard copy separately. In such case, the number of the statement of offence shall be entered in the part of the statement of offence concerning the request for sentence and in the part of the statement of offence concerning the service report and, where applicable, the hard-copy portion of the statement of offence shall contain an attestation of hard-copy conversion.

**28.** The back of the pages or the data on the corresponding page screens in the statement of offence shall contain at least the headings, key words, texts and spaces allowing the following to be entered:

- (1) a description of the general purpose of a statement of offence;
- (2) a description of the procedural steps entailed either by transmitting or failing to transmit a plea or by indicating an intent to contest the greater sentence requested;
- (3) the place to which the defendant must transmit the plea and, in the case of a plea of guilty, the place to

which he must transmit either the total amount of the fine and the costs requested or notice of his intent to contest the greater sentence requested;

(4) the deadline by which the defendant must transmit the plea and, in the case of a plea of guilty, the deadline by which he must transmit either the total amount of the fine and the costs requested or notice of his intent to contest the greater sentence requested;

(5) the procedure for payment of the total amount of the fine and the costs requested;

(6) mention of the fact that preliminary applications may be made; and

(7) the right to counsel.

The back of the pages or the data on the corresponding page screens in the statement of offence shall indicate the place or the telephone number at which the defendant may obtain additional information concerning the statement of offence.

The back of the pages may also contain a section for explanation of the codes and acronyms and, depending on the type of payment required in the request for sentence, may contain one or more of the following:

- (1) a box where a cashier's stamp may be affixed attesting that a payment has been received;
- (2) a payment receipt form;
- (3) a record or an attestation of an electronic transaction; and
- (4) the reference to the document attesting to the receipt of a payment.

## **DIVISION II**

### **GENERAL STATEMENT OF OFFENCE WITH A REQUEST FOR THE MINIMUM SENTENCE**

**29.** The front of the pages or the data on the corresponding page screens in the general statement of offence with a request for the minimum sentence shall contain the headings, key words, pre-printed or pre-programmed texts and spaces allowing the following particulars to be entered:

- (1) in the page header:
  - (a) the title "Statement of Offence" and the number of the statement of offence;

(b) the judicial district in which the proceedings are instituted;

(c) if the statement of offence is in paper form, the court office record number; if the statement of offence is in electronic form, that number may be entered in another document electronically attached or referenced to the statement of offence; and

(d) the prosecutor's name and address;

(2) in the section concerning identification of the defendant, his or its name and address and the following optional particulars:

(a) mention of whether the defendant is a legal or natural person and, in the latter case, whether male or female;

(b) the defendant's birthdate; and

(c) the type of document or file and the items in the document or file making it possible to confirm the defendant's identity, and the province or state of origin of the document or file;

(3) in the section concerning the offence:

(a) the reference to the legislative provisions creating the offence alleged to have been committed;

(b) a description of the offence;

(c) the date on which the offence was committed; and

(d) the time at which the offence was committed, if relevant to the charge;

(4) in the section concerning the place where the offence was committed:

(a) the place where the offence is alleged to have been committed; and

(b) the location code of that place, if relevant to the charge;

(5) in the section concerning the sentence:

(a) the amount of the minimum sentence and the minimum costs prescribed by law for the offence; and

(b) the total amount of the fine and the costs requested by the prosecutor;

(6) in the section concerning the attestation of the facts and service of the statement of offence:

(a) the attestation of the facts by the person who issued the statement of offence;

(b) the name and quality of the person attesting to the facts and, if the person is a peace officer, his number;

(c) mention of the fact that that person did not serve the statement of offence;

(d) mention of the fact that service is made at the time the offence was committed or following it;

(e) how service was made;

(f) the name and quality of the person serving the statement of offence or mention of the fact that he is the same person as the person attesting to the facts;

(g) the date and time of service or the reference to the document indicating the date and time of service; and

(h) the signature of the person attesting to the facts and of the person serving the statement of offence or, as the case may be, their respective signatures affixed electronically or the validation codes for their signatures so affixed; where the attestation and service are made by the same person, mention of that fact and that person's signature for the attestation of the facts and for service or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

(7) in the section concerning the conversion of the statement of offence into hard copy, the particulars prescribed in paragraph 5 of section 25;

(8) the computer codes, marks or particulars making it possible to locate the documents electronically attached or referenced to the statement of offence; and

(9) the computer codes, marks or particulars making it possible to ensure the security of the data contained in the statement of offence.

**30.** The back of the pages or the data on the corresponding page screens in the statement of offence shall contain at least the headings, key words, texts and spaces allowing the particulars prescribed in section 28 to be entered, except for the particulars concerning the request for a greater sentence than the minimum sentence prescribed in subparagraphs 2, 3 and 4 of the first paragraph of that section.

**31.** The front of the pages or the data on the corresponding page screens of the return document in the statement of offence shall contain the headings, key words, pre-printed or pre-programmed texts and spaces allowing the following particulars to be entered:

- (1) the number of the statement of offence;
- (2) the defendant's plea;
- (3) the defendant's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, and the date of the signature;
- (4) the request for sentence indicating the minimum sentence and costs prescribed by law as well as the total amount of the fine and the costs requested;
- (5) the place to which the defendant must transmit the plea and, in the case of a plea of guilty, the place to which he must transmit the total amount of the fine and the costs requested;
- (6) the deadline by which the defendant must transmit the plea and, in the case of a plea of guilty, the deadline by which he must transmit the total amount of the fine and the costs requested;
- (7) the date of service of the statement of offence; and
- (8) the sum actually paid.

**32.** The back of the pages or the data on the corresponding page screens of the return document in the statement of offence may, depending on the type of payment required, contain one or more of the following:

- (1) a box where a cashier's stamp may be affixed attesting that a payment has been received;
- (2) a payment receipt form;
- (3) a record or an attestation of an electronic transaction; and
- (4) the reference to the document attesting to the receipt of a payment.

### DIVISION III

#### STATEMENT OF OFFENCE ISSUED FOR AN OFFENCE RELATING TO THE CONTROL OF HIGHWAY TRANSPORTATION, HIGHWAY SAFETY OR PARKING VIOLATIONS OR FOR AN OFFENCE WHICH A MUNICIPALITY IS RESPONSIBLE FOR PROSECUTING

**33.** The statement of offence referred to in this Division shall also make it possible, where necessary, to serve a notice of the type prescribed in

- (1) sections 577 and 578 of the Highway Safety Code (R.S.Q., c. C-24.2);
- (2) section 79 of the Act respecting transportation by taxi (R.S.Q., c. T-11.1);
- (3) section 90 of the Act respecting truck transportation (R.S.Q., c. C-5.1);
- (4) section 77.1 of the Transport Act (R.S.Q., c. T-12);
- (5) article 1140*d* of the Charter of the City of Montreal (1959-1960, c. 102); and
- (6) article 602*a* of the Charter of the City of Québec (1929, c. 95).

**34.** The front of the pages or the data on the corresponding page screens in the statement of offence issued for an offence relating to the control of highway transportation, highway safety or parking violations or for an offence which a municipality is responsible for prosecuting shall contain the headings, key words, texts and spaces allowing the following particulars to be entered:

- (1) in the page header:
  - (a) the title "Statement of Offence" and the number of the statement;
  - (b) the notice issued with the statement of offence;
  - (c) the judicial district in which the proceedings are instituted;
  - (d) if the statement of offence is in paper form, the court office record number; if the statement of offence is in electronic form, that number may be entered in another document electronically attached or referenced to the statement of offence; and

- (e) the prosecutor's name and address;
- (2) in the section concerning identification of the defendant, his or its name and address and the following optional particulars:
- (a) his place of residence and whether he is a non-resident;
- (b) mention of whether the defendant is a legal or natural person and, in the latter case, whether male or female;
- (c) his birthdate; and
- (d) the type of document or file and the items in the document or file making it possible to confirm the defendant's identity, and the province or state of origin of the document or file;
- (3) in the section concerning the vehicle, the registration number or, where applicable, the temporary registration number, and the following optional particulars:
- (a) the year of expiry of the registration or the expiry date of the right to travel and the province or state that issued the registration; and
- (b) the make, model and year of the vehicle, its declared number of axles and its declared net weight;
- (4) in the section concerning the offence:
- (a) the reference to the legislative provisions creating the offence alleged to have been committed;
- (b) a description of the offence;
- (c) the date on which the offence was committed and, if relevant, the time at which it was committed;
- (d) specification of the recorded speed, recorded weight and authorized weight, speed zone, the means of interception and, where applicable, mention of the fact that the offence is alleged to have been committed during a thaw period; and
- (e) for information purposes, the demerit points corresponding to the alleged offence;
- (5) in the section concerning the place where the offence was committed:
- (a) the place where the offence is alleged to have been committed; and
- (b) specification of the vehicle's position in relation to that place;
- (6) in the section concerning the driver, his name, if he is not the defendant identified in the section referred to in paragraph 2, and the following optional particulars:
- (a) his birthdate;
- (b) the type of document or file, the items in the document or file making it possible to confirm the driver's identity and the province or state of origin of the document or file; and
- (c) the name of the carrier employing the driver;
- (7) in the section concerning the sentence:
- (a) the minimum sentence and costs prescribed by law;
- (b) the total amount of the fine and the costs requested by the prosecutor; and
- (c) other requests allowed by law;
- (8) in the section concerning the attestation of the facts and service of the statement of offence, the particulars prescribed in paragraph 6 of section 29;
- (9) in the section concerning the conversion of the statement of offence into hard copy, the particulars prescribed in paragraph 5 of section 25; and
- (10) the computer particulars prescribed in paragraphs 6 and 7 of section 25.
- 35.** The back of the pages or the data on the corresponding page screens in the statement of offence shall consist of two sections containing at least the headings, key words, texts and spaces allowing the following particulars to be entered:
- (1) in the section concerning the notice:
- (a) the obligations arising from the fact that a notice has been received;
- (b) the consequences of compliance or non-compliance with the notice received;
- (c) certification of the fact that the defendant has complied with the notice issued by a peace officer;
- (d) the date of the certification;



(e) the peace officer's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, the officer's number and mention of the police force to which he belongs; and

(f) in addition, where it is generated in electronic form, the part of the section concerning the notice bearing certification of compliance may be, as required, transmitted electronically to the police force to which the officer who signed it belongs or converted into hard copy on a pre-printed or pre-programmed certification of compliance form intended for the defendant; in such case, the number of the statement of offence bearing the notice issued to the defendant and, where applicable, the attestation of hard-copy conversion of the certification whose contents are prescribed in subparagraphs *c*, *d* and *e* of this paragraph shall be added to the particulars contained in the certificate of compliance; and

(2) in the section concerning the statement of offence:

(a) the particulars prescribed in section 28, other than those relating to a request for a greater sentence than the minimum sentence prescribed in subparagraphs 2, 3 and 4 of the first paragraph of that section; and

(b) general information on demerit points.

**36.** The front of the pages or the data on the corresponding page screens of the return document in the statement of offence shall consist of three sections containing the headings, key words, pre-printed or pre-programmed texts and spaces allowing the following particulars to be entered:

(1) in the section concerning the notice:

(a) certification of the fact that the defendant has complied with the notice issued by a peace officer;

(b) the date of certification;

(c) the peace officer's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, the officer's number and mention of the police force to which he belongs; and

(d) in addition, where it is generated in electronic form, the part of the section concerning the notice bearing certification of compliance may be, as required, transmitted electronically to the police force to which the officer who signed it belongs or converted into hard copy on a pre-printed or pre-programmed certification of compliance form intended for the defendant; in such case, the number of the statement of offence bearing the

notice issued to the defendant and, where applicable, the attestation of hard-copy conversion of the certification whose contents are prescribed in subparagraphs *a*, *b* and *c* of this paragraph shall be added to the particulars contained in the certificate of compliance;

(2) in the section concerning the plea:

(a) the number of the statement of offence;

(b) the defendant's plea;

(c) the defendant's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, and the date of the signature; and

(d) optional mention of the possibility of providing explanations; and

(3) in the section concerning the request for sentence and payment:

(a) the minimum sentence and costs prescribed by law as well as the total amount of the fine and the costs requested;

(b) other requests allowed by law;

(c) the place to which the defendant must transmit the plea and, in the case of a plea of guilty, the place to which he must transmit the total amount of the fine and the costs requested;

(d) the date of service of the statement of offence; and

(e) the sum actually paid.

**37.** The back of the pages or the data on the corresponding page screens of the return document in the statement of offence may, depending on the type of payment required, contain one or more of the following:

(1) a box where a cashier's stamp may be affixed attesting that a payment has been received;

(2) a payment receipt form;

(3) a record or an attestation of an electronic transaction; and

(4) the reference to the document attesting to the receipt of a payment.

**DIVISION IV**  
**STATEMENT OF OFFENCE ISSUED FOR**  
**A PARKING VIOLATION**

**38.** The front of the pages or the data on the corresponding page screens in the statement of offence issued for a parking violation shall contain the headings, key words, texts and spaces allowing the following particulars to be entered:

(1) in the page header:

(a) the title “Statement of Offence” and the number of the statement of offence;

(b) the judicial district in which the proceedings are instituted;

(c) the prosecutor’s name and address; and

(d) the fact that the vehicle owner will be identified as the defendant, and the defendant’s name and address if known at the time the statement of offence is served;

(2) in the section concerning the vehicle:

(a) the vehicle’s registration number or, where applicable, the temporary registration certificate number, the name and address of the holder of the certificate and the province or state that issued the registration;

(b) the make and model of the vehicle; and

(c) the place to which the vehicle has been towed, where applicable;

(3) in the section concerning the time and the place at which the offence was committed:

(a) the date and time when the offence was committed;

(b) the place where the offence is alleged to have been committed;

(c) specification of the vehicle’s position in relation to that place;

(d) the parking control sign; and

(e) the number of the parking meter;

(4) in the section concerning the offence, a description of the offence;

(5) in the section concerning the sentence:

(a) the minimum sentence and costs;

(b) the total amount of the fine and the costs requested by the prosecutor; and

(c) other requests allowed by law;

(6) in the section concerning the attestation of the facts and service of the statement of offence, the particulars prescribed in paragraph 6 of section 29;

(7) in the section concerning the conversion of the statement of offence into hard copy, the particulars prescribed in paragraph 5 of section 25; and

(8) the computer particulars prescribed in paragraphs 6 and 7 of section 25.

**39.** The back of the pages or the data on the corresponding page screens in the statement of offence shall contain at least the headings, key words, texts and spaces allowing the particulars prescribed in section 28 to be entered, except for the particulars concerning the request for a greater sentence than the minimum sentence prescribed in subparagraphs 2, 3 and 4 of the first paragraph of that section.

**40.** The front of the pages or the data on the corresponding page screens of the return document in the statement of offence shall contain the headings, key words, texts and spaces allowing the following particulars to be entered:

(1) in the page header, the following particulars:

(a) the number of the statement of offence;

(b) the name of the judicial district;

(c) the prosecutor’s name;

(d) the vehicle’s registration number or, where applicable, the temporary registration certificate number, and the province or state that issued the registration, as well as the make and model of the vehicle;

(e) the date on which the offence was committed;

(f) the request for sentence; and

(g) the date and time of service of the statement of offence; and

(2) in the section concerning the plea and payment:

(a) the defendant’s plea of guilty;

(b) the defendant's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, the date of the signature and the quality of the signatory if the defendant is a legal person;

(c) the place to which the defendant must transmit the plea or the place where payment must be made and the deadline by which the plea must be transmitted and the payment made;

(d) the consequences of paying the total amount of the fine and the costs requested; and

(e) the sum actually paid.

**41.** The back of the pages or the data on the corresponding page screens of the return document in the statement of offence shall contain the headings, key words, texts and spaces allowing the following particulars to be entered:

(1) the defendant's plea of not guilty;

(2) the defendant's name, address and signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

(3) the date on which the plea is signed;

(4) the make and model of the vehicle and the vehicle's registration number;

(5) the place to which the defendant must transmit the plea and the deadline by which he must transmit it to the place indicated;

(6) optional mention of the possibility of providing explanations; and

(7) depending on the type of payment required, one or more of the following:

(a) a box where a cashier's stamp may be affixed attesting that a payment has been received;

(b) a payment receipt form;

(c) a record or an attestation of an electronic transaction; and

(d) the reference to the document attesting to the receipt of a payment.

### CHAPTER III TRANSITIONAL AND FINAL

**42.** This Regulation replaces the Regulation respecting the form of statements of offence, made by Order in Council 1019-93 dated 14 July 1993.

**43.** Statement of offence forms pre-printed in accordance with the provisions of the Regulation respecting the form of statements of offence, made by Order in Council 1019-93 dated 14 July 1993, may continue to be used to generate statements of offence originally in paper form.

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



### STATEMENT OF OFFENCE

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

### TRANSMISSION OF PLEA

You are required to transmit your plea of guilty or not guilty within **30 days** following the date on which the statement of offence is served on you by mail, by bailiff, by peace officer or by such other means as may be authorized by a judge. If the defendant is a legal person, one of its directors or other officers is required to sign. The signatory must indicate his quality.

### PLEA OF GUILTY AND PAYMENT

If you plead guilty to the offence alleged, use the detachable portion of the statement of offence to:

- enter your plea, and
- pay the whole amount of the fine and costs requested.

The plea and the payment must be transmitted to the address indicated on the back of the detachable portion.

A defendant who pleads guilty must transmit the whole amount requested; if he fails to do so, an additional amount of costs may be required.

Payment may be made in Canadian funds by cheque or postal order made out to the Minister of Finance. Payment in cash is not recommended.

A defendant who transmits the whole amount of the fine and costs requested without entering a plea is deemed to have transmitted a plea of guilty.

If the defendant has transmitted or is deemed to have transmitted a plea of guilty without indicating his intention to contest the sentence requested, he is deemed to have been convicted of the offence.

### PLEA OF NOT GUILTY

If you plead not guilty to the offence or guilty with the intention to contest the greater sentence than the minimum sentence requested, use the detachable portion of the statement of offence to:

- enter your plea, and
- return it to the address indicated on the back.

The defendant will receive from the clerk of the court of competent jurisdiction a notice of the place, date and time fixed to try the proceeding or to hear the contestation of the sentence.

### FAILURE TO TRANSMIT A PLEA

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty, and the proceeding will be tried and judgment rendered without further notice.

### PRELIMINARY APPLICATIONS

To provide for your defence, you may make, together with your plea of not guilty, the preliminary applications provided for in articles 168 to 186 of the Code of Penal Procedure.

### RIGHT TO COUNSEL

You have a right to counsel before transmitting a plea or making a preliminary application.

Information

Return mailing address for  
plea and any payment

SCHEDULE 11  
(s. 23, 1st par., subpar. 2)

**STATEMENT OF OFFENCE**

Judicial district
Court office: record No.
Prosecutor

<b>A</b> <b>Defendant</b>	1- Mr. 2- Mrs. 3- Legal person <input type="checkbox"/>	Surname	
		Given name(s)	
	Address <span style="float: right;">Apt.</span>		
	Locality		
	Province/State	Postal code	<input type="checkbox"/> Minor
Confirmation of Identity			
<b>B</b> <b>Offence</b>	Statute / Regulation		
	Section	Code	
	Description of offence		
	Date of offence (Y-M-D)		
Time (H-M)			
<b>C</b> <b>Place</b>	Place		
	Location	Zone	
<b>D</b> <b>\$ SEN- TENCE</b>	Minimum sentence	Costs	Amount requested
	\$ +	\$ =	\$
<b>E</b>	<b>ATTESTATION</b>		<b>SERVICE</b>
	I, the undersigned, attest that I have personally observed the facts mentioned in		I remitted <input type="checkbox"/> when the offence was committed
	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C and I have reasonable grounds to believe that the offence described in B has been committed.		<input type="checkbox"/> after the offence was committed
	Name (in block letters)		a duplicate of the statement of offence:
	Peace officer    Officer's number    Unit		<input type="checkbox"/> to the defendant <input type="checkbox"/> to the driver
	Person responsible for Quality enforcement of the law		<input type="checkbox"/> in a conspicuous place on the vehicle
			<input type="checkbox"/> otherwise:
			Name (in block letters) <input type="checkbox"/> Same as attestation
			Peace officer    Officer's number    Unit
			Person responsible for Quality enforcement of the law
<input type="checkbox"/> I did not remit a duplicate of the statement of offence <input type="checkbox"/> I observed the facts and served a duplicate of the statement of offence (only one signature required below)		Date of service	
Signature		Y    M    D    Time (H-M)	
		Signature	

**STATEMENT OF OFFENCE**

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

**TRANSMISSION OF PLEA**

You are required to enter a plea of guilty or not guilty within **30 days** following the date of service indicated in the part entitled **SERVICE** in Section E of the statement of offence or in the reference document identified in that same part of Section E.

If the defendant is a legal person, one of its directors or other officers is required to sign. The signatory must indicate his quality.

**PLEA OF GUILTY AND PAYMENT**

If you plead guilty to the offence alleged, use the return form attached hereto in order to:

- enter your plea, and
- pay (*in Canadian funds*) the whole amount of the fine and costs requested.

The plea and the payment may be transmitted to the address indicated on the return form or to.....

Payment may be made by cheque or postal order made out to.....

Unless the whole amount of the fine and costs requested is transmitted together with this plea, additional costs may be imposed.

If the defendant transmits a plea of guilty, he is deemed to have been convicted of the offence.

**PLEA OF NOT GUILTY**

If you plead not guilty to the offence, enter your plea on the return form attached hereto. Your plea must be transmitted to the address indicated on the return form.

You will be notified by the clerk of the court of competent jurisdiction of the place, date and time fixed for trial of the proceeding.

**FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED**

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty. In such a case, the proceeding will be tried and judgment rendered without further notice.

**PRELIMINARY APPLICATIONS**

To provide for your defence, you may make, together with your plea of not guilty, the preliminary applications provided for in articles 168 to 186 of the Code of Penal Procedure.

**RIGHT TO COUNSEL**

You have a right to counsel before transmitting a plea or making a preliminary application.

Information
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**RETURN FORM**

**PLEA**

**IMPORTANT: CONCERNING THE CONSEQUENCES OF THIS PLEA, SEE BACK OF THE STATEMENT OF OFFENCE**

TO THE INFRACTION DESCRIBED IN PART B OF THE STATEMENT OF OFFENCE

No. \_\_\_\_\_, I PLEAD:

Guilty       Not guilty  
*(If you wish to provide explanations, write them below)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_ Y M D

If address has changed indicate new address \_\_\_\_\_

\_\_\_\_\_

Postal code \_\_\_\_\_

Return mailing address  
for plea and any payment

**REQUEST FOR SENTENCE**

Minimum sentence	Costs	Amount requested
\$ + _____	\$ = _____	\$ _____

Sum paid

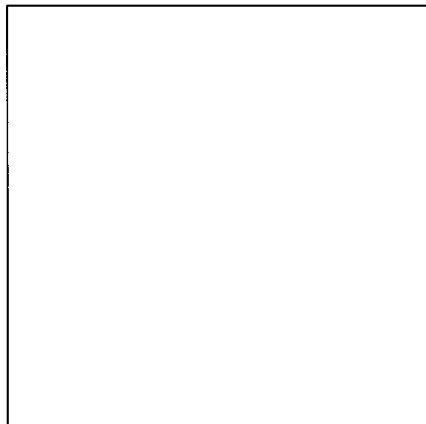
\$

Date of service

Y	M	D



**CASHIER'S STAMP**



SCHEDULE III  
(s. 23, 1st par., subpar. 3)

STATEMENT  
OF OFFENCE

Judicial district	<b>NOTICE</b> (.....) <input type="checkbox"/> <b>SEE BACK</b>
Court office: record No.	
Prosecutor	

<b>A</b> <b>Defendant</b>	1-Mr. <input type="checkbox"/> 2-Mrs. <input type="checkbox"/> 3-Legal person <input type="checkbox"/>	Surname
		Given name(s)
	Address Apt.	
	Locality	
	Province / State	Postal code <input type="checkbox"/> Non-resident <input type="checkbox"/> Minor <input type="checkbox"/>
Confirmation of identity		Province / State

<b>B</b> <b>Vehicle</b>	Registration <input type="checkbox"/> Temporary	Expiry	Province / State	Make
	Model	Year	Declared axes	Declared net weight kg

<b>C</b> <b>Offence</b>	<input type="checkbox"/> Highway Safety Code <input type="checkbox"/> Other statute or regulation Title:			
	Section Code	Code	Defendant code	Vehicle code
	Description of offence		Speed recorded km/h	Speed limit km/h
			By 1-Radar <input type="checkbox"/> 2-Vehicle <input type="checkbox"/> 3-Air <input type="checkbox"/>	Weight recorded kg
			Weight authorized kg	
	Date of offence (Y-M-D)	Time from to	Demerit points	Thaw period <input type="checkbox"/>

<b>D</b> <b>Place</b>	Place	1-Facing Side 2-Near 1-North 3-Opposite 2-South 4-Inters. 3-East 5-Behind 4-West
	Highway Direction Location Unit	

<b>E</b>	Driver - Surname (if different from "A")	Given name(s)
	Confirmation of identity	Province / State

<b>F</b> <b>SENTENCE</b>	Minimum sentence	Costs	\$ +	\$ =	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ (Amount requested)
-----------------------------	------------------	-------	------	------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	-----------------------

<b>G</b>	<b>ATTESTATION</b>		<b>SERVICE</b>	
	I, the undersigned, attest that I have personally observed the facts mentioned in		remitted <input type="checkbox"/> when the offence was committed <input type="checkbox"/> after the offence was committed	
	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E		a duplicate of the statement of offence: <input type="checkbox"/> to the defendant <input type="checkbox"/> to the driver	
	and I have reasonable grounds to believe that the offence described in C has been committed.		<input type="checkbox"/> in a conspicuous place on the vehicle <input type="checkbox"/> otherwise:	
	Name (in block letters)		Name (in block letters) <input type="checkbox"/> Same as attestation	
	Peace officer	Officer's number Unit	Peace officer	Officer's number Unit
	Person responsible for enforcement of the law	Quality	Person responsible for enforcement of the law	Quality
	<input type="checkbox"/> I did not remit a duplicate of the statement of offence <input type="checkbox"/> I observed the facts and served a duplicate of the statement of offence (only one signature required below)		Date of service Y M D	Time (H-M)
Signature		Signature		

**NOTICE ( ..... )**

**Compliance**

If you have received a notice, you can remedy the offence alleged in the statement of offence. You have ..... to perform the necessary repairs or corrections or have them performed and to present proof of compliance with the notice to any peace officer.

The statement of offence that was issued to you with a notice becomes void if you provide the required proof to a peace officer within the time indicated.

**Non-compliance**

If you do not comply with the law, you must answer the charge made against you in the statement of offence. You have 30 days from the expiry of the ..... period granted to you in which to enter a plea of guilty or not guilty.

**STATEMENT OF OFFENCE**

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

**TRANSMISSION OF PLEA**

You are required to enter a plea of guilty or not guilty within 30 days following the date of service indicated in the part entitled SERVICE in Section G of the statement of offence or in the reference document identified in that same part of Section G.

If the defendant is a legal person, one of its directors or other officers is required to sign. The signatory must indicate his quality.

**PLEA OF GUILTY AND PAYMENT**

If you plead guilty to the offence alleged, use the return form attached hereto in order to:

- enter your plea, and
- pay (in Canadian funds) the whole amount of the fine and costs requested.

The plea and the payment may be transmitted to the address indicated on the return form or to.....

Payment may be made by cheque or postal order made out to.....

Unless the whole amount of the fine and costs requested is submitted together with this plea, additional costs may be imposed.

If the defendant transmits a plea of guilty, he is deemed to have been convicted of the offence.

**PLEA OF NOT GUILTY**

If you plead not guilty to the offence, enter your plea on the return form attached hereto. Your plea must be transmitted to the address indicated on the return form.

You will be notified by the clerk of the court of competent jurisdiction of the place, date and time fixed for trial of the proceeding.

**FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED**

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty. The proceeding will then be tried and judgment rendered without further notice.

**DEMERIT POINTS**

Demerit points are indicated on the statement of offence solely for your information. It is the responsibility of the Société de l'assurance automobile du Québec to record the demerit points in the defendant's file.

**PRELIMINARY APPLICATIONS**

To provide for your defence, you may make, together with your plea of not guilty, the preliminary applications provided for in articles 168 to 186 of the Code of Penal Procedure.

**RIGHT TO COUNSEL**

You have a right to counsel before transmitting a plea or making a preliminary application.

Information
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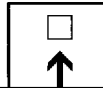
**TO BE USED BY THE PEACE OFFICER WHEN VERIFYING COMPLIANCE WITH A NOTICE ( ..... ).**

I certify that I have determined that the required repairs or corrections have been performed in compliance with the law.

_____	_____	_____
Signature	Officer's No. / Rank	
_____	_____	_____
Date (Y-M-D)	District Unit	Police force CRPQ

**DEFENDANT**

**RETURN FORM**



**1 NOTICE ( ..... ) IF CHECKED**

**ISSUED BY**

**TO BE USED BY THE PEACE OFFICER WHEN  
VERIFYING A NOTICE**

I certify that I have determined that the required repairs or  
corrections have been performed in compliance with the law.

Y M D

Unit / District / Police force / CRPQ

Date

Signature

Officer's No. / Rank

**The officer must forward the proof of compli-  
ance to the police force that issued the notice.**

**2 PLEA**

**IMPORTANT: CONCERNING THE CONSEQUENCES OF  
THIS PLEA, SEE BACK OF THE STATEMENT OF OFFENCE**

**TO THE INFRACTION DESCRIBED IN PART C OF THE  
STATEMENT OF OFFENCE**

No. ...., I PLEAD:

Guilty

Not guilty  
*(if you wish to provide explanations,  
attach them to the return form)*

Y M D

Signature

Date

If address has changed,  
indicate new address

Postal code

**Return mailing address  
for plea and any payment**

**3 REQUEST FOR SENTENCE**

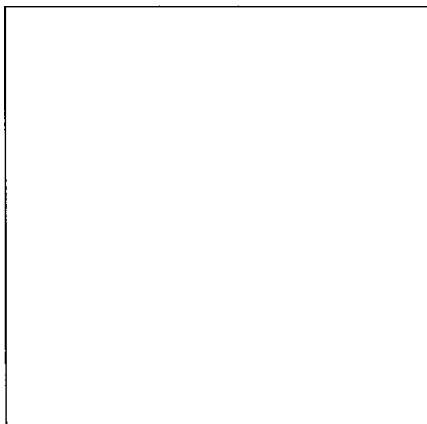
Minimum sentence    Costs    Amount  
\$ +                    \$ =                    \$ requested

Sum paid

Date of service

Y M D

**CASHIER'S STAMP**



SCHEDULE IV  
(s. 23, 1st par., subpar. 4)  
**CANADA** **STATEMENT**  
**PROVINCE OF QUÉBEC** **OF OFFENCE**

Judicial district

Prosecutor	
Defendant	Owner to be Identified

Payment: See return form

<b>Vehicle</b>	Registration	Province / State	Make	Model	
	Temporary registration certificate		Towing / Vehicle towed to		
	Summary		Given name(s)		
	Address				
<b>Place</b>	Time of offence		Date of offence (Y M D)		
	From	to			
	District	Parking control sign	Parking meter No.		
	Place			1-Facing Side 2-Near 1-North 3-Opposite 2-South 4-Inters. 3-East 5-Behind 4-West	
	Highway	Direction	Location	Unit	
<b>Description of offence</b>					
<b>\$</b>	<b>SEN- TENCE</b>	Sentence requested			Costs
		Minimum sentence	\$ +	\$ =	□ □ □ □ □ \$ (Amount requested)
<input type="checkbox"/> Towing costs of _____ have been added if this box is checked off.					
<b>ATTESTATION</b>		<b>SERVICE</b>			
I, the undersigned, attest that I have personally observed the facts mentioned in this statement of offence and I have reasonable grounds to believe that the offence described above has been committed.		I remitted <input type="checkbox"/> when the offence was committed <input type="checkbox"/> after the offence was committed a duplicate of the statement of offence: <input type="checkbox"/> in a conspicuous place on the vehicle <input type="checkbox"/> otherwise:			
Name (in block letters)		Name (in block letters) <input type="checkbox"/> Same as attestation			
Person responsible for enforcement of the law		Person responsible for enforcement of the law			
<input type="checkbox"/> I did not remit a duplicate of the statement of offence <input type="checkbox"/> I observed the facts and served a duplicate of the statement of offence (only one signature required below)		Date of service		Time (H-M)	
Signature		Y M D			
Signature		Signature			

\* CR-644A (60-07)

DEFENDANT

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

Take note that you are required to enter a plea of guilty OR not guilty with regard to this statement of offence.

**IF YOU PLEAD GUILTY TO THE OFFENCE ALLEGED**, you must pay the whole amount of the fine and costs requested as indicated on the front or you may be liable for an additional amount of costs. If you pay the whole amount of the fine and costs, you will be deemed to have transmitted a plea of guilty.

**YOU MAY MAKE YOUR PAYMENT** no later than **30 days** following service of this statement of offence. The date of service is indicated in the part entitled **SERVICE** in the statement of offence or in the reference document identified in that same part. You must use the return form attached hereto or make payment at the following location:

**INSTRUCTIONS FOR PAYMENT:**

- 1 - Do not send cash by mail.  
Make payment to the order of:
  
- 2 - Write your name in block letters and the number of the statement of offence on the back of your cheque or money order.
  
- 3 - The cancelled cheque or money order serves as your receipt.

**IF YOU PLEAD NOT GUILTY TO THE OFFENCE ALLEGED**, use the back of the return form attached to this statement of offence.

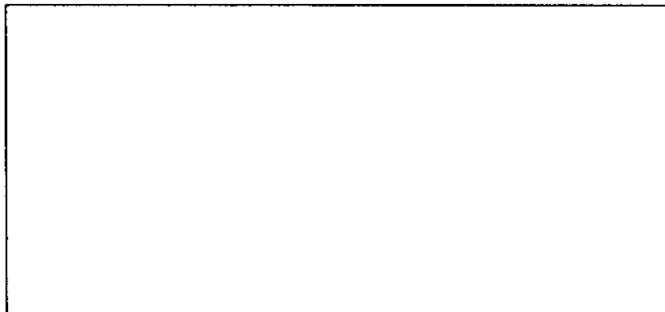
Your plea and your explanations, if any, must be sent no later than **30 days** following service of this statement of offence. The date of service is indicated in the part entitled **SERVICE** in the statement of offence or in the reference document identified in that same part.

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty, and the proceeding will be tried and judgment rendered without further notice.

In addition, you have the right to make a preliminary application.

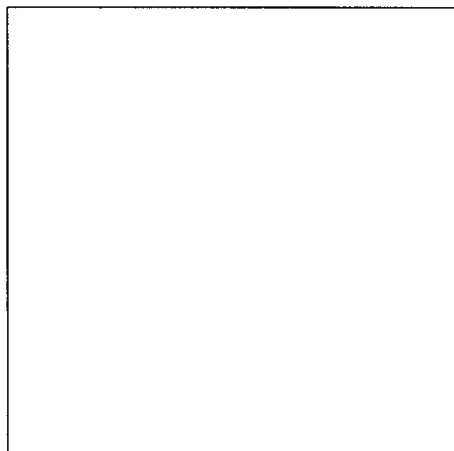
**You have the right to counsel.**

**INFORMATION**



<b>Plea of not guilty</b>			
<b>To enter a plea of not guilty, you must fill out this part.</b>			
<input type="checkbox"/> I plead not guilty	Signature		
Surname ( <i>In block letters</i> )	Given name(s)		
No. and street	Apt.		
City			
Province	Postal code	Date (Y-M-D)	
Registration	Province / State	Make	Model
<p>You may also provide explanations concerning the offence alleged; your explanations will be examined and you will be notified of the decision either to maintain or to withdraw the statement of offence issued against you. The number of the statement of offence appears below.</p> <p>If the statement is maintained, you will be notified by the clerk of the court having competent jurisdiction of the place, date and time fixed for trial of the proceeding.</p> <p>If you wish to provide explanations, write them here, or attach an extra page.</p>			
<p><b>This plea of not guilty must be sent, no later than 30 days following service of this statement of offence, to the following address:</b></p> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">Return mailing address for plea</p>			

**CASHIER'S STAMP**





CANADA  
PROVINCE OF QUÉBEC

RETURN  
FORM

Judicial district

Prosecutor
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Registration	Province / State	Make	Model							
			Date of offence (Y M D)							
<b>Plea of guilty</b>										
<input type="checkbox"/> I plead guilty <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Signature</td> <td style="width: 50%; border: none;">Date</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none;">_____</td> </tr> <tr> <td style="border: none; text-align: center;">Quality</td> <td style="border: none; text-align: center;">Date</td> </tr> </table>				Signature	Date	_____	_____	Quality	Date	
Signature	Date									
_____	_____									
Quality	Date									
<b>PAYMENT</b>										
<b>Important</b>										
<p>If you plead guilty to the offence alleged, you must pay the amount indicated in the section "Amount requested", in which case you will be deemed to have transmitted a plea of guilty.</p>										
<p>You may transmit your plea, along with your payment, no later than 30 days following the date of service appearing at the end of this document or, if service is made by mail, the date appearing on the receipt or delivery notice or the envelope.</p> <p>Transmit your plea and payment to the following location:</p>										
<b>TO BE RETURNED WITH YOUR PAYMENT</b>										
<b>SEN- TENCE</b>	Sentence requested	Costs	<input type="checkbox"/> Amount requested <table style="display: inline-table; border: none;"> <tr> <td>\$ =</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td>\$</td> </tr> </table>	\$ =	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$
	\$ =	<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$		
Minimum sentence	\$ +	<input type="checkbox"/> Towing costs of _____ have been added if this box is checked off.								
			Sum paid <table style="border: 1px solid black; display: inline-table;"> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td>\$</td> </tr> </table>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$				
		Date of service	Time (H-M)							
		Y M D	:							
		/  /	:							

SCHEDULE V  
(s. 23, 2nd par.)

Statement  
of offence

Judicial district		<b>NOTICE</b>	
Court office: record No.		[ ] (.....)	
Prosecutor			
<b>A</b>	<b>Defendant</b>	1- Mr. <input type="checkbox"/> Surname - Given name(s)	
		2- Mrs. <input type="checkbox"/>	
3- Legal person <input type="checkbox"/>		Address	
Confirmation of identity <input type="checkbox"/>		Province/State	Non-resident <input type="checkbox"/>
<b>B</b>	<b>Vehicle</b>	Registration	Temporary <input type="checkbox"/> Expiry
		Province / State	
Make		Model	Year
Declared axles		Declared net weight kg	
<b>C</b>	<b>Offence</b>	Title of statute or regulation	
		Section	Code
Defendant code		Vehicle code	
Description of offence			
Speed recorded by:		Speed recorded km/h	Speed limit km/h
Weight recorded		Weight authorized kg	
Date of offence (Y-M-D)		Time	Dement points
Thaw period			
<b>D</b>	<b>Place</b>	1-Facing <input type="checkbox"/>	3-Opposite <input type="checkbox"/>
		2-Near <input type="checkbox"/>	4-Inters. <input type="checkbox"/>
5-Behind <input type="checkbox"/>		Side	1-North <input type="checkbox"/>
			2-South <input type="checkbox"/>
3-East <input type="checkbox"/>		4-West <input type="checkbox"/>	
Place			
Highway		Direction	Location
Unit			
<b>E</b>	<b>Driver</b>	1- Driver <input type="checkbox"/> Surname - Given name(s)	
		2- Carrier <input type="checkbox"/>	
3- Same as defendant <input type="checkbox"/>		Confirmation of identity <input type="checkbox"/>	
		Province/State	
<b>F</b>	<b>SENTENCE</b>	Minimum sentence	Costs
		\$ +	\$ =
		\$	Total amount requested
<b>G</b>	<b>Attestation</b>	I, the undersigned, attest that I have personally observed the facts mentioned in and I have reasonable grounds to believe that the offence described in C has been committed.	
		I did not remit a duplicate of the statement of offence when the offence was committed. <input type="checkbox"/>	
Name		Officer's number	
1 - Peace officer <input type="checkbox"/>		2 - Other <input type="checkbox"/>	
Quality		Unit	
Validation code			
<b>H</b>	<b>Service</b>	I remitted a duplicate of the statement of offence:	Date of service (Y-M-D)
		when the offence was committed <input type="checkbox"/>	Time(H-M)
after the offence was committed <input type="checkbox"/>		When served by mail, see notice of receipt or delivery or other document enclosed.	
to the defendant <input type="checkbox"/>		to the driver <input type="checkbox"/>	
in a conspicuous place on the vehicle <input type="checkbox"/>		otherwise <input type="checkbox"/>	
Name		Officer's number	
1 - Peace officer <input type="checkbox"/>		2 - Other <input type="checkbox"/>	
Quality		Unit	
Validation code			
<b>I</b>	<b>Conversion</b>	I attest that this document is true to its duplicate in electronic form.	
		Authorized person	Name
Quality		Date (Y-M-D)	
Validation code		Time (H-M-S)	

(Reference)

DEFENDANT

**NOTICE (.....)**

**Compliance**

If you have received a notice, you can remedy the offence alleged in the statement of offence. You have ..... to perform the necessary repairs or corrections or have them performed and to present proof of compliance with the notice to any peace officer.

The statement of offence that was issued to you with a notice becomes void if you provide the required proof to a peace officer within the time indicated.

**Non-compliance**

If you do not comply with the law, you must answer the charge made against you in the statement of offence. You have **30 days** from the expiry of the ..... period granted to you in which to enter a plea of guilty or not guilty.

**STATEMENT OF OFFENCE**

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

**TRANSMISSION OF PLEA**

You are required to enter a plea of guilty or not guilty within **30 days** following the date of service indicated in the part entitled **SERVICE** in Section H of the statement of offence or in the reference document identified in that same part of Section H.

If the defendant is a legal person, one of its directors or other officers is required to sign. The signatory must indicate his quality.

**PLEA OF GUILTY AND PAYMENT**

If you plead guilty to the offence alleged, use the return form attached hereto in order to:

- enter your plea, and
- pay (in Canadian funds) the whole amount of the fine and costs requested.

The plea and the payment may be transmitted to the address indicated on the return form or to .....

Payment may be made by cheque or postal order made out to .....

Unless the whole amount of the fine and costs requested is submitted together with this plea, additional costs may be imposed.

If the defendant transmits a plea of guilty, he is deemed to have been convicted of the offence.

**PLEA OF NOT GUILTY**

If you plead not guilty to the offence, enter your plea on the return form attached hereto. Your plea must be transmitted to the address indicated on the return form.

You will be notified by the clerk of the court of competent jurisdiction of the place, date and time fixed for trial of the proceeding.

**FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED**

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty. The proceeding will then be tried and judgment rendered without further notice.

**DEMERIT POINTS**

Demerit points are indicated on the statement of offence solely for your information. It is the responsibility of the Société de l'assurance automobile du Québec to record the demerit points in the defendant's file.

**PRELIMINARY APPLICATIONS**

To provide for your defence, you may make, together with your plea of not guilty, the preliminary applications provided for in articles 168 to 186 of the Code of Penal Procedure.

**RIGHT TO COUNSEL**

You have a right to counsel before transmitting a plea or making a preliminary application.

Information
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<b>CONFIRMATION OF IDENTITY (Sections A and E)</b>	
Definition of codes (examples):	
P = Driver's licence No.	C = CTQ permit No.
D = Date of birth	U = US-DOT No. (U.S.)
E = Québec business No.	I = ICC No. (U.S.)
T = Carrier's No. (province)	A = Other (specify in report)

**TO BE USED BY THE PEACE OFFICER WHEN VERIFYING COMPLIANCE WITH A NOTICE (.....).**

I certify that I have determined that the required repairs or corrections have been performed in compliance with the law.

Signature	Officer's No. / Rank
Date (Y-M-D)	District Unit
	Police force CRPQ

**DEFENDANT**

## Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20)

### Register, monthly report, notices from employers and designation of a representative by a corporation or partnership

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 of the register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership", made by the Commission de la construction du Québec and the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

This regulation combines the Regulation respecting the keeping of a register and the sending of a monthly report with the Regulation respecting the notice from an employer to the Commission de la construction du Québec and the terms and conditions for designation of a representative by a corporation or partnership.

Furthermore, it enables to identify in which sector of the construction industry that construction employees have worked.

It also contains provisions enabling the computer transmission of the monthly report by means of a tape, a diskette or computer paper.

This project has minimal impact on small and medium-sized businesses: on one hand, new employers will have to provide more information upon registration with the Commission; furthermore, it makes transmitting the monthly report easier.

Further information may be obtained from Mr. Jean Ménard, Director of the Service juridique of the Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec), H3R 2G3; tel.: (514) 341-7740, extension 6425; fax: (514) 341-4287.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mr. André Ménard, Chairman of the Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec), H3R 2G3.

ANDRÉ MÉNARD,  
*Chairman of the Commission de la  
construction du Québec*

## Regulation on the register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, ss. 19.1 and 82, 1<sup>st</sup> par., subpar. a, b and h)

### SECTION I REGISTRATION OF AN EMPLOYER AND NOTICE TO THE COMMISSION DE LA CONSTRUCTION DU QUÉBEC

**1.** Every employer must register with the Commission de la construction du Québec, which will assign the employer an identification number for administrative purposes.

**2.** Every employer must send to the Commission a written notice containing the following information:

- (1) the employer's name;
- (2) in the case of a natural person, the person's birthdate and the address of the person's domicile;
- (3) in the case of a corporation, the reference for the statute under which it was incorporated or continued, the date of incorporation or continuation and the names, birthdates and addresses of its directors;
- (4) in the case of a partnership, the date of its formation and the names, birthdates and addresses of its partners;
- (5) the address of the employer's head office, the address of the principal place of business in Québec if located at a different address and the address of each of the employer's establishments in Québec;
- (6) the place where the employer's registers and pay-rolls may be examined;
- (7) the number of the licence the employer holds under the Building Act (R.S.Q., c. B-1.1);
- (8) the number that he was assigned by the Commission de la santé et de la sécurité du travail, where applicable;
- (9) the administrative number that he was assigned under the Act respecting legal advertising by individuals, partnerships and corporations (R.S.Q., c. P-45), where applicable;

(10) the employer's number under the Québec Sales Tax Act (R.S.Q., c. T-0.1).

The employer must notify the Commission as soon as any change occurs in the information mentioned in the first paragraph.

**3.** The employer shall send the notice provided for in section 2 prior to the date on which he undertakes construction work subject to the Act. In this regulation, the word "Act" alone means the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20).

**4.** An employer is exempted from sending the notice provided for in the first paragraph of section 2 where, during a 26-month period preceding the date on which he resumes construction work, the following conditions have been fulfilled:

(1) the employer has caused work to be performed by an employee in the construction industry;

(2) the Commission has received from the employer a monthly report in accordance with the conditions and within the deadline provided for in this regulation, and in which the employer indicated that he caused such work to be performed by the employee.

**5.** The notice provided for in the first paragraph of section 2 is not deemed to have been received unless it contains all the information prescribed by that section and is accompanied by the fee exigible under the Regulation respecting fees in respect of the written notice of an employer and the written notice of a new designation of a representative by a corporation or partnership, made by Order in Council 1365-93 dated 22 September 1993, where applicable.

## SECTION II DESIGNATION OF A REPRESENTATIVE

**6.** Any partnership or corporation referred to in section 19.1 of the Act may designate a representative on the following conditions:

(1) it has sent to the Commission the notice mentioned in section 2, unless if she is exempted under section 4, and paid the fee determined in respect of that notice by the Regulation respecting fees in respect of the written notice of an employer and the written notice of a new designation of a representative by a corporation or partnership, where applicable;

(2) it indicates the name, birthdate and domicile of the its lone representative and his capacity in respect of the corporation or partnership;

(3) it indicates the date on which the designation takes effect;

(4) the designated representative holds a journeyman certificate, an occupation competency certificate or an apprentice competency certificate or, where applicable, has applied, no later than the date on which the Commission receives the designation, for an apprentice competency certificate in accordance with subsection 4 of section 2 of the Regulation respecting the issuance of competency certificates, made by Order in Council 673-87 dated 29 April 1987, or occupation competency certificate in accordance with subsection 2 of section 4 of this regulation.

**7.** A designation made under section 6 shall be made in writing and must be received by the Commission before the date appointed for it to take effect; otherwise, it shall take effect on the date it is received.

A corporation or partnership may, in accordance with the terms and conditions provided for in section 6 and in the first paragraph of this section, designate a new representative to replace the previously designated representative. Such new designation terminates the previous designation as of the date on which the new designation takes effect.

No designation or modification of a designation is deemed to have been received unless it contains the prescribed information and, in the case of a modification, is accompanied by the fee exigible by regulation of the Government.

## SECTION III THE KEEPING OF A REGISTER

**8.** Every employer is required to keep a register in which he must enter the following information for each employee and for himself where appropriate:

(1) the name, the address and the social insurance number;

(2) the name of the job; occupation, trade or specialty carried on and the apprenticeship period where appropriate;

(3) for each working day, the exact times at which the work begins, is interrupted and ends, the hours of work paid at regular, time and a half and double rates, for each job site on which the employees have worked and for each work provider for whom the employer is performing work;

(4) the nature of the work, the type of job site and where it is located;

(5) the wage paid, the date and the method of payment;

(6) the amounts payable for vacations and paid holidays;

(7) the amount deducted as a levy;

(8) the contribution deducted from the wages of the employee for complementary social benefit plans;

(9) union dues deducted.

For the purposes of the enforcement of this regulation, the words "job site" mean the work performed by an employer on a single project.

**9.** The registers provides the number of the licence held by the employer under the Building Act; it shall be kept where indicated on the notice sent in accordance with section 2.

**10.** The register may include time cards on which appears the information provided for in subsections 1 to 4 of the first paragraph of section 8, and a payroll book on which appears the information provided for in subsections 5 to 9.

#### SECTION IV MONTHLY REPORT

**11.** Every employer must send to the Commission a monthly report duly completed on the form attached as Schedule I.

The employer may also send his monthly report by computer, either by sending magnetic bands, diskettes or through modem transmission of data, or by means of a document reproducing data processed by a software, provided that the report contains all the information provided for in the form attached as Schedule I, and provided that, in the case of magnetic bands, diskettes or modem transmission of data, the equipment and software used are compatible with those used by the Commission and, in the case of documents reproducing these data, the information is clear and intelligible, and in the same order as they appear on this form.

**12.** The report must be sent to the Commission no later than the 15<sup>th</sup> day of each month; it covers the previous monthly working period.

The employer must send a report for any monthly period of work, even if there was no work performed by himself or his employees.

The monthly period of work consists of no less than 4 and no more than 5 weeks, and must end on the last Saturday of the month. A monthly period begins on the Sunday following the last day of the previous monthly period.

The working week begins at 00.01 h on Sunday and ends at 24 h on Saturday.

**13.** The employer must send the following contributions with the report:

(1) amounts payable for vacations and paid holidays;

(2) dues and contributions for complementary social benefit plans and applicable sales tax;

(3) union dues;

(4) dues payable by the employer in accordance with section 40 of the Act;

(5) contributions to the special compensation fund;

(6) contributions deducted as a levy;

(7) contributions to the qualification fund of welding;

(8) contributions to any training fund plan.

#### SECTION V TRANSITIONAL AND FINAL PROVISIONS

**14.** The Regulation respecting complementary social benefit plans in the construction industry, enacted by decision CCQ-951991, is amended in section 5 by replacing "Regulation respecting the keeping of a register and the sending of a monthly report approved by Order in Council 875-93 dated 16 June 1993" by "Regulation on the register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership (*indicate here the reference to this regulation*)".

**15.** Section 19 of this regulation is amended by replacing, in the second paragraph, everything that follows the word "section" by "12 of the Regulation on the

register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership.”.

**16.** A designation made under section 25 of the Act amending the Act respecting labour relations, vocational training and manpower management in the construction industry (1992, c. 42) or under section 5 of the Regulation respecting the notice from an employer to the Commission de la construction du Québec and the terms and conditions of the designation of a representative by a corporation or a partnership approved by Order in Council 1364-93 dated 22 September 1993, has the same effect as a designation made under section 6.

**17.** This regulation replaces the Regulation respecting the notice from an employer to the Commission de la construction du Québec and the terms and conditions of the designation of a representative by a corporation or a partnership, and the Regulation respecting the keeping of a register and the sending of a monthly report approved by Order in Council 875-93 dated 16 June 1993.

**18.** This Regulation shall come into force the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.





## Draft Regulation

Act respecting labour standards  
(R.S.Q., c. N-1.1)

### Labour standards — Regulation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 33 and 92 of the Act respecting labour standards (R.S.Q., c. N-1.1), that the Regulation to amend the Regulation respecting labour standards, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the Draft Regulation is to raise the maximum amounts to be paid by employees for room and meals or the one or the other when working conditions oblige an employee to reside in or take his meals in the employer's establishment or residence.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Mr. Matthias Rioux, Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

MATTHIAS RIOUX,  
*Minister of Labour*

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## Regulation to amend the Regulation respecting labour standards

An Act respecting labour standards  
(R.S.Q., c. N-1.1, s. 89, par. 3)

**1.** The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3), amended by the Regulations made by Orders in Council 1394-86 dated 10 September 1986, 1340-87 dated 26 August 1987, 1316-88 dated 31 August 1988, 1468-89 dated 6 September 1989, 1288-90 dated 5 September 1990, 1201-91 dated 28 August 1991, 1292-92 dated 1 September 1992, 1237-93 dated 1 September 1993, 1375-94 dated 7 September 1994 and 1209-95 dated 6 September 1995, is further amended, in section 6, by substituting

(1) the amount "\$1.50" for the amount "\$1.25" in paragraph 1;

(2) the amount "\$20.00" for the amount "\$16.78" in paragraph 1;

(3) the amount "\$20.00" for the amount "\$16.78" in paragraph 2; and

(4) the amount "\$40.00" for the amount "\$33.56" in paragraph 3.

**2.** This Regulation comes into force on 1 November 1996.

9872



## Erratum

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Erratum

**O.C. 652-96**, 5 June 1996

**Regulation to amend the Income Stabilization Insurance Scheme for piglet producers and the Income Stabilization Insurance Scheme for feeder hog producers**

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31)

*Gazette officielle du Québec*, Part 2, Laws and Regulations, Volume 128, number 25, June 19, 1996, pp. 2705 to 2717.

**Income Stabilization Insurance Scheme for feeder hog producers**

— In article 7 of Division III of Schedule I, page 2713, the table should have read as follows:

“

	<b>Hours worked by the operator</b>	<b>Shares of the average regular annual salary</b>
“Breeding” division:	1 693	\$22 204.10
“Feeder” division:	974	\$12 774.24”;

— In article 10 of Division VI of Schedule I, page 2714, the figure \$122 481.86 that appears in the “**Breeding division**” of item 2 should appear in the “**Feeder division**”.

9853



## Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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